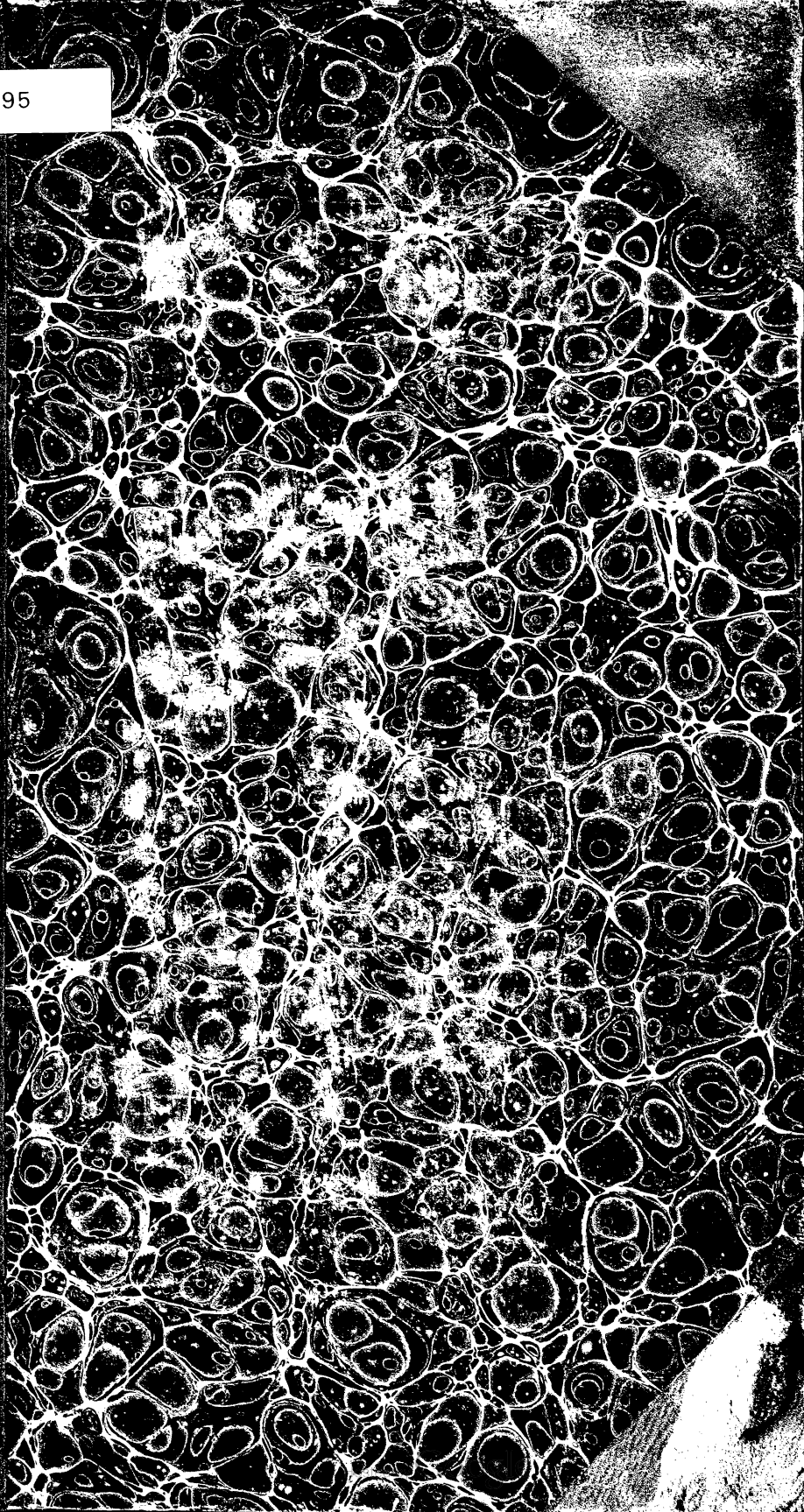


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THE  
PUBLIC GENERAL STATUTES

PASSED IN THE  
FORTIETH & FORTY-FIRST YEARS

OF THE REIGN OF HER MAJESTY  
QUEEN VICTORIA,  
1877:

WITH  
A COPIOUS INDEX, TABLES,  
&c.



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1877.



## A

## T A B L E

OF

The TITLES of the PUBLIC GENERAL ACTS passed in the FOURTH Session of the TWENTY-FIRST Parliament of the United Kingdom of GREAT BRITAIN and IRELAND.

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- ix.** An Act to confirm three Provisional Orders under "The Drainage and Improvement of Lands (Ireland) Act, 1863," and the Acts amending the same.
- xxii.** An Act to confirm certain Provisional Orders of the Local Government Board relating to the Local Government Districts of Horbury, Hyde, Luton, and Skipton.
- lxxii.** An Act to render valid Marriages heretofore solemnized in the Chapel of Ease called Saint Peter's Church, in the Parish of Almondsbury, in the County of Gloucester.
- lxxiii.** An Act to confirm certain Provisional Orders of the Local Government Board under the Provisions of the Gas and Water Works Facilities Act, 1870, and the Public Health Act, 1875, relating to the Local Government Districts of Penrith, Silsden, and Ynyscynhaiarn.
- lxxiv.** An Act to confirm a Provisional Order made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to Carnarvon.
- lxxv.** An Act to confirm certain Provisional Orders made by the Education Department under "The Elementary Education Act, 1870," to enable the School Boards for Cardiff, the United District of East and West Teignmouth, Holywell (Extra-Municipal), Hornsey, Merthyr Tydfil, and Ystradgunlais Lower, to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same.
- lxxvi.** An Act for confirming certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Brotton Gas, Guisbrough Gas, Bridport Water, Burgess Hill Water, Ruthin Water, and Pickering Gas and Water.
- lxxvii.** An Act to confirm certain Provisional Orders of the Local Government Board relating to the Rural Sanitary District of the Altrincham Union, the Local Government Districts of Blaydon and Brandon and Byshtottles, the Boroughs of Nottingham and Stoke-upon-Trent, the Local Government Districts of Tong Street and Torquay, and the City of Winchester.
- xcvii.** An Act to confirm certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to Barremman (Gareloch), Brixham, Hornsea (North), Hornsea (South), Lynmouth, Rosslare, Ryde, and Towyn.
- xcviii.** An Act to preserve the Fisheries in the Navigable Rivers and Broads of the counties of Norfolk and Suffolk and the county of the city of Norwich.
- xcix.** An Act to provide for throwing open for the free use of the Public certain Toll Bridges within the Metropolis.
- c.** An Act to confirm a Provisional Order of one of Her Majesty's Principal Secretaries of State for the Improvement of certain Unhealthy Areas in the City of London.
- ci.** An Act to confirm a Provisional Order under "The General Police and Improvement (Scotland) Act, 1862," relating to the Burgh of Dumbarton.
- cii.** An Act to confirm a Provisional Order of one of Her Majesty's Principal Secretaries of State for the Improvement of Unhealthy Areas in the Parliamentary Burgh of Greenock.
- ciii.** An Act to confirm certain Provisional Orders of one of Her Majesty's Principal Secretaries of State for the Improvement of certain Areas within the Metropolis.

- civ.** An Act to confirm a Provisional Order made by the Education Department under "The Elementary Education Act, 1870," to enable the School Board for London to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same.
- cxxi.** An Act to amend the Administration of the Law relating to the New Forest in the County of Southampton; and for other purposes.
- cxxii.** An Act for confirming certain Provisional Orders of the Local Government Board for Ireland relating to the Borough of Belfast and the City of Dublin.
- cxxiii.** An Act for confirming certain Provisional Orders of the Local Government Board for Ireland relating to Waterworks in the Towns of Ennis, Limavady, and Strabane.
- cxxiv.** An Act for confirming certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, relating to Barton, Eccles, Winton, and Monton Local Board Tramways, Bristol Tramways (Extensions), Hull Street Tramways (Extension), Manchester Suburban Tramways, Nottingham and District Tramways, Portsea Street Tramways, Rusholme Local Board of Health Tramways, and Wolverhampton Tramways.
- cxxv.** An Act to confirm certain Provisional Orders of the Local Government Board relating to the Local Government Districts of Bridlington, Dinas, and Grange, the Borough of Hastings, and the Local Government Districts of Pudsey, Tunbridge Wells, and Whittington.
- cxxvi.** An Act to confirm an Order made by the Board of Trade under The Sea Fisheries Act, 1868, relating to Falmouth.
- cxxvii.** An Act to confirm a Provisional Order under The Local Government Act, 1858, and The Sewage Utilization Act, 1865, relating to Dungannon.
- cxxviii.** An Act to confirm a Provisional Order under "The General Police and Improvement (Scotland) Act, 1862," relating to the Royal Burgh of Glasgow.
- cxxix.** An Act for confirming certain Provisional Orders of the Local Government Board for Ireland relating to Waterworks in the Towns of Holywood and Greystones.
- cxxxx.** An Act to confirm certain Provisional Orders made by the Education Department under "The Elementary Education Act, 1870," to enable the School Boards for the United District of Felmingham and Kelvedon Hatch to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same.
- cxxxi.** An Act for confirming certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Abingdon Gas, Cranleigh Gas, Horsham Gas, Mansfield Gas, Newcastle-under-Lyme Gas, North Camp and Farnborough District Gas, and Southbank and Normanby Gas.
- cxxxii.** An Act to confirm certain Provisional Orders of the Local Government Board relating to the Rural Sanitary District of the Belper Union, the Borough of Chipping Norton, the Local Government District of Clay Lane, the City of Exeter, the Borough of Droitwich, the Improvement Act District of Haverfordwest, the Rural Sanitary District of the Hendon Union, the Local Government District of Hexham, the Boroughs of Kingston-upon-Hull, Portsmouth, and Saint Helens, the Local Government District of Southend, the Borough of Sunderland, the Local Government District of Sutton-in-Ashfield, and the City of York.
- cxxxiii.** An Act to confirm certain Provisional Orders of one of Her Majesty's Principal Secretaries of State for the Improvement of certain Unhealthy Areas within the Metropolis.

- cxixiv.** An Act to vest Saint Stephen's Green, Dublin, in the Commissioners of Public Works in Ireland; for maintaining and regulating the same as a Public Park; and for other purposes.
- cc.** An Act to confirm a Provisional Order under "The General Police and Improvement (Scotland) Act, 1862," relating to the Burgh of Leith.
- cci.** An Act to confirm Schemes under the Metropolitan Commons Act, 1866, and the Metropolitan Commons Amendment Act, 1869, relating respectively to Ealing Commons, Clapham Common, and Bostall Heath Common.
- ccii.** An Act to confirm certain Provisional Orders made by the Board of Trade, under The General Pier and Harbour Act, 1861, relating to Aberbrothwick and Skerries.
- ccxxvii.** An Act to confirm certain Provisional Orders of the Local Government Board relating to the Rural Sanitary District of the Caistor Union, the Borough of Chesterfield, the Local Government Districts of Cleckheaton and Ebbw Vale, the Boroughs of Honiton and King's Lynn (two), the Rural Sanitary District of the Maldon Union, the Local Government Districts of New Sleaford, Redcar, and Sandown, the Town of Southampton (Poor Law), the Local Government Districts of Wallasey (two), Wallingfen, Wellingborough, and Ystradyfodwg.
- ccxxviii.** An Act to provide for transferring to the States of the Island of Jersey St. Catherine's Harbour Jersey, and certain land near it.
- ccxxix.** An Act to confirm certain Provisional Orders of the Local Government Board forming the Birmingham, Tame, and Rea Main Sewerage District, and the Lower Thames Valley Main Sewerage District, and constituting the Weymouth Port Sanitary Authority.
- ccxxx.** An Act to confirm certain Provisional Orders of the Local Government Board relating to the Local Government District of Hyde and the Boroughs of Plymouth and Ryde.
- ccxli.** An Act to make certain provisions in regard to the Salmon Fisheries in the Solway Firth and its affluents.
- ccxli.** An Act to confirm certain Provisional Orders of the Local Government Board relating to the City of Norwich and the Boroughs of Walsall and Wolverhampton.
- ccxlii.** An Act to confirm certain Provisional Orders of the Local Government Board relating to the Local Government Districts of Atherton, Barnard Castle, Belgrave, Brigg, Brownhills, Cwmdu, and Dawlish, the Borough of Evesham, the Improvement Act District of High and Low Harrogate, the Borough of Ipswich, the Local Government District of Newbold and Dunston, the Rural Sanitary District of the Settle Union, the Local Government Districts of Slough and Southborough, the Borough of Swansea, and the Rural Sanitary District of the Ulverstone Union.

THE  
PUBLIC GENERAL STATUTES,

40 VICTORIA.

CHAPTER I.

An Act to apply the sum of Three hundred and fifty thousand pounds out of the Consolidated Fund to the service of the year ending the thirty-first day of March one thousand eight hundred and seventy-seven.

[12th March 1877.]

Most Gracious Sovereign,

**W**E, 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 sum hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The Commissioners of Her Majesty's Treasury for the time being may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to Her Majesty for the service of the year ending on the thirty-first day of March one thousand eight hundred and seventy-seven, the sum of three hundred and fifty thousand pounds.

Issue of 350,000*l.* out of the Consolidated Fund for the service of the year ending 31st March 1877.

2. The Commissioners of the Treasury may borrow from time to time on the credit of the said sum, any sum or sums not exceeding in the whole the sum of three hundred and fifty thousand pounds, and shall repay the moneys so borrowed with interest not exceeding five pounds per centum per annum out of the growing produce of the Consolidated Fund at any period not later than the next succeeding quarter to that in which the said sums were borrowed.

Power to the Treasury to borrow.

Any sums so borrowed shall be placed to the credit of the account of Her Majesty's Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such fund is available.

**CHAPTER 2.**

An Act to provide for the preparation, issue, and payment of Treasury Bills, and make further provision respecting Exchequer Bills. [16th March 1877.]

**W**HEREAS it is expedient to provide for the issue of Treasury bills in cases where the issue of Exchequer bills by the Treasury is authorised :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short titles.

1. This Act may be cited as the Treasury Bills Act, 1877.

The Act of the session of the twenty-ninth and thirtieth years of the reign of Her present Majesty, chapter twenty-five, intituled "An Act to consolidate and amend the several laws for regulating the preparation, issue, and payment of Exchequer bills and bonds," is in this Act referred to and may be cited as the Exchequer Bills and Bonds Act, 1866, and that Act and this Act may be cited together as the Exchequer and Treasury Bills Acts, 1866 and 1877.

Definitions.

2. In this Act—

The expression "Treasury" means the Commissioners of Her Majesty's Treasury.

The expression "Bank of England" means the Governor and Company of the Bank of England.

The expression "Comptroller and Auditor General of the receipt and issue of Her Majesty's Exchequer" includes, in case of the illness or absence of the Comptroller, the Assistant Comptroller and Auditor.

The expression "financial year" means the twelve months beginning on the first day of April and ending on the following thirty-first day of March.

The expression "prescribed" means prescribed by regulations made under this Act.

Raising of money by issue of Treasury bills.

3. Where the Treasury have authority under any Act of Parliament (passed either before or after the passing of this Act) to raise money by the issue of Exchequer bills or of Treasury bills, the Treasury may, if they think fit, raise such money or any part thereof by the issue of bills under this Act.

Form and length of currency of and interest on Treasury bills.

4. A bill under this Act (referred to in this Act as a Treasury bill) shall be a bill in the prescribed form, for the payment of the principal sum named therein in the manner and at the date therein mentioned, so that the date be not more than twelve months from the date of the bill.

Interest shall be payable in respect of a Treasury bill at such rate and in such manner as the Treasury direct.

5. All money raised by the issue of any Treasury bill shall be paid into the Exchequer.

The principal money of and interest on any Treasury bill shall be charged on and payable out of the Consolidated Fund of the United Kingdom, or the growing produce thereof, at the time and in the manner prescribed.

Payment of proceeds of Treasury bill into Exchequer, and charge of bill on Consolidated Fund.

**6.** Where in any financial year any Exchequer bills or Treasury bills are or are about to be paid off, the Treasury may, during that financial year, for the purpose of paying off, or of replacing the amount expended (otherwise than out of the new sinking fund) in paying off the principal money of such bills, or of any of them, raise a sum not exceeding the amount of such principal money by the issue of Treasury bills or of Exchequer bills, or partly of Treasury bills and partly of Exchequer bills, according as they think most beneficial for the public service.

Power to issue Exchequer bills or Treasury bills in lieu of bills paid off during same financial year.

Where in any financial year any Exchequer bills are paid in for duties the Treasury may during that financial year for the purpose of replacing the principal money of such bills, or any of them, raise a sum not exceeding the amount of such principal money by the issue of Treasury bills or of Exchequer bills, or partly of Treasury bills and partly of Exchequer bills, according as they think most beneficial for the public service.

This section shall apply in the case of Exchequer bills issued before as well as of those issued after the passing of this Act.

Section twelve of the Exchequer Bills and Bonds Act, 1866, is hereby repealed, without prejudice to anything previously done under that section.

**7.** Sections three and five of the Sinking Fund Act, 1875, which relate to the application of the old and new Sinking Funds, shall apply to Treasury bills in like manner as if they were Exchequer bills.

Application of 38 & 39 Vict. c. 45. ss. 3, 5, to Treasury bills.

**8.** With respect to the issue of Treasury bills the following provisions shall have effect :

Mode of issue of Treasury bills.

- (1.) Treasury bills shall be issued by the Bank of England under the authority of a warrant from the Treasury, countersigned by the Comptroller and Auditor General of the receipt and issue of Her Majesty's Exchequer ;
- (2.) Each Treasury bill shall be for the amount directed by the Treasury ;
- (3.) Each Treasury bill shall be signed by the said Comptroller and Auditor General in his own name.

**9.** The Treasury may from time to time make, and when made rescind, alter, and add to, regulations for carrying into effect this Act, and in particular—

Regulations by Treasury as to preparation, issue, and cancellation of and prevention of fraud as to Treasury bills.

- (1.) For regulating (subject to the provisions of this Act) the preparation, form, mode of issue, mode of payment, and cancellation of Treasury bills ;
- (2.) For regulating the issue of a new bill in lieu of one defaced, lost, or destroyed ; and
- (3.) For preventing, by the use of counterfoils or of a special description of paper or otherwise, fraud in relation to Treasury bills ; and
- (4.) For the proper discharge to be given upon the payment of a Treasury bill.

Every regulation under this Act shall be laid before both Houses of Parliament within one month after it is made, if Parliament be then sitting, or if not, within one month after the then next meeting of Parliament.

Every regulation purporting to be made in pursuance of this

section shall be deemed to be within the powers of this Act, and shall have effect as if it were enacted in this Act.

Application to Treasury bills of 24 & 25 Vict. c. 98. ss. 8-11, relating to forgery and other frauds.

**10.** Sections eight, nine, ten, and eleven of the Act of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, chapter ninety-eight, intituled "An Act to consolidate and amend the Statute Law of England and Ireland relating to indictable offences by forgery," (which sections relate to the forgery of and other frauds relating to Exchequer bills,) shall apply to Treasury bills, and shall have effect as if "Exchequer bill" in those sections included "Treasury bill."

Payment to Bank of England for management and expenses.

**11.** There shall be paid to the Bank of England out of the Consolidated Fund of the United Kingdom, or out of the growing produce thereof, for the management of the unredeemed public debt in Treasury bills for the year commencing on the first day of December one thousand eight hundred and seventy-seven, an allowance at the rate of one hundred pounds for every million of Treasury bills outstanding on that day, and such payment shall be made on the first day of December one thousand eight hundred and seventy-eight, and the allowance for the management of Treasury bills shall be computed and paid in like manner in every succeeding year until Parliament otherwise direct.

The Treasury shall also on the application of the Bank of England reimburse out of the Consolidated Fund, or the growing produce thereof, any expenses incurred by the Bank of England for paper and printing in respect of the issue of Treasury bills.

Application of 38 & 39 Vict. c. 45, to interest on and allowance for management of Treasury bills.

**12.** Where any Act passed before the passing of this Act authorises the raising of money by Exchequer bills, and the interest on such Exchequer bills is in pursuance of the directions of that Act, or of the Sinking Fund Act, 1875, payable out of the permanent annual charge for the National Debt, the interest on Treasury bills issued to raise the said money shall be paid out of the said permanent annual charge.

The allowance and expenses paid to the Bank of England in pursuance of this Act shall be deemed to be part of the annual sums payable for the management of the National Debt within the meaning of the Sinking Fund Act, 1875, and shall be paid accordingly out of the permanent annual charge for the National Debt.

Bank of England may lend on credit of Treasury bills.

**13.** The Bank of England may lend to Her Majesty, upon the credit of Treasury bills, any sum or sums not exceeding in the whole the principal sums named in such bills.

### CHAPTER 3.

An Act to amend the Publicans' Certificates (Scotland) Act, 1876. [23d March 1877.]

**W**HEREAS it is expedient to amend the Publicans' Certificates (Scotland) Act, 1876:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:



1. This Act may be cited as "The Publicans' Certificates (Scotland) Act (1876), Amendment Act, 1877." Short title.

2. Subsection one of section seven of the recited Act is hereby repealed, and in place thereof it is enacted that the following words shall be deemed and be taken to be the first subsection of the seventh section of the recited Act, and the recited Act shall be read and construed as if the first subsection of the seventh section thereof had been originally expressed in the following words, viz.:

Subsection one of section seven of recited Act repealed.

The justices of the peace in quarter sessions assembled for each county, except the county of the city of Edinburgh, shall at the meeting of quarter sessions directed by law to be held in August of the year one thousand eight hundred and seventy-six, or at any adjournment thereof, and annually in every subsequent year, except the year one thousand eight hundred and seventy-seven, during which year no such appointment shall be made, at the meeting of quarter sessions to be held in March, or any adjournment thereof, appoint from among themselves, for the purposes of this Act, a county licensing committee, or they may appoint more than one such committee, and assign to any such committee such area of jurisdiction as they may think expedient.

3. Every county licensing committee already appointed under the provisions of the said Act shall continue in office until another such committee is appointed, in manner in the said Act provided, at the meeting of quarter sessions to be held in March one thousand eight hundred and seventy-eight, or any adjournment thereof.

As to county licensing committees already appointed.

## CHAPTER 4.

An Act to amend the Law relating to the granting of Licences for the sale of Beer, Ale, and Porter in Ireland. [23d March 1877.]

**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:

1. This Act may be cited for all purposes as "The Beer Licences Regulation (Ireland) Act, 1877." This Act and "The Beerhouses (Ireland) Act, 1864," and "The Beerhouses (Ireland) Act, 1864, Amendment Act, 1871," shall, so far as is consistent with the respective tenors of such Acts, be construed together as one Act, and may be cited together as "The Beerhouses (Ireland) Acts, 1864-1877." Short title.

2. From and after the first day of July one thousand eight hundred and seventy-seven, it shall not be lawful for any officer of excise in Ireland to grant a licence or transfer of a licence for the sale of beer, ale, or porter to be drunk or consumed elsewhere than on the premises where sold, or to grant a renewal of any such licence as aforesaid to any person whomsoever, in respect of any premises, unless upon the production of a certificate that such premises, with premises belonging thereto and occupied therewith, No licences, transfers, or renewals for sale of beer, &c. for consumption elsewhere than on premises to be granted in respect of premises rated at

less than 8*l.*,  
nor in cities,  
&c. with a  
population ex-  
ceeding 10,000  
unless premises  
are rated at 15*l.*

if any, are rated for the relief of the poor for a sum of eight pounds or upwards, or in respect of any premises situate in any city or town, as defined by "The Licensing Act (Ireland), 1874," containing a population exceeding ten thousand, according to the then last parliamentary census, unless upon the production of a certificate that such premises, with the premises belonging thereto and occupied therewith, if any, are rated for the relief of the poor in a sum of fifteen pounds or upwards; nor unless upon the production of a certificate that such rated premises, wherever situate, have been in the exclusive occupation of such person for a period of three months at the least immediately preceding the date of such certificate. Every such certificate as is mentioned in this section shall be signed by two or more justices of the peace presiding at the petty sessions of the district in which such person resides, or, if in the Dublin Metropolitan Police district, by a divisional justice of the district in which such person resides. All applications for such certificates shall be made in the same manner, and subject to the like conditions, as to appeal and otherwise (so far as the same are applicable), as are prescribed by "The Beerhouses (Ireland) Act, 1864," in relation to applications for certificates under the said Act, as the same are amended by "The Licensing Act (Ireland), 1874."

3. From and after the passing of this Act, the several provisions of the eleventh section of the Beerhouses (Ireland) Act, 1864, shall be and the same are hereby extended so as to apply to any person licensed to sell beer by wholesale to be consumed off the premises where sold, who shall keep his house or premises open for the sale of beer between the hours of seven o'clock in the morning and seven o'clock in the evening.

Extension of  
s. 11. of 27 & 28  
Vict. c. 35.

## CHAPTER 5.

An Act to raise the sum of Seven hundred thousand pounds by Exchequer Bills or Exchequer Bonds for the service of the year ending on the thirty-first day of March one thousand eight hundred and seventy-seven.

[23d March 1877.]

Most Gracious Sovereign,

**W**E, 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 supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sum 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:

### *Preliminary.*

1. This Act may be cited as the Exchequer Bills and Bonds Act, 1877.

*Exchequer Bills and Bonds.*

2. Towards raising the supply granted to Her Majesty for the service of the year ending on the thirty-first day of March one thousand eight hundred and seventy-seven, it shall be lawful for the Commissioners of Her Majesty's Treasury, at any time or times not later than the said thirty-first day of March, to raise any sum or sums, not exceeding in the whole seven hundred thousand pounds, by the issue of Exchequer bills or Exchequer bonds in manner provided by the Exchequer Bills and Bonds Act, 1866, so, however, that no Exchequer bond shall be made out for any sum less than one hundred pounds.

Treasury may raise 700,000*l.* by Exchequer bills or bonds.

29 & 30 Vict. c. 25.

Every Exchequer bond issued in pursuance of this Act shall provide for the paying off of such bond at par at any period not exceeding three years nor less than twelve months from the date of such bond.

3. The interest on all Exchequer bonds issued in pursuance of this Act shall be charged upon and issued out of the Consolidated Fund of the United Kingdom, or out of the growing produce thereof.

Interest on bonds and re-payment of principal.

The principal money secured by every Exchequer bond issued in pursuance of this Act shall be repaid out of money provided by Parliament for the purpose.

4. All money raised by Exchequer bonds issued in pursuance of this Act shall be paid into the receipt of Her Majesty's Exchequer and carried to the Consolidated Fund of the United Kingdom.

Payment of money raised to Consolidated Fund.

5. Section fifteen of the Exchequer Bills and Bonds Act, 1866, (which section relates to the forgery of Exchequer bills,) shall apply to all Exchequer bonds issued in pursuance of this Act in like manner as if it were herein enacted with the substitution of Exchequer bond for Exchequer bill.

Extension of 29 & 30 Vict. c. 25. as to forgery, &c. to bonds.

6. The Act of the session of the twenty-ninth and thirtieth years of the reign of Her present Majesty, chapter twenty-five, intituled "An Act to consolidate and amend the several laws regulating the preparation, issue, and payment of Exchequer bills and bonds," is in this Act referred to as the Exchequer Bills and Bonds Act, 1866, and that Act and this Act may be cited together as the Exchequer Bills and Bonds Acts, 1866 and 1877.

Recited Act and this Act may be cited together.

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## CHAPTER 6.

An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March one thousand eight hundred and seventy-six, one thousand eight hundred and seventy-seven, and one thousand eight hundred and seventy-eight. [27th March 1877.]

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 sums 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:

Issue of  
1,213,502*l.*  
6*s.* 9*d.* out of  
the Consoli-  
dated Fund for  
the service of  
the years end-  
ing 31st March  
1876 and 1877.

1. The Commissioners of Her Majesty's Treasury for the time being may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to Her Majesty for the service of the years ending on the thirty-first day of March one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven, the sum of one million two hundred and thirteen thousand five hundred and two pounds six shillings and ninepence.

Issue of  
8,428,458*l.* out  
of the Consoli-  
dated Fund for  
the service of  
the year ending  
31st March  
1878.

2. The Commissioners of Her Majesty's Treasury for the time being may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to Her Majesty for the service of the year ending on the thirty-first day of March one thousand eight hundred and seventy-eight, the sum of eight millions four hundred and twenty-eight thousand four hundred and fifty-eight pounds.

Power to the  
Treasury to  
borrow.

3. The Commissioners of the Treasury may borrow from time to time on the credit of the said sums, any sum or sums not exceeding in the whole the sum of nine millions six hundred and forty-one thousand nine hundred and sixty pounds six shillings and ninepence, and shall repay the moneys so borrowed with interest not exceeding five pounds per centum per annum out of the growing produce of the Consolidated Fund at any period not later than the next succeeding quarter to that in which the said sums were borrowed.

Any sums so borrowed shall be placed to the credit of the account of Her Majesty's Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such fund is available.

## CHAPTER 7.

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

[24th April 1877.]

**W**HEREAS the raising or keeping a standing army within the United Kingdom of Great Britain and Ireland in time or 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, and the defence of the possessions of Her Majesty's Crown, and that the whole number of such forces should consist of one hundred and thirty-three thousand seven hundred and twenty men, including those to be employed at

the depôts in the United Kingdom of Great Britain and Ireland for the training of recruits for service at home and abroad, but exclusive of the numbers actually serving within Her Majesty's Indian possessions:

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 and other persons specified in this Act 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:

1. It shall be lawful for Her Majesty to make Articles of War for the better government of Her Majesty's army, which articles shall be judicially taken notice of by all judges and in all courts whatsoever; and copies of the same, printed by the Queen's printer, shall as soon as may be after the same shall have been made and established by Her Majesty, be transmitted by Her Majesty's Secretary of State for the War Department to the judges of Her Majesty's superior courts at Westminster, Dublin, and Edinburgh respectively, and also to the governors of Her Majesty's dominions abroad: Provided that no person within the United Kingdom of Great Britain and Ireland, or within the British Isles, shall by such Articles of War be subject to suffer any punishment extending to life or limb, or to be kept in penal servitude, except for crimes which are by this Act expressly made liable to such punishments as aforesaid, or shall be subject, with reference to any crimes made punishable by this Act, to be punished in any manner which shall not accord with the provisions of this Act: Provided also, that nothing in this Act contained shall in any manner prejudice or affect any Articles of War or other matters made, enacted, or in force, or which may hereafter be made, enacted, or in force, under the authority of the Government of India, respecting officers or soldiers or followers in Her Majesty's Indian army, being natives of India; and on the trial of all offences committed by any such native officer or soldier or follower, reference shall be had to the Articles of War framed by the Government of India for such native officers, soldiers, or followers, and to the established usages of the service.

2. All the provisions of this Act and any Articles of War made in pursuance of this Act, shall apply to all persons who are or shall be commissioned or in pay as an officer, whether of the regular forces or the militia, or who are or shall be listed or in pay as a non-commissioned officer or soldier, and to all warrant officers, and to all persons employed on the recruiting service receiving pay, and all pensioners receiving allowances in respect of such service, and to persons who are or shall be hired to be employed in the royal

cluding those employed at depôts in United Kingdom, but exclusive of those actually serving in India.

Articles of War made by Her Majesty to be judicially taken notice of, and copies printed by the Queen's printer to be transmitted to judges, &c.

Persons subject to this Act.

artillery, royal engineers, and to master gunners, and to conductors of stores, and to the corps of royal military surveyors and draftsmen, and to all officers and persons who are or shall be serving in the commissariat and ordnance store departments, and to officers and soldiers serving in the army hospital corps, or the army service 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 commissioned officer, and (subject to and in accordance with the provisions of an Act passed in the thirtieth and thirty-first years of the reign of Her present Majesty, chapter one hundred and ten,) to any out-pensioners of the Royal Hospital, Chelsea, who may be called out on duty in aid of the civil power, or for muster or inspection, or who having volunteered their services for that purpose shall be kept on duty in any fort, town, or garrison, and to all civil officers who are or shall be employed by or act under the Secretary of State for War at any of Her Majesty's establishments in the islands of Jersey, Guernsey, Alderney, Sark, and Man, and the islands thereto belonging, or at foreign stations; and all the provisions of this Act shall apply to all persons belonging to Her Majesty's Indian forces who are or shall be commissioned or in pay as officers, or who shall be listed or in pay as non-commissioned officers or soldiers, or who are or shall be serving or hired to be employed in the artillery or any of the trains of artillery, or as master gunners or gunners, or as conductors of stores, or who are or shall be serving in the department of engineers, or in the corps of sappers and miners, or pioneers, or as military surveyors or draftsmen, or in the ordnance or public works or commissariat departments, and to all storekeepers and other civil officers employed under the ordnance, and to all veterinary surgeons, medical storekeepers, apothecaries, hospital stewards, and others serving in the medical department of the said forces, and to all licensed sutlers, and all followers in or of any of the said forces; provided that nothing in this Act contained shall extend to affect any security which has been or shall be given by any officers, 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:

And this Act, and any Articles of War made in pursuance of this Act, shall apply to all persons receiving pay as members of the permanent staff of any militia, yeomanry, or volunteer regiment or corps, and to all persons being enrolled in the militia who are attached for purposes of instruction, or otherwise, to a regiment or body of troops of the regular forces, and to all militia recruits and other persons in the militia receiving pay during the period of preliminary training, when the militia battalions to which they belong are not for the time being out for training and exercise, and to any officer of the yeomanry or volunteer forces, whether in receipt of pay or otherwise, during and in respect of the time when with his own consent he may be attached to or doing duty with any body of troops then subject to this Act, whether of the regular, reserve, or auxiliary forces, or to any such officer when ordered on duty by the military authorities, and to all men enrolled in the reserve force when called out for training or exercise,

or when kept on duty having volunteered their services, or when called out in aid of the civil power, or when called out on permanent service under Her Majesty's proclamation, and to all men enrolled in the army reserve during and in respect of other periods to the extent and in the manner provided in the one hundred and seventh section of this Act: And all such persons shall, during such periods, and in respect of offences committed during such periods be deemed to be part of the regular forces for the purposes of this Act in respect of billeting, discipline, trial, and punishment.

3. This Act shall extend to the islands of Jersey, Guernsey, Alderney, Sark, and Man, and the islands thereto belonging, as to the provisions herein contained for enlisting of recruits, whether minors or of full age, and swearing and attesting such recruits, and for mustering and paying, and as to the provisions for the trial and punishment of officers and soldiers who shall be charged with mutiny and desertion, or any other of the offences which are by this Act declared to be punishable by the sentence of a court-martial, and also as to the provisions which relate to the punishment of persons who shall conceal deserters, or shall knowingly buy, exchange, or otherwise receive any arms, medals for good conduct or for distinguished or other service, clothes, military furniture, or regimental necessaries from any soldier or deserter, or who shall cause the colour of any such clothes to be changed, or who shall aid in the escape of a prisoner from a military prison, or who shall introduce forbidden articles into such prison or shall carry out any such articles, or who shall assault any officer of such prison, and also as to the provisions for exempting soldiers from being taken out of Her Majesty's service for not supporting or for leaving chargeable to any parish any wife or child or children, or on account of any breach of contract to serve or work for any employer, or on account of any debts under thirty pounds in the said islands.

Provisions of this Act to extend to Jersey, Guernsey, &c.

4. 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, 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.

Colonial and foreign troops in Her Majesty's pay to be subject to provisions of this Act.

5. Nothing in this Act contained shall be construed to extend to any militia forces or yeomanry or volunteer corps in Great Britain or Ireland, or to the reserve force provided for by "The Reserve Force Act, 1867," or to the reserve force provided for by "The Militia Reserve Act, 1867," excepting as stated in the second section of this Act, and as herein-after enacted, or where by any Act for regulating any of the said forces or corps the provisions contained in any Act for punishing mutiny and desertion are or shall be specifically made applicable to such forces or corps.

Provision as to the militia or yeomanry or volunteer corps or reserve forces.

6. For the purpose of bringing offenders against this Act and against the Articles of War to justice, Her Majesty may from time

Power to constitute courts-martial.



to time, in like manner as has been heretofore used, grant commissions under the Royal Sign Manual for the holding of courts-martial within the United Kingdom of Great Britain and Ireland, and may grant commissions or warrants under the said Royal Sign Manual to the chief governor or governors of Ireland, the commander of the forces, or the person or persons commanding in chief, or commanding for the time being, any body of troops belonging to Her Majesty's army, as well within the United Kingdom of Great Britain and Ireland and the British Isles as in any of Her Majesty's garrisons and dominions or elsewhere beyond seas, for convening courts-martial, and for authorising any officer under their respective commands to convene courts-martial, as occasion may require, for the trial of offences committed by any of the forces under the command of any such last-mentioned officer, whether the same shall have been committed before or after such officer shall have taken upon him such command: Provided that the officer so authorised be not below the degree of a field officer, except in detached situations beyond seas where a field officer is not in command, in which case a captain may be authorised to convene district or garrison courts-martial: Every officer so authorised to convene courts-martial may confirm and cause to be executed, or may suspend, mitigate, or remit the whole or any unexpired portion of the sentence of any court-martial convened by him, or by any officer previously so authorised, according to the terms of his warrant.

Place where offenders may be tried.

7. Any person subject to this Act who shall, in any part 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 in any other place whereto he may have come or where he may be after the commission of the offence, as if the offence had been committed where such trial shall take place.

Powers of general courts-martial.

8. Every general court-martial convened within the United Kingdom or the British Isles shall consist of not less than nine commissioned officers, each of whom shall have held a commission for three years before the date of the assembly of the court. Every general court-martial shall have power to sentence any officer or soldier to suffer death, penal servitude, imprisonment, forfeiture of pay or pension, or any other punishment which shall accord with the usage of the service: No sentence of death by a court-martial shall pass unless two thirds at least of the officers present shall concur therein; no sentence of penal servitude shall be for a period of less than five years; and no sentence of imprisonment shall be for a period longer than two years.

Powers of district or garrison courts-martial.

9. Every district or garrison court-martial convened within the United Kingdom or the British Isles shall consist of not less than seven commissioned officers, and shall have the same power as a general court-martial to sentence any soldier to such punishments as shall accord with the provisions of this Act: Provided always, that no such district or garrison court-martial shall have power to try a commissioned officer, or a warrant officer holding an honorary commission, or to pass any sentence of death or penal servitude.

**10.** A regimental or detachment court-martial shall consist of not less than five commissioned officers, unless it is found to be impracticable to assemble that number, in which case three shall be sufficient, and shall have power to sentence any soldier to corporal punishment, or to imprisonment, and to forfeiture of pay, in such manner as shall accord with the provisions of this Act.

Powers of regimental or detachment courts-martial.

**11.** In cases of mutiny, and insubordination accompanied with personal violence, or other offences committed on the line of march, or on board any transport ship, convict ship, merchant vessel, or troop ship, not in commission, the offender may be tried by a regimental or detachment court-martial, and the sentence may be confirmed and carried into execution on the spot by the officer in the immediate command of the troops, provided that the sentence shall not exceed that which a regimental court-martial is competent to award.

Courts-martial on line of march or in troop ships, &c.

**12.** It shall be lawful for any officer commanding any detachment or portion of troops serving in any place beyond seas where it may be found impracticable to assemble a general court-martial, upon complaint made to him of any offence committed against the property or person of any inhabitant of or resident in any country in which such troops are so serving by any person serving with or belonging to Her Majesty's armies, being under the immediate command of any such officer, to convene a detachment general court-martial, which shall consist of not less than three commissioned officers, for the purpose of trying any such person; and every such court-martial shall have the same powers in regard to sentence upon offenders as are granted by this Act to general courts-martial: Provided always, that no sentence of any such court-martial shall be executed until the general commanding the army of which such detachment or portion forms part shall have approved and confirmed the same.

Powers of detachment general courts-martial.

**13.** All general and other courts-martial shall administer an oath to every witness or other person who shall be examined before such court in any matter relating to any proceeding before the same; and every person, as well civil as military, who may be required to give or produce evidence before a court-martial, shall, in the case of general courts-martial, be summoned by the judge advocate general, or his deputy, or the person officiating as judge advocate, and in the case of all other courts-martial by the president of the court; and all persons so summoned and attending as witnesses before any court-martial shall, during their necessary attendance in or on such courts, and in going to and returning from the same, be privileged from arrest, and shall, if unduly arrested, be discharged by the court out of which the writ or process issued by which such witness was arrested, or if such court be not sitting, then by any judge of the superior courts of Westminster or Dublin, or of the Court of Session in Scotland, or of the courts of law in the East or West Indies, or elsewhere, according as the case shall require, upon its being made to appear to such court or judge, by any affidavit in a summary way, that such witness was arrested in going to or attending upon or returning from such court-martial; and all witnesses so duly summoned as aforesaid who shall not attend on such courts, or attending shall refuse to be sworn, or being sworn

As to swearing and summoning of witnesses.

shall refuse to give evidence, or not produce the documents under their power or control required to be produced by them, or to answer all such questions as the court may legally demand of them, shall be liable to be attached in the High Court of Justice in London or in the Court of Queen's Bench in Dublin, or in the Court of Session or sheriff or stewart courts in Scotland, or in courts of law in the East or West Indies, or in any of Her Majesty's colonies, garrisons, or dominions in Europe or elsewhere respectively, upon complaint made, in like manner as if such witness, after having been duly summoned or subpœnaed, had neglected to attend upon a trial in any proceeding in the court in which such complaint shall be made: It shall be lawful for the president of any court-martial to administer an oath to a shorthand writer to take down, according to the best of his power, the evidence to be given before the court.

Oath to be administered to shorthand writer.

No second trial for the same offence, but revision may be allowed.

Crimes punishable with death.

14. No officer or soldier who shall be acquitted or convicted of any offence shall be liable to be tried a second time by the same or any other court-martial for the same offence; and no finding, opinion, or sentence given by any court-martial, and signed by the president thereof, shall be revised more than once, nor shall any additional evidence in respect of any charge on which the prisoner then stands arraigned be received by the court on any revision.

15. If any person subject to this Act shall at any time during the continuance of this Act begin, excite, cause, or join in any mutiny or sedition in any forces belonging to Her Majesty's army, or Her Majesty's royal marines, or shall not use his utmost endeavours to suppress the same, or shall conspire with any other person to cause a mutiny, or coming to the knowledge of any mutiny or intended mutiny shall not, without delay, give information thereof to his commanding officer; or shall hold correspondence with or give advice or intelligence to any rebel or enemy of Her Majesty, either by letters, messages, signs, or tokens, in any manner or way whatsoever; or shall treat or enter into any terms with such rebel or enemy without Her Majesty's license, or license of the general or chief commander; or shall misbehave himself before the enemy; or shall shamefully abandon or deliver up any garrison, fortress, post, or guard committed to his charge, or which he shall have been commanded to defend; or shall compel the governor or commanding officer of any garrison, fortress, or post to deliver up to the enemy or to abandon the same; or shall speak words or use any other means to induce such governor or commanding officer, or others, to misbehave before the enemy, or shamefully to abandon or deliver up any garrison, fortress, post, or guard committed to their respective charge, or which he or they shall be commanded to defend; or shall desert or attempt to desert Her Majesty's service; or shall leave his post before being regularly relieved; or shall sleep on his post; or shall strike or shall use or offer any violence against his superior officer, being in the execution of his office, or shall disobey any lawful command of his superior officer; or who being confined in a military prison shall offer any violence against a visitor or other his superior military officer, being in the execution of his office; all and every person and persons so offending in any of the matters before mentioned, whether such offence be committed within this realm or in any

other of Her Majesty's dominions, or in foreign parts, upon land or upon the sea, shall suffer death, or penal servitude, or such other punishment as by a court-martial shall be awarded: Provided always, that any non-commissioned officer or soldier attested for or in pay in any regiment or corps who shall, without having first obtained a regular discharge therefrom, enlist himself in Her Majesty's army, may be deemed to have deserted Her Majesty's service, and shall be liable to be punished accordingly.

16. In all cases where the punishment of death shall have been awarded by a general court-martial or detachment general court-martial it shall be lawful for Her Majesty, or, if in any place out of the United Kingdom or British Isles, for the commanding officer having authority to confirm the sentence instead of causing such sentence to be carried into execution, to order the offender to be kept in penal servitude for any term not less than five years, or to suffer such term of imprisonment, with or without hard labour, and with or without solitary confinement, as shall seem meet to Her Majesty, or to the officer commanding as aforesaid; provided that the imprisonment shall not exceed two years, and that the solitary confinement shall not exceed seven days at a time, with intervals of not less than seven days between the periods of solitary confinement; and that if the imprisonment exceeds eighty-four days, the solitary confinement shall not exceed seven days in any twenty-eight days of the imprisonment.

17. Any officer or soldier of Her Majesty's army, or any person employed in the War Department, or in any way concerned in the care or distribution of any money, provisions, forage, arms, clothing, ammunition, or other stores belonging to Her Majesty's army or for Her Majesty's use, who shall embezzle, fraudulently misapply, wilfully damage, steal, or receive the same, knowing them to have been stolen, or shall be concerned therein or connive thereat, may be tried for the same by a general court-martial, and sentenced to be kept in penal servitude for any term not less than five years, or to suffer such punishment of fine, imprisonment, with or without hard labour, dismissal from Her Majesty's service, reduction to the ranks if a warrant or non-commissioned officer, as such court shall think fit, according to the nature and degree of the offence; and every such offender shall, in addition to any other punishment, make good at his own expense the loss and damage sustained, and in every such case the court is required to ascertain by evidence the amount of such loss or damage, and to declare by their sentence that such amount shall be made good by such offender; and the loss and damage so ascertained as aforesaid shall be a debt to Her Majesty, and may be recovered in any of Her Majesty's courts at Westminster or in Dublin, or the Court of Exchequer in Scotland, or in any court in Her Majesty's colonies, or in India, where the person sentenced by such court-martial shall be resident, after the said judgment shall be confirmed and made known, or the offender, if he shall remain in the service, may be put under stoppages not exceeding one half of his pay and allowances until the amount so ascertained shall be recovered.

18. Whenever Her Majesty shall intend that any sentence of penal servitude heretofore or hereafter passed upon any offender by

Judgment of death may be commuted for penal servitude or other punishments.

Embezzlement, &c. of stores punishable by penal servitude, or by fine, imprisonment, &c.

As to execution of sen-

tences of penal  
servitude in  
the United  
Kingdom.

any court-martial shall be carried into execution for the term specified in such sentence or for any shorter term, or shall be graciously pleased to commute as aforesaid to penal servitude any sentence of death passed by any such court, the sentence, together with Her Majesty's pleasure thereupon, shall be notified in writing by the officer commanding in chief Her Majesty's army in Great Britain and Ireland, or by the adjutant general, or by the Secretary of State for the War Department, to any judge of the High Court of Justice in England or of the Queen's Bench, Common Pleas, or Exchequer or other superior court in Ireland, and thereupon such judge shall make an order for the penal servitude of such offender in conformity with such notification, and shall do all such other acts consequent upon such notification as such judge is authorised to do by any Act in force touching the penal servitude of other offenders; and it shall be lawful for any judge of such court in Ireland to make an order that any such offender convicted in Ireland shall be kept in penal servitude in England; and such order shall be in all respects as effectual in England as though such offender had been convicted in England, and the order had been made by any judge of the High Court of Justice in England; and the person in whose custody such offender shall at that time be, and all other persons whatsoever whom the said order may concern, shall be bound to obey and shall be assistant in the execution thereof, and shall be liable to the same punishment for disobedience to or for interrupting the execution of such order as if the order had been made under the authority of any such Act as aforesaid; and every person so ordered to be kept in penal servitude shall be subject to every provision made by law and in force concerning persons under sentence of penal servitude; and from the time when such order of penal servitude shall be made every Act in force touching the escape of felons, or their afterwards returning or being at large without leave, shall apply to such offender, and to all persons aiding and abetting, contriving or assisting in any escape or intended escape, or returning without leave of any such offender; and the judge who shall make any order of penal servitude as aforesaid shall direct the notification of Her Majesty's pleasure, and his own order made thereupon, to be filed and kept of record in the office of the Clerk of the Crown of the Queen's Bench Division of the High Court of Justice; and the said clerk shall have a fee of two shillings and sixpence only for filing the same, and shall, on application, deliver a certificate in writing (not taking more than two shillings and sixpence for the same) to such offender or to any person applying in his or Her Majesty's behalf, showing the Christian and surname of such offender, his offence, the place where the court was held before which he was convicted, and the conditions on which the order of penal servitude was made; which certificate shall be sufficient proof of the conviction and sentence of such offender, and also of the terms on which such order for his penal servitude was made, in any court and in any proceeding wherein it may be necessary to inquire into the same.

As to execution  
of sentences of

**19.** Whenever any sentence of penal servitude heretofore or hereafter passed upon any offender by any court-martial holden in

any part of Her Majesty's dominions, beyond the seas, or elsewhere, is to be carried into execution for the term specified in such sentence or for any shorter term, or when sentence of death passed by any such court-martial has been or shall as aforesaid be commuted to penal servitude, the same shall be notified by the officer commanding Her Majesty's forces at the presidency or station where the offender may come or be, or in his absence by the adjutant general for the time being, if in India to the chief judge or any judge of the chief civil court of the presidency or province where the offender may come or be, and if in any other part of Her Majesty's dominions to the chief justice or some other judge therein, and such judge shall make order for the intermediate custody and penal servitude of such offender; and the offender shall, until handed over in pursuance of any such order to the civil authorities, be detained in military custody, and may be moved in such custody from place to place as circumstances may require; and upon any such order being made it shall be duly notified to the governor of the presidency if in India, or to the governor of the colony if in any of Her Majesty's colonies, or to the person who shall for the time being be exercising the office of governor of such presidency or colony, who, on receipt of such notification, shall cause such offender to be removed or sent to some other colony or place, or to undergo his sentence within the presidency or colony where the offender was so sentenced, or where he may come or be as aforesaid, in obedience to the directions for the removal and treatment of convicts which shall from time to time be transmitted from Her Majesty through one of Her Principal Secretaries of State to such presidency or colony; and such offender shall according to such directions undergo the sentence of penal servitude which shall have been passed upon him either in the presidency or colony in which he has been so sentenced, or in the colony or place to which he has been so removed or sent, and whilst such sentence shall remain in force shall be liable to be imprisoned, and kept to hard labour, and otherwise dealt with under such sentence, in the same manner as if he had been sentenced to be imprisoned with hard labour during the term of his penal servitude by the judgment of a court of competent jurisdiction in such presidency or colony, or in the colony or place to which he has been so removed or sent respectively; and elsewhere out of Her Majesty's dominions the officer commanding shall have power to make an order in writing for the penal servitude or intermediate custody of such offender; and such offender shall be liable by virtue of such order to be imprisoned, and kept to hard labour, and otherwise dealt with under the sentence of the court, in the same manner as if he had been sentenced to be imprisoned with hard labour during the term of his penal servitude by the judgment of a court of competent jurisdiction in the place where he may be ordered to be kept in such intermediate custody, or in the place to which he may be removed for the purpose of undergoing his sentence of penal servitude. If any prisoner shall be brought to any place in the United Kingdom there to undergo any sentence of penal servitude which has been passed upon him by a court-martial held elsewhere, and the judge's or officer's order herein-before prescribed for his penal servitude

penal servitude in the colonies, India, or elsewhere out of Her Majesty's dominions.

and intermediate custody shall not be forthcoming, and the judge advocate general, upon application for that purpose, shall certify that it appears from the original proceedings of the court-martial whereby the prisoner was tried that he has been duly sentenced to penal servitude, and that for anything that appears to the contrary thereon such sentence is still in force against the said prisoner for the period to be stated in such certificate, then it shall be lawful for one of Her Majesty's Principal Secretaries of State, upon consideration of such certificate, to direct, in writing under his hand, that the said prisoner shall be at once removed to a convict prison, and be imprisoned and kept to hard labour according to the sentence stated in such certificate, and thereupon the prisoner shall be removed to such convict prison, and shall be liable to be imprisoned and kept to hard labour, and be otherwise dealt with during the term of his sentence, as if he had been sentenced to a like term of penal servitude by a competent court in the United Kingdom.

A sentence of penal servitude may be commuted for imprisonment, &c.

**20.** In any case where a sentence of penal servitude shall have been awarded by a general or detachment general court-martial it shall be lawful for Her Majesty, or, if in any place out of the United Kingdom or British Isles, for the officer commanding in chief Her Majesty's forces there serving, instead of causing such sentence to be carried into execution, to order that the offender be imprisoned, with or without hard labour, and with or without solitary confinement, for such term not exceeding two years as shall seem meet to Her Majesty, or to the officers commanding as aforesaid; provided that the solitary confinement shall not exceed seven days at a time, with intervals of not less than seven days between the periods of solitary confinement; and that if the imprisonment exceeds eighty-four days the solitary confinement shall not exceed seven days in any twenty-eight days of the imprisonment.

Of forfeitures, when combined with penal servitude.

**21.** Where an award of any forfeiture, or of deprivation of pay or of stoppages of pay, shall have been added to any sentence of penal servitude, it shall be lawful for Her Majesty, or, if in any place out of the United Kingdom or British Isles, for the officer commanding in chief Her Majesty's forces there serving, in the event of the sentence being commuted for imprisonment, to order such award of forfeiture, deprivation of pay, or stoppage of pay to be enforced, mitigated, or remitted, as may be deemed expedient.

Courts-martial may not sentence to corporal punishment in time of peace.

**22.** No court-martial shall, for any offence whatever committed under this Act during the time of peace within the Queen's dominions, have power to sentence any soldier to corporal punishment; provided, that any court-martial may sentence any soldier to corporal punishment while on active service in the field, or on board any ship not in commission, for mutiny, insubordination, desertion, drunkenness on duty or on the line of march, disgraceful conduct, or any breach of the Articles of War; and no sentence of corporal punishment shall exceed fifty lashes.

Power to inflict corporal punishment and imprisonment.

**23.** It shall be lawful for any general, district, or garrison court-martial, in addition to any sentence of corporal punishment, to award imprisonment, with or without hard labour, and with or without solitary confinement, such confinement not exceeding the periods prescribed by the Articles of War.



**24.** In all cases in which corporal punishment shall form the whole or part of the sentence awarded by any court-martial it shall be lawful for Her Majesty, or for the general or other officer authorised to confirm the sentences of courts-martial, to commute such corporal punishment to imprisonment for any period not exceeding forty-two days, with or without hard labour, and with or without solitary confinement, or to mitigate such sentence, or instead of such sentence to award imprisonment for any period not exceeding twenty days, with or without hard labour, and with or without solitary confinement and corporal punishment, to be inflicted in the prison, not exceeding twenty-five lashes, and the solitary confinement herein-before mentioned shall in no case exceed seven days at a time, with intervals of not less than seven days between each period of such confinement.

Power to commute corporal punishment for imprisonment, &c.

**25.** It shall be lawful for Her Majesty in all cases whatsoever, instead of causing a sentence of cashiering to be put in execution, to order the offender to be reprimanded, or, in addition thereto, to suffer such loss of army or regimental rank, or both, as may be deemed expedient.

Power to commute a sentence of cashiering.

**26.** A general, garrison, or district court-martial may sentence any soldier to imprisonment, with or without hard labour, and with or without solitary confinement, but such solitary confinement shall not exceed the periods prescribed by the Articles of War.

Power of imprisonment by general, garrison, or district courts-martial.

**27.** Any regimental or detachment court-martial may sentence any soldier to imprisonment, with or without hard labour, for any period not exceeding forty-two days, and with or without solitary confinement not exceeding the periods prescribed by the Articles of War.

Power of imprisonment by regimental or detachment courts-martial.

**28.** Whenever sentence shall be passed by a court-martial on an offender already under sentence either of imprisonment or of penal servitude, the court may award a 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 any of those punishments could be otherwise awarded. Whenever Her Majesty, or any general or other officer authorised to confirm the sentences of courts-martial, shall commute a sentence of penal servitude or corporal punishment to imprisonment, and the offender whose sentence shall be so commuted shall, at the time of such commutation, be under sentence of imprisonment or penal servitude, it shall be lawful for Her Majesty, or the general or other officer who shall so commute such sentence, to direct that such commuted sentence of imprisonment shall commence at the expiration of the imprisonment or penal servitude to which such prisoner shall have been so previously sentenced, although the aggregate of the term of imprisonment or penal servitude respectively may exceed the term for which any of those punishments could be otherwise awarded.

As to imprisonment of offenders already under sentence.

**29.** It shall be lawful for the Secretary of State for the War Department, and in India for the Governor General in Council, to set apart any buildings now erected or which may hereafter be

Regulations as to military prisons.

erected, or any part or parts thereof, as military prisons, and to declare that any building or any two or more buildings shall be, and thenceforth such building or buildings shall be deemed and taken to be, a military prison; and every military prison which, under the provisions of any former Act of Parliament, has been or which shall be so as aforesaid set apart and declared, shall be deemed to be a public prison within the meaning of this Act; and all and every the powers and authorities with respect to county gaols or houses of correction which now are or which may hereafter be vested in any of Her Majesty's Principal Secretaries of State shall, with respect to all such military prisons, belong to and may be exercised by the Secretary of State for the War Department, and in India by the Governor General in Council; and it shall be lawful for the said Secretary of State, and in India for the Governor General in Council, from time to time to make, alter, and repeal rules and regulations for the government and superintendence of any such military prison, and of the governor, provost marshal, officers, and servants thereof, and of the offenders confined therein, which said rules and regulations so made as aforesaid shall remain and continue to be in force until the same are altered or repealed by Her Majesty's said Secretary of State for War, or in India by the Governor General in Council; and it shall be lawful for the said Secretary of State, and in India for the Governor General in Council, from time to time to appoint an inspector general and inspectors of military prisons, and a governor or provost marshal, and all other necessary officers and servants for any such military prison, and, as occasion may arise, to remove the governor or provost marshal, officer or servant of any such military prison; and the general or other officer commanding any district or station within which may be any such military prison, or such general or other officer, and such other person or persons as the said Secretary of State, and in India the Governor General in Council, may from time to time appoint, shall be a visitor or visitors of such prison; and the said Secretary of State, and in India the Governor General in Council, may authorise any general officer commanding to appoint periodically visitors to any military prison within his command; and the said Secretary of State, and in India the Governor General in Council or the general officer so appointing, shall transmit to the visitor or visitors of every military prison established by his authority a copy of the rules and regulations which are to be observed and enforced, and the same shall accordingly be observed and enforced, within such prison; and every inspector, visitor, and governor of any such military prison shall, subject to such rules and regulations as may from time to time be made by the said Secretary of State, or in India by the Governor General in Council, have and exercise in respect of such prison, and of the governor, officers, and servants thereof, and of the prisoners confined therein, all the powers and authorities, as well in respect of administering oaths as otherwise, which any inspector, visiting justice, or governor of a county gaol or house of correction may respectively exercise as such: Provided that every inspector of such military prisons, who is also a director of convict prisons, shall have the same power in such military prisons as he has in convict prisons.

**30.** Every governor, provost marshal, gaoler, or keeper of any public prison or of any gaol or house of correction in any part of Her Majesty's dominions shall receive into his custody any military offender, whether of the regular, reserve, or auxiliary forces, under sentence of imprisonment by a court-martial, upon delivery to him of an order in writing in that behalf from the general commanding in chief, or the adjutant general, or the officer who confirmed the proceedings of the court, or the officer commanding the regiment or corps to which the offender belongs or is attached, which order shall specify the offence of which he shall have been convicted, and the sentence of the court, and the period of imprisonment which he is to undergo, and the day and hour of the day on which he is to be released; and such governor, provost marshal, gaoler, or keeper shall keep such offender in a proper place of confinement, with or without hard labour, and with or without solitary confinement, according to the sentence of the court and during the time specified in the said order, or until he be discharged or delivered over to other custody before the expiration of that time under an order duly made for that purpose; and every governor, provost marshal, gaoler, or keeper of any public prison, gaol, house of correction, lock-up house, or other place of confinement, shall receive into his custody any soldier, whether of the regular, reserve, or auxiliary forces, for a period not exceeding seven days, upon delivery to him of an order in writing on that behalf from the officer commanding the regiment, corps, or body of troops to which such soldier shall belong.

As to the custody of military offenders under sentence of court-martial and in other cases.

**31.** In the case of a prisoner undergoing imprisonment under the sentence of a court-martial in any public prison other than the military prisons set apart by the authority of this Act, or in any gaol or house of correction in any part of the United Kingdom, it shall be lawful for the general commanding in chief, or the adjutant general, or the officer who confirmed the proceedings of the court, or the officer commanding the district or garrison in which such prisoner may be, to give, as often as occasion may arise, an order in writing directing that the prisoner be discharged, or be delivered over to military custody, whether for the purpose of being removed to some other prison or place in the United Kingdom, there to undergo the remainder or any part of his sentence, or for the purpose of being brought before a court-martial either as a witness or for trial; and in the case of a prisoner undergoing imprisonment or penal servitude under the sentence of a court-martial in any public prison other than such military prison as aforesaid, or in any gaol or house of correction in any part of Her Majesty's dominions other than the United Kingdom, it shall be lawful for the general commanding in chief or the adjutant general of Her Majesty's forces in the case of any such prisoner, and for the Commander-in-Chief in India in the case of any prisoner so confined in any part of Her Majesty's Indian dominions, and for the general commanding in chief in any presidency in India in the case of a prisoner so therein confined, and for the officer commanding in chief or the officer who confirmed the proceedings of the court at any foreign station in the case of a prisoner so there confined, to give, as often as occasion may arise, an order in writing directing that

As to the removal or discharge of prisoners in certain cases.

the prisoner be discharged or be delivered over to military custody, whether for the purpose of being removed to some other prison or place in any part of Her Majesty's dominions, there to undergo the remainder or any part of his sentence, or for the purpose of being brought before a court-martial either as a witness or for trial; and in the case of any prisoner who shall be removed by any such order from any such prison, gaol, or house of correction either within the United Kingdom or elsewhere to some other prison or place either in the United Kingdom or elsewhere, the officer who gave such order shall also give an order in writing directing the governor, provost marshal, gaoler, or keeper of such other prison or place to receive such prisoner into his custody, and specifying the offence of which such prisoner shall have been convicted, and the sentence of the court, and the period of imprisonment which he is to undergo, and the day and the hour on which he is to be released; and such governor, provost marshal, gaoler, or keeper shall keep such offender in a proper place of confinement, with or without hard labour, and with or without solitary confinement, according to the sentence of the court, and during the time specified in the said order, or until he be duly discharged or delivered over to other custody before the expiration of that time under an order duly made for that purpose; and in the case of a prisoner undergoing imprisonment or penal servitude under the sentence of a court-martial in any military prison in any part of Her Majesty's dominions, the Secretary of State for the War Department, or the general officer commanding the district or station in which the prison may be situated, shall have the like powers in regard to the discharge and delivery over of such prisoners to military custody as may be lawfully exercised by any of the military authorities above mentioned in respect of any prisoners undergoing confinement as aforesaid in any public prison other than a military prison, or in any gaol or house of correction in any part of Her Majesty's dominions; and such prisoner in any of the cases herein-before mentioned shall accordingly, on the production of any such order as is herein-before mentioned, be discharged or delivered over, as the case may be: Provided always, that the time during which any prisoner under sentence of imprisonment by a court-martial shall be detained in such military custody under such order as aforesaid shall be reckoned as imprisonment under the sentence, for whatever purpose such detention shall take place; and such prisoner may during such time, either when on board ship or otherwise, be subjected to such restraint as is necessary for his detention and removal.

**32.** The gaoler or keeper of any public prison, gaol, house of correction, lock-up house, or other place of confinement in any part of Her Majesty's dominions shall diet and supply every soldier imprisoned therein under the sentence of a court-martial or as a deserter with fuel and other necessaries according to the regulations of such place of confinement, and shall receive on account of every soldier, out of the subsistence of such soldier during the period of his imprisonment, in Great Britain and Ireland, one shilling per diem, and in other parts of Her Majesty's dominions such sum as the Secretary of State may order: In all cases where such soldier is sentenced to be discharged or is ordered by the military authorities

to be discharged from the army on the completion of his term of imprisonment, the Secretary of State for the War Department may cause to be issued out of army votes, upon application in writing, signed by any justice within whose jurisdiction such place of confinement shall be locally situated, together with a copy of the order of commitment, a further sum not exceeding sixpence per diem, and all of which said sums shall be carried to the credit of the fund from which the expense of such place of confinement is defrayed. A sentence of imprisonment or of penal servitude passed either by a court-martial or by any court of criminal jurisdiction upon any person subject to this Act, shall be in no respect affected by such person ceasing to be subject to this Act by discharge or otherwise at any time: Provided, that for each person so ceasing to be subject to this Act, the Secretary of State for the War Department may cause to be issued out of army votes, upon application in writing, signed by any justice as aforesaid, together with a copy of the order of commitment, a sum not exceeding one shilling and sixpence per diem, which said sum shall be carried to the credit of the fund from which the expense of such place of confinement is defrayed.

In India the expenses incurred under the provisions of this section shall be paid in the same manner as the other expenses of such prison, or as may be provided by the laws or regulations to be made in that behalf.

**33.** Every gaoler or keeper of any public prison, gaol, house of correction, or other place of confinement, to whom any notice shall have been given, or who shall have reason to know or believe, that any person in his custody for any offence, civil or military, is a soldier liable to serve Her Majesty on the expiration of his imprisonment, shall forthwith, or as soon as may be, give, if in Great Britain, to the Secretary of State for the War Department, and if in Ireland to the general commanding Her Majesty's forces in Ireland, or if in India to the adjutant general of the army, or to the nearest military authority with whom it may be convenient to communicate, notice of the day and hour on which the imprisonment of such person will expire; and every such gaoler or keeper is hereby required to use his best endeavours to ascertain and report in all cases where practicable the particular regiment or corps, battalion of a regiment or battery of artillery, to which such soldier belongs, and also whether he belongs to the depôt or the head quarters of his regiment; and in the event of his being a recruit who has not joined, that it may be so stated in his report, together with the name of the place where the man enlisted. In all cases where the soldier in custody is under sentence to be discharged from the service on the completion of his term of imprisonment, and the discharge document is in the hands of the gaoler, such gaoler shall not be required to make any report thereof to the Secretary of State for War, or to the military authorities herein-before referred to.

Expiration of imprisonment of soldiers in common gaols.

**34.** Upon reasonable suspicion that a person is a deserter, it shall be lawful for any constable or other person to apprehend him, and forthwith bring him before a justice acting for any county, district, city, borough, or place wherein or near to which the place in which he was apprehended is situate; and the justice shall deal

Apprehension of deserters.

with the suspected deserter as if he were brought before him by warrant in accordance with the provisions of an Act passed in the eleventh and twelfth years of Her present Majesty, chapter forty-two, section twenty-one; and upon its appearing to the justice, by the testimony of one or more witnesses taken upon oath, or by the confession of such suspected deserter, that the accused is a deserter, he shall cause him to be conveyed to the head quarters of the regiment or depôt to which he may appear to belong, or to the nearest or most convenient military or police station, or other place legally provided for the confinement of persons in custody, or delivered up to a party of soldiers in charge of a non-commissioned officer, as to the justice may seem most expedient, having regard to the safe custody of such suspected deserter; and the justice shall make a report to the Secretary of State of the persons through whom or by whose means the deserter was apprehended or secured; and for such information, commitment, and report the gaoler or other person into whose custody the accused is committed shall pay at the time of commitment to the clerk to the justice the sum of two shillings; and the Secretary of State, upon receipt of a report of the same, together with a copy of the commitment, shall cause such sum to be repaid to such gaoler or other person so entitled; and upon the report of a justice as aforesaid, the Secretary of State shall cause to be paid to the person or persons by whom or through whose means it shall appear to his satisfaction that the deserter was apprehended and secured, a sum not exceeding forty shillings; and the justice shall in every case transmit, if in the United Kingdom to the Secretary of State, and if elsewhere to the general or other officer commanding, a descriptive return in the form prescribed in the schedule to this Act annexed; and a return purporting to be so made shall be evidence of the facts and matters therein stated: Provided always, that any such person so committed as a deserter in any part of Her Majesty's dominions shall, subject to the provisions herein-after contained, be liable to be transferred by order of the general or other officer commanding to serve in any regiment or corps or depôt nearest to the place where he shall have been apprehended, or to any other regiment or corps to which it may be desirable that he should be transferred, and shall also be liable after such transfer of service to be tried and punished as a deserter.

Transfer of  
deserters.

As to the  
temporary  
custody of  
deserters in  
gaols.

**35.** Every gaoler or keeper of any public prison, gaol, house of correction, lock-up house, or other place of confinement in any part of Her Majesty's dominions is hereby required to receive and confine therein every deserter who shall be delivered into his custody by any soldier or other person conveying such deserter under lawful authority, on production of the warrant of the justice of the peace on which such deserter shall have been taken, or some order from the office of the Secretary of State for the War Department, which order shall continue in force until the deserter shall have arrived at his destination; and such gaoler or keeper shall be entitled to one shilling for the safe custody of the said deserter while halted on the march, and to such subsistence for his maintenance as shall be directed by Her Majesty's regulations.

**36.** Any recruit for Her Majesty's army who, having been attested or received pay other than enlisting money, shall desert before join-

Desertion of  
recruits prior

ing the regiment or corps for which he has enlisted, shall, on being apprehended, and committed for such desertion by any justice of the peace upon the testimony of one or more witnesses upon oath, or upon his own confession, forfeit his personal bounty, and be liable to be transferred to any regiment or corps or depôt nearest to the place where he shall have been apprehended, or to any other regiment or corps to which Her Majesty may deem it more desirable that he should be transferred: Provided always, that such deserters thus transferred shall not be liable to other punishment for the offence, or to any other penalty except the forfeiture of their personal bounty.

to joining their  
regiments or  
corps.

**37.** Any person who shall confess himself to be a deserter from Her Majesty's forces, or from the embodied militia, shall be liable to be taken before any two justices of the peace acting for the county, district, city, burgh, or place where any such person shall at any time happen to be when he shall be brought before them, and on proof that any such confession as aforesaid was false shall by the said justices be adjudged to be punished, if in England, as a rogue and vagabond, and if elsewhere by commitment to some prison or house of correction, there to be kept to hard labour for any time not exceeding three calendar months; and if, when such person shall be brought before the said justices, it shall be proved to their satisfaction that such confession has been made, but evidence of the truth or falsehood of such confession shall not at that time be forthcoming, such justices within the United Kingdom are hereby required to remand such person in the manner herein-before mentioned, and to transmit a statement of the case and descriptive return to the Secretary of State for the War Department, with a request to be informed whether such person appears to belong or to have belonged to the regiment or corps from which he shall have so confessed himself to have deserted; and a letter from the War Office in reply thereto, referring to such statement, and purporting to be signed by or on behalf of the Secretary of State for the War Department, shall be admissible in evidence against such person, and shall be deemed to be legal evidence of the facts stated therein, and on the receipt thereof the said justices shall forthwith proceed to adjudicate upon the case. In India the authority herein given to two justices may be exercised by one European justice or magistrate.

Fraudulent  
confession of  
desertion.

**38.** When there shall not be any military officer of rank not inferior to captain, or any adjutant of regular militia, within convenient distance of the place where any non-commissioned officer or soldier on furlough shall be detained by sickness or other casualty rendering necessary any 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 by letter immediately certify such extension and the cause thereof to the commanding officer of the corps or detachment to which such non-commissioned officer or soldier belongs, if known, and if not then to the agent of the regiment or corps, in order that the proper sum may be remitted to such non-commissioned officer or soldier, who shall not during the period of such extension of furlough be liable to be treated as a

Furlough in  
case of sick-  
ness.

deserter: Provided always, that nothing herein contained shall be construed to exempt any soldier from trial and punishment according to the provisions of this Act, for any false representation made by him in that behalf to the said justice, or for any breach of discipline committed by him in applying for and obtaining the said extension of furlough.

No person acquitted or convicted by the civil magistrate or by a jury to be tried by a court-martial for the same offence.

**39.** No person subject to this Act, having been acquitted or convicted of any crime or offence by the civil magistrate, or by the verdict of a jury, shall be liable to be again convicted for the same crime or offence by a court-martial, or to be punished for the same otherwise than by cashiering in the case of a commissioned officer, or in the case of a warrant officer by reduction to an inferior class or to the rank of a private soldier by order of the Commander-in-Chief, or in the case of an army schoolmaster by discharge from the service, or loss of the whole or any period of his previous service reckoning towards pension on discharge by order of the Commander-in-Chief, or in the case of a non-commissioned officer by reduction to the ranks by order of the Commander-in-Chief or of the colonel, or in the militia by order of the appointed commandant of the regiment or corps; and all such punishments inflicted on a non-commissioned officer without trial by a court-martial shall be reported to the superior officer in command, for the information of the Commander-in-Chief, for review; and whenever any officer or soldier shall have been tried by any court of ordinary criminal jurisdiction, the clerk of such court or other officer having the custody of the records of such court, or the deputy of such clerk, shall, if required by the officer commanding the regiment or corps to which such officer or soldier shall belong, transmit to him a certificate setting forth the offence of which the prisoner was convicted, together with the judgment of the court thereon if such officer or soldier shall have been convicted, or of the acquittal of such officer or soldier, and shall be allowed for such certificate a fee of three shillings.

Soldiers liable to be taken out of Her Majesty's service only for felony, misdemeanor, or for debts amounting to 30*l.* and upwards.

**40.** Any person attested for Her Majesty's army, or serving on the permanent staff of the disembodied militia or volunteers other than as a commissioned officer, shall be liable to be taken out of Her Majesty's service only by process or execution on account of any charge of felony or of misdemeanor, or of any crime or offence other than the misdemeanor of absenting himself from his service, or neglecting to fulfil his contract, or otherwise misconducting himself respecting the same, or the misdemeanor of refusing to comply with an order of justices for the payment of money, or on account of an original debt proved by affidavit of the plaintiff or of some one on his behalf to amount to the value of thirty pounds at the least, over and above all costs of suit, such affidavit to be sworn, without payment of any fee, before some judge of the court out of which process or execution shall issue, or before some person authorised to take affidavits in such court, of which affidavit, when duly filed in such court, a memorandum shall, without fee, be endorsed upon the back of such process, stating the facts sworn to, and the day of filing such affidavit; but no soldier or other person as aforesaid shall be liable by any process whatever to appear before any justice of the peace or other authority whatever, or to be taken out of Her Majesty's service by any writ, summons, warrant, order,

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



judgment, execution, or any process whatsoever issued by or by the authority of any court of law, or any magistrate, justice or justices of the peace, or any other authority whatsoever, for any original debt not amounting to thirty pounds, or for the breach of any contract, covenant, agreement, or other engagement whatever by parol or in writing, or, for having left or deserted his employer or master, or his contract, work, or labour, or misconducting himself respecting the same, except in the case of an apprentice, or of an indentured labourer, as herein-after described; and all summonses, warrants, commitments, indictments, convictions, judgments, and sentences on account of any of the matters for which it is herein declared that a soldier or other person as aforesaid is not liable to be taken out of Her Majesty's service shall be utterly illegal, and null and void, to all intents and purposes; and any judge of any such court may examine into any complaint made by a soldier or by his superior officer, and by warrant under his hand discharge such soldier, without fee, he being shown to have been arrested contrary to the intent of this Act, and shall award reasonable costs to such complainant, who shall have for the recovery thereof the like remedy as would have been applicable to the recovery of any costs which might have been awarded against the complainant in any judgment or execution as aforesaid, or a writ of Habeas corpus ad subjiciendum shall be awarded or issued, and the discharge of any such soldier out of custody shall be ordered thereupon; provided that any plaintiff, upon notice of the cause of action first given in writing to any soldier, or left at his last quarters, may proceed in any action or suit to judgment, and have execution other than against the body or military necessaries or equipments of such soldier; provided also, that nothing herein contained relating to the leaving or deserting a master or employer, or to the breach of any contract, agreement, or engagement, shall apply to persons who shall be really and bonâ fide apprentices, duly bound, under the age of twenty-one years, or to indentured labourers, as herein-after prescribed.

debts under 30l., or for breach of contract.

**41.** No person who shall be commissioned and in full pay as an officer shall be capable of being nominated or elected to be sheriff of any county, borough, or other place, or to be mayor, portreeve, alderman, or to hold any office in any municipal corporation in any city, borough, or place in Great Britain or Ireland: Provided that the competence or liability of any officer to be nominated to or to hold any of the aforesaid offices shall not be deemed to be affected by reason of the corps to which he belongs being assembled for annual training at the time of his nomination to, or during the period of his tenure of, such office.

Officers not to be sheriffs or mayors, &c.

**42.** Every person authorised to enlist recruits or to enrol men under any Reserve Force Acts, or to enlist men under any Militia Reserve Acts, shall first ask the person about to be so enlisted or enrolled whether he belongs to any and what force in Her Majesty's service, and also such other questions as the proper authorities may direct to be put to such persons, and in case of a recruit shall immediately after giving him enlisting money serve him with a notice in the form ordered by the Secretary of State for the War Department to be used.

Questions to be put to recruits on enlisting.

Recruits, when deemed to be enlisted.

**43.** Every person who shall receive enlisting money in manner aforesaid, knowing it to be such, shall, subject to the provisions herein-after contained, upon such receipt be deemed to be enlisted as a soldier in Her Majesty's service, and while he shall remain with the recruiting party shall be entitled to be billeted.

When recruits to be taken before a justice.

**44.** Every person so enlisted as aforesaid shall, within ninety-six hours (any intervening Sunday, Christmas Day, or Good Friday not included) but not sooner than twenty-four hours after such enlistment, appear, together with some person employed in the recruiting service, before a justice of the peace, not being an officer of the army, for the purpose of being attested as a soldier, or of objecting to his enlistment: Provided in the case of recruits for the militia, that nothing contained in the Militia (Voluntary Enlistment) Act, 1875, shall be deemed to affect the validity of the enrolment of any militia recruit who has been enrolled according to the provisions of the Militia Acts thereby repealed, and that hereafter any militia recruit may be attested immediately after enlistment without regard to the interval of twenty-four hours, and by a justice or commissioned officer. And provided that a recruit for the militia in respect of any wilfully false answer given by him to such justice or officer in reply to a question directed to be put by the authorities, shall be deemed to be punishable as if such answer were given before a justice.

Dissent and relief from enlistment.

**45.** When a recruit upon appearing before a justice for the purposes aforesaid shall dissent from or object to his enlistment, and shall satisfy the justice that the same was effected in any respect irregularly, he shall forthwith discharge the recruit absolutely, and shall report such discharge to the inspecting field officer of the district, or in the case of a recruit enlisted at the head quarters or depôt of a regiment to the officer commanding the same; but if the recruit so dissenting shall not allege or shall not satisfy the justice that the enlistment was effected irregularly, nevertheless, upon repayment of the enlisting money, and of any sum received by him in respect of pay or allowances, and of a further sum of twenty shillings as smart money, he will be entitled to be discharged, and the sum paid by such recruit upon his discharge shall be kept by the justice, and, after deducting therefrom one shilling as the fee for reporting the payment to the Secretary of State for the War Department and to the inspecting field officer of the district, shall be paid over to any person belonging to the recruiting party who may demand the same; and the justice who shall discharge any recruit shall in every case give a certificate thereof, signed with his hand, to the recruit, specifying the cause thereof.

Attesting of recruits.

**46.** If the recruit on appearing before a justice shall not dissent from his enlistment, or dissenting shall within twenty-four hours return and state that he is unable to pay the sums mentioned in the last section, he shall be attested as follows: the justice, or some person deputed by him, shall read to the recruit the questions set forth in the form of attestation ordered by the Secretary of State for the War Department to be used, cautioning him that if he fraudulently make any false answer thereto he shall be liable to be punished as a rogue and a vagabond; and the answers of the

recruits shall be recorded opposite to the said questions, and the justice shall require the recruit to make and sign the declaration in the said form, and shall then administer to him the oath of allegiance in the said form; and when the recruit shall have signed the said declaration, and taken the said oath, the justice shall attest the same by his signature, and shall deliver to the recruiting officer the declaration so signed and attested; and if the recruit make a wilfully false answer to any question so put, he shall be liable to be punished as a rogue and a vagabond; and the fee for such attestation, including the declaration and oath, shall be one shilling and no more; and any recruit shall, if he so wish, be furnished with a certified copy of the above-mentioned declaration by the officer who finally approved of him for the service.

**47.** No recruit, unless he shall have been attested or shall have received pay other than enlisting money, shall be liable to be tried by court-martial; but if any person previously to his being attested or enrolled shall by means of any false answer obtain enlistment or other money, or shall make any false statement in his declaration, or shall refuse to answer any question duly authorised to be put to him for the purpose of filling up such declaration, or shall refuse or neglect to go before a justice for the purposes aforesaid, or having in the case of a recruit dissented from his enlistment shall wilfully omit to return and pay such money as aforesaid, in any of such cases it shall be lawful for any two justices within the United Kingdom, or for any one justice out of the United Kingdom, acting for the county, district, city, burgh, or place where any such person shall at any time happen to be, when he shall be brought before them or him, either to attest such recruit as a soldier, or to sentence him to be imprisoned with hard labour in any prison or house of correction for any period not exceeding three calendar months.

**48.** Any person who shall have been attested or enrolled in the regular army or reserves, and who shall afterwards be discovered to have given any wilfully false answer to any question directed to be put by the proper authorities, or shall have made any wilfully false statement in the declaration herein-before mentioned, shall be liable, at the discretion of the proper military authorities, to be proceeded against before two justices in the manner herein-before mentioned, and by them sentenced accordingly, or to be tried by a district or garrison court-martial for the same, and punished in such manner as such court shall direct; and the declaration purporting to be made by such person on his attestation or enrolment in accordance with the regulations of the Secretary of State shall, in the absence of proof to the contrary, be deemed sufficient evidence, whether before such justice or justices or before any court-martial, of such person having represented the several particulars as stated in such declaration. A letter purporting to be signed by or on behalf of the Lords of the Admiralty, or the commanding officer of the ship, corps, or regiment to which such person shall appear to have belonged, shall on any trial be evidence of the facts stated therein in relation to the service or discharge of such person.

**49.** If any recruit shall abscond, so that it is not possible immediately to apprehend and bring him before a justice for attestation, the recruiting party shall produce to the justice before whom the

Recruits, until they have been attested or received pay, not triable by court-martial, but in certain cases punishable as rogues and vagabonds.

Attested recruits triable in some cases either before two justices or before a court-martial.

Recruits absconding.

recruit ought to have been brought for that purpose a certificate of the name and place of residence and description of such recruit, and of his having absconded, and shall declare the same to be true; and the justice to whom such certificate shall be produced shall transmit a duplicate thereof to the Secretary of State for the War Department, in order that the same may appear in the "Police Gazette." For the purposes of this section and all purposes of attestation and enlistment, a justice of any county or borough shall be deemed to be a justice of any other county or borough.

As to fraudulent re-enlistment.

**50.** If any man while belonging to any regiment or corps of the regular, reserve, or auxiliary forces shall, without being discharged by the proper authorities therefrom, enlist or be enrolled or attempt to enlist or be enrolled in any regiment or corps, whether of the regular, reserve, or auxiliary forces, he shall be liable to be tried before a court-martial on a charge for desertion; but it shall be lawful for the Secretary of State for the War Department to give such general directions as may from time to time appear to him necessary for placing any man who confesses himself to be a militiaman under stoppage of one penny a day of his pay for eighteen calendar months, in lieu of his being tried by court-martial; and in the case of a militiaman who shall have belonged to the Militia Reserve at the time of his attestation for placing him under a further stoppage of one penny a day for two hundred and forty days, and further to give general directions as to the manner in which such stoppages shall be applied, and whether, on making good the same, the man shall be returned to his militia regiment or be deemed to be a soldier in the same manner as if he had not been a militiaman at the time of his attestation: Provided, that every soldier who while belonging to a militia regiment enlisted in Her Majesty's army, whether such enlistment took place before or after the passing of the Mutiny Act, 1860, shall reckon service towards the performance of his limited engagement from the date of his attestation: Provided also, that any such soldier shall not reckon service for pension until the day on which his engagement for the militia would have expired; but if any such soldier shall subsequently to his enlistment have rendered long, faithful, or gallant service, the Secretary of State for War may, upon the special recommendation of the Commander-in-Chief, order that he may reckon service for pension from the date of his attestation. If any non-commissioned officer of the Volunteer permanent staff enlists in Her Majesty's army he may be tried and punished as a deserter, but if he confesses his desertion the Secretary of State for the War Department, instead of causing him to be tried and punished as a deserter, may cause him to be returned to his service on the Volunteer permanent staff, to be there put under stoppages from his pay until he has repaid the amount of any bounty received by him and the expenses attending his enlistment, and also the value of any arms, &c. issued to him while on the Volunteer permanent staff, and not duly delivered up by him; or may cause him to be held to his service in Her Majesty's army, with a direction, if it seems fit, that his time of service therein shall not be reckoned for pension until the time when his engagement on the Volunteer permanent staff would have expired; and may further cause him to be

Volunteer permanent staff.

put under stoppages of one penny a day of his pay until he has repaid the expense attending his engagement or attestation on the Volunteer permanent staff, and also the value of any arms, clothing, or appointments issued to him while on the Volunteer permanent staff, and not duly delivered up by him.

The sixth section of the Army Enlistment Act, 1867, and the twelfth section of the Army Enlistment Act of 1870, are hereby repealed. In reckoning the service of a soldier, for the purpose of discharge under either of the above-named Acts, all periods of time shall be excluded during which he has been absent from his duty for any of the following causes: Imprisonment under sentence of a civil court, or a court-martial, or detention in respect of trial for an offence of which he is afterwards convicted, desertion or absence without leave exceeding five days or as a prisoner of war, unless it appear to the satisfaction of a court-martial to be summoned on his rejoining Her Majesty's service, that he was not taken prisoner through his own wilful neglect of duty, and that he rejoined as soon as he could and ought to have done.

Rules for reckoning service.

**51.** Every person subject to this Act who shall wilfully act contrary to any of its provisions in any matter relating to the enlisting or attesting of recruits for Her Majesty's army shall be liable to be tried for such offence before a general, district, or garrison court-martial, and to be sentenced to such punishments other than death or penal servitude as such courts may award.

Punishment of persons offending against laws relating to enlistment.

**52.** It shall be lawful for any justice of the peace or person exercising the office of a magistrate within any of Her Majesty's dominions abroad, and in any colony for any other person duly authorised in that behalf by the governor or officer administering the government of such colony, and beyond the limits of Her Majesty's dominions for any British consul or person duly exercising the authority of a British consul, and in Her Majesty's dominions in India for any person duly authorised in that behalf by the Governor General or lieutenant governor or other officer administering the government of any presidency, division, or province, and within the territories of any foreign state in India for the person performing the duties of the office of British resident therein, and for any other person duly authorised in that behalf by the Governor General, to enlist and attest or to re-engage within the local limits of their several authorities any soldiers or persons desirous of enlisting or re-engaging in Her Majesty's army; and it shall be lawful, notwithstanding anything contained in the statute twenty-third and twenty-fourth Victoria, chapter one hundred, for any person so authorised in Her Majesty's dominions in India, or within the territories of any foreign state in India, to enlist and attest within the local limits of his authority any persons desirous of enlisting in Her Majesty's Indian forces. Any such magistrate or person as aforesaid shall have the same powers in that behalf as are by this or any other Act of Parliament given to justices in the United Kingdom for all such purposes of enlistment and attestation; but no such magistrate or other person authorised to enlist and attest as above mentioned shall be a general officer or hold any regimental commission; and all such appointments, past and future, and everything done or to be done under them, shall be valid and

Enlistment and re-enlistment, and transfer to another corps abroad.

of full effect, notwithstanding the expiration of this Act or of any other Act of Parliament; and any person so attested shall be deemed to be an attested soldier.

Soldiers willing  
may be trans-  
ferred to suc-  
ceeding corps.

**53.** When any corps shall be relieved or disbanded at any station beyond the seas it shall be lawful for any officers thereunto authorised 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; 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.

Soldiers may  
be transferred  
from one ser-  
vice to another.

**54.** It shall be lawful for the Commander-in-Chief, and on any foreign station for the general or other officer commanding at such station, to direct that any soldier attested for any one branch of the service shall, on the application of his commanding officer, and with his own consent, be transferred to some other branch of the service or to some other regiment or corps in the same branch of the service, either within the United Kingdom or elsewhere; and every soldier so transferred shall be deemed to be discharged from his former corps, and shall have a certificate of transfer delivered to him: Provided always, that any soldier who may be employed as a warrant officer not holding an honorary commission, or in the corps of armourer sergeants, or the army hospital corps, or the army service corps, shall be liable, by order of the military authorities above mentioned, to be re-transferred to his former corps, or to any other corps on the station on which he is serving at the time, for misconduct, unfitness, or any other reasonable cause: Provided also, that any staff clerk or other non-commissioned officer or soldier on the staff of the army may be transferred to any corps serving at the station at the time of his removal from staff employ: Provided also, that upon the conviction by court-martial of any soldier of the crime of desertion, the officer commanding in chief Her Majesty's forces may, and if the court-martial has been held at a foreign station the officer commanding in chief Her Majesty's forces at such foreign station may, order such soldier to serve in any regiment or corps.

Re-engagement  
of soldiers for  
a further term.

**55.** Any soldier who being in army service has commenced the last year of his first term of enlistment, or who being within three years of the expiration of his first term of enlistment, has been ordered, but has not yet proceeded on foreign service, may, with the approval of his commanding officer, or other competent military authority, and subject to such regulations as may from time to time be made by the Secretary of State, be re-engaged for such a period as shall complete a total period of twenty-one years in Her Majesty's service, reckoning from the time of his first enlistment; and any soldier who has completed a total period of twenty-one years service may, with the approval of the competent military authorities, continue to serve beyond such total period, under the provisions of the tenth section, Army Enlistment Act, 1870; and any person who has been a soldier, and who has received his discharge, may also be so re-engaged upon making a declaration, in the form ordered by the Secretary of State for the War Department to be used, before any one of Her Majesty's justices of the peace

in Great Britain or Ireland, or if not in Great Britain or Ireland before any person duly appointed to enlist and attest out of Great Britain and Ireland any soldiers or persons desirous of enlisting or re-engaging in Her Majesty's service: Provided always, that in reckoning service under the original enlistment or re-engagement of a soldier the boon service granted by the general order of the Governor General of India, dated twelfth of October one thousand eight hundred and fifty-nine, shall be reckoned as actual service, and allowed towards pension and discharge: Provided also, that every soldier now serving who belonged to the garrison which defended Lucknow, or to the garrison which defended the Alumbagh, before the advance of any portion of the forces under the late Lord Clyde in one thousand eight hundred and fifty-seven, shall be allowed to reckon one year's service towards the performance of his limited engagement, and also towards pension on discharge: Provided also, that every soldier who volunteered into Her Majesty's army from any embodied regiment of militia between the thirty-first of December one thousand eight hundred and fifty-five and the twenty-first of March one thousand eight hundred and sixty-one inclusive, or from the disembodied militia during the last week of the training of his regiment in the year one thousand eight hundred and fifty-eight, and who had rendered previous to volunteering six months embodied or disembodied militia service, shall be allowed to reckon towards good-conduct pay and pension, and towards the completion of his limited engagement of service in Her Majesty's army, half the embodied service which he had rendered in the militia after attaining the age of eighteen.

Boon service to be reckoned.

**56.** All negroes or persons of colour who, although not born in any of Her Majesty's colonies, territories, or possessions, shall have voluntarily enlisted into Her Majesty's service, shall, while serving, be deemed to be soldiers legally enlisted into Her Majesty's service, and be entitled to all the privileges of natural-born subjects; and all negroes who have been seized and condemned as prize under the Slave Trade Acts, and appointed to serve in Her Majesty's army, shall be deemed to be and shall be entitled to all the advantages of negroes or persons of colour voluntarily enlisted to serve as soldiers in any of Her Majesty's colonial forces.

Enlistment of negroes.

**57.** Any person duly bound as an apprentice in Great Britain or Ireland, or as an indentured labourer in any of Her Majesty's colonies or possessions abroad, who shall enlist as a soldier in Her Majesty's army, and shall falsely state to the magistrate before whom he shall be carried and attested that he is not an apprentice or indentured labourer as aforesaid, shall be deemed guilty of obtaining money under false pretences, if in England or in Ireland, or in the colonies or possessions aforesaid, and of falsehood, fraud, and wilful imposition, if in Scotland, and shall after the expiration of his apprenticeship, or of his indenture as a labourer, whether he shall have been so convicted and punished or not, be liable to serve as a soldier in Her Majesty's army according to the terms of the enlistment, and if on the expiration of his apprenticeship, or of his indenture as a labourer, he shall not deliver himself up to some officer authorised to receive recruits, such person may be

Apprentice enlisting to be liable to serve after the expiration of his apprenticeship.

Claims of  
masters to  
apprentices.

taken as a deserter from Her Majesty's army; and no master shall be entitled to claim an apprentice or an indentured labourer as aforesaid who shall enlist as a soldier in Her Majesty's army, or shall be serving in the embodied militia, unless he shall, within one calendar month after such apprentice or indentured labourer shall have left his service, go before some justice, and take the oath mentioned in the schedule to this Act annexed, and shall produce the certificate of such justice of his having taken such oath, which certificate such justice is required to give in the form in the schedule to this Act annexed, and unless such apprentice shall have been bound, if in England, for the full term of five years, not having been above the age of fourteen when so bound, and, if in Ireland or in the British Isles, for the full term of five years at the least, not having been above the age of sixteen when so bound, and, if in Scotland, for the full term at least of four years, by a regular contract or indenture of apprenticeship, duly extended, signed, and tested, and binding on both parties by the law of Scotland, prior to the period of enlistment, and unless such contract or indenture in Scotland shall, within three months after the commencement of the apprenticeship, and before the period of enlistment, have been produced to a justice of the peace of the county in Scotland wherein the parties reside, and there shall have been indorsed thereon by such justice a certificate or declaration signed by him specifying the date when and the person by whom such contract or indenture was so produced, which certificate or declaration such justice of the peace is hereby required to indorse and sign, and unless such apprentice shall, when claimed by such master, be under twenty-one years of age: Provided always, that any master of an apprentice indentured for the sea service, or of any indentured labourer in Her Majesty's colonies or possessions abroad, shall be entitled to claim and recover him in the form and manner above directed, notwithstanding such apprentice or indentured labourer may have been bound for a less term than five or four years as aforesaid: Provided also, that any master who shall give up the indentures of his apprentice or of his labourer as aforesaid within one month after the enlisting of such apprentice or indentured labourer shall be entitled to receive to his own use so much of the bounty payable to such recruit as shall not have been paid to such recruit before notice given of his being an apprentice or an indentured labourer.

Punishment of  
apprentices  
enlisting.

**58.** No apprentice or indentured labourer claimed by his master as aforesaid shall be taken from any corps or recruiting party, except under a warrant of a justice residing near, and within whose jurisdiction such apprentice or indentured labourer shall then happen to be, before whom he shall be carried; and such justice shall inquire into the matter upon oath, which oath he is hereby empowered to administer, and shall require the production and proof of the indenture, and that notice of the said warrant has been given to the commanding officer, and a copy thereof left with some officer or non-commissioned officer of the party, and that such person so enlisted declared that he was no apprentice or indentured labourer; and such justice, if required by such officer or non-commissioned officer, shall commit the offender to the common gaol of the county, division, or place for which such justice is acting, and shall keep the



indenture to be produced when required, and shall bind over such person as he may think proper to give evidence against the offender, who shall be tried at the next or at the sessions immediately succeeding the next general or quarter sessions of such county, division, or place, unless the court shall for just cause put off the trial; and the production of the indenture, with the certificate of the justice that the same was proved, shall be sufficient evidence of the said indenture; and every such offender in Scotland may be tried by the judge ordinary in the county or stewardry in such and the like manner as any person may be tried in Scotland for any offence not inferring a capital punishment: Provided always, that any justice not required as aforesaid to commit such apprentice or indentured labourer may deliver him to his master.

**59.** No person who shall, for six months 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 evidence), shall be entitled to claim his discharge on the ground of error or illegality in his enlistment or attestation or re-engagement, or on any other ground whatsoever, but, on the contrary, every such person shall be deemed to have been duly enlisted, attested, or re-engaged, as the case may be; and no person shall be exempted from the provisions of this Act or of the Articles of War for the time being by reason only that the number of the forces for the time being in the service of Her Majesty is either greater or less than the number herein-before mentioned.

Removal of doubts as to attestation of soldiers.

**60.** No Secretary of State for the War Department, paymaster general of the army, paymaster, or any other officer whatsoever, or any of their under officers, shall receive any fees or make any deductions whatsoever out of the pay of any officer or soldier in Her Majesty's army, or from their agents, which shall grow due from and after the twenty-fifth day of April one thousand eight hundred and seventy-six, other than the usual deductions, or such other necessary deductions as shall from time to time be authorised or required by Her Majesty's regulations or Articles of War, or by statute twenty-six and twenty-seven Victoria, chapter sixty-five, section eight (Volunteer Act), or by Her Majesty's order signified by the Secretary of State for the War Department; and every paymaster or other officer who having received any officer's or soldier's pay shall unlawfully detain the same for the space of one month, or refuse to pay the same when it shall become due, according to the several rates and agreeably to the several regulations established by Her Majesty's orders, shall, upon proof thereof before a court-martial, be discharged from his employment, and shall forfeit one hundred pounds, and the informer, if a soldier, shall, if he demand it, be discharged from any further service.

Authorised deductions only to be made from the pay of the army.

**61.** And whereas by petition of right in the third year of King Charles the First it is enacted and declared, that the people of the land are not by the laws to be burdened with the sojourning of soldiers against their wills; and by a clause in an Act of the Parliament of England, made in the thirty-first year of the reign of King Charles the Second, for granting a supply to His Majesty of two hundred and six thousand four hundred and sixty-two pounds

Suspending operation of certain Acts herein recited.

seventeen shillings and threepence, for paying and disbanding the forces, it is declared and enacted that no officer, civil or military, nor other person whosoever, should thenceforth presume to place, quarter, or billet any soldier upon any subject or inhabitant of this realm, of any degree, quality, or profession whatsoever, without his consent, and that it shall be lawful for any subject or inhabitant to refuse to quarter any soldier, notwithstanding any warrant or billeting whatsoever: And whereas by an Act passed in the Parliament of Ireland in the sixth year of the reign of Queen Anne, chapter fourteen, section eight, intituled "An Act to prevent the disorders that may happen by the marching of soldiers, and providing carriages for the baggage of soldiers on their march," it was enacted, that no officer, soldier, or trooper in the army, nor the servant of any officer, nor any attendant on the train of artillery, nor any yeoman of the guard or battle-axes, nor any officer commanding the said yeomen, nor any servant of any such officer, should at any time thereafter have, receive, or be allowed any quarters in any part of Ireland, save only during such time or times as he or they should be on their march as in the same Act is before mentioned, or during such time as he or they should be and remain in some seaport town or other place in the neighbourhood of a seaport town in order to be transported, or during such time as there should be any commotion in any part of Ireland, by reason of which emergency the army, or any considerable part thereof, should be commanded to march from one part of Ireland to another: But forasmuch as there is and may be occasion for the marching and quartering of regiments, corps, troops, and companies in several parts of the United Kingdom of Great Britain and Ireland, the said several provisions of the said recited Acts shall be suspended and cease to be of any force or effect during the continuance of this Act.

62. And whereas by the eleventh section of the said Act of the sixth year of the reign of Queen Anne, chapter fourteen, it is provided and enacted, that no civil magistrate or constable should be obliged to find quarters for or give billets to more or other soldiers than those only whose true Christian and surnames should be delivered to him in writing under the hand of the officer desiring quarters or billets for such soldiers at the time such quarters or billets should be desired, and that all such names should be written together and delivered in one piece of paper, signed as aforesaid, and that the Christian and surnames of every soldier to be quartered or billeted, together with the name of the person on whom he or they should be billeted or quartered, should be given in writing by the constable or civil officer billeting or quartering such soldier, and be contained in the billet given by such civil officer: And whereas it has been found inconvenient and difficult to comply with all the requirements of the said enactment: It shall not be necessary, so long as this Act shall continue in force, for any officer, upon the occasion of his requiring quarters or billets for any soldiers in Ireland, to deliver to the constable or other person whose duty it shall be to find or give the same any list of the names of the soldiers to be so quartered or billeted; and it shall not be necessary for the constable or other such person as aforesaid to set forth in any billet the name of any soldier to be billeted or quartered, but only

6 Anne, c. 14.  
s. 8. (I.)

Certain re-  
quirements of  
6 Anne, c. 14.  
(I.), as to  
billeting in  
Ireland, not  
now necessary.

the number of the soldiers, or the number of the soldiers and horses respectively, as the case may require, to be billeted or quartered on the person named in the billet, and to whom the same shall be addressed.

**63.** It shall be lawful for all constables of parishes and places, and other persons specified in this Act, in Great Britain and Ireland, and they are hereby required, to billet the officers and soldiers in Her Majesty's service, and out-pensioners when assembled as a local force by competent authority, and persons receiving pay in Her Majesty's army, and the horses belonging to Her Majesty's cavalry, and also all staff and field officers horses, and all båt and baggage horses belonging to any of Her Majesty's other forces, when on actual service, not exceeding for each officer the number for which forage is or shall be allowed by Her Majesty's regulations, in victualling houses and other houses specified in this Act (taking care in Ireland not to billet less than two men in one house, except only in case of billeting cavalry as specially provided); and they shall be received by the occupiers of the houses in which they are so billeted, and be furnished by such victuallers with proper accommodation in such houses, or if any victualler shall not have sufficient accommodation in the house upon which a soldier is billeted, then in some good and sufficient quarters to be provided by such victualler in the immediate neighbourhood, and in Great Britain shall also be furnished with diet and small beer, and in Great Britain and Ireland with stables, oats, hay, and straw for such horses as aforesaid, paying and allowing for the same the several rates herein-after provided; and at no time when troops are on a march shall any of them, whether infantry or cavalry, be billeted above one mile from the place mentioned in the route, care being always taken that billets be made out for the less distant houses, in which suitable accommodation can be found, before making out billets for the more distant; and in all places where cavalry shall be billeted in pursuance of this Act, each man and his horse shall be billeted in one and the same house, except in case of necessity; and, except in case of necessity, one man at least shall be billeted where there shall be one or two horses, and two men at least where there shall be four horses, and so in proportion for a greater number; and in no case shall a man and his horse be billeted at a greater distance from each other than one hundred yards; and the constables are hereby required to billet all soldiers and their horses on their march, in the manner required by this Act, upon the occupiers of all houses within one mile of the place mentioned in the route, and whether they be in the same or in a different county, in like manner in every respect as if such houses were all locally situate within such place; provided that nothing herein contained shall be construed to extend to authorise any constable to billet soldiers out of the county to which such constable belongs when the constable of the adjoining county shall be present and shall undertake to billet the due proportion of men in such adjoining county; and no more billets shall at any time be ordered than there are effective soldiers and horses present to be billeted; all which billets, when made out by such constables, shall be delivered into the hands of the commanding officer present; and if any person shall find himself aggrieved by

How and where troops may be billeted.

having an undue proportion of soldiers billeted in his house, and shall prefer his complaint, if against a constable or other person not being a justice, to one or more justices, and if against a justice then to two or more justices within whose jurisdiction such soldiers are billeted, such justices respectively shall have power to order such of the soldiers to be removed, and to be billeted upon other persons, as they shall see cause; and when any of Her Majesty's cavalry or any horses as aforesaid shall be billeted upon the occupiers of houses in which officers or soldiers may be quartered by virtue of this Act who shall have no stables, then and in such case, upon the written requisition of the commanding officer of the regiment, corps, troop, or detachment, the constable is hereby required to billet the men and their horses, or horses only, upon some other person or persons who have stables, and who are by this Act liable to have officers and soldiers billeted upon them; and upon complaint being made by the person or persons to whose house or stables the said men or horses shall have been so removed to two or more justices within whose jurisdiction such men or horses shall be so billeted, it shall be lawful for such justices to order a proper allowance to be paid by the person relieved to the persons receiving such men and horses, or to be applied in furnishing the requisite accommodation; and commanding officers may exchange any man or horse billeted in any place with another man or horse billeted in the same place for the benefit of the service, provided the number of men and horses do not exceed the number at that time billeted on such houses respectively; and the constables are hereby required to billet such men and horses so exchanged accordingly; and it shall be lawful for any justice, at the request of any officer or non-commissioner officer commanding any soldiers requiring billets, to extend any routes or to enlarge the districts within which billets shall be required, in such manner as shall appear to be most convenient to the troops; provided that to prevent or punish all abuses in billeting soldiers, it shall be lawful for any justice within his jurisdiction, by warrant or order under his hand, to require any constable to give him an account in writing of the number of officers and soldiers who shall be quartered by such constables, together with the names of the persons upon whom such officers and soldiers are billeted, stating the street or place where such persons dwell, and the sign, if any, belonging to the houses: Provided always, that no officer shall be compelled or compellable to pay anything for his lodging where he shall be duly billeted.

**64.** The officers and soldiers of Her Majesty's Foot Guards shall be billeted within the city and liberties of Westminster and places adjacent, lying in the county of Middlesex (except the city of London) and in the county of Surrey, and in the borough of Southwark, in the same manner and under the same regulations as in other parts of England, in all cases for which particular provision is not made by this Act; and the high constables shall, on receipt of the order for billeting soldiers, deliver precepts to the several constables within their respective divisions, in pursuance of which the said constables shall billet such officers and soldiers equally and proportionably on the houses subjected thereto by this Act; and the said constables shall, at every general sessions of the peace to

Billeting the guards in and near Westminster.

be holden for the said city and liberties, counties and borough respectively, make and deliver to the justices then in open session assembled, upon oath, which oath the said justices are hereby required to administer, lists, signed by them respectively, of the houses subject by this Act to receive officers and soldiers, together with the names and rank of all officers and soldiers billeted on each respectively, which lists shall remain with the respective clerks of the peace for the inspection of all persons without fee or reward; and such clerk shall forthwith from time to time deliver to any persons who shall require the same true copies of any such lists upon being paid twopence per sheet for the same, each sheet to contain at the least one hundred and fifty words.

**65.** No justice having or executing any military office or commission in any part of the United Kingdom shall, directly or indirectly, be concerned in the billeting or appointing quarters for any soldier in the regiment, corps, troop, or company under the immediate command of such justice, and all warrants, acts, and things made, done, and appointed by such justice for or concerning the same shall be void.

Military officers not to act as justices in billeting.

**66.** 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 thirteence halfpenny, 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, or division,

Allowance to innkeepers.

liberty, city, borough, or place where such quarters were situated, sitting in quarter or petty sessions, the Secretary of State for the War Department 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 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.

Interpretation  
of Act.

Powers and  
regulations as  
to billets.

**67.** 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 authorised 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, headboroughs, 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 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 licenses, 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

Exemptions  
from billets.

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.

**68.** For the regular provision of carriages for Her Majesty's forces, and their baggage, in their marches in Great Britain and Ireland, all justices of the peace within their several jurisdictions, being duly required thereunto by an order from Her Majesty, or the general of her forces, or other person duly authorised in that behalf, shall, on production to them of such order, or a copy thereof, certified by the commanding officer, by some officer or non-commissioned officer of the regiment or corps so ordered to march, issue a warrant to any constable having authority to act in any place from, through, near, or to which the troop shall be ordered to march, (for each of which warrants the fee of one shilling only shall be paid,) requiring him to provide the carriages, horses, and oxen, and drivers therein mentioned, and allowing sufficient time to do the same, specifying the places from and to which the said carriages shall travel, and the distance between the places, for which distance only so specified payment shall be demanded, and which distance shall not, except in cases of pressing emergency, exceed a day's march prescribed in the order of route, and shall in no cases exceed twenty-five miles; and the constables receiving such warrants shall order such persons as they shall think proper, having carriages, to furnish the requisite supply, who are hereby required to furnish the same accordingly; and when sufficient carriages cannot be procured within the proper jurisdiction, any justice of the next adjoining jurisdiction shall, by a like course of proceeding, supply the deficiency; and in order that the burden of providing carriages may fall equally, and to prevent inconvenience arising from there being no justice near the place where troops may be quartered on the march, any justice residing nearest to such place may cause a list to be made out once in every year of all persons liable to furnish such carriages, and of the number and description of their said carriages, (which list shall at all seasonable hours be open to the inspection of the said persons,) and may by warrant under his hand authorise the constable within his jurisdiction to give orders to provide carriages, without any special warrant for that purpose, which orders shall be valid in all respects; and all orders for such carriages shall be made from such lists in regular rotation, as far as the same can be done.

**69.** In every case in which the whole distance for which any carriage shall be impressed shall be under one mile the rate of a full mile shall be paid; and the rates to be paid for carriages impressed shall be, in Great Britain, for every mile which a waggon with four or more horses, or a wain with six oxen or four oxen and two horses, shall travel, one shilling; and for every mile any waggon with narrow wheels, or any cart with four horses, carrying not less than fifteen hundredweight, shall travel, ninepence; and for every mile any other cart or carriage with less than four horses, and not carrying fifteen hundredweight, shall travel, sixpence; and in Ireland, for every hundredweight loaded on any wheel carriage, one halfpenny per mile; and in Great Britain such further rates may be added, not exceeding a total addition per mile of fourpence, three-

Supply of  
carriages.

Rates to be  
paid for car-  
riages, and re-  
gulations re-  
lating thereto.

pence, or twopence, to the respective rates of one shilling, ninepence, or sixpence, as may seem reasonable to the justices assembled at general sessions for their respective districts, or to the recorder at the sessions of the peace of any municipal city, borough, or town; and the order of such justices or recorder shall specify the average price of hay and oats at the nearest market town at the time of fixing such additional rates, the period for which the order shall be enforced not exceeding ten days beyond the next general sessions; and no such order shall be valid unless a copy thereof, signed by the presiding magistrate and one other justice, or by the recorder, shall be transmitted to the Secretary of State for the War Department within three days after the making thereof; and also in Great Britain when the day's march shall exceed fifteen miles the justice granting his warrant may fix a further reasonable compensation, not exceeding the usual rate of hire fixed by this Act; and when any additional rates or compensation shall be granted, the justice shall insert in his own hand in the warrant the amount thereof, and the date of the order of sessions, if fixed by sessions, and the warrant shall be given to the officer commanding as his voucher; and the officer or non-commissioned officer demanding carriages by virtue of the warrant of a justice shall, in Great Britain, pay the proper sums into the hands of the constables providing carriages, who shall give receipts for the same on unstamped paper; and in Ireland the officers or non-commissioned officers as aforesaid shall pay the proper sums to the owners or drivers of the carriages, and one-third part of such payment shall be made before the carriage be loaded, and all the said payments in Ireland shall be made, if required, in the presence of a justice or constable; and no carriage shall be liable to carry more than thirty hundredweight in Great Britain, and in Ireland no car shall be liable to carry more than six hundredweight, and no dray more than twelve hundredweight; but the owner of such carriages in Ireland consenting to carry a greater weight shall be paid at the same rate for every hundredweight of the said excess; and the owners of such carriages in Ireland shall not be compelled to proceed, though with any less weight, under the sum of threepence a mile for each car and sixpence a mile for each dray; and the loading of such carriages in Ireland shall be first weighed, if required, at the expense of the owner of the carriage, if the same can be done in a reasonable time, without hindrance to Her Majesty's service; provided that a cart with one or more horses for which the furnisher shall receive ninepence a mile shall be required to carry fifteen hundredweight at the least; and no penalties or forfeitures in any Act relating to highways or turnpike roads in the United Kingdom shall apply to the number of horses and oxen, or weight of loading of the aforesaid carriages, which shall not on that account be stopped or detained; and whenever it shall be necessary to impress carriages for the march of soldiers from Dublin, at least twenty-four hours notice of such march, and in case of emergency as long notice as the case will admit, shall be given to the Lord Mayor of Dublin, who shall summon a proportional number of cars and drays, at his discretion out of the licensed cars and drays and other cars and drays within the county of the said city, and they shall by turns be employed on this duty at the prices and



under the regulations herein-before mentioned ; and no country cars, drays, or other carriages coming to markets in Ireland shall be detained or employed against the will of the owners in carrying the baggage of the army on any pretence whatsoever.

**70.** It shall be lawful for Her Majesty, or for the Lord Lieutenant or Chief Governor of Ireland, by her or their order, distinctly stating that a case of emergency doth exist, signified by the Secretary of State for the War Department, or, if in Ireland, by the Chief Secretary or Under Secretary, or the first clerk in the Military Department, to authorise any general or field officer commanding Her Majesty's forces in any district or place, or the chief acting agent for the supply of stores and provisions, by writing under his hand reciting such order of Her Majesty or Lord Lieutenant or Chief Governor aforesaid, to require all justices within their several jurisdictions in Great Britain and Ireland to issue their warrants for the provision, not only of waggons, wains, carts, and cars kept by or belonging to any person and for any use whatsoever, but also of saddle horses, coaches, postchaises, chaises, and other four-wheeled carriages kept for hire, and [of all horses kept to draw carriages licensed to carry passengers, and also of boats, barges, and other vessels used for the transport of any commodities whatsoever upon any canal or navigable river, as shall be mentioned in the said warrants, therein specifying the place and distance to which such carriages or vessels shall go ; and on the production of such requisition, or a copy thereof certified by the commanding officer, to such justice, by any officer of the corps ordered to be conveyed, or by any officer of the War Department, such justice shall take all the same proceedings in regard to such additional supply so required on such emergency as he is by this Act required to take for the ordinary provision of carriages ; and all provisions whatsoever of this Act as regards the procuring of the ordinary supply of carriages, and the duties of officers and non-commissioned officers, justices, constables, and owners of carriages in that behalf, shall be to all intents and purposes applicable for the providing and payment, according to the rates of posting or of hire usually paid for such other description of carriages or vessels so required on emergency, according to the length of the journey or voyage in each case, but making no allowance for post horse duty, or turnpike, canal, river, or lock tolls, which duty or tolls are hereby declared not to be demandable for such carriages and vessels while employed in such service or returning therefrom ; and it shall be lawful to convey thereon, not only the baggage, provisions, and military stores of such regiment, corps, or detachment, but also the officers, soldiers, servants, women, children, and other persons of and belonging to the same.

**71.** 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 moneys 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

As to supply of carriages in cases of emergency, &c.

Justices empowered to reimburse constables for sums expended by them.

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 authorised 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.

Routes in Ire-  
land.

**72.** It shall be lawful for the Lord Lieutenant or other chief governor for the time being of Ireland to depute, by warrant under his hand and seal, some proper person to sign routes in cases of emergency, for the marching of any of Her Majesty's forces in Ireland, in the name of such Lord Lieutenant or chief governor.

Tolls.

**73.** All Her Majesty's officers and soldiers, on duty or on their march, and their horses and baggage, and all recruits marching by route, and all prisoners under military escort, and all enrolled pensioners in uniform when called out for training or in aid of the civil power, 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 conveying any such persons as aforesaid, or their baggage, or stores, or returning from conveying the same, shall be exempted from 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 Act or ordinance, order, or direction of any colonial legislature or other authority in any of Her Majesty's colonies; 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-before enacted.

Ferries.

**74.** When any soldiers on service have occasion in their march by route to pass regular ferries in Scotland, the officer commanding may at his option pass over with his soldiers as passengers, and shall pay for himself and each soldier one half only of the ordinary rate payable by single persons, or may hire the ferry boat for himself and his party, debarring others for that time, and shall in all such cases pay only half the ordinary rate for such boat.

Marching  
money on  
discharge.

**75.** Every soldier enlisted in Great Britain or Ireland shall, when entitled to his discharge, if then serving abroad, be sent home, if he shall so require, free of expense, and shall be entitled to receive marching money from the place of his being landed (or if discharged at home shall receive marching money from the place of his discharge,) to the parish or place in which he shall have been originally enlisted, or at which he shall at the time of his discharge decide to take up his residence (if the cost of conveyance to such place shall not exceed the cost of conveyance to the place of his original enlistment): Provided that nothing in this section shall apply to soldiers appointed sergeant instructors, or attached for completion of service, to the reserve forces.

Ordinary  
course of cri-  
minal justice

**76.** Nothing in this Act contained shall be construed to extend to exempt any officer or soldier from being proceeded against by the ordinary course of law, when accused of felony, or of misdemeanor,

or of any crime or offence other than the misdemeanors and offences herein-before mentioned; and if any commanding officer shall neglect or refuse, on application being made to him for that purpose, to deliver over to the civil magistrate any officer or soldier under his command, or shall wilfully obstruct, neglect, or refuse to assist the officers of justice in apprehending any officer or soldier under his command, so accused as aforesaid, such commanding officer shall, upon conviction thereof in any of Her Majesty's superior courts at Westminster, Dublin, or Edinburgh, or in any court of record in India, be deemed to be thereupon cashiered, and shall be thenceforth utterly disabled to have or hold any civil or military office or employment in the United Kingdom of Great Britain and Ireland or in Her Majesty's service; and a certificate of such conviction, containing the substance and effect of the indictment only, omitting the formal part, with the copy of the entry of the judgment of the court thereon, shall be transmitted to the judge advocate general in London.

not to be inter-  
fered with.  
Punishment of  
officers ob-  
structing civil  
justice.

**77.** For enforcing a prompt observance of the rules and orders for the due appropriation of the public funds applicable to army services, and in order that a true and regular account may be kept and rendered by the agents for the several corps, the said agents are hereby required to observe such orders as shall from time to time be given by Her Majesty under Her Sign Manual, or by the Secretary of State for the War Department, or by Her Majesty's Lord Lieutenant or Chief Governor of Ireland, or by the Lord Treasurer or the Commissioners of Her Majesty's Treasury; and if any person, being or having been an agent, shall refuse or neglect to comply with such orders in relation to his duty as agent, or shall unlawfully withhold or detain the pay of any officer or soldier for a longer period than the space of one month after the receipt thereof, he shall for the first offence forfeit the sum of one hundred pounds, and, if still an agent, for the second offence be discharged from his employment as an army agent, and be utterly disabled to have or hold such employment thereafter, or, if he have ceased to be an army agent, shall for the second and every succeeding offence forfeit the sum of two hundred pounds.

Penalty for  
disobedience  
by agents.

**78.** Any person (except the Army Purchase Commissioners and persons acting under their authority by virtue of the provisions of the Regulation of the Forces Act, 1871) who shall negotiate, act as agent for, or otherwise aid or connive at the sale or purchase of any commission in Her Majesty's army shall forfeit for every such offence the sum of one hundred pounds; and any person who shall negotiate, act as agent for, or otherwise aid or connive at any exchange in respect of which any sum of money or other consideration exceeding the sum or consideration sanctioned by the military authorities shall be given or received shall forfeit for every such offence the sum of one hundred pounds.

Penalty on  
trafficking in  
commissions.

**79.** Every person, not having any military commission, who shall give or procure to be given any untrue certificate, whereby to excuse any soldier for his absence from any muster or any other service which he ought to attend or perform, or who shall directly or indirectly cause to be taken any money or gratuity for mustering any soldiers, or for signing any muster rolls or duplicates thereof,

Penalty for  
procuring false  
musters.

shall forfeit for every such offence the sum of fifty pounds; and any person who shall falsely be mustered, or offer himself to be mustered, or lend or furnish any horse to be falsely mustered, shall, upon conviction before some justice of the peace residing near the place where such muster shall be made, forfeit for every such offence the sum of twenty pounds; and the informer, if he belongs to Her Majesty's service, shall, if he demand it, be forthwith discharged.

Penalty on unlawful recruiting.

**80.** Every person (except such person or persons as shall be authorised by beating order under the hand of the Secretary of State for the War Department) who shall cause to be advertised, posted, or dispersed bills for the purpose of procuring recruits or substitutes for the line, embodied militia, or Her Majesty's Indian forces, or shall open or keep any house, place of rendezvous, or office, or receive any person therein under such bill or advertisement, as connected with the recruiting service, or shall directly or indirectly interfere therewith, without permission in writing from the adjutant general, or from the Secretary of State in Council of India, (as the case may be,) shall forfeit for every such offence a sum not exceeding twenty pounds.

Penalty for inducing soldiers to desert.

**81.** Any person who shall in any part of Her Majesty's dominions, or by any means whatsoever, directly or indirectly, procure any soldier to desert, or attempt to procure or persuade any soldier to desert, and any person who, knowing that any soldier is about to desert, shall aid or assist him in deserting, or, knowing any soldier to be a deserter, shall conceal such deserter, or aid or assist such deserter in concealing himself, or aid or assist in his rescue, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof before any two justices acting for the county, district, city, burgh, or place where any such offender shall at any time happen to be, be liable to be committed to the common gaol or house of correction, there to be imprisoned, with or without hard labour, for such term not exceeding six calendar months as the convicting justices shall think fit.

Penalty for forcible entry in pursuit of deserters without warrant.

**82.** Any officer or soldier who shall, in pursuit of any deserter, forcibly enter into or break open any dwelling-house or outhouse, or shall give any order under which any dwelling-house or outhouse shall be forcibly entered into or broken open, without a warrant from one or more justices of the peace, shall, on conviction thereof before two justices of the peace, forfeit a sum not exceeding twenty pounds.

Penalties on aiding escape or attempt to escape of prisoners, and on breach of prison regulations.

**83.** If any person shall convey or cause to be conveyed into any military prison appointed to be a public prison under this Act any arms, tools, or instruments, or any mask or other disguise, in order to facilitate the escape of any prisoner, or shall by any means whatever aid and assist any prisoner to escape or in attempting to escape from such prison, whether an escape be actually made or not, such person shall be deemed guilty of felony, and upon being convicted thereof shall be kept to penal servitude for any term not less than five years and not exceeding seven years, or be imprisoned, with or without hard labour, for any term not exceeding two years; and if any person shall bring or attempt to bring into such prison, in contravention of the existing rules thereof, any spirituous or fermented liquor, he shall for every such offence be liable to a penalty not

exceeding twenty pounds and not less than ten pounds, or to be imprisoned, with or without hard labour, for any time not exceeding three calendar months; and if any person shall bring into such prison, to or for any prisoner, without the knowledge of the governor, any money, clothing, provisions, tobacco, letters, papers, or any other articles not allowed by the rules of the prison to be in the possession of a prisoner, or shall throw into the said prison any such articles, or shall by desire of any prisoner, without the sanction of the governor, carry out of the prison any of the articles aforesaid, he shall for every such offence be liable to a penalty not exceeding five pounds, or to be imprisoned, either with or without hard labour, for any time not exceeding one calendar month; and if any person shall assault or violently resist any officer of such prison in the execution of his duty, or shall aid or excite any person so to assault or resist any such officer, he shall for every such offence be liable to a penalty not exceeding five pounds, or to be imprisoned, with or without hard labour, for any time not exceeding one calendar month, or, if the offender be a soldier already under sentence of imprisonment, he shall be liable for every such offence, upon conviction thereof by a board of not less than three of the visitors of the prison, to be imprisoned, either with or without hard labour, for any time not exceeding six calendar months, in addition to his original sentence, or to be subjected to corporal punishment not exceeding fifty lashes, or upon conviction thereof by a single visitor to be imprisoned, with or without hard labour, for any time not exceeding seventy-two hours, in addition to his original sentence, or to be subjected to corporal punishment not exceeding twenty-five lashes; or if such soldier shall, within forty-eight hours of the expiration of his original or of any additional sentence, be guilty of any offence against the rules of the prison, he may for every such offence, on conviction thereof by a board or by a single visitor, be ordered to be kept in prison for a period not exceeding seventy-two hours either in a dark cell or in a light cell, and with or without hard labour, on a bread and water diet, or otherwise; and all the provisions of any Act or Acts of Parliament for the regulation or better ordering of gaols, houses of correction, or prisons in Great Britain shall be deemed to apply to all military prisons so far as any such provision relates to such offences; and it shall be lawful for the governor, provost marshal, officer, or servant of any military prison to use and exercise all the powers and authorities given by any such Act to the gaoler, keeper, or turnkey of any prison, or to his or their assistants, to apprehend or to cause offenders to be apprehended, in order to their being taken before a justice or justices of the peace; and all the powers and authorities given by any such Act to any justice or justices of the peace to convict offenders in any of the above cases, together with the forms of convictions contained in any such Act, shall be applicable to the like offences when committed in respect of military prisons; and all the provisions contained in any such Act relating to suits and actions prosecuted against any person for anything done in pursuance of such Act shall be deemed to apply to all suits and actions prosecuted against any person acting in pursuance of such Act in respect of military prisons.

Certain provisions of Acts for regulating gaols to apply to military prisons.

Penalty on keepers of prisons for refusing to confine, &c. military offenders.

**84.** Any governor, provost marshal, gaoler, or keeper of any public prison, gaol, house of correction, lock-up house, or other place of confinement, who shall refuse to receive and to confine, or to discharge or deliver over any military offender in the manner herein-before prescribed, shall forfeit for every such offence the sum of one hundred pounds.

Penalty on purchasing soldiers necessaries, stores, &c.

**85.** 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 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 dominions beyond the seas, 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.

**86.** If any constable or other person who by virtue of this Act shall be employed in billeting any officers or soldiers in any part of the United Kingdom shall presume to billet any such officer or soldier in any house not within the meaning of this Act, without the consent of the owner or occupier thereof; or shall neglect or refuse to billet any officer or soldier on duty, when thereunto required, in such manner as is by this Act directed, provided sufficient notice be given before the arrival of such troops; or shall receive, demand, or agree for any money or reward whatsoever, in order to excuse any person from receiving such officer or soldier; or shall quarter any of the wives, children, men or maid servants of any officers or soldiers, in any such houses, against the consent of the occupiers; or shall neglect or refuse to execute such warrants of the justices as shall be directed to him for providing carriages, horses or vessels, or shall demand more than the legal rates for the same; or if any person ordered by any constable in manner herein-before directed to provide carriages, horses, or vessels shall refuse or neglect to provide the same according to the orders of such constable, or shall do any act or thing by which the execution of any warrants for providing carriages, horses, or vessels shall be hindered; or if any constable shall neglect to deliver in to the justices at quarter sessions lists of officers and soldiers of the foot guards quartered according to the provisions of this Act, or shall wilfully cause to be delivered defective lists of the same; or if any person liable by this Act to have any officer or soldier quartered upon him shall refuse to receive and to afford proper accommodation or diet in the house in which such officer or soldier is quartered, and to furnish the several things directed to be furnished to officers and soldiers, or shall neglect or refuse to furnish good and sufficient stables, together with good and sufficient oats, hay, and straw, in Great Britain and Ireland for each horse, in such quantities and at such rates as herein-before provided; or if any innkeeper or victualler not having good and sufficient stables shall refuse to pay over to the person or persons who may provide stabling such allowance by way of compensation as shall be directed by any justice of the peace, or shall pay any sum or sums of money to any soldier on the march in lieu of furnishing in kind the diet and small beer to which such soldier is entitled; or if any toll collector shall demand and receive toll from any of Her Majesty's officers or soldiers on duty or on their march, for themselves or for their horses, or from any recruits marching by route, or from any prisoners under military escort, or from any enrolled pensioners in uniform when

Penalties on civil subjects offending against the laws relating to billets.

On toll collectors demanding toll from officers, soldiers, or for carriages;

called out for training or in aid of the civil power, or for any carriages or 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 conveying persons, or baggage, or stores, or returning therefrom, every such constable, victualler, toll-keeper, or other person respectively shall forfeit for every such offence, neglect, or refusal any sum not exceeding five pounds nor less than forty shillings; and if any person shall personate or represent himself to be a soldier or a recruit, with the view of fraudulently obtaining a billet or money in lieu thereof, he shall for every such offence forfeit any sum not exceeding five pounds nor less than twenty shillings.

and on persons  
personating  
soldiers, &c.

Penalties on  
the military  
offending  
against the  
laws relating  
to billets.

**87.** If any military officer shall take upon himself to quarter soldiers otherwise than is limited and allowed by this Act, or shall use or offer any menace or compulsion to or upon any mayor, constable, or other civil officer, tending to deter and discourage any of them from performing any part of their duty under this Act, or tending to induce any of them to do anything contrary to their said duty, such officer shall for every such offence (being thereof convicted before any two or more justices of the county by the oath of two credible witnesses) be deemed and taken to be thereupon cashiered, and shall be utterly disabled to hold any military employment in Her Majesty's service; provided that a certificate of such conviction shall be transmitted by one of the said justices to the Judge Advocate in London, who is hereby required to certify the same to the Commander-in-Chief and Secretary of State for the War Department, and that the said conviction be affirmed at some quarter sessions of the peace of the said county held next after the expiration of three months after such certificate of the justice shall have been transmitted as aforesaid; and if any military officer shall take, or knowingly suffer to be taken, from any person, any money or reward for excusing the quartering of officers or soldiers, or shall billet any of the wives, children, men or maid servants of any officer or soldier, in any house, against the consent of the occupier, he shall, upon being convicted thereof before a general court-martial, be cashiered; and if any officer shall constrain any carriage to travel beyond the distance specified in the justice's warrant, or shall not discharge the same in due time for their return home on the same day, if it be practicable, except in the case of emergency for which the justice shall have given license, or shall compel the driver of any carriage to take up any soldier or servant (except such as are sick) or any woman to ride therein, except in the cases of emergency as aforesaid, or shall force any constable, by threatening words, to provide saddle horses for himself or servants, or shall force horses from their owners, or in Ireland shall force the owner to take any loading until the same shall be first duly weighed, if the same can be done within reasonable time, or shall, contrary to the will of the owner or his servant, permit any person whatsoever to put any greater load upon any carriage than is directed by this Act, such officer shall forfeit for every offence any sum not exceeding five pounds nor less than forty shillings.

Penalty on  
killing game  
without leave.

**88.** For the better preservation of game and fish in or near places where any officers shall at any time be quartered, be it



enacted, that every officer who shall, without leave in writing from the person or persons entitled to grant such leave, take, kill, or destroy any game or fish in the United Kingdom of Great Britain and Ireland, shall for every such offence forfeit the sum of five pounds.

**89.** Any action which shall be brought against any person for anything to be done in pursuance of this Act shall be brought within six calendar months after the doing thereof, and it shall be lawful for every such person to plead thereunto the general issue Not Guilty, and to give all special matter in evidence to the jury; and if the verdict shall be for the defendant in any such action, or the plaintiff therein become nonsuited, or suffer any discontinuance thereof, or if in Scotland such court shall see fit to assoilzie the defendant or dismiss the complaint, the court in which the said matter shall be tried shall allow unto the defendant treble costs, for which the said defendant shall have the like remedy as in other cases where costs are by law given to defendants; and every action against any person for anything done in pursuance of this Act, or against any member or minister of a court-martial in respect of any sentence of such court, or of anything done by virtue or in pursuance of such sentence, shall be brought in some one of the courts of record at Westminster, or in Dublin, or in India, or in the Court of Session in Scotland, and in no other court whatsoever.

**90.** All offences for which any penalties and forfeitures are by this Act imposed not exceeding twenty pounds, over and above any forfeiture of value or treble value, shall and may be determined, and such penalties and forfeitures and forfeiture of value or treble value recovered, in every part of the United Kingdom, except Scotland, by and before one or more justice or justices of the peace, under the provisions of an Act passed in the eleventh and twelfth years of the reign of Her Majesty Queen Victoria, intituled "An Act to facilitate the performance of the duties of Justices of the Peace out of Sessions, within England and Wales, with respect to summary convictions and orders," and in Scotland by and before one or more justices of the peace under the provisions of the Summary Procedure Act, 1864: 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 for any time not exceeding six calendar months; which last recited Act but one shall be used and applied, in Ireland, for the recovery of all such penalties and forfeitures, as fully to all intents as if the said recited Act had extended to Ireland, anything in the said recited Act, or in an Act passed in the fourteenth and fifteenth years of the reign of Her Majesty Queen Victoria, intituled "An Act to consolidate and amend the Acts regulating the proceedings at Petty Sessions, and the duties of Justices of the Peace out of Quarter Sessions, in Ireland," to the contrary notwithstanding; and all such offences committed in the British Isles or in any of Her Majesty's dominions beyond the seas may be determined, and the penalties and forfeitures and forfeiture of value or treble value recovered, before any justices of the peace or persons exercising like authority according to the laws of the part of Her Majesty's dominions in which the offence shall be committed; and all penalties

Form of actions at law.

Recovery of penalties.

11 & 12 Vict. c. 43.

14 & 15 Vict. c. 93.

and forfeitures by this Act imposed exceeding twenty pounds shall be recovered by action in some of the courts of record at Westminster or in Dublin, or in India, or in the Court of Session in Scotland, and in no other court in the United Kingdom, and may be recovered in the British Isles, or in any other parts of Her Majesty's dominions, in any of the royal or superior courts of such isles or other parts of Her Majesty's dominions. In any proceeding under this Act whereby any person incurs a penalty or forfeiture, such person may also be adjudged to pay the costs of such proceeding by the justice or justices, or the court imposing such penalty or forfeiture.

Appropriation  
of penalties.

**91.** One moiety of every penalty, not including any treble value of any articles, adjudged or recovered under the provisions of this Act, shall go to the person who shall inform or sue for the same, and the remainder of the penalty, together with the treble value of any articles, or, where the offence shall be proved by the person who shall inform, the whole of the penalty, shall be paid, in the United Kingdom, to the paymaster of the London recruiting district, St. George's Barracks, London, and in India, to the military secretary of the government of the presidency to which the court by whom the penalty shall be adjudicated shall be subject, and elsewhere in Her Majesty's dominions to the local military accountant, to be at the disposal of the Secretary of State for the War Department, (unless where the penalty is adjudged in India, when it shall be at the disposal of the Government of India,) anything in an Act 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 in any other Act or Acts, to the contrary notwithstanding. Every justice or court adjudging any penalty under this Act shall report the same immediately, if in the United Kingdom, to the said Secretary of State, if in India to the said military secretary, and if elsewhere in Her Majesty's dominions to the general or other officer commanding at the station.

5 & 6 W. 4.  
c. 76.

Mode of recording a  
soldier's settlement.

**92.** The Secretary of State for the War Department may, if he think proper, cause any soldier on his discharge, and his wife or child, if occasion require, either with or without him, to be sent to the parish in which on his attestation as a recruit he stated that he was born, and if delivered at the workhouse of that parish, or of the union comprising such parish, he shall then be received therein by the master or other proper officer thereof; but any justice in the United Kingdom within whose jurisdiction any soldier in Her Majesty's army, or on the permanent staff of the militia, having a wife or child, shall be billeted, may summon such soldier before him in the place where he is billeted, (which summons he is hereby directed to obey,) and take his examination in writing, upon oath, touching the place of his last legal settlement, and such justice shall give an attested copy of such examination to the person examined, to be by him delivered to his commanding officer, to be produced when required; which said examination and such attested copy thereof shall be at any time admitted as good and legal evidence of such last legal settlement before any justices or at any general or quarter sessions, although such soldier be dead or absent from the kingdom; provided that in case any soldier shall be again

summoned to make oath as aforesaid, then, on such examination or such attested copy thereof being produced by him or by any other person on his behalf, such soldier shall not be obliged to take any other oath with regard to his legal settlement, but shall leave a copy of such examination, or a copy of such attested copy of examination, if required.

**93.** When any person shall hold any canteen under proper authority of the War Department, it shall be lawful for any two justices within their respective jurisdictions to grant or transfer any beer, wine, or spirit license to such persons, without regard to time of year or to the notices or certificates required by any Act in respect of such licenses; and the Commissioners of Excise, or their proper officers within their respective districts, shall also grant such licenses as aforesaid; and such persons so holding canteens, and having such licenses, may sell therein victuals and exciseable liquors, as empowered by such excise license, without being subject to any penalty or forfeiture. Licenses of canteens.

**94.** 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.

**95.** All commissaries, regimental paymasters, and all other accountants for military services, upon making up their accounts, and all commissaries upon returning from any foreign service, shall severally make such respective declarations as shall be prescribed and set forth in the War Office Regulations for the time being in force, which are issued under the authority of the Secretary of State for the War Department; which declarations, if made in any part of the United Kingdom, shall be made before some justice, or other person authorised 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 or any assistant quartermaster general of the army, who shall respectively have power to administer and receive the same. Commissaries, &c. to attest their accounts.

**96.** All oaths and declarations which are authorised 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 authorised 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, district, or garrison court-martial shall be punished at the discretion of such court. In India, in all cases where any oath is hereby required to be taken, or any person is hereby required to be sworn, a solemn declaration or affirmation may be substituted, if by the laws for the time being in force in India such declaration or Administration of oaths.

Perjury

affirmation would be allowed to be substituted in the place of an oath, in case the party were about to depose as a witness in a civil action in any of the supreme courts at the presidencies; and any person wilfully and knowingly giving false testimony on oath or solemn declaration or affirmation in any case wherein such oath or solemn declaration or affirmation shall have been made for the purpose of this Act, or any proceedings under this Act, shall be deemed guilty of wilful and corrupt perjury; and, being duly convicted thereof before a court-martial or otherwise, shall be liable to such pains and penalties as by any law in force in England, or by any law in force in India, any persons convicted of wilful and corrupt perjury are subject and liable to.

Provided always, that nothing in this Act contained shall be construed to render an oath necessary in any case where by law a solemn affirmation may be made instead thereof.

Offences  
against former  
Mutiny Acts  
and Articles  
of War.

**97.** All crimes and offences which have been committed against any former Act for punishing mutiny and desertion, and for the better payment of the army and their quarters, or against any Act for punishing mutiny and desertion of officers and soldiers in the service of the East India Company, or against any of the Articles of War made and established by virtue of either of the same, may, during the continuance of this Act, be tried and punished in like manner as if they had been committed against this Act; and every warrant for holding any court-martial under any such former Act shall remain in full force, and all proceedings of courts-martial convened and held under any such warrant shall be continued, notwithstanding the expiration of such Act: Provided always, that no person shall be liable to be tried or punished for any offence against any of the said Acts or Articles of War which shall appear to have been committed more than three years before the date of the warrant for such trial, unless the person accused, by reason of his having absented himself, or of some other manifest impediment, shall not have been amenable to justice within that period, in which case such person shall be liable to be tried at any time not exceeding two years after the impediment shall have ceased.

Officers and  
soldiers to  
conform to  
26 & 27 Vict.  
c. 57., &c.

**98.** It shall be the duty of all officers and soldiers to observe and conform to the provisions contained in "The Regimental Debts Act, 1863," and in the regulations for the better execution of the purposes of the said Act prescribed from time to time by warrant under the Royal Sign Manual: Provided that nothing contained in the said Act or Regulations shall be deemed to subject a deserter to forfeiture in respect of any articles of his clothing or necessaries which upon his rejoining the service may remain unsold and be available for his military purposes.

Where troops  
are serving  
beyond the  
jurisdiction of  
the courts of  
requests, &c.  
actions of  
debt not  
exceeding 400  
rupees to be

**99.** In all places in India where any body of Her Majesty's forces may be serving situate beyond the jurisdiction of any court of small causes established by or under the authority of the Governor General of India in Council, actions of debt and all personal actions against officers or against persons licensed to act as sutlers, or other persons amenable to the provisions of this Act not being soldiers, shall be cognizable before a court of requests composed of military officers, and not elsewhere, provided

the value in question shall not exceed four hundred rupees, and that the defendant was a person of the above description when the cause of action arose, which court the commanding officer of any camp, garrison, cantonment, or military post is hereby authorised and empowered to convene. Whenever owing to paucity of officers, or to any other cause, a court of requests cannot conveniently be held at the station where the defendant or defendants may be, it shall be lawful for the officer commanding the division or district to authorise the assembly of a court by the officer commanding at the nearest place where such court can be formed. Courts of requests shall in all practicable cases consist of five commissioned officers, and in no instance of less than three, and the president thereof shall in all practicable cases be a field officer, and in no case be under the rank of a captain, and every member shall have served five years as a commissioned officer; and the president and members assisting at any such court, before any proceedings be had before it, shall take the following oath, which oath shall be administered by the president of the court to the other members thereof, and to the president by any member having first taken the oath; (that is to say)

‘ I swear, that I will duly administer justice according to the evidence in the matters that shall be brought before me. So help me GOD.’

And all witnesses before any such court shall be examined in the same manner as in the case of a trial by courts-martial. All actions of debt and personal actions against persons, not being soldiers, amenable to this Act within the jurisdiction of any court of small causes shall be cognizable by such court to the extent of its powers; and all such actions where the amount sued for exceeds four hundred rupees shall be cognizable by a civil court or court of small causes only; and it shall be competent for any civil court or court of small causes, or for any military court of requests held in lieu thereof under the authority of this section, upon finding or awarding any debt or damage, either to award execution thereof generally, or to direct specially that the whole or any part thereof shall be stopped and paid over to the plaintiff out of any part not exceeding one half of any pay or allowance, or out of any other public money which may respectively be coming to the defendant in the current or any future month or months, or to direct the same to be so paid by instalments. In regard to awards of execution general civil courts and courts of small causes shall proceed in accordance with the rules of procedure for such courts in India; and in all cases where execution shall be awarded generally by a military court of requests, the debt, if not paid forthwith, shall be levied by seizure and public sale of such of the defendant's goods and property as may be found within the camp, garrison, cantonment, or military post, under a written order of the commanding officer, grounded on the judgment of the court, and all orders of such commanding officer as to the manner of such sale, or the person by whom the same shall be made, or otherwise respecting the same, shall be valid and binding; and any goods and property of the defendant found within the limits of the camp, garrison, cantonment, or military post to which the defendant shall belong at any subsequent time shall be

cognizable by a military court.

liable to be seized and sold in like manner in satisfaction of any remainder of such debt or damages; and if any question shall arise whether any such effects or property are liable to be taken in execution as aforesaid, the decision and order of the said commanding officer shall be final and conclusive with respect to the same, and if sufficient goods shall not be found within the limits of the camp, garrison, cantonment, or military post, then any public money or any part not exceeding one half of the pay or allowances accruing to the defendant shall be stopped in liquidation of such debt or damages; and if such defendant shall not receive pay as an officer or from any public department, but be a sutler, servant, or follower, he may be arrested by like order of the commanding officer, and imprisoned in some convenient place within the military boundaries for any period not exceeding two months, unless the debt be sooner paid; and the said commanding officer shall not, nor shall any person acting on his orders in respect of the matters aforesaid, incur any liability to any person or persons whomsoever for any act done by him in pursuance of the provisions aforesaid; and in cases where the said court shall direct specially that the whole or any part of the debt or damages shall be stopped and paid out of part of any pay and allowances, or out of any public money, the same shall be stopped and paid accordingly in conformity with direction: Provided always, that nothing herein-before contained shall enable any such action as aforesaid to be brought in a military court of requests by any officer or soldier against any officer: Provided also, that the articles of military equipment of any defendant shall not be deemed "goods and property" under this section.

Provisions relating to courts-martial on officers and soldiers of Her Majesty's Indian forces.

**100.** The government of any of the presidencies in India may suspend the proceedings of any court-martial held in India on any officer or soldier belonging to Her Majesty's Indian forces within such presidencies respectively; and if any officer belonging to Her Majesty's Indian forces shall think himself wronged by the officer commanding the regiment, and shall upon due application made to him not receive the redress to which he may consider himself entitled, he may complain to his commander-in-chief in order to obtain justice, who is hereby required to examine into such complaint, and thereupon, either by himself or by his adjutant general, to make his report to the government of the presidency to which such officer belongs, in order to receive the further directions of such government.

As to trial of officers and soldiers serving in India.

**101.** Any officer or soldier, or other person subject to this Act, who shall be serving in the territories of any foreign state in India or in any country in India under the protection of Her Majesty, or at any place in Her Majesty's dominions in India (other than Prince of Wales Island, Singapore, or Malacca), at a distance of upwards of one hundred and twenty miles from the presidencies of Fort William, Fort Saint George, and Bombay respectively, and who shall be accused of having committed any offence which, if committed in England, would be punishable by the criminal law there, may, if the same be also punishable under the Indian penal code for the time being, be tried by a general court-martial to be appointed by the general or other officer commanding in chief in such place for the time being, and, if found guilty, shall be liable to be sentenced

by such court-martial to suffer such punishment as may legally be awarded by any of Her Majesty's courts of criminal jurisdiction within Her Majesty's dominions of India in respect of a like offence committed within the jurisdiction of such last-mentioned court; but no sentence of a general court-martial for any such offence shall be carried into execution until the same shall have been duly confirmed; and it shall be lawful for such general or other officer commanding in chief as aforesaid to confirm the sentence of any such general court-martial; and such general or other officer as aforesaid may, if he shall think fit, suspend, mitigate, or remit the sentence; or, in the case of a sentence of penal servitude, may commute the same to imprisonment, with or without hard labour, for such period as to him shall seem fit: Provided always, that in all cases wherein a sentence of death or penal servitude shall have been awarded by any such general court-martial held for the trial of a commissioned officer, or where a sentence of death shall have been awarded by any such general court-martial held for the trial of any person subject to this Act other than a commissioned officer, such sentence shall not be carried into execution until it shall have been duly approved by the Governor General in Council, or Governor in Council of the presidency in the territories subordinate to which the offender shall have been tried: Provided also, that any person who may have been so tried as aforesaid shall not be tried for the same offence by any other court whatsoever.

No court-martial shall, in respect of the conduct of its proceedings, or the reception or rejection of evidence, be subject to the provisions of the "Indian Evidence Act, 1872," or any Act of any legislature, other than the Parliament of the United Kingdom.

**102.** The words Commander-in-Chief in this Act shall be held to include the field marshal or other officer commanding in chief Her Majesty's forces for the time being. Interpretation.

**103.** The sixth section of the Army Enlistment Act, 1870, shall be amended as follows; that is to say, Amendment of  
Army Enlistment Act, 1870.

The Secretary of State may, from time to time, by any general or special regulation, permit recruits to be enlisted for particular regiments or corps, and in such case they shall be attached to such regiment or corps; and the word corps shall in this Act, and in the Army Enlistment Act, 1870, as to future enlistments, include a brigade constituted of two or more regiments associated by general order or royal warrant for the purposes of enlistment or service.

**104.** Her Majesty may, by order of one of her Principal Secretaries of State, and subject to such conditions as may be determined by him, attach to any corps of the army in the United Kingdom any regiment or regiments of militia, and the officers, non-commissioned officers, and men (including the permanent staff) of any such regiment or regiments so attached shall be deemed for all purposes to form part of the corps to which they are attached: Provided that no person belonging to the militia shall be required to serve for a longer period, or in any other country, than that during and in which he might have been required to serve, or shall be liable to any greater punishment than that to which he might have been subjected, if this Act had not passed. Militia may be  
attached to  
regular forces.

Yeomanry or volunteers may be attached to regular forces.

**105.** Her Majesty may, by order of one of her Principal Secretaries of State, and subject to such conditions as may be determined by him, attach to any corps of the army in the United Kingdom any corps of yeomanry or volunteers, and the officers, non-commissioned officers, and men (including the permanent staff) of any corps so attached shall be deemed for all purposes to form part of the corps of the army to which they are attached: Provided that no person belonging to the yeomanry or volunteers shall be required to serve in any other manner than that in which he might have been required to serve, or shall be liable to any greater punishment than that to which he might have been subjected, if this Act had not passed.

Liability of soldier to maintain wife and children.

**106.** Notwithstanding anything in this Act contained, a soldier shall be liable to contribute to the maintenance of his wife and of his children, and also to the maintenance of any bastard child of which he may be proved to be the father, to the same extent as if he were not a soldier, but execution shall not issue against his military necessaries or equipments, nor shall he be liable to be imprisoned or taken out of Her Majesty's service in consequence of such liability or any order made for enforcing the same; nor shall he be liable to be punished as an idle or disorderly person, or as a rogue and vagabond, or as an incorrigible rogue, under the Act passed in the fifth year of the reign of King George the Fourth, chapter eighty-three, intituled "An Act for the punishment of idle and disorderly persons and rogues and vagabonds in that part of Great Britain called England," or under any other Act of Parliament, for the offence of neglecting to maintain his family or any member thereof, or of leaving his family or any member thereof chargeable to any parish, township, or place, or combination of parishes, or to the common fund of any union, nor shall he in Ireland be liable to be convicted under the Act passed in the session of Parliament held in the tenth and eleventh years of the reign of Her present Majesty, intituled "An Act to make provision for the punishment of vagrants and persons offending against the laws in force for the relief of the destitute poor in Ireland," for the offence of deserting or wilfully neglecting to maintain his wife or any child whom he may be liable to maintain, so that such wife or child shall become destitute and be relieved in or out of the workhouse of any union in Ireland.

When any order is made under the Acts relating to the relief of the poor, or under the Bastardy Acts, on a soldier, or, in Scotland, decree is pronounced by a court of law, having jurisdiction, in an action of aliment or filiation and aliment against a soldier, for the maintenance of his wife or children, or for the maintenance of any such bastard child as aforesaid, or any of such persons, or where, in Ireland, any civil bill decree has been made for the cost of the maintenance of any illegitimate child against any soldier being the putative father of such child, under the provisions of the Act passed in the session of Parliament held in the twenty-sixth and twenty-seventh years of the reign of Her present Majesty, intituled "An Act to amend the law enabling Boards of Guardians to recover costs of maintenance of illegitimate children in certain cases in Ireland," or when any order or decree has been made on or



against any soldier for the recovery of the cost of any relief given to the wife or child of such soldier under the Acts relating to the relief of the poor in Ireland by way of loan, a copy of such order or decree shall be left at the War Office, and the Secretary of State may withhold a portion not exceeding sixpence of the daily pay of a non-commissioned officer who is not below the rank of sergeant, and not exceeding threepence of the daily pay of any other soldier, and allot the sum so withheld in liquidation of the sum adjudged to be paid by such order or decree.

Where a summons is issued against a soldier under the said Acts or any of them, or an action is raised against him at common law or under any Act of Parliament, for the purpose of enforcing against him any such liability as aforesaid, and such soldier is quartered out of the petty sessional division in which the summons is issued, or out of the jurisdiction of the court in which the action is raised, the summons shall be served on his commanding officer, and such service shall not be valid unless there be left therewith, or along with the service copy thereof, in the hands of the commanding officer, a sum of money to be adjudged as costs incurred in obtaining the order or decree (should an order be obtained or decree pronounced against the soldier) sufficient to enable him to attend the hearing of the case and return to his quarters; and no summons whatever under the said Acts or any of them, or at common law, shall be valid against a soldier if served after the time at which an order has been given for the embarkation for service out of the United Kingdom of the body of troops to which the soldier belongs.

**107.** Any man hereafter enrolled in the army reserve, or any man who now being enrolled therein shall so consent, shall be at all times during and in respect of such period of enrolment, subject to this Act to the extent and in the manner following, that is to say: For any wilful neglect or disobedience by him of an order or regulation made by the Secretary of State, under the provisions of any Act then in force for the government or regulation of the army reserve, he may be tried and punished by court-martial as if he were a soldier serving with a regiment, or, at the discretion of the military authorities, may be brought before a justice acting for the county, district, city, borough, or place where he may come or be, and by such justice may be sentenced to imprisonment with hard labour for a period not exceeding three months; proof of the delivery of a notice issued by the military authorities, at the then last registered place of abode of any man enrolled in the army reserve, or of the delivery of a letter addressed to him at such place, shall in all cases, in the absence of proof to the contrary, be deemed to be sufficient evidence, whether before a court-martial or before a justice, that such notice was brought to his knowledge. Any man hereafter enrolled in the army reserve, or any man who now being enrolled therein shall so consent, who shall without reasonable cause absent himself on two consecutive occasions when by the Acts governing such force or the regulations made or to be made by virtue thereof, he is duly ordered to be present at any place for the receipt of pay, shall be deemed a deserter: Provided that nothing contained in this section shall be deemed to affect any liability to which a man enrolled in the army reserve may be at the time subject under the

Trial of men  
in army reserve  
for breach of  
regulation.

When to be  
deemed de-  
serters.

provisions of any other section of this Act, or of any other Act for the time being in force, or of any orders or regulations made in pursuance thereof: Provided also, that nothing in the fifteenth section of the Army Enlistment Act, 1870, shall be deemed to affect the validity of any order of the Secretary of State for the enrolment, re-enrolment, or prolongation of the service, with their own consent, of men in the army reserve at any age, and the proviso of such section is hereby repealed. Section twenty-one of the Army Enlistment Act, 1870, is hereby repealed so far as the same repeals section eight of the Reserve Force Act, 1867.

Partial repeal of ss. 15 and 21 of Army Enlistment Act, 1870.

Militia deserters, trial of.

**108.** Nothing contained in the Militia Voluntary Enlistment Act, 1875, shall be deemed to render unlawful the trial by a justice or justices of a deserter or person deemed a deserter under the said Act, who shall be brought before such justice or justices by order of the Secretary of State, by reason of the regiment in which such person is enrolled, or any portion thereof, being embodied or assembled for training or preliminary drill, when he is brought before such justice or justices.

Militia reserve. Limitation of engagement.

**109.** Nothing contained in any Act now in force shall be deemed to prevent the Secretary of State making regulations whereby the service in the militia reserve of any militiaman shall be limited so as to terminate at the time his militia engagement would have terminated if such militiaman had not enlisted in the militia reserve.

Duration of this Act.

**110.** This Act shall be and continue in force within Great Britain from the twenty-fifth day of April one thousand eight hundred and seventy-seven inclusive until the twenty-fifth day of April one thousand eight hundred and seventy-eight; 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 seventy-seven inclusive until the first day of May one thousand eight hundred and seventy-eight; 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 seventy-seven inclusive until the first day of August one thousand eight hundred and seventy-eight; 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 seventy-seven inclusive until the first day of September one thousand eight hundred and seventy-eight; and shall be and continue in force in India, and 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 seventy-eight inclusive until the first day of January one thousand eight hundred and seventy-nine; 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 seventy-nine; and shall be and continue in force in all other places from the first day of February one thousand eight hundred and seventy-nine inclusive until the first day of February one thousand eight



W.O. Form 87.

DESCRIPTIVE RETURN of \_\_\_\_\_ who\* \_\_\_\_\_ at \_\_\_\_\_  
 on the \_\_\_\_\_ day of \_\_\_\_\_ and was committed to confine-  
 ment at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ as a deserter  
 from the \_\_\_\_\_ Bn. of the \_\_\_\_\_ Regiment of \_\_\_\_\_

\* After the word "who" to be inserted either the words "was apprehended," or "surrendered himself," as the case may be.

Age - - - - -	
Height - - - - -	Feet.      Inches.
Complexion - - - - -	
Hair - - - - -	
Eyes - - - - -	
Marks - - - - -	
In uniform or plain clothes - -	
Probable date of enlistment, and where*	
Probable date of desertion, and from what place.	
Name, occupation, and address of the person by whom or through whose means the deserter was apprehended and secured. †	
Particulars in the evidence on which the prisoner is committed, and showing whether he surrendered or was apprehended, and in what manner, and upon what grounds. The fullest possible details to be given.	

\* It should, if it can be ascertained, be here inserted, in case of a recruit, whether he received pay other than enlisting money, or enlisting money only.

† It is important for the public service, and for the interest of the deserter, that this part of the return should be accurately filled up, and the details should be inserted by the magistrate in his own handwriting, or, under his direction, by his clerk.

I do hereby certify, that the prisoner has been duly examined before me as to the circumstances herein stated, and has declared in my presence that he] a deserter from the before-mentioned corps, and I recommend § for a reward of s.

\_\_\_\_\_ Signature } of committing  
 \_\_\_\_\_ Residence } Magistrate.  
 \_\_\_\_\_ Post Town }  
 \_\_\_\_\_ Signature of prisoner.  
 \_\_\_\_\_ Signature of informant.

‡ Insert is or is not, as the case may be.

§ It is requested that the magistrate will insert the name of the person to whom the reward is due, and the amount [5s., 10s., 15s., or 20s.] which, in his opinion, should be granted in this particular case.

## CHAPTER 8.

An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore. [24th April 1877.]

**W**HEREAS it is judged necessary for the safety of the United Kingdom, and the defence of the possessions of this realm, that a body of Royal Marine forces should be employed in Her Majesty's fleet and naval service, under the direction of the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral aforesaid :

And whereas the said forces may frequently be quartered or be on shore, or sent to do duty or be on board transport ships or merchant ships or vessels, or ships or vessels of Her Majesty, or other ships or vessels, or they may be under other circumstances in which they will not be subject to the laws relating to the government of Her Majesty's forces by sea :

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 the judgment of his peers, and according to the known and established laws of this realm ; yet nevertheless it being requisite for the retaining of such forces in their duty that an exact discipline be observed, and that marines who shall mutiny or stir up sedition, or shall desert Her Majesty's service, or be guilty of any other crime or offence in breach of or to the prejudice of good order and 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 :

1. 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 make, ordain, alter, and establish rules and Articles of War, under the hand of the said Lord High Admiral, or under the hands of any two or more of the said Commissioners, for the better government of Her Majesty's Royal Marine forces, and for the punishment of mutiny, desertion, immorality, breach of discipline, misbehaviour, neglect of duty, and any other offence or misconduct of which they shall be guilty, in any place on shore or afloat in or out of Her Majesty's dominions, or at any time when or under any circumstances in which they shall not be amenable to the laws for the government of Her Majesty's ships, vessels, and forces by sea, and for regulating the proceedings of courts-martial, which rules and articles shall be judicially taken notice of by all judges and in all courts whatsoever ; and copies of the same shall, as soon as conveniently may be after the same shall have been made, be transmitted by the Secretary of the Admiralty for the time being (certified under his hand) to the judges of Her Majesty's superior courts at Westminster, Dublin, and Edinburgh respectively, and also to the governors of Her Majesty's dominions abroad ; provided that no person within the United Kingdom of Great Britain

Power to Lord High Admiral, &c. to make Articles for the punishment of mutiny, desertion, &c.

and Ireland or within the British Isles shall by such Articles of War be subject to suffer any punishment extending to life or limb, or to be kept in penal servitude except for crimes which are by this Act expressly made liable to such punishment as aforesaid, or shall be subject, with reference to any crimes made punishable by this Act, to be punished in any manner which may be inconsistent with the provisions of this Act.

As to offences against former Mutiny Acts and Articles of War.

2. All crimes and offences committed against any former Act made for the regulation of the Royal Marine forces while on shore or against any of the rules, regulations, or Articles of War made and established by virtue of the same, may, during the continuance of this Act, be tried, inquired of, and punished in like manner as if they had been committed against this Act; and every warrant for holding any court-martial under any former Act shall remain in full force notwithstanding the expiration of such Act; and all proceedings of any court-martial upon any trial begun under the authority of such former Act shall not be discontinued by the expiration of the same: Provided always, that no person shall be liable to be tried and punished for any offence against any of the said Acts or Articles of War which shall appear to have been committed more than three years before the date of the commission or warrant for such trial, unless the person accused, by reason of his having absented himself, or of some other manifest impediment, shall not have been amenable to justice within that period, in which case such person shall be liable to be tried at any time not exceeding two years after the impediment shall have ceased; and provided also, that if any officer or marine in any place beyond the seas shall commit any of the offences punishable by court-martial under this Act, and shall escape and come or be brought into this realm before he be tried for the same, he shall, when apprehended, be tried for the same as if such offence had been committed within this realm.

Limitation as to time.

Provisions of this Act to extend to Jersey, &c.

3. This Act shall extend to the islands of Jersey, Guernsey, Alderney, Sark, and Man, and the islands thereto belonging, as to the provisions herein contained for enlisting of recruits, whether minors or of full age, and swearing and attesting such recruits, and for mustering and paying, and to the provisions for trial and punishment of officers and marines who shall be charged with mutiny and desertion or any other of the offences which are by this Act declared to be punishable by the sentence of a court-martial, and also to the provisions which relate to the punishment of persons who shall conceal deserters, or shall knowingly buy, exchange, or otherwise receive any arms, medals for good conduct or for distinguished or other service, clothes, military furniture, or regimental necessaries from any marine or deserter, or who shall cause the colour of any such clothes to be changed; and also to the provisions for exempting marines from being taken out of Her Majesty's service for not supporting or for leaving chargeable to any parish any wife or child or children, or on account of any breach of contract to serve or work for any employer, or on account of any debts under thirty pounds in the said islands.

Application of Act and Articles of War.

4. All the provisions of the Act, and any Articles of War made in pursuance 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 marine.

5. Nothing in this Act contained shall be construed to extend to exempt any officer or marine from being proceeded against by the ordinary course of law when accused of felony or misdemeanor, or of any misdemeanor other than the misdemeanor of refusing to comply with an order of justices for the payment of money; and any commanding officer who shall neglect or refuse, when due application shall be made to him for that purpose, to deliver over to the civil magistrate any officer or marine, or who shall wilfully obstruct, neglect, or refuse to assist any peace officer in apprehending any such offender, shall, upon conviction thereof in any of Her Majesty's courts at Westminster, Dublin, or Edinburgh, be deemed to be thereupon cashiered, and shall be utterly disabled to hold any civil or military office or employment in Her Majesty's service; and a certificate of such conviction shall be transmitted to the Secretary of the Admiralty.

The ordinary course of law not to be interfered with.

6. No person subject to this Act having been acquitted or convicted of any crime or offence by the civil magistrate or by the verdict of a jury shall be liable to be again tried for the same crime or offence by a court-martial, or to be punished for the same otherwise than by cashiering in the case of a commissioned officer, or in the case of a warrant officer by reduction to an inferior class, or to the rank of a private marine, by order of the Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral, or in the case of a non-commissioned officer, by reduction to the ranks, by order of the commandant of the division to which such non-commissioned officer may belong; and whenever any officer or marine shall have been tried before a court of ordinary criminal jurisdiction, the clerk of the court or other officer having the custody of the records of such court, or the deputy of such clerk, shall, if required by the officer commanding the division to which such officer or marine belongs, transmit to him a certificate containing the substance and effect only, omitting the formal part, of the indictment, conviction, and entry of judgment thereon or acquittal of such officer or marine, and shall be allowed for such certificate a fee of three shillings.

No person tried by civil power to be punished by court-martial for same offence except by cashiering, &c.

7. All of Her Majesty's Royal Marine forces shall, during the time they shall be respectively borne on the books of or 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

Marines to be subject to the discipline of the navy while on board ship.

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 authorise 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.

Power to Lord High Admiral, &c. to grant commissions for holding general courts-martial, &c.

8. 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 as Her Majesty's other dominions, and in any foreign parts out of the same dominions, for convening, as well as for authorising 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 authorised be not below the degree of a field officer, except in detached situations beyond seas, where a captain may be authorised to convene district or garrison courts-martial; every officer so authorised to convene courts-martial may confirm and cause to be executed, or may suspend, mitigate, or remit the whole or any unexpired portion of the sentence of any court-martial convened by him or by any officer previously so authorised according to the terms of his warrant; 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

Place where offenders may 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.

**9.** Every general court-martial convened within the United Kingdom or the British Isles shall consist of not less than nine commissioned officers, each of whom shall have held a commission for three years before the date of the assembly of the court. Every general court-martial shall have power to sentence any officer of marines or marine to suffer death, penal servitude, imprisonment, forfeiture of pay or pension, or any other punishment which shall accord with the usage of the service; but no sentence of death by a court-martial shall pass unless two thirds at least of the officers present shall concur therein. No sentence of penal servitude shall be for a period of less than five years, and no sentence of imprisonment shall be for a period longer than two years.

Power of general courts-martial.

**10.** Every district or garrison court-martial convened within the United Kingdom or the British Isles shall consist of not less than seven commissioned officers, and shall have the same power as a general court-martial to sentence any marine to such punishments as shall accord with the provisions of this Act; provided that the sentence of a district or garrison court-martial shall be confirmed by the general officer, governor, or senior officer in command of the district, garrison, island, or colony, and that no such district or garrison court-martial shall have power to try a commissioned officer, or to pass any sentence of death or penal servitude.

Powers of district or garrison courts-martial.

**11.** A divisional or detachment court-martial shall consist of not less than five commissioned officers, unless it be found impracticable to assemble that number, in which case three shall be sufficient, and shall have power to sentence any marine to corporal punishment or to imprisonment, and forfeiture of pay, in such manner as shall accord with the provisions of this Act.

Powers of divisional and detachment courts-martial.

**12.** In cases of mutiny and insubordination accompanied with personal violence or of other offences committed on the line of march, or on board any transport ship, convict ship, or merchant vessel, the offender may be tried by a divisional or detachment court-martial, and the sentence may be confirmed and carried into execution on the spot by the officer in immediate command, provided that the sentence shall not exceed that which a divisional court-martial is competent to award.

Courts-martial on line of march or in transport ships, &c.

**13.** It shall be lawful for any officer commanding any detachment or portion of Her Majesty's Royal Marine forces, upon complaint made to him of any offence committed against the property or person of any inhabitant of or resident in any country in which Her Majesty's Royal Marine forces are so serving by any person under the immediate command of any such officer, to summon and cause to be assembled a detachment general court-martial, which shall consist of not less than three commissioned officers, for the trial of any such person, notwithstanding such officer shall not have received any warrant empowering him to assemble courts-martial; and every such court-martial shall have the same powers in regard to summoning and examining witnesses, trial of and sentence upon

Powers of detachment general courts-martial.

offenders, as are granted by this Act to general courts-martial: Provided always, that no sentence of any such detachment court-martial shall be executed until the officer commanding the army to which the division, brigade, detachment, or party to which any person so tried shall belong shall have approved and confirmed the same.

Officers of the marine and land forces may sit in conjunction on courts-martial.

14. When it is necessary or expedient, a court-martial composed exclusively of officers of the Royal Marines, or a court-martial composed of officers of Her Majesty's Army, or of Her Majesty's Indian Army, or of both or of either, together with officers of the 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 any one of the said three services; provided that when the person to be tried shall belong to Her Majesty's Royal Marine forces, then the provisions of this Act, or of such Act as shall be then and there in force for the regulation of Her Majesty's Royal Marine forces while on shore, and the oaths therein respectively prescribed, and the Rules and Articles of War relating to the Royal Marines then and there in force, shall be applicable to such court, and the proceedings thereof and relating thereto; but where 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 as if the court were composed of officers of Her Majesty's Army only, and the provisions of the Act then and there in force for the punishment of mutiny and desertion, and for the better payment of the army and their quarters, and the oaths therein prescribed, and the Rules and Articles of War relating to Her Majesty's Army then and there in force, shall be applicable to such court, and the proceedings thereof and relating thereto; 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 or Acts as shall be then and there in force for punishing mutiny and desertion of officers and soldiers in Her Majesty's Indian Army, and the Rules and Articles of War, if any, relating to such officers and soldiers then and there in force, shall be applicable to such court, and the proceedings thereof and relating thereto.

If no superior officer of land forces is present in command of a district, &c., an officer of marines may convene a court-martial.

15. Provided there be no superior officer of Her Majesty's land forces present in command of a district, garrison, station, or place where marines may be serving, it shall be lawful for any officer of the Royal Marine corps of the degree of a field officer, and holding a commission from the Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral, for that purpose, but not otherwise, to convene or assemble a district or garrison court-martial, to be composed as before stated, and for such court to proceed to try any marine or marines below the rank of commissioned officer for any of the offences cognizable by a district or garrison court-martial; but the sentence so awarded by any such court shall not be carried into effect until the senior officer of the Royal Marines in the district, garrison, station, or place, not being a member of the court, shall have confirmed the same: Provided always, that if there be any such superior officer of Her Majesty's

land forces present in command of the district, garrison, station, or place where marines may be, in such case it shall be lawful for him to convene or assemble such district or garrison court-martial for the trial of any marine or marines below the rank of a commissioned officer, and for such court-martial to try any such marine or marines in conformity with the provisions of this Act and the Articles of War to be made in pursuance hereof; but the sentence which may be awarded by any such court which may be convened or assembled by any such superior officer shall not be carried into effect until such superior officer shall have confirmed the same.

16. The president of every court-martial shall be appointed by or under the authority of the officer convening such courts, 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 where a field officer cannot be had, nor in any case whatsoever 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 divisional or detachment court-martial holden on the line of march, or on board a 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.

17. In all trials by court-martial, as soon as the president and other officers appointed to serve thereon shall be assembled, their names shall be read over in the hearing of the prisoner, who shall thereupon be asked if he objects to being tried by the president or by any of such officers, and if the prisoner shall then object to the president, such objection, unless disallowed by two thirds at least of the other officers appointed to form the court, shall be referred to the decision of the authority by whom such president shall have been appointed; but if he object to any officer other than the president, such objection shall be decided by the president and the other officers so aforesaid appointed to form the court; and when the place of the president or other officer in respect of whom any challenge shall have been made and allowed shall be supplied by some officer in respect of whom no challenge shall be made or allowed, or if no challenge whatever shall have been made, or, if made, not allowed, the president and the other officers composing a general court-martial shall take the oaths in the schedule to this Act annexed before the judge advocate or his deputy or person officiating as judge advocate, and on trials by other courts-martial before the president of such court, who are hereby respectively authorised to administer the same, and any sworn member may administer the oath to the president; and as soon as the said oaths shall have been administered to the respective members, the president of the court is hereby authorised and required to administer to the judge advocate, or the person officiating as such, the oath in the schedule to this Act annexed; and no proceeding or trial shall be had upon any offence but between the hours of eight

President of  
courts-martial.

Proceedings at  
trial.

the clock in the morning and four in the afternoon, except in cases which require an immediate example, and except in the East Indies, where such proceedings or trial may be had between the hours of six in the morning and four in the afternoon.

Swearing and  
summoning  
witnesses.

**18.** All general and other courts-martial shall have power and authority and are hereby required to administer an oath to every witness or other person who shall be examined before such court in any matter relating to any proceeding before the same; and every person, as well civil as military, who may be required to give or produce evidence before a court-martial, shall, in the case of general courts-martial, be summoned by the judge advocate, or the person officiating as such, and in the case of all other courts-martial by the president of the court; and all persons so summoned and attending as witnesses before any court-martial shall, during their necessary attendance in or on such courts, and in going to and returning from the same, be privileged from arrest, and shall, if unduly arrested, be discharged by the court out of which the writ or process issued by which such witness was arrested; or if such court be not sitting, then by any judge of the superior courts of Westminster or Dublin, or of the Court of Session in Scotland, or of the courts of law in the East or West Indies, or elsewhere, according as the case shall require, upon its being made to appear to such court or judge by any affidavit in a summary way that such witness was arrested in going to, attending upon, or returning from or attending upon such court-martial; and all witnesses so duly summoned as aforesaid who shall not attend on such courts, or attending shall refuse to be sworn, or not produce the documents being under their power or control required to be produced by them, or, being sworn, shall refuse to give evidence or to answer all such questions as the court may legally demand of them, shall be liable to be attached in the High Court of Justice in London or in the Court of Queen's Bench in Dublin, or in the Court of Session, sheriff or steward courts in Scotland, or in the courts of law in the East or West Indies, or in any of Her Majesty's colonies, garrisons, or dominions in Europe or elsewhere, respectively, upon complaint made, in like manner as if such witness had, after being duly summoned or subpoenaed, neglected to attend on a trial in any proceeding in the court in which such complaint shall be made.

Oath to be  
administered  
to shorthand  
writer.

No second trial,  
but revision  
allowed.

It shall be lawful for the president of any court-martial to administer an oath to a shorthand writer to take down, according to the best of his power, the evidence to be given before the court.

**19.** No officer or marine who shall be acquitted or convicted of any offence shall be liable to be tried a second time by the same or any other court-martial for the same offence; and no finding, opinion, or sentence given by any court-martial, and signed by the president thereof, shall be revised more than once, nor shall any additional evidence in respect of any charge on which the prisoner then stands arraigned be received by the court on any revision.

Crimes punish-  
able with  
death.

**20.** If any person who is or shall be commissioned or in pay as an officer of Royal Marines, or who is or shall be listed or in pay as a non-commissioned officer, drummer, or private man in Her Majesty's Royal Marine forces, shall at any time during

the continuance of this Act, while on shore in any place within the said kingdom, or in any other of Her Majesty's dominions, or in any foreign parts out of such dominions, or on board any transport ship, or merchant ship or vessel, or any ship or vessel of Her Majesty, or on board any convict hulk or ship, or any other ship or vessel, or in any place whatever, where or while being in any circumstances in which he shall not be subjected to, or not be liable to or punishable by, the laws relating to the government of Her Majesty's forces by sea, begin, excite, cause, or join in any mutiny or sedition in Her Majesty's marine or other forces, or shall not use his utmost endeavours to suppress any such mutiny or sedition, or shall conspire with any other person to cause a mutiny, or coming to the knowledge of any mutiny or intended mutiny shall not without delay give information thereof to his commanding officer; or shall misbehave himself before the enemy; or shall shamefully abandon or deliver up any garrison, fortress, post, or guard committed to his charge, or which he shall have been commanded to defend; or shall compel the governor or commanding officer of any garrison, fortress, or post to deliver up to the enemy or to abandon the same; or shall speak words or use any other means to induce such governor or commanding officer or any other to misbehave before the enemy, or shamefully to abandon or deliver up any garrison, fortress, post, or guard committed to their respective charge, or which he or they shall be commanded to defend; or shall leave his post before being regularly relieved, or shall sleep on his post; or shall hold correspondence with or give advice or intelligence to any rebel, pirate, or enemy of Her Majesty, either by letters, messages, signs, tokens, or any other ways or means whatever; or shall treat or enter into any terms with any such rebel, pirate, or enemy, without the license of the Lord High Admiral of the said United Kingdom, or the Commissioners for executing the office of Lord High Admiral aforesaid, for the time being; or shall strike or use or offer any violence against his superior officer being in the execution of his office, or shall disobey any lawful command of his superior officer; or who being confined in a military prison shall offer any violence against a visitor or other officer being in the execution of his office, or shall violate any law or regulation of or relating to any military prison; or shall desert or attempt to desert from Her Majesty's Royal Marine forces; every person so offending in any of the matters before mentioned, whether such offence be committed within this realm, or in any other of Her Majesty's dominions, or in foreign parts upon land or upon the sea, shall suffer death or penal servitude or such other punishment as by a court-martial shall be awarded: Provided always, that any non-commissioned officer or marine in pay in any division or company who shall, without having first obtained a regular discharge therefrom, enlist himself in any other division or company, or in any other branch of Her Majesty's service, may be deemed to have deserted Her Majesty's service, and shall be liable to be punished accordingly.

**21.** In all cases where the punishment of death shall have been awarded by a general court-martial or by a detachment general court-martial it shall be lawful for Her Majesty, or, if in any place

Commutation  
of death for  
penal servitude  
or imprison-  
ment, &c.

out of the United Kingdom or British Isles, for the commanding officer having authority to confirm the sentence, instead of causing such sentence to be carried into execution, to order the offender to be kept to penal servitude for any term not less than five years, or to suffer such term of imprisonment, with or without hard labour, and with or without solitary confinement, as shall seem meet to Her Majesty or to the officer commanding as aforesaid; provided that the imprisonment shall not exceed two years, and that the solitary confinement shall not exceed seven days at a time, with intervals of not less than seven days between the periods of solitary confinement; and that if the imprisonment exceeds eighty-four days, the solitary confinement shall not exceed seven days in any twenty-eight days of the imprisonment.

Embezzlement punishable by penal servitude, imprisonment, &c.

**22.** Any officer or marine, or any person employed or in any way concerned in the care or distribution of any money, provisions, forage, arms, clothing, ammunition, or other stores belonging to any of Her Majesty's forces or for Her Majesty's use, who shall embezzle, fraudulently misapply, wilfully damage, steal, or receive the same knowing them to have been stolen, or shall be concerned therein or connive thereat, may be tried for the same by a general court-martial, and sentenced to be kept in penal servitude for any term not less than five years, or to suffer such punishment of fine, imprisonment, with or without hard labour, dismissal from Her Majesty's service, reduction to the ranks, if a warrant or non-commissioned officer, as such court shall think fit, according to the nature and degree of the offence; and every such offender shall, in addition to any other punishment, make good at his own expense the loss and damage sustained; and in every such case the court is required to ascertain by evidence the amount of such loss or damage, and to declare by their sentence that such amount shall be made good by such offender; and the loss and damage so ascertained as aforesaid shall be a debt to Her Majesty, and may be recovered in any of Her Majesty's courts at Westminster or in Dublin, or the Court of Exchequer in Scotland, or in any court in Her Majesty's colonies where the person sentenced by such court-martial shall be resident after the said judgment shall be confirmed and made known, or the offender, if he shall remain in the service, may be put under stoppages not exceeding one half of his pay and allowances until the amount so ascertained shall be recovered.

As to execution of sentences of penal servitude in the United Kingdom.

**23.** Whenever Her Majesty shall intend that any sentence of penal servitude heretofore or hereafter to be passed upon any offender by any court-martial shall be carried into execution for the term specified in such sentence, or for any shorter term, or shall be graciously pleased to commute as aforesaid to penal servitude any sentence of death which shall have been passed by any such court, such sentence, together with Her Majesty's pleasure upon the same, shall be notified in writing by the Lord High Admiral, or by the Secretary to the Admiralty for the time being, to any judge of the High Court of Justice, and thereupon such judge shall make an order for the penal servitude of such offender upon the terms and for the time which shall be specified in such notification, and shall do all such other acts consequent upon such notification as any such justice or baron is authorised to make or

do by any statute or statutes in force at the time of making any such orders in relation to penal servitude of offenders; and such order, and other acts to be so made and done as aforesaid, shall be obeyed and executed by such person in whose custody such offender shall at that time be, and by all other persons whom it may concern, and shall be as effectual, and have all the same consequences, as any order made under the authority of any statute with respect to any offender in such statute mentioned; and every sheriff, gaoler, keeper, governor, or superintendent whom it may concern, and all constables and other persons, shall be bound to obey the aforesaid order and orders, be assistant in the execution thereof, and be liable to the same punishment for disobedience to or for interrupting the execution of such order, as they would be if the same had been made under the authority of any such Act of Parliament; and every person so ordered to be kept in penal servitude shall be subject respectively to all and every the penalties and provisions made by law and in force concerning persons under sentence of penal servitude, or receiving Her Majesty's pardon on condition of penal servitude; and from the time when such order of penal servitude shall be made every law and statute in force touching the escape of felons, or their afterwards returning or being at large without leave, shall apply to such offender, and to all persons aiding, abetting, contriving, or assisting in any escape or intended escape or the returning without leave of any such offender; and the judge who shall make any order of penal servitude as aforesaid shall direct the notification of Her Majesty's pleasure, and his own order made thereupon, to be filed and kept of record in the office of the Clerk of the Crown of the Queen's Bench Division of the said High Court of Justice; and the said clerk shall have a fee of two shillings and sixpence only for filing the same, and shall, on application, deliver a certificate in writing (not taking more than two shillings and sixpence for the same) to such offender, or to any person applying in his or Her Majesty's behalf, showing the Christian and surname of such offender, his offence, the place where the court was held before which he was convicted, the sentence, and the conditions on which the order of penal servitude was made; which certificate shall be sufficient proof of the conviction and of the sentence of such offender, and also of the terms in which such order for his penal servitude was made, in any court and in any proceeding wherein it may be necessary to inquire into the same; and it shall be lawful for any judge of the Queen's Bench, Common Pleas, Exchequer, or other superior court in Ireland to make an order that any such offender convicted in Ireland shall be kept in penal servitude in England, and such order shall be in all respects as effectual in England as though such offender had been convicted in England and the order had been made by any judge of the High Court of Justice in England.

24. Whenever any sentence of penal servitude heretofore or hereafter passed upon any offender by any court-martial holden in any part of Her Majesty's dominions beyond the seas, or elsewhere, is to be carried into execution for the term specified in such sentence, or for any shorter term, or when sentence of death passed by any such court-martial has been or shall as aforesaid be com-

As to execution of sentences in the colonies.

muted to penal servitude, the same shall be notified by the officer commanding Her Majesty's forces at the presidency or station where the offender may come or be, if in India to the chief judge or any judge of the chief civil court of the presidency or province in which the court-martial has been held; and if in any other part of Her Majesty's foreign dominions, to the chief justice or some other judge therein, who shall make order for the penal servitude or intermediate custody of such offender; and upon any such order being made it shall be duly notified to the governor of the presidency if in the East Indies, or to the governor of the colony if in any of Her Majesty's colonies, or to the person who shall for the time being be exercising the office of governor of such presidency or colony, who on receipt of such notification shall cause such offender to be removed or sent to some other colony or place, or to undergo his sentence within the presidency or colony where the offender was so sentenced or where he may come or be as aforesaid in obedience to the directions for the removal and treatment of convicts which shall from time to time be transmitted from Her Majesty through one of her Principal Secretaries of State to such presidency or colony; and such offender shall, according to such directions, undergo the sentence of penal servitude which shall have been passed upon him either in the presidency or colony in which he has been so sentenced or in the colony or place to which he has been so removed or sent, and whilst such sentence shall remain in force shall be liable to be imprisoned and kept to hard labour, and otherwise dealt with under such sentence, in the same manner as if he had been sentenced to be imprisoned with hard labour during the term of his penal servitude by the judgment of a court of competent jurisdiction in such presidency or colony or in the colony or place to which he has been so removed or sent respectively.

Sentence of penal servitude may be commuted for imprisonment.

25. In any case where a sentence of penal servitude shall have been awarded by a general or detachment general court-martial, it shall be lawful for Her Majesty, or, if in any place out of the United Kingdom or British Isles, for the officer commanding in chief Her Majesty's forces there serving, instead of causing such sentence to be carried into execution, to order that the offender be imprisoned, with or without hard labour, and with or without solitary confinement, for such term not exceeding two years as shall seem meet to Her Majesty or to the officer commanding as aforesaid; provided that the solitary confinement shall not exceed seven days at a time, with intervals of not less than seven days between the periods of solitary confinement; and that if the imprisonment exceeds eighty-four days the solitary confinement shall not exceed seven days in any twenty-eight days of the imprisonment.

Of forfeitures, when combined with penal servitude.

26. Where an award of any forfeiture, or of deprivation of pay, or of stoppages of pay shall have been added to any sentence of penal servitude, it shall be lawful for the said Lord High Admiral or the said Commissioners, or, if in any place out of the United Kingdom or British Isles, for the officer commanding in chief Her Majesty's forces there serving, in the event of the sentence being commuted for imprisonment, to order such award of forfeiture, deprivation of pay, or stoppages of pay to be enforced, mitigated, or remitted as may be deemed expedient.



**27.** When any sentence of death shall be commuted for penal servitude, or when any marine shall by court-martial be adjudged to penal servitude as authorised by this Act, it shall be lawful for the commanding officer of the division to which such marine shall have belonged or may belong to cause him to be detained and conveyed to any gaol or prison, there to remain in safe custody until he shall be removed therefrom by due authority under an order for his penal servitude to be made by some judge of the High Court of Justice as aforesaid; and a certificate of his sentence, after the same shall have been approved by the Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral, (such certificate to be signed by the commanding officer of the division from which he shall be sent,) shall be a sufficient order, requisition, and authority to the governor, keeper, or superintendent of the gaol or prison to receive and detain him: Provided always, that in case of any such offender being so conveyed to gaol or prison the usual allowance of sixpence per diem, or such other sum as the said Lord High Admiral or the said Commissioners may at any time or times direct, shall be made to the keeper of the gaol or prison for the subsistence of such offender during his detention therein, which allowance shall be paid by the paymaster of the division, upon production to him, by the said governor, keeper, or superintendent, of a declaration, to be made by him before one of Her Majesty's justices of the peace of such county, of the number of days during which the offender shall have been so detained and subsisted in such gaol or prison.

Disposal of convict after sentence of penal servitude.

**28.** No court-martial shall, for any offence whatever committed in time of peace within the Queen's dominions, have power to sentence any marine to corporal punishment: Provided that any court-martial may sentence any marine to corporal punishment while on active service in the field, or on board any ship not in commission, for mutiny, insubordination, desertion, drunkenness on duty or on the line of march; and no sentence of corporal punishment shall exceed fifty lashes.

Power to inflict corporal punishment in certain cases.

**29.** It shall be lawful for any general, district, or garrison court-martial to award imprisonment, with or without hard labour, and with or without solitary confinement, such confinement not exceeding the periods prescribed herein-after or by the Articles of War, and in case of a marine in addition to corporal punishment.

Power to inflict corporal punishment and imprisonment.

**30.** In all cases in which corporal punishment shall form the whole or part of the sentence awarded by any court-martial, it shall be lawful for the Lord High Admiral of the United Kingdom of Great Britain and Ireland, or the Commissioners for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, or for the officer authorised to confirm the sentences of courts-martial, to commute such corporal punishment to imprisonment for any period not exceeding forty-two days, with or without hard labour, and with or without solitary confinement, or to mitigate such sentence, or instead of such sentence to award imprisonment for any period not exceeding twenty days, with or without hard labour, and with or without solitary confinement, and corporal punishment, to be inflicted in the prison, not exceeding twenty-five lashes, and the solitary confinement herein-before mentioned shall in no case exceed seven days at a time, with intervals of not less than

Power to commute corporal punishment.

seven days between each period of such confinement : Provided always, that the lashes as aforesaid shall not be administered by any instrument save one of a pattern approved by the Admiralty.

Power to commute a sentence of cashiering.

**31.** It shall be lawful for Her Majesty, in all cases whatsoever, instead of causing a sentence of cashiering to be put in execution, to order the offender to be reprimanded, or, in addition thereto, to suffer such loss of army or regimental rank, or both, as may be deemed expedient.

Forfeiture of pay and pension by sentence of court-martial.

**32.** Any general court-martial may, in addition to any other punishment which such court may award, sentence any offender to forfeiture of 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, or to forfeiture of such advantage absolutely, whether it might have accrued from past service, or might accrue from future service, or to forfeiture of any annuity and medal which may have been granted for former meritorious service, or of the gratuity and medal awarded for former good conduct, and of all medals and decorations, according to the nature of the case ; and any district or garrison court-martial may also, in addition to any punishment which such court may award, sentence any offender to such forfeiture for desertion, or for disgraceful conduct,

In 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 :

In wilfully doing any act, or wilfully disobeying any orders, whether in hospital or otherwise, thereby producing or aggravating disease or infirmity, or delaying his cure :

In malingering or feigning disease :

In tampering with his eyes, with intent thereby to render himself unfit for service :

In stealing or embezzling Government property or stores, or in receiving the same knowing the same to have been stolen :

In stealing any money or goods the property of a comrade, of a marine officer, or of any marine mess or band, or in receiving any such money or goods knowing the same to have been stolen :

In making any false or fraudulent accounts, returns, matters, or entries, or assisting or conniving at the same being made, or producing the same as true, knowing the same to be false or fraudulent :

In stealing or embezzling or fraudulently misapplying public money intrusted to him :

Or in committing any other offence of a felonious or fraudulent nature, to the injury of, or with intent to injure, any person, civil, marine, or military :

Or for any other disgraceful conduct, being of a cruel, indecent, or unnatural kind.

Forfeiture of pay on conviction of desertion or felony.

**33.** Every marine found guilty by a court-martial of the following offences :—

Desertion, wilfully maiming or injuring himself or any other marine, whether at the instance of such other marine or not,

or causing himself to be maimed or injured by any other person, with intent thereby to render himself or such other marine unfit for service; tampering with his eyes with intent thereby to render himself unfit for service, such finding having been confirmed:

And every marine who may have been sentenced to penal servitude, or who has been discharged with ignominy:

And every marine who has been found guilty 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, if the Commissioners for executing the office of Lord High Admiral shall so direct: shall thereupon forfeit all advantage as to good-conduct pay and pension on discharge which might have otherwise accrued from the length of his former service:

Also all salvage, prize money, and allowances that have been earned by him:

Also all medals and decorations whatsoever which he may be in possession of and authorised to wear, together with the annuity 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.

**34.** If any non-commissioned officer or marine, by reason of his imprisonment, whether under sentence of a court-martial or of any other court duly authorised to pass such sentence, or by reason of his confinement for debt, or by reason of his desertion, or, being an apprentice, by reason of his being allowed to serve out his time with his master, shall have been absent from his duty during any portion of the time limited by his enlistment or re-engagement or prolongation of service, as herein-after provided, such portion of his time shall not be reckoned as a part of the limited service for which such non-commissioned officer or marine was enlisted or re-engaged, or for which his time of service may have been prolonged; and no marine shall be entitled to pay, or to reckon service towards pay or pension, when in confinement under a sentence of any court, or during any absence from duty by commitment or confinement as a deserter by confession or under any charge of which he shall be afterwards convicted, either by court-martial or by any court of ordinary criminal jurisdiction, or whilst in confinement for debt; and when any marine shall be absent as a prisoner of war he shall not be entitled to pay, or to reckon service towards pay or pension, for the period of such absence, but upon rejoining Her Majesty's service due inquiry shall be made by a court-martial, and unless it shall be proved to the satisfaction of such court that the said marine was taken prisoner through wilful neglect of duty on his part, or that he had served with or under, or in some manner aided, the enemy, or that he had not returned as soon as possible to Her

Forfeiture of pay when in confinement;

or during absence on commitment under a charge, or in arrest for debt;

or when prisoner of war;

Majesty's service, he may thereupon be recommended by such court to receive either the whole of such arrears of pay, or a proportion thereof, and to reckon service during his absence; and any marine who shall be convicted of desertion, or of absence without leave, shall, in addition to any punishment awarded by the court, forfeit his pay for the day or days during which he was in a state of desertion, or during his absence without leave; and if any marine shall absent himself without leave for any period, and shall not account for the same to the satisfaction of the commanding officer, or if any marine shall be guilty of any other offence which the commanding officer may not think necessary to bring before a court-martial, the commanding officer may, in addition to any minor punishment he is authorised to award, order that such marine shall be imprisoned for such period not exceeding one hundred and sixty-eight hours, with or without hard labour, and with or without solitary confinement, as the said commanding officer may think fit, and such marine shall forfeit his pay for any day or days on which he may be so imprisoned; and the said commanding officer may moreover order that, in addition to or instead of such imprisonment and forfeiture, or any other punishment which he has authority to inflict, any marine who shall have so absented himself as aforesaid shall forfeit his pay for the day or days during which he shall have so absented himself; and, in pursuance of any such order as aforesaid, the pay of the marine shall be accordingly forfeited: Provided always, that such marine shall not be liable to be afterwards tried by a court-martial for any offence for which he shall have been so punished, ordered to suffer imprisonment, punishment, or forfeiture as last aforesaid: Provided also, that any marine who shall be so ordered to suffer imprisonment or forfeiture of pay shall, if he so request, have a right to be tried by a court-martial for his offence instead of submitting to such imprisonment or forfeiture: Provided also, that it shall be lawful for the said Lord High Admiral or the said Commissioners to order or withhold the payment of the whole or any part of the pay of any officer or marine during the period of absence by any of the causes aforesaid.

Stoppages.

**35.** In addition to any other punishment which the court may award, a court-martial may further direct that any offender may be put under stoppages until he shall have made good—

Any money or articles issued to him in respect to his fraudulent enlistment, or by reason of any fraudulent misrepresentation or concealment on his part:

Any loss, disposal of, or damage occasioned by him in any of the instances of disgraceful conduct herein specified:

Any loss, disposal of, or destruction of, or damage or injury to any property whatsoever, occasioned by his wilful or negligent misconduct:

Any loss, disposal of, or destruction of, or damage or injury to, his arms, clothing, instruments, equipments, accoutrements, or necessaries, or any extra article of clothing or equipment that he may have been put in possession of and ordered to wear on the recommendation of the surgeon for the benefit of his health, or making away with or pawning any medal or decora-

tion for service or for general good conduct which may have been granted to him by order of Her Majesty or by order of the East India Company, or any medal or decoration which may have been granted to him by any foreign power, or any loss, disposal of, or destruction of, or damage or injury to the arms, clothing, instruments, equipments, accoutrements, or necessaries of any officer or marine, occasioned by his wilful or negligent misconduct:

Any expense necessarily incurred by his drunkenness or other misconduct:

Provided always, that, except in the case of the loss, disposal of, or destruction of, or damage or injury to arms, clothing, instruments, equipments, accoutrements, or necessaries, in which case the court may by its sentence direct that the said stoppages shall continue till the cost of replacing or repairing the same be made good, the amount of any loss, disposal, destruction, damage or injury, or expense, shall be ascertained by evidence, and the offender shall be placed under stoppages for such an amount only as shall be proved to the satisfaction of the court: Provided also, that when an offender is put under stoppages for making away with or pawning any medal or decoration, the amount shall be credited to the public, but the medal or decoration in question shall not be replaced, except under special circumstances, to be determined by the Lord High Admiral or the Commissioners for executing the office of Lord High Admiral aforesaid: Provided also, that so much only of the pay of the marine may be stopped and applied as shall, after satisfying the charges for messing and washing, leave him a residue at the least of one penny a day.

**36.** Whenever any marine shall have been convicted of desertion or of any such disgraceful conduct as is herein-before described, and the court in respect of such disgraceful conduct shall have made the forfeiture of all claim to pension on discharge a part of the sentence passed on such marine, such court may further sentence him to be discharged with ignominy from Her Majesty's service: Provided always, where an award of any of the forfeitures herein-before mentioned, or of deprivation of pay, or of stoppages of pay, shall have been added to a sentence of transportation or penal servitude, it shall be lawful for the Lord High Admiral or the Commissioners for executing the office of Lord High Admiral, or, if in the East Indies, for the officer commanding in chief Her Majesty's land forces in India, in the event of the sentence of transportation or penal servitude being commuted to imprisonment, to order such award of forfeiture, deprivation of pay, or stoppages of pay to be enforced, mitigated, or remitted as may be deemed expedient.

Discharge with ignominy.

**37.** A general or district or garrison court-martial may sentence any marine to imprisonment, with or without hard labour, and may also direct that such offender shall be kept in solitary confinement for any portion or portions of such imprisonment, in no case exceeding fourteen days at a time, nor eighty-four days in any one year, with intervals between the periods of solitary confinement of not less duration than such periods; and when the imprisonment awarded shall exceed three months, the court-martial shall

Power of imprisonment by general, district, or garrison courts-martial.

imperatively order that the solitary confinement shall not exceed seven days in any one month of the whole imprisonment awarded, with intervals between the periods of solitary confinement of not less duration than such periods.

Power of imprisonment by divisional or detachment courts-martial.

**38.** Any divisional or detachment court-martial may sentence any marine to imprisonment, with or without hard labour, for any period not exceeding forty-two days, and may also direct that such marine be kept in solitary confinement for any portion or portions of such imprisonment, not exceeding fourteen days at a time, with intervals between them of not less duration than such periods of solitary confinement: Provided always, that when any court-martial, whether general, garrison, or district, or divisional or detachment, shall direct that the imprisonment shall be solitary confinement only, or when any sentence of corporal punishment shall have been commuted to imprisonment only, the period of such solitary confinement shall in no case exceed fourteen days.

Imprisonment of offender already under sentence.

**39.** Whenever sentence shall be passed by a court-martial on an offender already under sentence, either of imprisonment or of penal servitude, 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.

Whenever Her Majesty, the Lords Commissioners of the Admiralty, or any general or other officer authorised to confirm the sentences of courts-martial, shall commute a sentence of penal servitude or corporal punishment to imprisonment, and the offender whose sentence shall be so commuted shall at the time of such commutation be under sentence of imprisonment or penal servitude, it shall be lawful to direct that such commuted sentence of imprisonment shall commence at the expiration of the imprisonment or penal servitude to which such prisoner shall have been so previously sentenced although the aggregate of the term of imprisonment or penal servitude respectively, may exceed the term for which either of those punishments could be otherwise awarded.

Term and place of imprisonment.

**40.** 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.

Proviso for removal of prisoners.

**41.** In the case of a prisoner undergoing imprisonment under sentence of a court-martial, or as part of commuted punishment, in any public prison other than a military prison, or in any gaol or house of correction or elsewhere, in any part of the United Kingdom, it shall be lawful for the said Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral,

for the time being, in all cases, or for the officer who confirmed the proceedings of the court, or the officer commanding the division or the district or garrison in which such prisoner may be, to give, as often as occasion may arise, an order in writing directing that the prisoner be discharged, or be delivered over to military custody, whether for the purpose of being removed to some other prison or place in the United Kingdom, there to undergo the remainder or any part of his sentence, or for the purpose of being brought before a court-martial either as a witness or for trial; and in the case of a prisoner undergoing imprisonment under the sentence of a court-martial in any public prison other than a military prison, or in any gaol or house of correction, in any part of Her Majesty's dominions other than the United Kingdom, it shall be lawful for the said Lord High Admiral or the said Commissioners, or for the officer commanding the Royal Marines there serving, in the case of any such prisoner, to give as often as occasion may arise an order in writing directing that the prisoner be discharged, or be delivered over to military or other custody, whether for the purpose of being removed to some other prison or place in any part of Her Majesty's dominions, there to undergo the remainder or any part of his sentence, or for the purpose of being brought before a court-martial either as a witness or for trial; and in the case of any prisoner who shall be removed by any such order from any such prison, gaol, or house of correction, either within the United Kingdom or elsewhere, to some other prison or place, either in the United Kingdom or elsewhere, the officer or authorities who gave such order shall also give an order in writing directing the governor, provost marshal, gaoler, or keeper of such other prison or place to receive such prisoner into his custody, and specifying the offence of which such prisoner shall have been convicted, and the sentence of the court, and the period of imprisonment which he is to undergo, and the day and the hour on which he is to be released; and such governor, provost marshal, gaoler, or keeper shall keep such offender in a proper place of confinement, with or without hard labour, and with or without solitary confinement, according to the sentence of the court, and during the time specified in the said order, or until he be duly discharged or delivered over to other custody before the expiration of that time under an order duly made for that purpose; and in the case of a prisoner undergoing imprisonment under the sentence of a court-martial in any military prison in any part of Her Majesty's dominions, the Secretary of State for War, or the general officer commanding the district or station in which the prison may be situated, shall have the like powers in regard to the discharge and delivery over of such prisoners to military or other custody as may be lawfully exercised by any of the authorities above mentioned in respect of any prisoners undergoing confinement as aforesaid in any public prison other than a military prison, or in any gaol or house of correction in any part of Her Majesty's dominions; and such prisoner in any of the cases herein-before mentioned shall accordingly, on the production of any such order as is herein-before mentioned, be discharged or delivered over, as the case may be: Provided always, that the time during which any prisoner under sentence of imprisonment by a court-martial shall be

detained in such military or other custody under such order as aforesaid shall be reckoned as imprisonment under the sentence, for whatever purpose such detention shall take place, and such prisoner may during such time, either when on board ship or otherwise, be subjected to such restraint as is necessary for his detention and removal.

Custody of prisoners under military sentence in common gaols.

**42.** Every governor, provost marshal, gaoler, or keeper of any public prison, or of any gaol or house of correction, in any part of Her Majesty's dominions, shall receive into his custody any military offender under sentence of imprisonment by a general or other court-martial, upon delivery to him of an order in writing in that behalf from the Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral, or from the officer commanding the division or detachment to which the offender belongs or did last belong or is attached, which order shall specify the period of imprisonment or remainder of imprisonment which the offender is to undergo, and the day and hour of the day on which he is to be released or be otherwise disposed of; and such governor, provost marshal, gaoler, or keeper shall keep such offender in a proper place of confinement, with or without hard labour, and with or without solitary confinement, according to the sentence of the court, and during the time specified in the said order, or until he be discharged or delivered over to other custody before the expiration of that time, under an order duly made for that purpose; and every governor, provost marshal, gaoler, or keeper of any public prison, gaol, house of correction, lock-up house, or other place of confinement, shall receive into his custody any marine for a period not exceeding seven days, upon delivery to him of an order in writing in that behalf from the officer commanding such marine.

Subsistence of prisoners in common gaols

**43.** The gaoler or keeper of any public prison, gaol, house of correction, lock-up house, or other place of confinement in any part of Her Majesty's dominions shall diet and supply every marine imprisoned therein under the sentence of a court-martial or as a deserter with fuel and other necessaries according to the regulations of such place of confinement, and shall receive on account of every marine during the period of his imprisonment one shilling per diem or such other sum as the said Lord High Admiral or the said Commissioners may at any time or times direct, which the Secretary of the Admiralty shall cause to be issued out of the subsistence of such marine, upon application in writing signed by any justice within whose jurisdiction such place of confinement shall be locally situated, together with a copy of the order of commitment, and which sum of one shilling per diem, or such other sum as aforesaid, shall be carried to the credit of the fund from which the expense of such place of confinement is defrayed. A sentence of imprisonment or of penal servitude passed either by a court-martial or by any court of criminal jurisdiction upon any person subject to this Act shall be in no respect affected by such person ceasing to be subject to this Act by discharge or otherwise at any time after the passing of such sentence; but the discharge of such person shall not be deemed in any manner to affect the provisions for the cost of his maintenance while undergoing a sentence of imprisonment or penal servitude, as otherwise enacted.



44. Every gaoler or keeper of any public prison, gaol, house of correction, or other place of confinement, to whom any notice shall have been given, or who shall have reason to know or believe, that any person in his custody for any debt or contempt, or upon any charge or for any offence, civil, criminal, or military, is a marine, shall on receiving him into custody give notice thereof to the Secretary of the Admiralty, and also, previous to the expiration of the period of the confinement or imprisonment of such marine, give to the Secretary of the Admiralty one month's notice of the period of such expiration of confinement or imprisonment, or if there shall not be sufficient time for a month's notice, then the longest practicable notice thereof, specifying the day and hour of the day on and at which he is to be released; and for every default of giving either or any of such notices such gaoler or person shall forfeit the sum of twenty pounds; and moreover every gaoler or other person having such immediate inspection as aforesaid shall, as soon as any such marine shall be entitled to be discharged out of custody, with all convenient speed, safely and securely conduct and convey and safely and securely deliver every such marine either unto the officer commanding at the nearest head quarters of the Royal Marines or to the officer commanding Her Majesty's ship to which any such marine may happen to belong, unless the said Commissioners shall, by writing under the hand of the Secretary of the Admiralty, or the officer commanding at the nearest head quarters of the Royal Marines, or the officer commanding Her Majesty's ship to which any such marine may belong, shall, by writing under his hand, direct that such marine be delivered to some other officer or person, in which case he shall be delivered to such other officer or person accordingly, and the officer or person to whom such marine shall be so delivered in accordance with this Act shall thereupon give to such gaoler or person delivering up such marine a certificate, directed to the Secretary of the Admiralty, specifying the receipt of such marine, and, if such gaoler or other person as aforesaid has conducted or conveyed any such marine, specifying the place from and to which he shall have been conducted and conveyed as aforesaid; and such gaoler or person who shall have so conducted, conveyed, and delivered any such marine shall, upon the production of such certificate, be entitled to receive of and from the Accountant General of Her Majesty's Navy the sum of one shilling per mile, and no more, for conducting, conveying, and delivering any such marine as aforesaid; and every such gaoler or other person having such immediate inspection as aforesaid who shall not safely and securely conduct, convey, or deliver any such marine as aforesaid shall for every such misconduct or offence forfeit and pay the sum of one hundred pounds. In all cases where the marine in custody is under sentence to be discharged from the service on the completion of his term of imprisonment, and the discharge document is in the hands of the gaoler, such gaoler shall not be required to make any report thereof to the Secretary of the Admiralty or to the Deputy Adjutant General of Marines.

45. Every military prison which shall be established under or by virtue of any Act for punishing mutiny and desertion, and for the better payment of the army and their quarters, shall be deemed

Notice to be given of expiration of imprisonment in common gaols.

Military prisons established under any Act for punishing

mutiny and desertion in the army to be deemed public prisons.

Musters, and penalty on false musters.

to be public prisons within the meaning of any Act now in force or hereafter to be in force for the regulation of Her Majesty's Royal Marine forces; and any officer or marine convicted by a court-martial may be sent, by order of the Commissioners for executing the office of Lord High Admiral, to any such military prison, there to undergo such punishment as may be awarded by the sentence passed upon him, or until he be discharged or delivered up by an order, as in the case of a discharge or removal from any other prison under this Act.

**46.** Musters, as have been customary, shall be taken of every division or company of Royal Marines once in every calendar month, as shall be appointed; and no officer or marine shall be absent from any such muster, unless duly certified to be employed on some other duty of the corps, or sick, or in prison, or on furlough; and every person belonging to Her Majesty's service who shall give or procure to be given any untrue certificate thereby to excuse any person from any muster or other service which he ought to attend or perform, or shall make any false or untrue muster of man or horse, or who shall willingly allow or sign any false muster or duplicate thereof, or shall directly or indirectly take or receive any money or gratuity for mustering any person, or for signing any muster roll or duplicate, or shall knowingly muster any person by a wrong name, shall, upon proof by two witnesses before a general court-martial, for any such offence be sentenced to be cashiered: Provided that it shall be lawful for Her Majesty, in all cases whatsoever, instead of causing a sentence of cashiering to be put in execution, to order the offender to be reprimanded, or, in addition thereto, to suffer such loss of rank as may be deemed expedient; and any person who shall fraudulently offer or procure himself to be falsely mustered, or lend or furnish any horse to be falsely mustered, shall, upon proof thereof by the oaths of two witnesses before some justice of the peace residing near to the place where such muster shall be made, forfeit the sum of twenty pounds, and the informer, if he belongs to Her Majesty's service, shall, if he demand it, be forthwith discharged; and if any person not belonging to Her Majesty's service shall give or sign any untrue certificate of illness or otherwise in order to excuse any officer or marine from appearance at any muster, or whereby Her Majesty's service may be defrauded, every person so offending shall for every such offence forfeit the sum of fifty pounds.

Verifying of muster rolls.

**47.** All muster rolls and pay lists of Royal Marines required to be verified upon oath shall be sworn before and attested by any justice of the peace, without fee or reward to himself or his clerk.

Trials for desertion after subsequent re-enlistment.

**48.** Every marine shall be liable to be tried and punished for desertion from any corps into which he may have unlawfully enlisted, although he may of right belong to another corps, and be a deserter therefrom; and whether such marine shall be tried for deserting from the corps to which he may of right belong, or from the corps into which he may have unlawfully enlisted, or for any other desertion, every desertion previous or subsequent to that for which he may at the time be taking his trial may, if duly stated in the charges, be given in evidence against him on such trial.

Apprehension of deserters.

**49.** Upon reasonable suspicion that a person is a deserter, it shall be lawful for any constable or other person to apprehend him,

and forthwith bring him before a justice acting for any county, district, city, borough, or place wherein or near to which the place in which he was apprehended is situate; and the justice shall deal with the suspected deserter as if he were brought before him by warrant in accordance with the provisions of an Act passed in the eleventh and twelfth years of Her present Majesty, chapter forty-two, section twenty-one; and upon its appearing to the justice by the testimony of one or more witnesses taken upon oath, or by the confession of such suspected person, that the accused is a deserter, he shall cause him to be conveyed to the head quarters of the division or depôt to which he may appear to belong, or to the nearest or most convenient military or police station, or other place legally provided for the confinement of persons in custody, or delivered up to a party of marines in charge of a non-commissioned officer, as to the justice may seem most expedient, having regard to the safe custody of such suspected deserter; and the justice shall make a report to the Secretary of the Admiralty of the persons through whom or by whose means the deserter was apprehended or secured; and for such information, commitment, and report the gaoler or other person into whose custody the accused is committed shall pay at the time of commitment to the clerk to the justice the sum of two shillings; and the Secretary of the Admiralty, upon receipt of a report of the same, together with a copy of the commitment, shall cause such sum to be repaid to such gaoler or other person so entitled; and upon the report of a justice as aforesaid, the Secretary of the Admiralty shall cause to be paid to the person or persons by whom or through whose means it shall appear to his satisfaction that the deserter was apprehended and secured a sum not exceeding forty shillings; and the justice shall in every case transmit to the Secretary of the Admiralty a descriptive return in the form prescribed in the schedule to this Act annexed; and a return purporting to be so made shall be evidence of the facts and matters therein stated: Provided always, that any such person so committed as a deserter in any part of Her Majesty's dominions shall, subject to the provisions herein-after contained, be liable to be transferred, by order of the colonel commandant or other officer commanding, to serve in any division, corps, detachment, or party nearest to the place where he shall have been apprehended, or to any other division, corps, detachment, or party to which the Lord High Admiral or the Commissioners for executing the office of Lord High Admiral may deem it desirable that he should be transferred, and shall also be liable after such transfer of service to be tried and punished as a deserter.

Transfer of  
deserters.

**50.** Every gaoler or keeper of any public prison, gaol, house of correction, lock-up house, or other place of confinement in any part of Her Majesty's dominions is hereby required to receive and confine therein every deserter who shall be delivered into his custody by any marine or other person conveying such deserter under lawful authority, on production of the warrant of the justice of the peace on which such deserter shall have been taken, or some order from the Admiralty, which order shall continue in force until the deserter shall have arrived at his destination; and such gaoler or keeper shall be entitled to one shilling for the safe custody

Temporary  
custody of  
deserters in  
gaols.

of the said deserter while halted on the march, and to such subsistence for his maintenance as shall be directed by the said Lord High Admiral or the said Commissioners.

Fraudulent  
confession of  
desertion.

51. Any person who, while serving in Her Majesty's Navy or in any of Her Majesty's forces, or the embodied militia, shall to any officer, or subordinate, warrant, petty, or non-commissioned officer, fraudulently confess himself to be a deserter from Her Majesty's Royal Marine forces, shall be liable to be tried by any court-martial under this Act, and punished according to the sentence thereof; and any person who shall voluntarily deliver himself up as and confess himself to be a deserter from Her Majesty's Royal Marine forces, or who, upon being apprehended for any offence, shall in the presence of the justice confess himself to be a deserter as aforesaid, shall be deemed to have been duly enlisted and to be a marine, and shall be liable to serve in Her Majesty's Royal Marine forces, whether such person shall have been ever actually enlisted as a marine or not; or in case such person shall not be a deserter from the Royal Marine forces, or shall have been discharged therefrom or from any other corps for any cause whatever, or shall be incapable of service, he shall, on conviction thereof before two justices of the peace at or near the place where he shall deliver himself up or confess, or where he may at any time happen to be, be adjudged to be punished, if in England, as a rogue and vagabond, and if elsewhere by commitment to some prison or house of correction, there to be kept to hard labour for any time not exceeding three months, or shall be deemed guilty of obtaining money under false pretences within the true intent and meaning, if in England or Ireland, of an Act passed in the session holden in the twenty-fourth and twenty-fifth years of Queen Victoria, intituled "An Act to consolidate and amend the Statute Law of England and Ireland relating to Larceny and other similar offences," or, if in Scotland, shall be deemed guilty of falsehood, fraud, and wilful imposition; and every person so deemed to be guilty of obtaining money under false pretences, or of falsehood, fraud, and wilful imposition, (as the case may be,) shall be liable to be proceeded against and punished accordingly; and the confession and receiving subsistence as a marine by such person shall be evidence of the false pretence, or of the falsehood, fraud, and imposition, (as the case may be,) and of the obtaining money to the amount of the value of such subsistence, and the value of such subsistence so obtained may be charged in the indictment as so much money received by such person; and in case such person shall have been previously convicted of the like offence, or shall have been summarily convicted and punished in England as a rogue and vagabond, or in Scotland or Ireland by commitment, for making a fraudulent confession of desertion, such former conviction may be alleged in the indictment, and may be proved upon the trial of such person; and in such indictment for a second offence it shall be sufficient to state that the offender was at a certain time and place convicted of obtaining money under false pretences as a deserter, for making a fraudulent confession of desertion, without otherwise describing the said offence; and a certificate containing the substance and effect only (omitting the formal part) of the

24 & 25 Vict.  
c. 96.

indictment and conviction of the former offence, purporting to be signed by the clerk of the court or other officer having the custody of the record of the court where the offender was first convicted, or by the deputy of such clerk, or by the clerk of the convicting magistrates, shall, upon proof of the identity of the person of the offender, be sufficient evidence of the first conviction, without proof of the signature or official character of the person appearing to have signed such certificate; and if the person so confessing himself to be a deserter shall be serving at the time in Her Majesty's Royal Marine forces he shall be deemed to be and shall be dealt with by all justices and gaolers as a deserter.

**52.** Any person who shall, in any part of Her Majesty's dominions by any means whatsoever, directly or indirectly procure any marine to desert or absent himself from his duty without leave from his commanding officer, or attempt to procure or persuade any marine to desert or absent himself from his duty, and any person who, knowing that any marine is absent from his duty without leave from his commanding officer, shall harbour or conceal such marine, or aid or assist such marine in concealing himself, or aid and assist in his rescue, or aid or assist him to desert, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof before any two justices acting for the county, district, city, burgh, or place where any such offender shall at any time happen to be, be liable to be committed to the common gaol or house of correction, there to be imprisoned, with or without hard labour, for such term not exceeding six calendar months as the convicting justices shall think fit.

Punishment for inducing marines to desert.

**53.** 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 sickness.

**54.** Any person enlisted into Her Majesty's Royal Marine forces as a marine, or who has received marine enlistment money, shall be liable to be taken out of Her Majesty's service only by process or execution on account of any charge of felony, or on account of

Marines liable to be taken out of Her Majesty's service only for

felony and certain misdemeanors, or for debts amounting to 30*l.* and upwards;

but not liable to be taken out of Her Majesty's service for debts under 30*l.*, or for breach of contract.

misdemeanor, or of any crime or offence other than the misdemeanor of refusing to comply with an order of justices for the payment of money, or on account of an original debt proved by affidavit of the plaintiff or of some one on his behalf to amount to the value of thirty pounds at the least over and above all costs of suit, such affidavit to be sworn, without payment of any fee, before some judge of the court out of which process or execution shall issue, or before some person authorised to take affidavits in such court, of which affidavit, when duly filed in such court, a memorandum shall, without fee, be endorsed upon the back of such process, stating the fact sworn to, and the day of filing such affidavit; but no marine or other person as aforesaid shall be liable by any process whatever to appear before any justice of the peace or other authority whatsoever, or to be taken out of Her Majesty's service by any writ, summons, order, warrant, judgment, execution, or any process whatever issued by or by the authority of any court of law, or any magistrate, justice or justices of the peace, or any other authority whatsoever, for any original debt not amounting to thirty pounds, or for the breach of any contract, covenant, agreement, or other engagement whatever, by parol or in writing, or for having left or deserted his employer or master, or his contract, work, or labour; and all summonses, warrants, commitments, indictments, convictions, judgments, and sentences, on account of any of the matters for which it is herein declared that a marine is not liable to be taken out of Her Majesty's service, shall be utterly illegal, and null and void to all intents and purposes; and any judge of any such court may examine into any complaint made by a marine or by his superior officer, and by warrant under his hand discharge such marine, without fee, he being shown to have been arrested contrary to the intent of this Act, and shall award reasonable costs to such complainant, who shall have for the recovery thereof the like remedy as would have been applicable to the recovery of any costs which might have been awarded against the complainant in any judgment or execution as aforesaid, or a writ of Habeas corpus ad subjiciendum shall be awarded or issued, and the discharge of any such marine out of custody shall be ordered thereupon; provided that any plaintiff, upon notice of the cause of action first given in writing to any marine or left at his last quarters, may proceed in any action or suit to judgment, and have execution other than against the body or marine necessities or equipments of such marine: Provided also, that nothing herein contained relating to the leaving or deserting a master or employer, or to the breach of any contract, agreement, or engagement, shall apply to persons who shall be really and *bonâ fide* apprentices duly bound under the age of twenty-one years, as herein prescribed.

Officers not to be sheriffs, mayors, &c.

**55.** No person who shall be commissioned and in full pay as an officer in the Royal Marine forces, or who shall be employed in enlisting for such forces, shall be capable of being nominated or elected to be sheriff, and no such officer and no non-commissioned officer of such forces shall be capable of being nominated or elected to be a constable, or overseer, guardian of any union, or any officer of a like description, of any county, hundred, riding, city, borough,

town, division, parish, or other place, or to be mayor, portreeve, alderman, or to hold any office in any municipal corporation in any city, borough, or place in Great Britain or Ireland, or be summoned or shall serve as a grand or petit or other juror or upon an inquest, and any summons for him to attend to serve as a grand or petit or other juror or upon an inquest shall be null and void; and every such person is hereby exempted from attendance and service in accordance with any such summons, and from all fines, pains, and penalties for or in consequence of not attending or serving as aforesaid.

**56.** Every person authorised to enlist recruits for the Royal Marines shall first ask the person offering to enlist whether he belongs to any and what force in Her Majesty's service, and also such other questions as the said Lord High Admiral or the said Commissioners may direct to be put to such persons, and in case of a recruit shall, immediately after giving him enlisting money, serve him with a notice in the form set forth in the schedule to this Act annexed.

Questions to be put to recruits on enlisting.

**57.** Every person who shall receive enlisting money in manner aforesaid shall upon such receipt 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.

Recruits when deemed to be enlisted.

**58.** Every person so enlisted as aforesaid shall within ninety-six hours (any intervening Sunday, Christmas Day, or Good Friday not included), but not sooner than twenty-four hours after such enlistment, appear, together with some person employed in the recruiting service, before a justice of the peace, not being an officer of the marines, for the purpose of being attested as a marine, or of objecting to his enlistment.

When recruits to be taken before a justice.

**59.** When a recruit, upon appearing before a justice for the purposes aforesaid, shall dissent from or object to his enlistment, and shall satisfy the justice that the same was effected in any respect irregularly, he shall forthwith discharge the recruit absolutely, and shall report such discharge to the commandant of the division for which the marine shall have enlisted; but if the recruit so dissenting shall not allege or shall not satisfy the justice that the enlistment was effected irregularly, nevertheless upon repayment of the enlisting money and of any sum received by him in respect of pay or allowances, and of a further sum of twenty shillings as smart money, he shall be entitled to be discharged; and the sum paid by such recruit upon his discharge shall be kept by the justice, and, after deducting therefrom one shilling as the fee for reporting the payment to the Secretary of the Admiralty and to the recruiting officer, shall be paid over to any person belonging to the recruiting party who may demand the same; and the justice who shall discharge any recruit shall in every case give a certificate thereof, signed with his hand, to the recruit, specifying the cause thereof.

Dissent and relief from enlistment.

**60.** If the recruit on appearing before a justice shall not dissent from his enlistment, or dissenting shall within twenty-four hours return and state that he is unable to pay the sums mentioned in the last section, he shall be attested as follows: the justice, or some person deputed by him, shall read to the recruit the questions set forth in the form of attestation which the Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral,

Attesting of recruits.

shall have ordered to be used, cautioning him that if he fraudulently make any false answer thereto he shall be liable to be punished as a rogue and vagabond, and the answers of the recruit shall be recorded opposite to the said questions, and the justice shall require the recruit to make and sign the declaration in the said form, and shall then administer to him the oath of allegiance in the said form; and when the recruit shall have signed the said declaration and taken the oath, the justice shall attest the same by his signature, and shall deliver to the recruiting officer the declaration so signed and attested; and if the recruit shall make a wilfully false answer to any such question, he shall be liable to be punished as a rogue and a vagabond; and the fee for such attestation, including the declaration and oath, shall be one shilling and no more; and any recruit shall, if he so wish, be furnished with a certified copy of the above-mentioned declaration by the officer who finally approved of him for the service.

Recruits until they have been attested or received pay not triable by court-martial, but in certain cases punishable as rogues and vagabonds.

**61.** No recruit, unless he shall have been attested or shall have received pay other than enlisting money, shall be liable to be tried by court-martial; but if any person, previously to his being attested or enrolled, shall by means of any false answer obtain enlistment or other money, or shall make any false statement in his declaration, or shall refuse to answer any question duly authorised to be put to him for the purpose of filling up such declaration, or shall refuse or neglect to go before a justice for the purposes aforesaid, or having in the case of a recruit dissented from his enlistment shall wilfully omit to return and pay such money as aforesaid, in any of such cases it shall be lawful for any two justices within the United Kingdom, or for any one justice out of the United Kingdom, acting for the county, district, city, burgh, or place where any such person shall at any time happen to be, when he shall be brought before them or him, either to attest such recruit as a marine, or to sentence him to be imprisoned with hard labour in any prison or house of correction for any period not exceeding three calendar months. And any marine who shall have given any false answer at the time of or relative to his becoming a marine shall forfeit all pay, wages, and other moneys, be the same naval, marine, or otherwise, which he might otherwise have been entitled to for any period of service in the Royal Marines.

Attested recruits triable in some cases either before two justices or before a court-martial.

**62.** Any person who shall have been attested or enrolled, and who shall afterwards be discovered to have given any wilfully false answer to any question directed to be put by the proper authorities, or shall have made any wilfully false statement in the declaration herein-before mentioned, shall be liable, at the discretion of the said Lord High Admiral or the said Commissioners, to be proceeded against before two justices in the manner herein-before mentioned, and by them sentenced accordingly, or to be tried by a district or garrison court-martial for the same, and punished in such manner as such court shall direct, and the declaration purporting to be made by such person on his attestation or enrolment, in accordance with the schedule to this Act annexed, or with the regulations of the said Lord High Admiral or the said Commissioners, shall, in the absence of proof to the contrary, be deemed sufficient evidence, whether before such justice or justices, or before any court-martial,



of such person having represented the several particulars as stated in such declaration.

A letter purporting to be signed by or on behalf of the Lords of the Admiralty, or the commanding officer of the ship, corps, or regiment to which such person shall appear to have belonged, shall on any trial be evidence of the facts stated therein in relation to the service or discharge of such person.

**63.** If any recruit shall abscond so that it is not possible immediately to apprehend and bring him before a justice for attestation, the recruiting party shall produce to the justice before whom the recruit ought regularly to have been brought for that purpose a certificate of the name and place of residence and description of such recruit, and of his having absconded, and shall declare the same to be true, and the justice to whom such certificate shall be produced shall transmit a duplicate thereof to the Secretary of the Admiralty in order that the same may appear in the "Police Gazette." For the purposes of this section and all purposes of attestation and enlistment a justice of any county or borough shall be deemed to be a justice of any other county or borough.

Recruits  
absconding.

**64.** If any man while belonging to any regiment or corps, the regular reserve, or auxiliary forces, shall, without being discharged by the proper authorities, thereupon enlist in and be attested for Her Majesty's Royal Marines, he shall be liable to be tried before a court-martial on a charge for desertion; but it shall be lawful for the Secretary of State for the War Department to give such general directions as may from time to time appear to him necessary for placing any man who confesses himself to be a militiaman under stoppage of one penny a day of his pay for eighteen calendar months, in lieu of his being tried by court-martial, and in case such militiaman shall have belonged to the militia reserve at the time of his attestation he shall be subjected to a further stoppage of one penny a day for two hundred and forty days, to be applied as the Secretary of State for War shall direct, and further to determine whether such man shall be returned to his militia regiment after such sum shall have been made good, or shall be deemed to be a marine in the same manner as he would have been if he had not been a militiaman at the time of his attestation: Provided also, that every soldier who, while belonging to a militia regiment, enlisted in Her Majesty's Royal Marines, whether such enlistment took place before or after the passing of the Mutiny Act, 1860, shall reckon service towards the performance of his limited engagement from the date of his attestation: Provided also, that any such soldier shall not reckon service for pension until the day on which his engagement for the militia would have expired; but if any such soldier shall, subsequently to his enlistment, have rendered long, faithful, or gallant service, the Lords Commissioners of the Admiralty may, upon the special recommendation of the Deputy Adjutant General, Royal Marines, order that he may reckon service for pension from the date of his attestation.

As to militia-  
men enlisting  
into regular  
forces.

**65.** If any non-commissioned officer of the volunteer permanent staff shall enlist into the Royal Marines, he may be tried and punished as a deserter, but if he confesses his desertion the Secretary of State for War, instead of causing him to be tried and

Volunteer per-  
manent staff  
officers en-  
listing into  
regular forces.

punished as a deserter, may cause him to be returned to his service on the volunteer permanent staff, to be there put under stoppages from his pay until he has repaid the amount of any bounty received by him, and the expenses attending his enlistment, and also the value of any arms, &c. issued to him while on the volunteer permanent staff, and not duly delivered up by him, or may cause him to be held to his service in the Royal Marines with a direction, if it seems fit, that his term of service therein shall not be reckoned for pension until the time when his engagement on the volunteer permanent staff would have expired, and may further cause him to be put under stoppages of one penny a day of his pay until he has repaid the expense attending his engagement or attestation on the volunteer permanent staff, and also the value of any arms, clothing, or appointments issued to him while on the volunteer permanent staff, and not duly delivered up by him.

Penalty on persons offending as to enlistment.

**66.** Every person subject to this Act who shall wilfully act contrary to any of its provisions in any matter relating to the enlisting or attesting of recruits for Her Majesty's service shall be liable to be tried for such offence by a general or other court-martial, and to be sentenced to such punishment, other than death or penal servitude, as such court may award.

As to re-enlistment abroad.

**67.** It shall be lawful for any justice of the peace or person exercising the office of a magistrate within any of Her Majesty's dominions abroad, or for the officer commanding any ship or vessel of Her Majesty on the books of which any marine may be borne, or on board of which any such marine may be, or, notwithstanding anything in this Act contained, for the commanding officer of any battalion or detachment of Royal Marines, whether borne on the books of any one of Her Majesty's ships or otherwise, to re-engage or enlist and attest out of Great Britain or Ireland any marine desirous of re-enlisting or re-engaging into Her Majesty's Royal Marine forces, if such marine be considered by such commanding officer, justice, or magistrate a fit person to continue in Her Majesty's service; and every such commanding officer, justice, or magistrate shall have the same powers in that behalf as are by this or any other Act of Parliament given to justices of the peace in the United Kingdom for all such purposes of enlistment and attestation, and any marine so re-enlisted or re-engaged shall be deemed to be an attested marine.

Apprentices enlisting to be liable to serve after the expiration of their apprenticeship.

**68.** Any person duly bound as an apprentice who shall enlist into Her Majesty's Royal Marine forces, and shall falsely state to the magistrate before whom he shall be carried and attested that he is not an apprentice, shall be deemed guilty of obtaining money by false pretences, if in England or in Ireland, and of falsehood, fraud, and wilful imposition, if in Scotland, and shall after the expiration of his apprenticeship, whether he shall have been so convicted and punished or not, be liable to serve as a marine according to the terms of the enlistment, and if on the expiration of his apprenticeship he shall not deliver himself up to some officer authorised to receive recruits, such person may be taken as a deserter from Her Majesty's Royal Marine forces.

Claims of masters to apprentices.

**69.** No master shall be entitled to claim an apprentice who shall enlist as a marine in Her Majesty's service unless such master shall, within one calendar month next after such apprentice shall have

left his service, go before some justice, and take the oath mentioned in the schedule to this Act annexed, and at the time of making his claim produce to the officer under whose command the recruit shall be the certificate of such justice of his having taken such oath, which certificate such justice is required to give in the form in the schedule to this Act annexed; nor unless such apprentice shall have been bound, if in England, for the full term of five years, (not having been above the age of fourteen years when so bound,) and if in Ireland or in the British Isles, for the full term of five years at the least, (not having been above the age of sixteen when so bound,) and if in Scotland, for the full term at least of four years, by a regular contract or indenture of apprenticeship, duly extended, signed, and tested, and binding on both parties by the law of Scotland prior to the period of enlistment, and unless such contract or indenture in Scotland shall, within three months after the commencement of the apprenticeship and before the period of enlistment, have been produced to a justice of the peace of the county in Scotland wherein the parties reside, and there shall have been endorsed thereon by such justice a certificate or declaration signed by him specifying the date when and the person by whom such contract or indenture shall have been so produced, which certificate or declaration such justice of the peace is hereby required to endorse and sign; nor unless any such apprentice shall, when claimed by such master, be under twenty-one years of age: Provided always, that any master of an apprentice indentured for the sea service shall be entitled to claim and recover him in the form and manner above directed, notwithstanding such apprentice may have been bound for a less term than five or four years as aforesaid: Provided also, that any such master who shall give up the indentures of apprenticeship within one month after the enlisting of such apprentice shall be entitled to receive, to his own use, so much of the bounty payable to such recruit as shall not have been paid to such recruit before notice given of his being an apprentice.

**70.** No apprentice claimed by his master shall be taken from any division, detachment, recruiting party, or ship of Her Majesty, except under a warrant of a justice residing near and within whose jurisdiction such apprentice shall then happen to be, and before whom he shall be carried; and such justice shall inquire into the matter upon oath (which oath he is hereby empowered to administer), and shall require the production and proof of the indenture, and that notice of the said warrant has been given to the commanding officer, and a copy thereof left with some officer or non-commissioned officer of the party, and that such person so enlisted declared that he was no apprentice; and such justice, if required by such officer or non-commissioned officer, shall commit the offender to the common gaol of the county, division, or place for which such justice is acting, and shall keep the indenture to be produced when required, and shall bind over such person as he may think proper to give evidence against the offender, who shall be tried at the next or at the sessions immediately succeeding the next general or quarter sessions of such county, division, or place, unless the court shall for just cause put off the trial; and the production of the indenture, with the certificate of the justice that the same was proved, shall

No apprentice claimed by the master shall be taken away without a warrant.

Punishment of apprentices enlisting.

be sufficient evidence of the said indenture; and every such offender in Scotland may be tried by the judge ordinary in the county or stewardry in such and the like manner as any person may be tried in Scotland for any offence not inferring a capital punishment: Provided always, that any justice not required as aforesaid to commit such apprentice may deliver him to his master.

Removal of doubts as to attestation of marines.

**71.** No person who shall for six months, 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 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 re-engagement, or on any other ground whatsoever, but, on the contrary, every such person shall be deemed to have been duly enlisted, attested, or re-engaged, as the case may be.

Power to Admiralty to order pay to be withheld.

**72.** It shall also be lawful for the Lord High Admiral, and also for the said Commissioners for executing the office of Lord High Admiral, to give orders for withholding the pay of any officer or marine for any period during which such officer or marine shall be absent without leave, or improperly absent from his duty, or in case of any doubt as to the proper issue of pay to withhold it from the parties aforesaid until the said Lord High Admiral or the said Commissioners shall come to a determination upon the case.

Billeting of marines.

**73.** And whereas there is and may be occasion for the marching and also for the quartering of the Royal Marine forces when on shore:

Be it enacted, that during the continuance of this Act, upon the order or orders of the Lords Commissioners of the Admiralty, signified in writing in that behalf under the hand of the Secretary of the Admiralty, or upon the order or orders in writing in that behalf under the hand of any colonel commandant or commanding officer of any division of Royal Marines, it shall be lawful for all constables and other persons specified in this Act in Great Britain and Ireland, and they are hereby required, to billet the officers and marines, whether marching or otherwise, and all staff and field officers horses, and all båt and baggage horses belonging to the Royal Marine forces, when on actual service, not exceeding for each officer the number for which forage is or shall be allowed by Her Majesty's regulations, in victualling houses and other houses specified in this Act, taking care in Ireland not to billet less than two men in any one house; and they shall be received by the occupiers of the houses in which they are so billeted, and be furnished by such victualler with proper accommodation in such houses, and with a separate bed for each marine, or if any victualler shall not have sufficient accommodation in the house upon which a marine is billeted, then in some good and sufficient quarters to be provided by such victualler in the immediate neighbourhood, and in Great Britain with diet and small beer, and in Great Britain and Ireland with stables, oats, hay, and straw for such horses as aforesaid, paying and allowing for the same the several rates herein-after provided; and at no time when marines are on their march shall any of them be billeted above one mile from the place mentioned in the route, care being always taken that the billets be made out

for the less distant houses in which suitable accommodation can be found before making out billets for the more distant; and in all places where marines shall be billeted in pursuance of this Act, the officers and their horses shall be billeted in one and the same house, except in case of necessity; and the constables are hereby required to billet all marines on their march in the manner required by this Act upon the occupiers of all houses within one mile of the place mentioned in the route, and whether they be in the same or a different county, in like manner in every respect as if such houses were all locally situated within such place: Provided always, that nothing herein contained shall be construed to extend to authorise any constable to billet marines out of the county to which such constable belongs when the constable of the adjoining county shall be present and shall undertake to billet the due proportion of men in such adjoining county; and no more billets shall at any time be ordered than there are effective marines and horses present to be billeted; all which billets, when made out by such constables, shall be delivered into the hands of the commanding officer present, or to the non-commissioned officer on the spot; and if any person shall find himself aggrieved by having an undue proportion of marines billeted in his house, and shall prefer his complaint, if against a constable or other person not being a justice, to one or more justices, and if against a justice, then to two or more justices, within whose jurisdiction such marines are billeted, such justices respectively shall have power to order such of the marines to be removed and to be billeted upon other persons as they shall see cause; and when any horses belonging to the officers of Her Majesty's Royal Marine forces shall be billeted upon the occupiers of houses who shall have no stables, then, upon a written requisition of the officer commanding such marines, the constable is hereby required to billet the horses upon some other person or persons having stables, and who are by this Act liable to have officers and marines billeted upon them, and any two or more justices of the peace may order a proper allowance to be paid by the persons relieved to the persons receiving such horses, or to be applied in the furnishing the requisite accommodation; and the commanding officer may exchange any man or horse billeted in any place with another man or horse billeted in the same place, for the convenience or benefit of the service, provided the number of men and horses do not exceed the number at that time billeted on such houses respectively, and the constables are hereby required to billet such men and horses so exchanged accordingly; and it shall be lawful for any justice, at the request of any officer or non-commissioned officer commanding any marines requiring billets, to extend any route, or to enlarge the district within which billets shall be required, in such manner as shall appear to be most convenient to Her Majesty's service: Provided also, that to prevent or punish all abuses in billeting marines, it shall be lawful for any justice, within his jurisdiction, by warrant or order under his hand, to require any constable to give him an account in writing of the number of officers and marines who shall be quartered by such constables, together with the names of the persons upon whom such officers and marines are billeted, stating the street or place where such persons dwell, and the signs, if any,

belonging to the houses : Provided always, that no officer shall be compelled or compellable to pay anything for his lodging where he shall be duly billeted : Provided also, that no justice being an officer of Royal Marines shall directly or indirectly be concerned in billeting or appointing quarters under this Act.

Allowance to  
innkeepers.

74. 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 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 thirteence halfpenny, 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.

**75.** For the regular provision of carriages for the Royal Marine forces and their baggage on their marches in Great Britain and Ireland, all justices of the peace within their several jurisdictions, being duly required thereunto by order of the said Lord High Admiral, or two or more of the Commissioners for executing the said office of Lord High Admiral for the time being, or any colonel commandant or commanding officer of a division of Royal Marines, shall, on the production of such order, or a copy thereof certified by the commanding officer, to them or any one or more of them, by the officer or non-commissioned officer of the party of marines so ordered to march, issue a warrant to any constable having authority to act in any place from, through, near, or to which such marines shall be ordered to march, (for each of which warrants a fee of one shilling only shall be paid), requiring him to provide the carriages, horses, oxen, and drivers therein mentioned, (allowing sufficient time to do the same,) specifying the places from and to which the said carriages shall travel, and the distance between the places, for which distance only so specified payment shall be demanded, and which distance shall not, except in cases of pressing emergency, exceed the day's march prescribed in the order of route, and shall in no case exceed twenty-five miles; and the constables receiving such warrant shall order such persons as they shall think proper, having carriages, to furnish the requisite supply, who are hereby required to furnish the same accordingly; and in case sufficient carriages cannot be procured within the proper jurisdiction, any justice of the next adjoining jurisdiction shall, by a like course of proceeding, supply the deficiency; and in order that the burden of providing carriages may fall equally, and to prevent inconvenience arising from there being no justice residing near the place where marines may be quartered on the march, the justice or justices residing nearest to such place shall cause a list to be made out, at least once in every year, of all persons liable to furnish such carriages, and of the number and description of their said carriages, which list shall at all seasonable hours be open to the inspection of the said persons, and shall by warrant under his hand authorise the constables within his jurisdiction to give orders to provide carriages without any special warrant from him for that purpose, which orders shall be valid in all respects; and all orders for such carriages shall be made from such lists in regular rotation, so far as the same can be done.

**76.** In every case in which the whole distance for which any carriage shall be impressed shall be under one mile the rate of a full mile shall be paid; and the rates to be paid for carriages impressed, shall be in Great Britain, for every mile which a waggon with four or more horses, or a wain with six oxen or four oxen and two horses, shall travel, one shilling; and for every mile any waggon with narrow wheels, or any cart with four horses carrying not less than fifteen hundredweight, shall travel, ninepence; and for every mile every other cart or carriage with less than four horses, and not carrying fifteen hundredweight, shall travel, sixpence; and in Ireland for every hundredweight loaded on any wheel carriage one halfpenny per mile; and in Great Britain such further rates may be added, not exceeding a total additional sum per mile of fourpence, threepence, or twopence to the respective rates of one

Supply of carriages.

Rates for carriages

**75.** For the regular provision of carriages for the Royal Marine forces and their baggage on their marches in Great Britain and Ireland, all justices of the peace within their several jurisdictions, being duly required thereunto by order of the said Lord High Admiral, or two or more of the Commissioners for executing the said office of Lord High Admiral for the time being, or any colonel commandant or commanding officer of a division of Royal Marines, shall, on the production of such order, or a copy thereof certified by the commanding officer, to them or any one or more of them, by the officer or non-commissioned officer of the party of marines so ordered to march, issue a warrant to any constable having authority to act in any place from, through, near, or to which such marines shall be ordered to march, (for each of which warrants a fee of one shilling only shall be paid), requiring him to provide the carriages, horses, oxen, and drivers therein mentioned, (allowing sufficient time to do the same,) specifying the places from and to which the said carriages shall travel, and the distance between the places, for which distance only so specified payment shall be demanded, and which distance shall not, except in cases of pressing emergency, exceed the day's march prescribed in the order of route, and shall in no case exceed twenty-five miles; and the constables receiving such warrant shall order such persons as they shall think proper, having carriages, to furnish the requisite supply, who are hereby required to furnish the same accordingly; and in case sufficient carriages cannot be procured within the proper jurisdiction, any justice of the next adjoining jurisdiction shall, by a like course of proceeding, supply the deficiency; and in order that the burden of providing carriages may fall equally, and to prevent inconvenience arising from there being no justice residing near the place where marines may be quartered on the march, the justice or justices residing nearest to such place shall cause a list to be made out, at least once in every year, of all persons liable to furnish such carriages, and of the number and description of their said carriages, which list shall at all seasonable hours be open to the inspection of the said persons, and shall by warrant under his hand authorise the constables within his jurisdiction to give orders to provide carriages without any special warrant from him for that purpose, which orders shall be valid in all respects; and all orders for such carriages shall be made from such lists in regular rotation, so far as the same can be done.

Supply of carriages.

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Rates for carriages



herein-before mentioned; and no country cars, drays, or other carriages coming to markets in Ireland shall be detained or employed against the will of the owners in carrying the baggage of marines on any pretence whatever.

**77.** It shall be lawful for the Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral, or the Lord Lieutenant or Chief Governors of Ireland, by their or his orders distinctly stating that a case of emergency doth exist, signified by the Secretary of the Admiralty, or, if in Ireland, by the chief secretary or under secretary, or the first clerk in the military department, to authorise any commanding officer of Her Majesty's Royal Marine forces in any district or place, or to the chief acting agents for the supply of stores and provisions, by writing under his hand, reciting such order of the Lord High Admiral, or the said Commissioners, or Lord Lieutenant or Chief Governors aforesaid, to require all justices within their several jurisdictions in Great Britain and Ireland to issue their warrants for the provision, not only of waggons, wains, carts, and cars kept by or belonging to any person and for any use whatsoever, but also of saddle horses, coaches, postchaises, chaises, and other four-wheeled carriages kept for hire, and of all horses kept to draw carriages licensed to carry passengers, and also of boats, barges, and other vessels used for the transport of any commodities whatsoever upon any canal or navigable river as shall be mentioned in the said warrants, therein specifying the place and distance to which such carriages or vessels shall go; and on the production of such requisition, or a copy thereof certified by the commanding officer, to such justice, by any officer of the corps ordered to be conveyed, such justice shall take all the same proceedings in regard to such additional supply so required on such emergency as he is by this Act required to take for the ordinary provision of carriages; and all provisions whatsoever of this Act as regards the procuring of the ordinary supply of carriages, and the duties of officers and non-commissioned officers, justices, constables, and owners of carriages in that behalf, shall be to all intents and purposes applicable for the providing and payment according to the rates of posting or of hire usually paid for such other description of carriages or vessels so required on emergency, according to the length of the journey or voyage in each case, but making no allowance for post horse duty, or turnpike, canal, river, or lock tolls, which duty or tolls are hereby declared not to be demandable, for such carriages and vessels while employed in such service or returning therefrom; and it shall be lawful to convey thereon not only the baggage, provisions, and military stores of such detachment, but also the officers, marines, servants, women, children, and other persons of and belonging to the same.

**78.** 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 moneys 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

As to supply of carriages, &c. in cases of emergency.

Justices of peace to direct payment of sums expended for carriages, &c.

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 authorised 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.

Lord Lieutenant of Ireland may depute persons to sign routes.

**79.** It shall be lawful for the said Lord Lieutenant or other Chief Governor for the time being of Ireland to depute, by warrant under his hand and seal, some proper person to sign routes in cases of emergency for the marching of any of Her Majesty's Royal Marine forces in Ireland in the name of such Lord Lieutenant or Chief Governor.

Exemption from tolls.

**80.** All officers and marines on duty or on their march, being in proper uniform, dress or undress, and their horses and baggage, 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 stores, 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 on duty or on their march 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 stores, 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, and shall in such case pay only half the ordinary rate for such boat.

Marching money on discharge.

**81.** Every marine upon being discharged from the service shall be entitled to an allowance (not exceeding in any case the amount

of twenty-one days marching money) to enable him to reach his home, or the place at which he shall at the time of his discharge decide to take up his residence, if the cost of conveyance to such a place shall not exceed the cost of conveyance to the place of his original enlistment, which allowance shall be calculated according to the distance he has to travel: Provided always, that no person who shall purchase his own discharge, or be discharged on account of misbehaviour, or at his own desire, before the expiration of his period of service, shall be entitled to any such allowance.

**82.** If any constable or other person who by virtue of this Act shall be employed in billeting any officers or marines in any part of the United Kingdom shall presume to billet any such officer or marine in any house not within the meaning of this Act without the consent of the owner or occupier thereof; or shall neglect or refuse to billet any officer or marine on duty when thereunto required in such manner as is by this Act directed, provided sufficient notice be given before the arrival of such marines; or shall receive, demand, or agree for any money or reward whatsoever in order to excuse any person from receiving any such officer or marine; or shall quarter any of the wives, children, men or maid servants of any officer or marine in any such houses against the consent of the occupiers; or shall neglect or refuse to execute such warrants of the justices as shall be directed to him for providing carriages, horses, or vessels, or shall demand more than the legal rates for the same; or if any person ordered by any constable in manner herein-before directed to provide carriages, horses, or vessels shall refuse or neglect to provide the same according to the orders of such constable, or shall demand more than the legal rates for the same, or shall do any act or thing by which the execution of any warrants for providing carriages, horses, or vessels shall be hindered; or if any person liable by this Act to have any officer or marine quartered on him shall refuse to receive any such officer or marine, or to afford him proper accommodation or diet in the house of such person in which he is quartered, or to furnish the several things directed to be furnished to officers and marines, or shall neglect or refuse to furnish good and sufficient stables, together with good and sufficient oats, hay, and straw, in Great Britain and Ireland, for each horse, in such quantities and at such rates as herein-before provided, or if any innkeeper or victualler not having good and sufficient stables shall refuse to pay over to the person or persons who may provide stabling such allowance by way of compensation as shall be directed by any justice of the peace, or shall pay any sum of money to any marine on the march in lieu of furnishing in kind the diet and small beer to which such marine is entitled; such constable, victualler, and other person respectively shall forfeit for every offence, neglect, or refusal any sum not exceeding five pounds nor less than forty shillings; and if any person shall personate or represent himself to be a marine or marine recruit with the view of fraudulently obtaining a billet or money in lieu thereof, he shall for every such offence forfeit any sum not exceeding five pounds nor less than twenty shillings.

Penalties upon civil subjects offending against the laws relating to billets and carriages.

**83.** If any officer of Royal Marines shall take upon him to quarter men otherwise than is allowed by this Act, or shall use or

Penalty upon officers of

marines so  
offending.

offer any menace or compulsion to or upon any justice, constable, or other civil officer tending to deter and discourage any of them from performing any part of their duty under this Act, or to do anything contrary thereto, such officer shall for every such offence, being thereof convicted before any two or more justices of the county by the oath of two credible witnesses, be deemed and taken to be ipso facto cashiered, and shall be utterly disabled to hold any military employment in Her Majesty's service; provided a certificate of such conviction be forthwith transmitted by the said justices to the Secretary of the Admiralty, and that the conviction be affirmed at some quarter sessions of the peace for the said county to be held next after the expiration of three months after such certificate shall have been transmitted as aforesaid; and if any marine officer shall take or knowingly suffer to be taken from any person any money or reward for excusing the quartering of officers or marines, or shall billet any of the wives, children, men or maid servants of any officer or marine in any house against the consent of the occupier, he shall for any of the said offences, upon being convicted thereof before a general court-martial, be cashiered; and if any officer shall constrain any carriage to travel beyond the distance specified in the justices warrant, or shall not discharge the same in due time for their return home on the same day if it be practicable, except in the case of emergency for which the justice shall have given license, or shall compel the driver of any carriage to take up any marine or servant (except such as are sick) or any woman to ride therein, except in cases of emergency as aforesaid, or shall force any constable, by threatening words, to provide saddle horses for himself or servants, or shall force horses from their owners, or in Ireland shall force the owner to take any loading until the same shall be first duly weighed, if the same shall be required, and can be done within a reasonable time, or shall, contrary to the will of the owner or his servant, permit any person whatsoever to put any greater load upon any carriage than is directed by this Act, he shall forfeit for every offence any sum not exceeding five pounds nor less than forty shillings.

Penalty for  
forcible entry  
in pursuit of  
deserters with-  
out warrant.

**84.** Every marine officer or marine who shall, without warrant from one or more of Her Majesty's justices, forcibly enter into or break open the dwelling-house or outhouse of any person whomsoever in pursuit of any deserters, shall, upon due proof thereof, forfeit the sum of twenty pounds.

Penalty for  
purchasing  
clothes, &c.  
from any  
marine.

**85.** Any person who shall knowingly detain, buy, or exchange, or otherwise receive from any marine or marine deserter, or any other person acting for or on his behalf, upon any account or pretence whatsoever, or who shall solicit or entice any marine or marine deserter, or shall be employed by any marine or marine deserter, knowing him to be such, to sell any arms, ammunition, medals for good conduct or distinguishment or other service, marine clothes, or military furniture, or any other articles which, according to the custom of the marine corps, are generally deemed regimental or divisional necessaries, or any provisions, sheets, or other articles used in barracks or provided under barrack regulations, whether on shore or afloat, and whether the marine, or marine deserter or other person be or be not borne on the books of any one of Her Ma-

jesty's ships, or be or be not embarked, or who shall have in his or her possession or keeping any arms, ammunition, medals, marine clothes, or military furniture, or any other articles which, according to the custom of the marine corps, are generally deemed regimental or divisional necessaries, or any provisions, spirits, sheets, or other articles used in barracks or provided under barrack regulations, and shall not give a satisfactory account how he or she came by the same, or shall change or cause the colour or mark of any such clothes, appointments, necessaries, sheets, or other articles to be changed or defaced, or who shall pawn, sell, or deposit in any place or with any person such articles of regimental necessaries, with or without the consent of such marine, 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; and if any person having been at any time previously convicted of either of the above offences under this or any previous Act for the regulation of Her Majesty's Royal Marine forces while on shore shall afterwards be guilty of any such offence, he or she 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, and shall, in addition to such forfeiture, be committed to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned with or without hard labour, 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 that 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 and he is hereby required to 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.

**86.** Every person (except such recruiting parties as may be stationed under military command) who shall cause to be advertised, posted, or dispersed bills for the purpose of procuring recruits or substitutes for the Royal Marines, or shall open or keep any house or place of rendezvous or office, or receive any person therein under such bill or advertisement as connected with the marine recruiting service, or shall directly or indirectly interfere therewith, without permission in writing from the Lord High Admiral or the said Commissioners for executing the office of Lord High Admiral, shall forfeit for every such offence a sum not exceeding twenty pounds.

Penalty on  
unlawful  
recruiting.

Penalty on  
killing game  
without leave.

**87.** For the better preservation of the game and fish in or near places where any officer shall at any time be quartered, every officer who shall, without leave in writing from the person or persons entitled to grant such leave, take, kill, or destroy any game or fish within the United Kingdom, shall for every such offence forfeit the sum of five pounds.

Limitations of  
actions.

**88.** If any action shall be brought against any member or members of a court-martial to be assembled under the authority of this Act, or of any Act heretofore passed for the regulation of Her Majesty's Royal Marine forces while on shore, in respect of the proceedings or the sentence thereof, or against any other person for anything done in pursuance or under the authority of this Act, or of any Act heretofore passed for the regulation of Her Majesty's Royal Marine forces while on shore, the same shall be brought in some one of the Courts of Record at Westminster or Dublin, or in the Court of Session in Scotland, and shall be commenced within six months next after the cause of action shall arise, and it shall be lawful for the defendant or defendants therein, or in any such action now pending, to plead thereto the general issue, and to give all special matter in evidence on the trial; and if the verdict shall be for the defendant in any such action, or if the plaintiff shall become nonsuit or suffer any discontinuance thereof, or if, in Scotland, the court shall see fit to assoilzie the defendant or dismiss the complaint, the court in which the matter shall be tried shall allow the defendant treble costs, for the recovery of which he shall have the like remedy as in other cases where costs by the laws of this realm are given to defendants.

Recovery of  
penalties.

**89.** All offences for which any penalties and forfeitures are by this Act imposed, not exceeding twenty pounds, over and above any forfeiture of value or treble value, shall and may be determined, and such penalties and forfeitures, and forfeiture of value or treble value recovered, in every part of the United Kingdom except Scotland, by and before one or more justice or justices of the peace, under the provisions of an Act passed in the eleventh and twelfth years of the reign of Her Majesty Queen Victoria, intituled "An Act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders," and in Scotland by and before one or more justices of the peace under the provisions of the Summary Procedure Act, 1864: 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 for any time not exceeding six calendar months; which last-recited Act but one shall be used and applied in Ireland for the recovery of all such penalties and forfeitures as fully to all intents as if the said recited Act had extended to Ireland, anything in the said recited Act, or in an Act passed in the fourteenth and fifteenth years of the reign of Her Majesty Queen Victoria, intituled "An Act to consolidate and amend the Acts regulating the proceedings at petty sessions, and the duties of justices of the peace out of quarter sessions, in Ireland," to the contrary notwithstanding; and all such offences committed in the British Isles, or in any of Her Majesty's dominions beyond the seas, may be

11 & 12 Vict.  
c. 43.

14 & 15 Vict.  
c. 93.

determined, and the penalties and forfeitures and forfeiture of value or treble value recovered, before any justices of the peace or persons exercising like authority, according to the laws of the part of Her Majesty's dominions in which the offence shall be committed; and all penalties and forfeitures by this Act imposed exceeding twenty pounds shall be recovered by action in some of the Courts of Record at Westminster or in Dublin, or in India, or in the Court of Session in Scotland, and in no other court in the United Kingdom, and may be recovered in the British Isles or in any other parts of Her Majesty's dominions, in any of the royal or superior courts of such isles or other parts of Her Majesty's dominions. In any proceeding under this Act whereby any person incurs a penalty or forfeiture, such person may also be adjudged to pay the costs of such proceeding by the justice or justices or the court imposing such penalty or forfeiture.

**90.** One moiety of every such penalty or forfeiture, not including any 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 such 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 His late Majesty King William the Fourth, intituled "An Act to provide for the regulation of municipal corporations in England and Wales," or in any other Act or Acts of Parliament, to the contrary notwithstanding; and every justice who shall adjudge any penalty under this Act shall within four days thereafter at the furthest report the same, and his adjudication thereof, to the Secretary of the Admiralty.

Appropriation of penalties.

5 & 6 W. 4. c. 76.

**91.** It shall be lawful for any two justices of the peace, within their respective jurisdictions, to grant or transfer any license for selling by retail any spirit, beer, wine, cider, or perry to any person or persons applying for the same who shall hold any canteen under any lease thereof, or by agreement with any department or other authority under the said Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral for the time being, without regard to the time of year, or any notices or certificates required by any Act in respect of such licenses; and the Commissioners of Excise or their proper officers within their respective districts shall also grant or transfer any such license as aforesaid; and such persons holding such canteens, and having such licenses as aforesaid, may sell therein victuals, and all such exciseable liquors as they shall be licensed and empowered to sell, without being subject for so doing to any penalty or forfeiture whatever.

Licenses of canteens.

**92.** The statement made by a recruit on his attestation of his place of birth shall (until legally disproved) be taken to be the place of his settlement, to which upon his discharge he may be sent by the Lord High Admiral or the Commissioners for executing the office of Lord High Admiral for the time being, but any justice in the United Kingdom, within whose jurisdiction any marine shall be quartered on shore, may summon such marine before him, which summons such marine is hereby required to obey, and take his ex-

Mode of recording a marine's settlement.

mination in writing upon oath touching the place of his last legal settlement; and such justice shall give an attested copy of such examination to the person so examined, to be by him delivered to his commanding officer to be produced when required; which said examination and such attested copy thereof shall be at any time admitted as good and legal evidence as to such legal settlement before any justice or at any general or quarter sessions of the peace, although such marine be dead or absent from the kingdom: Provided always, that in case any marine shall be again summoned to make oath as aforesaid, then, on such examination or such attested copy being produced, such marine shall not be obliged to make any other or further oath with regard to his legal settlement, but shall leave with such justice a copy of such examination or a copy of such attested copy of examination, if required.

**93.** Notwithstanding anything in this Act contained, a marine shall be liable to contribute to the maintenance of his wife and of his children, and also to the maintenance of any bastard child of which he may be proved to be the father, to the same extent as if he were not a marine; but execution shall not issue against his military necessaries or equipments, nor shall he be liable to be imprisoned or taken out of Her Majesty's service in consequence of such liability, or any order made for enforcing the same; nor shall he be liable to be punished as an idle or disorderly person, or as a rogue and vagabond, or as an incorrigible rogue, under the Act passed in the fifth year of the reign of King George the Fourth, chapter eighty-three, intituled "An Act for the punishment of idle and disorderly persons, and rogues and vagabonds, in that part of Great Britain called England," or under any other Act of Parliament, for the offence of neglecting to maintain his family or any member thereof, or of leaving his family or any member thereof chargeable to any parish, township, or place, or combination of parishes, or to the common fund of any union; nor shall he, in Ireland, be liable to be convicted under the Act passed in the session of Parliament held in the tenth and eleventh years of the reign of Her present Majesty, intituled "An Act to make provision for the punishment of vagrants and persons offending against the laws in force for the relief of the destitute poor in Ireland," for the offence of deserting or wilfully neglecting to maintain his wife or any child whom he may be liable to maintain, so that such wife or child shall become destitute and be relieved in or out of the workhouse of any union in Ireland.

When any order is made under the Acts relating to the relief of the poor, or under the Bastardy Acts, on a marine, or, in Scotland, decree is pronounced by a court of law having jurisdiction in an action of aliment or filiation and aliment against a marine for the maintenance of his wife or children, or for the maintenance of any such bastard child as aforesaid, or any of such persons, or where, in Ireland, any civil bill decree has been made for the cost of the maintenance of any illegitimate child against any marine being the putative father of such child, under the provisions of the Act passed in the session of Parliament held in the twenty-sixth and twenty-seventh years of the reign of Her present Majesty, intituled "An Act to amend the law enabling boards of guardians to recover

Liability of marine to maintain wife and children.



“ costs of maintenance of illegitimate children in certain cases in “ Ireland,” or when any order or decree has been made on or against any marine for the recovery of the cost of any relief given to the wife or child of such marine under the Acts relating to the relief of the poor in Ireland by way of loan, a copy of such order or decree shall be left at the office of the said Lord High Admiral or the said Commissioners for executing the office of Lord High Admiral, and the said Lord High Admiral or the said Commissioners for executing the office of Lord High Admiral may withhold a portion not exceeding sixpence of the daily pay of a non-commissioned officer who is not below the rank of sergeant, and not exceeding threepence of the daily pay of any other marine, and allot the sum so withheld in liquidation of the sum adjudged to be paid by such order or decree.

Where a summons is issued against a marine under the said Acts, or any of them, or an action is raised against him at common law or under any Act of Parliament, for the purpose of enforcing against him any such liability as aforesaid, and such marine is quartered out of the petty sessional division in which the summons is issued, or out of the jurisdiction of the court in which the action is raised, the summons shall be served on his commanding officer, and such service shall not be valid unless there be left therewith, or along with the service copy thereof, in the hands of the commanding officer, a sum of money to be adjudged as costs incurred in obtaining the order or decree (should an order be obtained or decree pronounced against the marine) sufficient to enable him to attend the hearing of the case, and return to his quarters; and no summons whatever under the said Acts or any of them, or at common law, shall be valid against a marine if served after the time at which an order has been given for his embarkation for service out of the United Kingdom.

**94.** All oaths and declarations which are authorised 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 authorised 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: Provided always, that nothing in this Act contained shall be construed to render an oath necessary in any case where by law a solemn affirmation may be made instead thereof.

Administration of oaths.

Perjury.

**95.** All clauses and provisions in this Act contained relating to England shall be construed to extend to Wales and to the town of Berwick-upon-Tweed; and the provisions of this Act shall apply to all persons who are or shall be commissioned or in pay as an officer of Royal Marines, or who are or shall be listed or in pay as

Definition of terms.

a non-commissioned officer or marine; and all clauses and provisions relating to marines shall be construed to include non-commissioned officers and drummers, unless when otherwise provided; and all clauses and provisions relating to justices shall be construed to extend to all magistrates authorised to act as such in their respective jurisdictions; and all the powers given to and regulations made for the conduct of constables, and all penalties and forfeitures for any neglect thereof, shall extend to all tithingmen, headboroughs, 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, 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; and all powers and provisions for billeting marines 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, to all houses of persons licensed to sell beer, ale, porter, cider, or perry by retail, to be consumed or drunk in their dwelling-houses or premises, 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 marines may be billeted in such manner as has been heretofore customary: Provided always, that no officer or marine shall be billeted in Great Britain in any private houses, or in any canteen held or occupied under the authority of the Admiralty, War, or Marine Department, or upon persons who keep taverns only, being vintners of the city of London admitted to their freedom of that company in right of patrimony or apprenticeship, notwithstanding such persons who keep such taverns only have taken out victualling licenses; nor in the house of any distiller kept for distilling brandy and strong waters; nor in the house of any shopkeeper whose principal dealings 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 or residence in any part of the United Kingdom of any foreign consul duly accredited as such.

Marines not to be billeted in private houses, &c.

Repeal of sect. 2. and Schedule A. of 10 & 11 Vict. c. 63.

Duration of Act.

**96.** The second section of the Act passed in the tenth and eleventh years of Her Majesty, chapter sixty-three, and Schedule A. annexed to the said Act, are hereby repealed.

**97.** This Act shall be in force within Great Britain from the twenty-fifth day of April one thousand eight hundred and seventy-seven until the twenty-fifth day of April one thousand eight hundred and seventy-eight 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 seventy-seven until the first of May one thousand eight hundred and seventy-eight inclusive; and within the garrison of Gibraltar, and within the Mediterranean, and in Spain and Portugal, from the first day of August one thousand eight hundred and seventy-seven until the first day of August one thousand eight

hundred and seventy-eight 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 first day of September one thousand eight hundred and seventy-seven until the first day of September one thousand eight hundred and seventy-eight inclusive; and in all other places from the first day of February one thousand eight hundred and seventy-eight until the first day of February one thousand eight hundred and seventy-nine inclusive: 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 contained to the contrary notwithstanding.

### SCHEDULE referred to by this Act.

FORM of OATHS to be taken by MEMBERS of COURTS-MARTIAL.

**Y**OU shall well and truly try and determine according to the evidence in the matter now before you. So help you GOD.

**Y**OU shall duly administer justice, according to the rules and articles for the better government of Her Majesty's Royal Marine forces, and according to an Act now in force for the regulation of the said forces while on shore, without partiality, favour, or affection, and if any doubt shall arise which is not explained by the said articles or Act, according to your conscience, the best of your understanding, and the custom of war in the like cases: And you shall not divulge the sentence of the court until it shall be duly approved; neither shall you, upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof as a witness by a court of justice or a court-martial in a due course of law.

So help you GOD.

### FORM of OATH of JUDGE ADVOCATE.

**I** do swear, that I will not, upon any account whatsoever, disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof as a witness by a court of justice or a court-martial in a due course of law; and that I will not, unless it be necessary for the due discharge of my official duties, disclose the sentence of the court until it shall be duly approved.

So help me GOD.

### NOTICE to be given to a RECRUIT at the Time of his ENLISTMENT.

<i>A.B.</i>	<i>Date</i>	18 .
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**T**AKE notice, that you enlisted with \_\_\_\_\_ at \_\_\_\_\_ o'clock\* on the \_\_\_\_\_ day of \_\_\_\_\_ for the Royal Marines, and if you do not come forward to [*here name some place*] on or before \_\_\_\_\_ o'clock\* on the \_\_\_\_\_ day of \_\_\_\_\_ for the purpose of being taken before a justice, either to be attested or to release yourself from your engagement by repaying the enlisting shilling and any pay you may have received as a recruit, and by paying twenty shillings as smart money, you will be liable to be punished as a rogue and vagabond.

You are hereby also warned that you will be liable to the same punishment if you make any wilfully false representations at the time of attestation.

*Signature of the non-commissioned }  
officer serving the notice.* \_\_\_\_\_

### DECLARATION to be made by RECRUIT on ATTESTATION.

I \_\_\_\_\_ now residing in the parish of \_\_\_\_\_  
in the county of \_\_\_\_\_, do solemnly and sincerely declare,  
that to the best of my knowledge and belief I was born in the parish  
of (a) \_\_\_\_\_ in or near the town of (b) \_\_\_\_\_ in the  
county of (c) \_\_\_\_\_, and am \_\_\_\_\_ years of age;  
that I am of the trade or calling of \_\_\_\_\_ [or of no trade or  
calling, *as the case may be*]; that I am not an apprentice; that I am  
married (that I am not a widower; that I am a widower, and that I have  
(or have not) children) [or not married, *as the case may be*]; that I do  
not belong to the militia, or to the Naval Coast Volunteers, or Royal  
Naval Volunteers, or to any portion of Her Majesty's land or sea forces;  
that I have never served Her Majesty by land or sea in any military,  
marine, or naval employment whatsoever, except \_\_\_\_\_;  
that I have never been marked with the letter D; that I have never been  
rejected as unfit for Her Majesty's service on any previous enlistment;  
that I was enlisted at \_\_\_\_\_ on the \_\_\_\_\_ day of  
\_\_\_\_\_ 18 \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ m. by  
\_\_\_\_\_ of \_\_\_\_\_, and that I have read  
[or had read to me] the notice then given to me and understood its mean-  
ing; that I enlisted for a bounty of \_\_\_\_\_ and a free  
kit [*as the case may be*], and have no objection to make to the manner of  
my enlistment; that I am willing to be attested to serve in the Royal  
Marines for the term of [*the blank after the words "term of" to be filled  
up with twelve years, if the person enlisted is of the age of eighteen years  
or upwards; but if under that age, then the difference between his age  
and eighteen is to be added to such twelve years*], provided Her Majesty  
should so long require my services, and also for such further term, not  
exceeding two years, as shall be directed by the commanding officer on any  
foreign station.

\_\_\_\_\_  
*Signature of recruit.*

\_\_\_\_\_  
*Signature of witness.*

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

### OATH to be taken by a RECRUIT on ATTESTATION.

I DO make oath, that I will be faithful and bear true allegiance to Her Majesty, her heirs and successors; and that I will, as in duty bound, honestly and faithfully defend Her Majesty, her heirs and successors, in person, crown, and dignity, against all enemies, and will observe and obey all orders of Her Majesty, her heirs and successors, and of the generals and officers set over me.

So help me GOD.

Witness my hand, \_\_\_\_\_ *Signature of the recruit.*

\_\_\_\_\_  
*Witness present.*

Declared and sworn before me at

this \_\_\_\_\_ day of \_\_\_\_\_ one thousand }  
eight hundred and \_\_\_\_\_ at \_\_\_\_\_ o'clock. }

\_\_\_\_\_  
*Signature of the justice.*

## DECLARATION to be made by a MARINE renewing his Service.

I do declare, that I am at present [or was, as the case may be,] in the division of the Royal Marine forces; that I enlisted on the day of for a term of years; that I am of the age of years; and that I will serve Her Majesty, her heirs and successors, as a marine, for a further term of years [to be filled up with such number of years as shall be required to complete a total service of twenty-one years], provided my services should so long be required, and also for such further term, not exceeding two years, as shall be directed by the commanding officer on any foreign station.

\_\_\_\_\_ Signature of marine.

\_\_\_\_\_ Signature of witness.

Declared before me this        day }  
of                                    18 . }

## FORM of OATH to be taken by a MASTER whose Apprentice has absconded.

I of do make oath, that I am by trade a , and that was bound to serve as an apprentice to me in the said trade, by indenture dated the day of for the term of years; and that the said did on or about the day of last abscond and quit my service without my consent, and that to the best of my knowledge and belief the said is aged about years. Witness my hand at the day of one thousand eight hundred and .

Sworn before me at                                    this }  
day of                                    one thousand }  
eight hundred and                                    . }

## FORM of JUSTICE'S CERTIFICATE to be given to the MASTER of an Apprentice.

to wit. } I of one of Her Majesty's justices of the peace certify, that of came before me at the day of and made oath that he was by trade a , and that was bound to serve as an apprentice to him in the said trade, by indenture dated the day of , for the term of years; and that the said apprentice did on or about the day of abscond and quit the service of the said without his consent, and that to the best of his knowledge and belief the said apprentice is aged about years.

DESCRIPTION RETURN of \_\_\_\_\_ who was apprehended [or surrendered himself, *as the case may be*] on the \_\_\_\_\_ day of \_\_\_\_\_ and was committed to confinement at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ as deserter from the Royal Marines.

Age - - - - -	{	
Height - - - - -	{	Feet. Inches.
Complexion - - - - -	{	
Hair - - - - -	{	
Eyes - - - - -	{	
Marks - - - - -	{	
Probable date of enlistment, and where	{	
Probable date of desertion, and from what place - - - - -	{	
Name and occupation and address of the person by whom or through whose means the deserter was apprehended and secured - -	{	
* Particulars of the evidence on which the prisoner is committed, and showing whether he surrendered or was apprehended, and in what manner, and upon what grounds -	{	

\* It is important for the public service, and for the interest of the deserter, that this part of the return should be accurately filled up, and the details should be inserted by the magistrate in his own handwriting, or, under his direction, by his clerk.

I do hereby certify, that the prisoner has been duly examined before me as to the circumstance herein stated, and has declared in my presence that he † a deserter from the above-mentioned corps.

\_\_\_\_\_  
Signature and address of magistrate.  
\_\_\_\_\_  
Signature of prisoner.  
\_\_\_\_\_  
Signature of informant.

† Insert "is" or "is not," as the case may be.

I certify, that I have inspected the prisoner, and consider him † \_\_\_\_\_ for military service.

\_\_\_\_\_  
Signature of military medical officer, or of private medical practitioner.

† Insert "fit" or "unfit," as the case may be; and, if unfit, state the cause of unfitness.

## CHAPTER 9.

An Act for amending the Supreme Court of Judicature Acts, 1873 and 1875. [24th April 1877.]

**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 :

**1.** This Act shall, so far as is consistent with the tenor thereof, be construed as one with the Supreme Court of Judicature Acts, 1873 and 1875, and together with the said Acts may be cited as The Supreme Court of Judicature Acts, 1873, 1875, 1877, and this Act may be cited separately as "The Supreme Court of Judicature Act, 1877."

Construction and short title of Act.

**2.** It shall be lawful for Her Majesty to appoint a judge of the High Court of Justice in addition to the number of judges of that court authorised to be appointed by the Supreme Court of Judicature Acts, 1873 and 1875.

Appointment of additional judge of High Court of Justice.

**3.** The judge appointed in pursuance of this Act shall be in the same position as if he had been appointed a puisne judge of the said High Court in pursuance of the Supreme Court of Judicature Acts, 1873 and 1875 ; and all the provisions of the Supreme Court of Judicature Acts, 1873 and 1875, for the time being in force in relation to the qualification and appointment of puisne judges of the said High Court, and to their tenure of office, and to their precedence, and to their salaries and pensions, and to the officers to be attached to the persons of such judges, and all other provisions relating to such puisne judges, or any of them, with the exception of such provisions as apply to existing judges only, shall apply to the additional judge appointed in pursuance of this section in the same manner as they apply to the other puisne judges of the said court respectively. The judge appointed in pursuance of this Act shall be attached to the Chancery Division of the said High Court, subject to such power of transfer as is in the Supreme Court of Judicature Act, 1873, mentioned.

Position of additional judge.

**4.** And whereas it is expedient that a uniform style should be provided for the ordinary judges of the Court of Appeal and for the judges of the High Court of Justice (other than the Presidents of Divisions) : Be it enacted, that the ordinary judges of the Court of Appeal shall be styled Lords Justices of Appeal, and the judges of the High Court of Justice (other than the Presidents of Divisions) shall be styled Justices of the High Court.

Style of judges.

**5.** A puisne judge of the High Court of Justice means for the purposes of this Act a judge of the High Court of Justice other than the Lord Chancellor, the Lord Chief Justice of England, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, and the Lord Chief Baron, and their successors respectively.

Definition of puisne judge.

**6.** Section thirty-four of the Supreme Court of Judicature Act, 1875, shall be construed as if the first day of January one thousand eight hundred and seventy-nine were therein inserted in lieu of the first day of January one thousand eight hundred and seventy-seven.

Continuation until 1st Jan. 1879 of s. 34 of 38 & 39 Viet. c. 77.

## CHAPTER 10.

An Act to authorise the continuance of the Charge heretofore payable on certain Offices, Annuities, Pensions, and Allowances. [17th May 1877.]

**W**HEREAS by or in pursuance of the Acts mentioned in the Schedule hereto, or some of them, duties of one shilling and of sixpence and of four shillings in the pound are payable in respect of certain salaries, pensions, or allowances, and such duties have, where such salaries, pensions, and allowances are charged on public revenue, been deducted before payment is made of such salaries, pensions, or allowances, but in other cases have been assessed by the Commissioners of Land Tax before they become payable :

39 & 40 Vict.  
c. 16.

And whereas doubts are entertained whether the repeal of the said Acts by the Customs and Inland Revenue Act, 1876, has not extended, contrary to the intention of Parliament, to the duties so deducted in respect of salaries, pensions, and allowances charged on public revenue, as well as to the duties so assessed by the Commissioners of Land Tax :

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 :

Continuance  
of duties on  
pensions  
payable out  
of public  
revenue.

1. The said duties of one shilling and of sixpence and of four shillings in the pound payable in respect of the salaries, pensions, and other allowances charged on public revenue, and heretofore deducted before payment of such salaries, pensions, and allowances, shall continue to be deducted from such salaries, pensions, and allowances, and to be paid and payable in the like manner as if the said Customs and Inland Revenue Act had not passed, and the repeal by the last-mentioned Act of the Acts in the Schedule hereto shall be deemed to extend and to have extended only to the duties aforesaid in cases where they are directed to be assessed by the Commissioners of Land Tax.

Short title.

2. This Act may be cited for all purposes as the Customs and Inland Revenue Amendment Act, 1877.

## SCHEDULE.

Session and Chapter.	Title or abbreviated Title.
7 Geo. 1. Stat. 1. c. 27. -	An Act for raising a sum not exceeding five hundred thousand pounds, &c.
49 Geo. 3. c. 32. - -	An Act for continuing and making perpetual several duties of one shilling and sixpence, &c.
6 Geo. 4. c. 9. - -	An Act for continuing to His Majesty for one year certain duties on personal estates, offices, and pensions in England, &c.
6 & 7 Will. 4. c. 97. -	An Act for continuing and making perpetual the duty on certain offices and pensions.



## CHAPTER 11.

An Act to make provision with respect to Judicial proceedings in certain cases relating to Rating.

[17th May 1877.]

**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; (that is to say,)

**1.** No judge shall be incapable of acting in his judicial office in any proceeding, whether commenced before or after the passing of this Act, by reason of his being, as one of several ratepayers, or as one of any other class of persons, liable, in common with the others, to contribute to or to be benefited by any rate which may be increased, diminished, or in any way affected by such proceeding. Judges may act in certain cases relating to rates.

**2.** No act, matter, or thing which before the passing of this Act has been done, made, or executed by any judge prior to the passing of this Act, shall hereafter be quashed, or declared void because the same has been so made, done, or executed by any judge who may have been, as one of several ratepayers, or as one of any other class of persons, liable, in common with the others, to contribute to or to be benefited by any rate which may have been increased, diminished, or in any way affected by such act, matter, or thing. Certain acts done before the passing of this Act not to be invalidated.

**3.** In this Act, if not inconsistent with the context, the following words and expressions have the meanings herein-after respectively assigned to them; that is to say, Interpretation.

“Judge” means—

As to England, any Judge of Her Majesty's High Court of Justice, or Her Majesty's Court of Appeal, or of any of the Superior Courts of Law or Equity in England as they existed before the constitution of Her Majesty's High Court of Justice; and

As to Ireland, any Judge of any of the Superior Courts of Law or Equity at Dublin; and

As to Scotland, any Judge of the High Court of Session; and

As to the United Kingdom, any Lord of Appeal, or Peer of Parliament, when sitting and voting in the House of Lords, upon the hearing of any matter brought before that House by way of error, or appeal from any other Court.

“Rate” means any rate, tax, duty, or assessment, whether public, general or local, and also any fund formed from the proceeds of any such rate, tax, duty, or assessment, or applicable to the same, or like purposes to which any such rate, tax, duty, or assessment might be applied.

## CHAPTER 12.

An Act to apply the sum of five million nine hundred thousand pounds out of the Consolidated Fund to the service of the year ending the thirty-first day of March one thousand eight hundred and seventy-eight.

[11th June 1877.]

Most Gracious Sovereign,

**W**E, 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 sum 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:

1. The Commissioners of Her Majesty's Treasury for the time being may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to Her Majesty for the service of the year ending on the thirty-first day of March one thousand eight hundred and seventy-eight, the sum of five million nine hundred thousand pounds.

2. The Commissioners of the Treasury may borrow from time to time on the credit of the said sum, any sum or sums not exceeding in the whole the sum of five million nine hundred thousand pounds, and shall repay the moneys so borrowed, with interest not exceeding five pounds per centum per annum, out of the growing produce of the Consolidated Fund at any period not later than the next succeeding quarter to that in which the said sums were borrowed.

Any sums so borrowed shall be placed to the credit of the account of Her Majesty's Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such fund is available.

Issue of  
5,900,000l.  
out of the  
Consolidated  
Fund for the  
service of  
the year end-  
ing 31st  
March 1878.

Power to  
the Treasury  
to borrow.

## CHAPTER 13.

An Act to grant certain Duties of Customs and Inland Revenue, and to amend the Laws relating to Customs, Inland Revenue, and Savings Banks.

[11th June 1877.]

Most Gracious Sovereign,

**W**E, 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 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:

1. This Act may be cited as "The Customs, Inland Revenue, and Savings Banks Act, 1877." Short title.

## PART I.

*Customs.*

2. The duties of Customs now charged on tea shall continue to be levied and charged on and after the first day of August one thousand eight hundred and seventy-seven until the first day of August one thousand eight hundred and seventy-eight on importation into Great Britain or Ireland; (that is to say,) Grant of Customs duties on tea.

Tea, the pound - - - - Sixpence.

3. The provisions of the one hundred and second section of "The Customs Consolidation Act, 1876," as to warehoused and drawback goods shall apply also to all other goods except so far as relates to their entry and clearance before shipment. Provisions as to shipment of export goods. 39 & 40 Vict. c. 36.

4. The time within which actions against officers of Customs contemplated by section two hundred and seventy-two of "The Customs Consolidation Act, 1876," may be commenced shall be and is hereby extended to two months. Time for actions against officers extended.

5. In all informations, prosecutions, suits, or proceedings at the suit of the Crown under the Customs Acts the same rule as to costs shall be observed as in suits or proceedings between subject and subject. Rule as to costs in Customs cases.

## PART II.

*Taxes.*

6. There shall be charged, collected, and paid for the year commencing on the sixth day of April one thousand eight hundred and seventy-seven, in respect of all property, profits, and gains mentioned or described as chargeable in the Act of the sixteenth and seventeenth years of Her Majesty's reign, chapter thirty-four, the following duties of income tax; (that is to say,) Grant of duties of income tax.

For every twenty shillings of the annual value or amount of property, profits, and gains chargeable under Schedules (A.), (C.), (D.), or (E.) of the said Act, the duty of threepence:

And for every twenty shillings of the annual value of the occupation of lands, tenements, hereditaments, and heritages chargeable under Schedule (B.) of the said Act,—

In England, the duty of one penny halfpenny;

In Scotland and Ireland respectively, the duty of one penny farthing.

7. All such provisions contained in any Act relating to income tax as were in force on the fifth day of April one thousand eight hundred and seventy-seven, shall have full force and effect with respect to the duties of income tax granted by this Act, so far as the same shall be consistent with the provisions of this Act; and for the purposes of this Act the year one thousand eight hundred and sixty-two, mentioned in the forty-third section of the Act of Provisions of Income Tax Acts to apply to duties hereby granted.

the twenty-fifth and twenty-sixth years of Her Majesty's reign, chapter twenty-two, shall be read as and deemed to mean the year one thousand eight hundred and seventy-seven.

5 & 6 Vict.  
c. 35. s. 32.  
and 23 & 24  
Vict. c. 14.  
s. 6. (re-  
pealed by  
Customs and  
Inland Re-  
venue Act,  
1876) revived  
and to apply.

Provisions  
of Income  
Tax Acts  
to apply to  
duties to be  
granted for  
succeeding  
year.

Assessment  
of income tax  
under Sched-  
ules (A.)  
and (B.) and  
of the inha-  
bited house  
duties for  
the year  
1877-78.

Section thirty-two of the Act of the fifth and sixth years of Her Majesty's reign, chapter thirty-five, and section six of the Act of the twenty-third and twenty-fourth years of Her Majesty's reign, chapter fourteen, which were repealed by "The Customs and Inland Revenue Act, 1876," are hereby revived, and shall have full force and effect with respect to the duties granted by this Act, and chargeable under the said Schedule (E.)

8. In order to ensure the collection in due time of any duties of income tax which may be granted for the year commencing on the sixth day of April one thousand eight hundred and seventy-eight, all such provisions contained in any Act relating to the duties of income tax as are in force on the fifth day of April one thousand eight hundred and seventy-eight shall have full force and effect with respect to the duties of income tax which may be so granted, in the same manner as if the said duties had been actually granted, and the said provisions had been applied thereto, by an Act of Parliament passed on that day: Provided that nothing in this section shall be deemed to render necessary or authorise the appointment of assessors for such of the said duties as may be payable under Schedules (A.) and (B.) of the said Act of the sixteenth and seventeenth years of Her Majesty's reign, chapter thirty-four.

9. With respect to the assessment of the duties of income tax hereby granted under Schedules (A.) and (B.) in respect of property elsewhere than in the metropolis, as defined by "The Valuation (Metropolis) Act, 1869," and of the duties on inhabited houses elsewhere than in the said metropolis, for the year commencing on the sixth day of April one thousand eight hundred and seventy-seven, the following provisions shall have effect:

- (1.) The inspectors or surveyors of taxes shall be the assessors for the said duties, and in lieu of the poundage by law granted to be divided between the assessors and collectors in regard to such duties there shall be paid a poundage of three halfpence to the collectors thereof.
- (2.) The sum charged as the annual value of any property in the assessment of income tax thereon for the year which commenced on the sixth day of April one thousand eight hundred and seventy-six, and the sum charged as the annual value of every inhabited house in the assessment made thereon for the same year, shall be taken as the annual value of such property or of such inhabited house for the assessment and charge thereon of the duties of income tax hereby granted, or of inhabited house duty, to all intents and purposes as if such sum had been estimated to be the annual value in conformity with the provisions in that behalf contained in the Acts relating to income tax and the duties on inhabited houses respectively.
- (3.) The Commissioners executing the said Acts shall for each place within their district cause duplicates of the assess-

ments to be made out and delivered to the collectors, together with the warrants for collecting the same.

- (4.) The commissioners executing the said Acts in England shall for each place within their district appoint such persons, being inhabitants of the place, as they shall think fit, to be collectors of the duties, in like manner as if such persons had been presented to them by assessors in conformity with the said Acts.

### PART III.

#### *Excise.*

**10.** Where any judgment shall be given by any justice or justices of the peace in Ireland on any complaint or information exhibited by any officer of Excise under any of the laws relating to the Excise, and the party against whom such judgment shall be given shall give to the said justice or justices notice of appeal therefrom in the manner required by the Act of the seventh and eighth years of King George the Fourth, chapter fifty-three, the said justice or justices shall, three clear days at least before the commencement of the quarter sessions at which the appeal is to be heard, lodge with the clerk of the peace a record of the conviction or acquittal, as the case may be. Every such record shall and lawfully may be in the form set forth in the Schedule to this Act, with such variations as may be required by the circumstances of the case.

On notice given of appeal from decision of justices in Ireland, a record of conviction or acquittal to be lodged with clerk of the peace.

Form as in Schedule.

**11.** Whereas in the eleventh section of the Act of the eighteenth and nineteenth years of Her Majesty's reign, chapter thirty-eight, reference is made to the provisions of the Act of the eleventh and twelfth years of Her Majesty's reign, chapter one hundred and twenty-one, and for the purpose of the Statute Law Revision it is advisable to alter the terms of such reference :

Alteration of reference in 18 & 19 Vict. c. 38. s. 11.

Be it enacted, that the said section shall be read as applying in regard to certificates, forms of requisition, and other documents to be used under the provisions of the Act, the provisions contained in the Act of the twenty-third and twenty-fourth years of Her Majesty's reign, chapter one hundred and fourteen, in lieu of those contained in any section of the said Act of the eleventh and twelfth years of Her Majesty's reign, repealed by "The Statute Law Revision Act, 1875."

### PART IV.

#### *Stamps.*

**12.** On and after the first day of October next all inventories of the personal or moveable estate and effects of deceased persons which shall be exhibited and recorded in Scotland, under the provisions of any Act of Parliament, shall, together with the oath or affirmation relating thereto, be transmitted by the commissary clerks or the sheriff clerks as often as required to the Controller of Legacy and Succession Duties, at his office in Edinburgh, instead of the Solicitor of Inland Revenue there, and all inventories to be lodged in conformity with the Act of the twenty-third and twenty-fourth years of Her present Majesty, chapter eighty, shall be lodged with the said Controller instead of the said Solicitor, and the said

Transmission and custody of inventories in Scotland.

Solicitor shall transfer all inventories which have at any time theretofore been filed in his office to the said Controller, and the said Controller shall have the custody of all inventories so transferred and all inventories so transmitted, and shall file and preserve the same at his office in Edinburgh, and all enactments relating to any such inventories shall be read as if the officer to or with whom inventories are thereby directed to be transmitted or lodged were the Controller of Legacy and Succession Duties in Edinburgh.

Abolition of duties on appointments to benefices.

**13.** After the passing of this Act the duties charged under the Act thirty-three and thirty-four Victoria, chapter ninety-seven, upon appointment, whether by way of donation, presentation, or nomination, and admission, collation, or institution to, or license to hold any benefice specified in Schedule B. to this Act, shall cease to be payable.

#### PART V.

##### *Savings Banks.*

Payment into Exchequer of surplus interest from Post Office Savings Banks Fund. 24 & 25 Vict. c. 14.

**14.** Whereas in pursuance of the Post Office Savings Banks Act, 1861, and the Acts amending the same, all moneys deposited in the Post Office Savings Banks in excess of the sums withdrawn by depositors are paid over to the Commissioners for the Reduction of the National Debt and invested by them in securities in their names to the credit of "The Post Office Savings Banks Fund," and it is intended that where the interest accrued from such securities in any year is insufficient to meet the interest required by the said Acts to be paid and credited during that year to depositors, and the expenses incurred during that year in the execution of the said Acts, such deficiency should be paid out of moneys provided by Parliament; and it is expedient to provide for the disposal of any surplus of the interest so accrued above the interest so paid and credited and the said expenses: Be it therefore enacted as follows:

Where the annual account herein-after mentioned of the Commissioners for the Reduction of the National Debt shows that in the year for which the said account is made up the gross amount of interest accrued from the securities standing in their names to the credit of the Post Office Savings Banks Fund exceeded the interest paid and credited during the year to depositors in pursuance of the Acts relating to Post Office Savings Banks, and the expenses, including a sum, to be determined by the Treasury, to provide against depreciation in the value of the securities, incurred during the year in the execution of those Acts, the Commissioners for the Reduction of the National Debt shall, within three months after the date at which the said account is laid before Parliament, cause the amount of such surplus to be paid out of the Post Office Savings Banks Fund into the Exchequer in such manner as may from time to time be agreed on between the Commissioners of Her Majesty's Treasury and the Commissioners for the Reduction of the National Debt.

Payment into Exchequer of surplus interest from the

**15.** Whereas in pursuance of the Acts relating to Savings Banks the sums received from trustees of savings banks have been invested by the Commissioners for the Reduction of the National Debt in securities in their names to the credit of "The Fund for the Banks

for Savings," and it is intended that where the interest accrued from such securities in any year is insufficient to meet the interest required by the said Acts to be paid and credited during that year to the said trustees, such deficiency should be paid out of moneys provided by Parliament, and it is expedient to provide for the disposal of any surplus of the interest so accrued above the interest so paid and credited: Be it therefore enacted as follows:

Fund for the Banks for Savings.

Where the annual account herein-after mentioned of the Commissioners for the Reduction of the National Debt shows that in the year for which the said account is made up the gross amount of interest accrued from the securities standing in their names to the credit of the Fund for the Banks for Savings exceeded the gross amount of interest paid and credited during the year to the trustees of Savings Banks in pursuance of the Acts relating to Savings Banks, together with a sum, to be determined by the Treasury, to provide against the depreciation in the value of the securities, the Commissioners for the Reduction of the National Debt shall, within three months after the said account is laid before Parliament, cause the amount of such surplus to be paid out of the Fund for the Banks for Savings into the Exchequer in such manner as may from time to time be agreed on between the Commissioners of Her Majesty's Treasury and the Commissioners for the Reduction of the National Debt.

**16.** Whereas in pursuance of the Acts relating to Friendly Societies the sums received from Friendly Societies have been invested by the Commissioners for the Reduction of the National Debt in securities in their names to the credit of "The Fund for Friendly Societies," and it is intended that where the interest accrued from such securities in any year is insufficient to meet the interest required by the said Acts to be paid and credited during that year to the said societies, such deficiency should be paid out of moneys provided by Parliament, and it is expedient to provide for the disposal of any surplus of the interest so accrued above the interest so paid and credited: Be it therefore enacted as follows:

Payment into Exchequer of surplus interest from the Fund for Friendly Societies.

Where the annual account herein-after mentioned of the Commissioners for the Reduction of the National Debt shows that in the year for which the said account is made up the gross amount of interest accrued from the securities standing in their names to the credit of the Fund for Friendly Societies exceeded the gross amount of interest paid and credited to Friendly Societies in pursuance of the Acts relating to Friendly Societies, together with a sum, to be determined by the Treasury, to provide against depreciation in the value of the securities, the Commissioners for the Reduction of the National Debt shall, within three months after the said account is laid before Parliament, cause the amount of such surplus to be paid out of the Fund for Friendly Societies into the Exchequer in such manner as may from time to time be agreed on between the Commissioners of Her Majesty's Treasury and the Commissioners for the Reduction of the National Debt.

**17.** The Commissioners for the Reduction of the National Debt shall annually make out three separate accounts, as follows:—

Annual account of interest accrued and interest paid

(1.) An account with respect to the year ending on the thirty-first day of December, showing on the one side the interest

and credited  
in respect of  
Post Office  
Savings  
Banks Funds,  
Fund for  
Banks for  
Savings, and  
Fund for  
Friendly  
Societies.

accrued in respect of the securities standing to the credit of the Post Office Savings Banks Fund, and showing on the other side the interest paid and credited to depositors in pursuance of the Acts relating to Post Office Savings Banks, and the expenses incurred in the execution of those Acts; and,

- (2.) An account with respect to the year ending on the twentieth day of November, showing on the one side the interest accrued from the securities standing to the credit of the Fund for the Banks for Savings, and showing on the other side the interest paid and credited to the trustees of Savings Banks; and,
- (3.) An account with respect to the year ending on the twentieth day of November, showing on the one side the interest accrued from the securities standing to the credit of the Fund for Friendly Societies, and showing on the other side the interest paid and credited to Friendly Societies.

Every account under this section shall be laid before both Houses of Parliament on or before the thirtieth day of April after the end of the year for which it is made, if Parliament be then sitting, or if not, within one week after the then next meeting of Parliament.

The first account under this section shall be laid before both Houses of Parliament with respect to the years ending respectively on the thirty-first day of December and the twentieth day of November one thousand eight hundred and seventy-six, and shall be laid before Parliament within one month after the passing of this Act.

#### SCHEDULE A.

##### *Form of Conviction or Acquittal.*

to wit, { BE it remembered, that on the \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord one thousand eight hundred and \_\_\_\_\_, at \_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_, one \_\_\_\_\_, an officer of Excise, personally exhibited by order of the Commissioners of Inland Revenue, to and before \_\_\_\_\_, one of Her Majesty's Justices of the Peace for the said \_\_\_\_\_, a certain complaint [*or information, as the case may be*] on behalf of Her Majesty, and thereby informed the said justice that [*here state the offence or offences as in the complaint or information*], and the said \_\_\_\_\_ having been duly summoned to appear and answer the said complaint [*or information*], appeared before me [*or us, as the case may be*], one [*or more, as the case may be*] of Her Majesty's Justices of the Peace for the said \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord one thousand eight hundred and \_\_\_\_\_, and declared that he was not guilty of the said offence [*or offences*] charged in the said complaint [*or information*] (or did not appear before me [*or us*], &c. at the time and place appointed in the said summons, but proof of the due service of the said summons upon the said \_\_\_\_\_ was proved as required by law). Whereupon I [*or we*], the said last-mentioned justice [*or justices*], did at the time and place last mentioned proceed to hear the said complaint [*or information*], and did examine on oath certain witnesses produced to us, that is to say :

(*or if defendant appears and confesses the offence or offences, state the fact*), and I [*or we*], the said last-mentioned justice [*or justices*], having



considered the premises, do hereby convict [or acquit, as the case may be] the said of the offence [or offences] charged in the said complaint [or information] (*adding in case of conviction*), and I [or we] do hereby declare and adjudge that he has forfeited for the said offence [or offences] the penalty of (*and if the penalty is mitigated say*), which said penalty I [or we] do, by virtue of the statute in that case made and provided, mitigate to the sum of to be paid and accounted for as directed by the statutes in that behalf [*where more than one offence is charged, state the particular count or counts upon which the defendant is convicted*]. Given under my hand and seal [or our hands and seals] at aforesaid, in the said of , this day of , in the year of our Lord one thousand eight hundred and .

SCHEDULE B.

*Stamp Duties repealed.*

Charged under 33 & 34 Vict. c. 97.

Appointment, whether by way of donation, presentation, or nomination, and admission, collation, or institution to or license to hold—

Any ecclesiastical benefice, dignity, or promotion, or any perpetual curacy—

In England :

If the net value thereof exceeds—

£	£	£	s.	d.
50 and does not exceed 100	-	-	1	0 0
100	150	-	2	0 0
150	200	-	3	0 0
200	250	-	4	0 0
250	300	-	5	0 0
300	-	-	7	0 0

And also (if such yearly value exceeds £300)

for every £100 of such yearly value over

and above £200, a further duty of - 5 0 0

In Scotland - - - - - 2 0 0

CHAPTER 14.

An Act for the Amendment of the Law of Evidence in certain cases of Misdemeanor. [28th June 1877.]

WHEREAS it is expedient further to amend the law of evidence :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. On the trial of any indictment or other proceeding for the non-repair of any public highway or bridge, or for a nuisance to any public highway, river, or bridge, and of any other indictment or proceeding instituted for the purpose of trying or enforcing a civil right only, every defendant to such indictment or proceeding, and the wife or husband of any such defendant, shall be admissible witnesses and compellable to give evidence.

Defendant, and wife or husband of defendant, may be witness in certain trials.

## CHAPTER 15.

An Act to amend the Public Libraries Act (Ireland), 1855. [28th June 1877.]

18 & 19 Vict.  
c. 40.

**W**HEREAS it is expedient to amend the Public Libraries Act (Ireland), 1855, in the manner herein-after mentioned :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title.

**1.** In citing this Act for any purpose whatever it shall be sufficient to use the expression "The Public Libraries (Ireland) Amendment Act, 1877."

Interpretation.

**2.** The term "principal Act" shall mean the Public Libraries Act (Ireland), 1855.

Powers of principal Act extended to schools of music.

**3.** The terms "science and art" and "schools of science and art" used in the said principal Act shall be deemed to include the science and art of music and schools of music respectively ; and the council or board of any borough or the town commissioners of any town shall be at liberty to apply such portion as they may deem fit of the rate which they are or may be authorised to levy, under the provisions of the principal Act, towards the maintenance and support of, and payment of the salaries of teachers of a school or schools of music, and the purchase of musical instruments, books, and other requisites for the use of such school or schools.

Constitution of the committee of management.

**4.** The committee in which the general management, regulation, and control of such libraries, museums, or schools may be vested under the provisions of the twelfth section of the principal Act, may consist in part of persons not members of the council or board, or commissioners.

Powers to borrow on mortgage.

**5.** For carrying the principal Act and this Act into execution the council, board, or commissioners respectively may, with the approval of the Commissioners of Her Majesty's Treasury, from time to time borrow, at interest, on the security of a mortgage or bond of the borough fund or the town fund, or of the rates levied in pursuance of the principal Act, such sums of money as may be by them respectively required, and the Commissioners of Public Works in Ireland may from time to time advance and lend any such sums of money. The clauses and provisions of the Companies Clauses Consolidation Act, 1845, with respect to the borrowing of money on mortgage or bond, and the accountability of officers, and the recovery of damages and penalties, so far as such provisions may respectively be applicable to the purposes of the principal Act and of this Act, shall be respectively incorporated therewith.

Principal Act and this Act to be construed as one Act.

**6.** The said principal Act and this Act shall be read and construed together as one Act.

## CHAPTER 16.

An Act to facilitate the removal of Wrecks obstructing Navigation. [28th June 1877.]

**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 :

1. This Act may be cited as the Removal of Wrecks Act, 1877.

2. This Act shall not apply to ships belonging to Her Majesty.

3. In this Act,—

The term "harbour" includes harbours properly so called, whether natural or artificial, estuaries, navigable rivers, piers, jetties, and other works in or at which ships can obtain shelter, or ship and unship goods or passengers ;

The term "tidal water" means any part of the sea and any part of a river within the ebb and flow of the tide at ordinary spring tides, and not being a harbour ;

The term "harbour authority" includes all persons or bodies of persons, corporate or unincorporate, being proprietors of, or intrusted with the duty or invested with the power of constructing, improving, managing, regulating, maintaining, or lighting a harbour ;

The term "conservancy authority" includes all persons or bodies of persons, corporate or unincorporate, intrusted with the duty or invested with the power of conserving, maintaining, or improving the navigation of a tidal water ; and

The term "general lighthouse authority" has the same meaning as it has in the Merchant Shipping Act, 1854.

4. Where any vessel is sunk, stranded, or abandoned in any harbour or tidal water under the jurisdiction of a harbour or conservancy authority, or in or near any approach thereto, in such manner as in the opinion of the authority to be, or be likely to become, an obstruction or danger to navigation in that harbour or water, or in any approach thereto, the authority may take possession of and raise, remove, or destroy the whole or any part of the vessel, and may light or buoy any such vessel or part until the raising, removal, or destruction thereof, and may sell, in such manner as they think fit, any vessel or part so raised or removed, and also any other property recovered in the exercise of their powers under this Act, and may out of the proceeds of such sale reimburse themselves for the expenses incurred by them under this Act, and shall hold the surplus, if any, of such proceeds in trust for the persons entitled thereto.

Provided as follows :

(1.) Except in the case of property which is of a perishable nature, or which would deteriorate in value by delay, a sale shall not be made under this Act until at least seven clear days notice of the intended sale has been given by advertisement in some local newspaper circulating in or near the district over which the authority have jurisdiction ; and

Short title.

Application of Act.

Interpretation of terms.

17 & 18 Vict. c. 104.

Power for harbour or conservancy authority to remove wreck.

(2.) At any time before any property is sold under this Act, the owner thereof shall be entitled to have the same delivered to him on payment to the authority of the fair market value thereof, to be ascertained by agreement between the authority and the owner, or failing such agreement by some person to be named for the purpose by the Board of Trade, and the sum paid to the authority as the value of any property under this provision shall, for the purposes of this Act, be deemed to be the proceeds of sale of that property.

Power for general lighthouse authority to remove wreck.

5. Where any vessel is sunk, stranded, or abandoned in any fairway, or on the seashore, in the United Kingdom, the Channel Islands, or the Isle of Man, or any of the adjacent seas or islands, and there is not any harbour or conservancy authority having power to raise, remove, or destroy the same, the general lighthouse authority for that part of the United Kingdom in or near which the vessel is situate shall, if in their opinion the same is or is likely to become an obstruction or danger to navigation, have the same powers in relation thereto as are by this Act conferred upon a harbour or conservancy authority.

All expenses incurred by the general lighthouse authority under this Act, and not reimbursed in manner provided by this Act, shall be paid out of the Mercantile Marine Fund.

Powers of removal to extend to tackle, cargo, &c.

6. The provisions of this Act shall apply to every article or thing or collection of things being or forming part of the tackle, equipments, cargo, stores, or ballast of a vessel in the same manner as if it were included in the term "vessel," and for the purposes of this Act any proceeds of sale arising from a vessel and from the cargo thereof, or any other property recovered therefrom, shall be regarded as a common fund.

Power for Board of Trade to determine certain questions between authorities.

7. If any question arises between a harbour or conservancy authority on the one hand and a general lighthouse authority on the other hand, as to their respective powers under this Act in relation to any place being in or near an approach to a harbour or tidal water, the same shall, on the application of either authority, be referred to the decision of the Board of Trade, and that decision shall be final.

Powers of Act cumulative.

8. The powers conferred by this Act shall be deemed to be in addition to and not in derogation of any other powers for the like object.

## CHAPTER 17.

An Act to amend the Law relating to the Division of Courts of Quarter Sessions in Boroughs.

[28th June 1877.]

WHEREAS by the Act of the session of the seventh year of William the Fourth and the first of Her Majesty, chapter nineteen, provision is made for the better despatch of business in courts of quarter sessions for corporate cities or towns by the division of such courts, and by the appointment of an assistant barrister to preside in one division of any such court:

And whereas under the provisions of the said Act a resolution of the town council approving of the exercise of the powers of the said Act is required upon each occasion upon which such powers are proposed to be exercised, and it is provided that the assistant barrister and the assistant officers of the court shall not be entitled to claim remuneration for more than two days :

And whereas it is expedient 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 :

1. Where a resolution of the council of a corporate city or town approving of the exercise of the powers of the recited Act has been passed and certified as directed by the first section of the said Act, the resolution and the certificate thereof shall, if the resolution so provides, continue in force during twelve months from the date of the resolution, and during such continuance no fresh resolution or certificate shall be necessary.

Amendment of  
7 W. 4. &  
1 Vict. c. 19.

2. It shall be lawful for the council of any corporate city or town, with the consent of one of Her Majesty's Principal Secretaries of State, from time to time, by resolution, to extend from two to not exceeding four the number of days for which an assistant barrister, assistant clerk of the peace, or additional crier shall be entitled to claim remuneration under the provisions of the recited Act ; any such resolution may be made for such period and subject to revocation in such manner as the said Secretary of State approves.

Increase of  
time for which  
assistant bar-  
rister and  
others may be  
remunerated.

## CHAPTER 18.

An Act to consolidate and amend the Law relating to Leases and Sales of Settled Estates. [28th June 1877.]

**W**HEREAS it is expedient to consolidate and amend the law relating to leases and sales of settled estates :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited for all purposes as "The Settled Estates Act, 1877." Short title.

2. The word "settlement" as used in this Act shall signify any Act of Parliament, deed, agreement, copy of court roll, will, or other instrument, or any number of such instruments, under or by virtue of which any hereditaments of any tenure or any estates or interests in any such hereditaments stand limited to or in trust for any persons by way of succession, including any such instruments affecting the estates of any one or more of such persons exclusively.

Interpretation  
of "settle-  
ment" and  
"settled  
estates."

The term "settled estates" as used in this Act shall signify all hereditaments of any tenure, and all estates or interests in any such hereditaments, which are the subject of a settlement; and for the

purposes of this Act a tenant-in-tail after possibility of issue extinct shall be deemed to be a tenant for life.

All estates or interests in remainder or reversion not disposed of by the settlement, and reverting to a settlor or descending to the heir of a testator, shall be deemed to be estates coming to such settlor or heir under or by virtue of the settlement.

In determining what are settled estates within the meaning of this Act, the Court shall be governed by the state of facts, and by the trusts or limitations of the settlement at the time of the said settlement taking effect.

Interpretation  
of "the Court."

3. The expression "the Court" in this Act shall, so far as relates to estates in England, mean the High Court of Justice, and all causes and matters in respect of such estates commenced or continued under this Act shall, subject to the provisions of the Judicature Acts, be assigned to the Chancery Division of the High Court of Justice in like manner as if such causes and matters had arisen under an Act of Parliament by which, prior to the passing of the Judicature Acts, exclusive jurisdiction in respect to such causes and matters had been given to the Court of Chancery, or to any judges or judge thereof respectively.

The expression "the Court" in this Act shall, so far as relates to estates in Ireland, mean the Court of Chancery in Ireland.

Power to  
authorise leases  
of settled  
estates.

4. It shall be lawful for the Court, if it shall deem it proper and consistent with a due regard for the interests of all parties entitled under the settlement, and subject to the provisions and restrictions in this Act contained, to authorise leases of any settled estates, or of any rights or privileges over or affecting any settled estates, for any purpose whatsoever, whether involving waste or not, provided the following conditions be observed :

First. Every such lease shall be made to take effect in possession at or within one year next after the making thereof, and shall be for a term of years not exceeding for an agricultural or occupation lease, so far as relates to estates in England twenty-one years, or so far as relates to estates in Ireland thirty-five years, and for a mining lease or a lease of water mills, way leaves, water leaves, or other rights or easements forty years, and for a repairing lease sixty years, and for a building lease ninety-nine years : Provided always, that any such lease (except an agricultural lease) may be for such term of years as the Court shall direct, where the Court shall be satisfied that it is the usual custom of the district and beneficial to the inheritance to grant such a lease for a longer term than the term herein-before specified in that behalf :

Secondly. On every such lease shall be reserved the best rent or reservation in the nature of rent, either uniform or not, that can be reasonably obtained, to be made payable half yearly or oftener without taking any fine or other benefit in the nature of a fine : Provided always, that in the case of a mining lease, a repairing lease, or a building lease a peppercorn rent or any smaller rent than the rent to be ultimately made payable may, if the Court shall think fit so to direct, be made payable during all or any part of the first five years of the term of the lease :

Thirdly. Where the lease is of any earth, coal, stone, or mineral, a certain portion of the whole rent or payment reserved shall be from time to time set aside and invested as herein-after mentioned, namely, when and so long as the person for the time being entitled to the receipt of such rent is a person who by reason of his estate or by virtue of any declaration in the settlement is entitled to work such earth, coal, stone, or mineral for his own benefit, one fourth part of such rent, and otherwise three fourth parts thereof; and in every such lease sufficient provision shall be made to ensure such application of the aforesaid portion of the rent by the appointment of trustees or otherwise as the Court shall deem expedient:

Fourthly. No such lease shall authorise the felling of any trees except so far as shall be necessary for the purpose of clearing the ground for any buildings, excavations, or other works authorised by the lease:

Fifthly. Every such lease shall be by deed, and the lessee shall execute a counterpart thereof, and every such lease shall contain a condition for re-entry on nonpayment of the rent for a period of twenty-eight days after it becomes due, or for some less period to be specified in that behalf.

5. Subject and in addition to the conditions herein-before mentioned, every such lease shall contain such covenants, conditions, and stipulations as the Court shall deem expedient with reference to the special circumstances of the demise.

Leases may contain special covenants.

6. The power to authorise leases conferred by this Act shall extend to authorise leases either of the whole or any parts of the settled estates, and may be exercised from time to time.

Parts of settled estates may be leased.

7. Any leases, whether granted in pursuance of this Act or otherwise, may be surrendered either for the purpose of obtaining a renewal of the same or not, and the power to authorise leases conferred by this Act shall extend to authorise new leases of the whole or any part of the hereditaments comprised in any surrendered lease.

Leases may be surrendered and renewed.

8. The power to authorise leases conferred by this Act shall extend to authorise preliminary contracts to grant any such leases, and any of the terms of such contracts may be varied in the leases.

Power to authorise leases to extend to preliminary contracts.

9. All the powers to authorise and to grant leases contained in this Act shall be deemed to include respectively powers to authorise the lords of settled manors and powers to the lords of settled manors to give licenses to their copyhold or customary tenants to grant leases of lands held by them of such manors to the same extent and for the same purposes as leases may be authorised or granted of freehold hereditaments under this Act.

Powers of leasing to include powers to lords of settled manor to give licenses to their copyhold or customary tenants to grant leases.

10. The power to authorise leases conferred by this Act may be exercised by the Court either by approving of particular leases or by ordering that powers of leasing, in conformity with the provisions of this Act, shall be vested in trustees in manner herein-after mentioned.

Mode in which leases may be authorised.

11. When application is made to the Court either to approve of a particular lease or to vest any powers of leasing in trustees, the Court shall require the applicant to produce such evidence as it shall deem sufficient to enable it to ascertain the nature, value,

What evidence to be produced on an application to authorise leases.

and circumstances of the estate, and the terms and conditions on which leases thereof ought to be authorised.

After approval of a lease, Court to direct who shall be the lessor.

**12.** When a particular lease or contract for a lease has been approved by the Court, the Court shall direct what person or persons shall execute the same as lessor; and the lease or contract executed by such person or persons shall take effect in all respects as if he or they was or were at the time of the execution thereof absolutely entitled to the whole estate or interest which is bound by the settlement, and had immediately afterwards settled the same according to the settlement, and so as to operate (if necessary) by way of revocation and appointment of the use or otherwise, as the Court shall direct.

Powers of leasing may be vested in trustees.

**13.** Where the Court shall deem it expedient that any general powers of leasing any settled estates conformably to this Act should be vested in trustees, it may by order vest any such power accordingly either in the existing trustees of the settlement or in any other persons, and such powers, when exercised by such trustees, shall take effect in all respects as if the power so vested in them had been originally contained in the settlement, and so as to operate (if necessary) by way of revocation and appointment of the use or otherwise, as the Court shall direct; and in every such case the Court, if it shall think fit, may impose any conditions as to consents or otherwise on the exercise of such power, and the Court may also authorise the insertion of provisions for the appointment of new trustees from time to time for the purpose of exercising such powers of leasing as aforesaid.

Conditions that leases be settled by the Court not to be inserted in orders made under this Act.

**14.** Provided always, that in orders under this Act for vesting any powers of leasing in any trustees or other persons, no conditions shall be inserted requiring that the leases thereby authorised should be submitted to or be settled by the Court or a judge thereof, or be made conformable with a model lease deposited in the judge's chambers, save only in any case in which the parties applying for the order may desire to have any such condition inserted, or in which it shall appear to the Court that there is some special reason rendering the insertion of such a condition necessary or expedient.

Conditions where inserted may be struck out.

**15.** Provided also, that in all cases of orders (whether under this Act or under the corresponding enactment of the Acts hereby repealed) in which any such condition as last aforesaid shall have been inserted, it shall be lawful for any party interested to apply to the Court to alter and amend such order by striking out such condition, and the Court shall have full power to alter the same accordingly, and the order so altered shall have the same validity as if it had originally been made in its altered state; but nothing herein contained shall make it obligatory on the Court to act under this provision in any case in which from the evidence which was before it when the order sought to be altered was made, or from any other evidence, it shall appear to the Court that there is any special reason why in the case in question such a condition is necessary or expedient.

Court may authorise sales of settled estates and of timber.

**16.** It shall be lawful for the Court, if it shall deem it proper and consistent with a due regard for the interests of all parties entitled under the settlement, and subject to the provisions and restrictions



in this Act contained, from time to time to authorise a sale of the whole or any parts of any settled estates or of any timber (not being ornamental timber) growing on any settled estates, and every such sale shall be conducted and confirmed in the same manner as by the rules and practice of the Court for the time being is or shall be required in the sale of lands sold under a decree of the Court.

**17.** It shall be lawful for the Court, if it shall deem it proper and consistent with a due regard for the interests of all parties who are or may hereafter be entitled under the settlement, and subject to the provisions and restrictions in this Act contained, to sanction any action, defence, petition to Parliament, parliamentary opposition, or other proceedings appearing to the Court necessary for the protection of any settled estate, and to order that all or any part of the costs and expenses in relation thereto be raised and paid by means of a sale or mortgage of or charge upon all or any part of the settled estate, or be raised and paid out of the rents and profits of the settled estate, or out of any moneys or investments representing moneys liable to be laid out in the purchase of hereditaments to be settled in the same manner as the settled estate, or out of the income of such moneys or investments, or out of any accumulations of rents, profits, or income.

Proceedings  
for protection.

**18.** When any land is sold for building purposes it shall be lawful for the Court, if it shall see fit, to allow the whole or any part of the consideration to be a rent issuing out of such land, which may be secured and settled in such manner as the Court shall approve.

Consideration  
for land sold  
for building  
may be a fee-  
farm rent.

**19.** On any sale of land any earth, coal, stone, or mineral may be excepted, and any rights or privileges may be reserved, and the purchaser may be required to enter into any covenants or submit to any restrictions which the Court may deem advisable.

Minerals, &c.  
may be excepted  
from sales.

**20.** It shall be lawful for the Court, if it shall deem it proper and consistent with a due regard for the interests of all parties entitled under the settlement, and subject to the provisions and restrictions in this Act contained, from time to time to direct that any part of any settled estates be laid out for streets, roads, paths, squares, gardens, or other open spaces, sewers, drains, or watercourses, either to be dedicated to the public or not; and the Court may direct that the parts so laid out shall remain vested in the trustees of the settlement, or be conveyed to or vested in any other trustees upon such trusts for securing the continued appropriation thereof to the purposes aforesaid in all respects, and with such provisions for the appointment of new trustees when required, as by the Court shall be deemed advisable.

Court may  
authorise dedi-  
cation of any  
part of settled  
estates for  
streets, roads,  
and other  
works.

**21.** Where any part of any settled estates is directed to be laid out for such purposes as aforesaid, the Court may direct that any such streets, roads, paths, squares, gardens, or other open spaces, sewers, drains, or watercourses, including all necessary or proper fences, pavings, connexions, and other works incidental thereto respectively, be made and executed, and that all or any part of the expenses in relation to such laying out and making and execution be raised and paid by means of a sale or mortgage of or charge upon all or any part of the settled estates, or be raised and paid

As to laying  
out and making  
and executing  
and maintain-  
ing streets,  
roads, and  
other works,  
and expenses  
thereof.

out of the rents and profits of the settled estates or any part thereof, or out of any moneys or investments representing moneys liable to be laid out in the purchase of hereditaments to be settled in the same manner as the settled estates, or out of the income of such moneys or investments, or out of any accumulations of rents, profits, or income; and the Court may also give such directions as it may deem advisable for any repair or maintenance of any such streets, roads, paths, squares, gardens, or other open spaces, sewers, drains, or watercourses, or other works, out of any such rents, profits, income, or accumulations during such period or periods of time as to the Court shall seem advisable.

How sales and dedications are to be effected under the direction of the Court.

**22.** On every sale or dedication to be effected as herein-before mentioned the Court may direct what person or persons shall execute the deed of conveyance; and the deed executed by such person or persons shall take effect as if the settlement had contained a power enabling such person or persons to effect such sale or dedication, and so as to operate (if necessary) by way of revocation and appointment of the use or otherwise, as the Court shall direct.

Application by petition to exercise powers conferred by this Act.

**23.** Any person entitled to the possession or to the receipt of the rents and profits of any settled estates for a term of years determinable on his death, or for an estate for life or any greater estate, and also any person entitled to the possession or to the receipt of the rents and profits of any settled estates as the assignee of any person who but for such assignment would be entitled to such estates for a term of years determinable with any life, or for an estate for any life or any greater estate, may apply to the Court by petition in a summary way to exercise the powers conferred by this Act.

With whose consent such application to be made.

**24.** Subject to the exceptions herein-after contained, every application to the Court must be made with the concurrence or consent of the following parties; namely,

Where there is a tenant-in-tail under the settlement in existence and of full age, then the parties to concur or consent shall be such tenant-in-tail, or if there is more than one such tenant-in-tail, then the first of such tenants-in-tail and all persons in existence having any beneficial estate or interest under or by virtue of the settlement prior to the estate of such tenant-in-tail, and all trustees having any estate or interest on behalf of any unborn child prior to the estate of such tenant-in-tail;

And in every other case the parties to concur or consent shall be all the persons in existence having any beneficial estate or interest under or by virtue of the settlement, and also all trustees having any estate or interest on behalf of any unborn child.

Court may dispense with consent in respect of certain estates.

**25.** Provided always, that where an infant is tenant-in-tail under the settlement, it shall be lawful for the Court, if it shall think fit, to dispense with the concurrence or consent of the person, if only one, or all or any of the persons, if more than one, entitled, whether beneficially or otherwise, to any estate or interest subsequent to the estate tail of such infant.

Notice to be given to persons who do not consent to

**26.** Provided always, that where on an application under this Act the concurrence or consent of any such person as aforesaid shall not have been obtained, notice shall be given to such person in such

manner as the Court to which the application shall be made shall direct, requiring him to notify within a time to be specified in such notice whether he assents to or dissents from such application, or submits his rights or interests so far as they may be affected by such application to be dealt with by the Court, and every such notice shall specify to whom and in what manner such notification is to be delivered or left. In case no notification shall be delivered or left in accordance with the notice and within the time thereby limited, the person to or for whom such notice shall have been given or left shall be deemed to have submitted his rights and interests to be dealt with by the Court.

**27.** Provided also, that where on an application under this Act the concurrence or consent of any such person as aforesaid shall not have been obtained, and in case such person cannot be found, or in case it shall be uncertain whether he be living or dead, or in case it shall appear to the Court that such notice as aforesaid cannot be given to such person without expense disproportionate to the value of the subject-matter of the application, then and in any such case the Court, if it shall think fit, either on the ground of the rights or interests of such person being small or remote, or being similar to the rights or interests of any other person or persons, or on any other ground, may by order dispense with notice to such person, and such person shall thereupon be deemed to have submitted his rights and interests to be dealt with by the Court.

**28.** An order may be made upon any application notwithstanding that the concurrence or consent of any such person as aforesaid shall not have been obtained or shall have been refused, but the Court in considering the application shall have regard to the number of persons who concur in or consent to the application, and who dissent therefrom or who submit or are to be deemed to submit their rights or interests to be dealt with by the Court, and to the estates or interests which such persons respectively have or claim to have in the estate as to which such application is made; and every order of the Court made upon such application shall have the same effect as if all such persons had been consenting parties thereto.

**29.** Provided nevertheless, that it shall be lawful for the Court, if it shall think fit, to give effect to any petition subject to and so as not to affect the rights, estate, or interest of any person whose concurrence or consent has been refused, or who has not submitted or is not deemed to have submitted his rights or interests to be dealt with by the Court, or whose rights, estate, or interest ought in the opinion of the Court to be excepted.

**30.** Notice of any application to the Court under this Act shall be served on all trustees who are seised or possessed of any estate in trust for any person whose consent or concurrence to or in the application is hereby required, and on any other parties who in the opinion of the Court ought to be so served, unless the Court shall think fit to dispense with such notice:

**31.** Notice of any application to the Court under this Act shall, if the Court shall so direct, but not otherwise, be inserted in such newspapers as the Court shall direct, and any person or body corporate, whether interested in the estate or not, may apply to the Court by motion for leave to be heard in opposition to or in support

or concur in the application.

Court may dispense with notice under certain circumstances.

Court may dispense with consent, having regard to the number and interests of parties.

Petition may be granted without consent, saving rights of non-consenting parties.

Notice of application to be served on all trustees, &c.

Notice of application to be given in newspapers if Court direct.

of any application which may be made to the Court under this Act; and the Court is hereby authorised to permit such person or corporation to appear and be heard in opposition to or support of any such application, on such terms as to costs or otherwise, and in such manner, as it shall think fit.

No application under this Act to be granted where a similar application has been rejected by Parliament.

**32.** The Court shall not be at liberty to grant any application under this Act in any case where the applicant, or any party entitled, has previously applied to either House of Parliament for a private Act to effect the same or a similar object, and such application has been rejected on its merits, or reported against by the judges to whom the Bill may have been referred.

Notice of the exercise of powers to be given as directed by the Court.

**33.** The Court shall direct that some sufficient notice of any exercise of any of the powers conferred on it by this Act shall be placed on the settlement or on any copies thereof, or otherwise recorded in any way it may think proper, in all cases where it shall appear to the Court to be practicable and expedient for preventing fraud or mistake.

Payment and application of moneys arising from sales or set aside out of rent, &c. reserved on mining leases.

**34.** All money to be received on any sale effected under the authority of this Act, or to be set aside out of the rent or payments reserved on any lease of earth, coal, stone, or minerals as aforesaid, may, if the Court shall think fit, be paid to any trustees of whom it shall approve, or otherwise the same, so far as relates to estates in England, shall be paid into Court ex parte the applicant in the matter of this Act, and so far as relates to estates in Ireland, shall be paid into the Bank of Ireland to the account of the Accountant-General ex parte the applicant in the matter of this Act; and such money shall be applied as the Court shall from time to time direct to some one or more of the following purposes, namely,—

So far as relates to estates in England the purchase or redemption of the land tax, and so far as relates to estates in Ireland the purchase or redemption of rentcharge in lieu of tithes, Crown rent, or quit rent.

The discharge or redemption of any incumbrance affecting the hereditaments in respect of which such money was paid, or affecting any other hereditaments subject to the same uses or trusts; or

The purchase of other hereditaments to be settled in the same manner as the hereditaments in respect of which the money was paid; or

The payment to any person becoming absolutely entitled.

Trustees may apply moneys in certain cases without application to Court.

**35.** The application of the money in manner aforesaid may, if the Court shall so direct, be made by the trustees (if any) without any application to the Court, or otherwise upon an order of the Court upon the petition of the person who would be entitled to the possession or the receipt of the rents and profits of the land if the money had been invested in the purchase of land.

Until money can be applied to be invested, and dividends to be paid to parties entitled.

**36.** Until the money can be applied as aforesaid, the same shall be invested as the Court shall direct in some or one of the investments in which cash under the control of the Court is for the time being authorised to be invested, and the interest and dividends of such investments shall be paid to the person who would have been entitled to the rents and profits of the land if the money had been invested in the purchase of land.

**37.** Where any purchase money paid into court under the provisions of this Act shall have been paid in respect of any lease for a life or lives or years, or for a life or lives and years, or any estate in lands less than the whole fee simple thereof, or of any reversion dependent on any such lease or estate, it shall be lawful for the Court on the petition of any party interested in such money to order that the same shall be laid out, invested, accumulated, and paid in such manner as the said Court may consider will give to the parties interested in such money the same benefit therefrom as they might lawfully have had from the lease, estate, or reversion in respect of which such money shall have been paid, or as near thereto as may be.

Court may direct application of money in respect of leases or reversions as may appear just.

**38.** The Court shall be at liberty to exercise any of the powers conferred on it by this Act, whether the Court shall have already exercised any of the powers conferred by this Act in respect of the same property or not; but no such powers shall be exercised if an express declaration that they shall not be exercised is contained in the settlement: Provided always, that the circumstance of the settlement containing powers to effect similar purposes shall not preclude the Court from exercising any of the powers conferred by this Act, if it shall think that the powers contained in the settlement ought to be extended.

Court may exercise powers repeatedly, but may not exercise them if expressly negatived.

**39.** Nothing in this Act shall be construed to empower the Court to authorise any lease, sale, or other act beyond the extent to which in the opinion of the Court the same might have been authorised in and by the settlement by the settlor or settlors.

Court not to authorise any act which could not have been authorised by the settlor.

**40.** After the completion of any lease or sale or other act under the authority of the Court, and purporting to be in pursuance of this Act, the same shall not be invalidated on the ground that the Court was not hereby empowered to authorise the same, except that no such lease, sale, or other act shall have any effect against such person as herein mentioned whose concurrence or consent ought to be obtained, or who ought to be served with notice, or in respect of whom an order dispensing with such service ought to be obtained in the case where such concurrence or consent has not been obtained and such service has not been made or dispensed with.

Acts of the Court in professed pursuance of this Act not to be invalidated.

**41.** It shall be lawful for the Court, if it shall think fit, to order that all or any costs or expenses of all or any parties of and incident to any application under this Act shall be a charge on the hereditaments which are the subject of the application, or on any other hereditaments included in the same settlement and subject to the same limitations; and the Court may also direct that such costs and expenses shall be raised by sale or mortgage of a sufficient part of such hereditaments, or out of the rents or profits thereof, such costs and expenses to be taxed as the Court shall direct.

Costs.

**42.** General rules and orders of Court for carrying into effect the purposes of this Act, and for regulating the times and form and mode of procedure, and generally the practice of the Court in respect of the matters to which this Act relates, and for regulating the fees and allowances to all officers and solicitors of the Court in respect to such matters, shall be made so far as relates to proceedings in England by any three or more of the following persons,

Rules and orders.

of whom the Lord Chancellor shall be one, namely, the Lord Chancellor, the Lord Chief Justice of England, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, the Lord Chief Baron of the Exchequer, and four other judges of the Supreme Court of Judicature to be from time to time appointed for the purpose by the Lord Chancellor in writing under his hand, such appointment to continue for such time as shall be specified therein, and so far as relates to proceedings in Ireland by any three or more of the following persons, of whom the Lord Chancellor of Ireland shall be one, namely, the Lord Chancellor of Ireland, the Lord Chief Justice of Ireland, the Master of the Rolls in Ireland, the Lord Chief Justice of the Common Pleas, and the Lord Chief Baron, and four other judges of the superior courts in Ireland to be from time to time appointed for the purpose by the Lord Chancellor of Ireland in writing under his hand, such appointment to continue for such time as shall be specified therein, and such rules and orders may from time to time be rescinded or altered by the like authorities respectively, and all such rules and orders shall take effect as general orders of the Court.

Rules and orders to be laid before Parliament.

**43.** All general rules and orders made as aforesaid shall be laid before each House of Parliament within forty days after the making thereof if Parliament is then sitting, or if not, within forty days after the commencement of the then next ensuing session, and if an address is presented to Her Majesty by either House of Parliament within the next subsequent forty days on which the said House shall have sat, praying that any such rule or order may be annulled, Her Majesty may thereupon by Order in Council annul the same, and the rule or order so annulled shall thenceforth become void and of no effect, but without prejudice to the validity of any proceedings which may in the meantime have been taken under the same.

Concurrent jurisdiction of the Court of Chancery of the County Palatine of Lancaster.

**44.** The powers vested in the High Court of Justice by this Act may, so far as relates to estates within the County Palatine of Lancaster, be exercised also by the Court of Chancery of the said County Palatine; and general rules and orders of Court for the purposes aforesaid, so far as relates to proceedings in the said Court of the said County Palatine, shall be made by the Chancellor of the Duchy and County Palatine of Lancaster, with the advice and consent of any one or more of the persons authorised under this Act to concur in the making of general rules and orders relating to proceedings in England, and also with the advice and consent of the Vice-Chancellor of the said County Palatine.

Application for lease or sale in Ireland may be made to Landed Estates Court.

**45.** It shall and may be lawful for any person who under the provisions of this Act may make an application to the Court of Chancery in Ireland for the lease or sale of a settled estate, instead of making such application to the said Court of Chancery in Ireland to apply to the Landed Estates Court, Ireland, for the purpose of having the lease or sale of such settled estate under the said last-mentioned Court; and thereupon it shall be lawful for the said Landed Estates Court, Ireland, to exercise all the powers conferred upon the Court of Chancery in Ireland in relation to leases or sales of such nature under the provisions of this Act, save that the Judge in the case of a sale shall himself execute the conveyance

to the purchaser under such sale, and save that such conveyance shall have the like operation and effect, and confer such indefeasible title to the purchaser as if such sale had been made and such conveyance had been executed upon an application for the sale of an incumbered estate under the Act of the twenty-first and twenty-second years of Her Majesty, chapter seventy-two: Provided always, that the Landed Estates Court, Ireland, shall make such investigation of the title and circumstances of the said estates as shall appear expedient, and also in cases of sales as in other cases preliminary to sales conducted in the said Landed Estates Court, Ireland: Provided also, that every decision and order in the course of such proceedings shall be subject to appeal to the Court of Appeal in Chancery as in other cases under the said Act.

46. It shall be lawful for any person entitled to the possession or to the receipt of the rents and profits of any settled estates for an estate for any life, or for a term of years determinable with any life or lives, or for any greater estate, either in his own right or in right of his wife, unless the settlement shall contain an express declaration that it shall not be lawful for such person to make such demise; and also for any person entitled to the possession or to the receipt of the rents and profits of any unsettled estates as tenant by the courtesy, or in dower, or in right of a wife who is seised in fee, without any application to the Court, to demise the same or any part thereof, except the principal mansion house and the demesnes thereof, and other lands usually occupied therewith, from time to time, for any term not exceeding twenty-one years so far as relates to estates in England, and thirty-five years so far as relates to estates in Ireland, to take effect in possession at or within one year next after the making thereof; provided that every such demise be made by deed, and the best rent that can reasonably be obtained be thereby reserved, without any fine or other benefit in the nature of a fine, which rent shall be incident to the immediate reversion; and provided that such demise be not made without impeachment of waste, and do contain a covenant for payment of the rent, and such other usual and proper covenants as the lessor shall think fit, and also a condition of re-entry on nonpayment of the rent for a period of twenty-eight days after it becomes due, or for some less period to be specified in that behalf; and provided a counterpart of every deed of lease be executed by the lessee.

Tenants for life, &c. may grant leases for 21 years.

47. Every demise authorised by the last preceding section shall be valid against the person granting the same, and all other persons entitled to estates subsequent to the estate of such person under or by virtue of the same settlement if the estates be settled, and in the case of unsettled estates against the wife of any husband granting such demise of estates to which he is entitled in right of such wife, and against all persons claiming through or under the wife or husband (as the case may be) of the person granting the same.

Against whom such leases shall be valid.

48. The execution of any lease by the lessor or lessors shall be deemed sufficient evidence that a counterpart of such lease has been duly executed by the lessee as required by this Act.

Evidence of execution of counterpart lease by lessee. Provision as to infants, lunatics, &c.

49. All powers given by this Act, and all applications to the Court under this Act, and consents to and notifications respecting such applications, may be executed, made, or given by, and all

notices under this Act may be given to guardians on behalf of infants, and by or to committees on behalf of lunatics, and by or to trustees or assignees of the property of bankrupts, debtors in liquidation, or insolvents: Provided nevertheless, that in the cases of infant or lunatic tenants-in-tail no application to the Court or consent to or notification respecting any application may be made or given by any guardian or committee without the special direction of the Court.

A married woman applying to the Court, or consenting to be examined apart from her husband.

**50.** Where a married woman shall apply to the Court, or consent to an application to the Court, under this Act, she shall first be examined apart from her husband touching her knowledge of the nature and effect of the application, and it shall be ascertained that she freely desires to make or consent to such application; and such examination shall be made whether the hereditaments which are the subject of the application shall be settled in trust for the separate use of such married woman independently of her husband or not; and no clause or provision in any settlement restraining anticipation shall prevent the Court from exercising, if it shall think fit, any of the powers given by this Act, and no such exercise shall occasion any forfeiture, anything in the settlement contained to the contrary notwithstanding.

Examination of married woman how to be made when residing within the jurisdiction of the Court, and how when residing without such jurisdiction.

**51.** The examination of such married woman when resident within the jurisdiction of the Court to which such application is made, shall be made either by the Court or by some solicitor duly appointed by the Court for that purpose, who shall certify under his hand that he has examined her apart from her husband and is satisfied that she is aware of the nature and effect of the intended application, and that she freely desires to make or consent to the same. And when the married woman is resident out of the jurisdiction of the Court to which such application is made, her examination may be made by any person appointed for that purpose by the Court, whether he is or is not a solicitor of the Court, and such person shall certify under his hand to the effect herein-before provided in respect of the examination of a married woman resident within the jurisdiction. And the appointment of any such person not being a solicitor shall afford conclusive evidence that the married woman was at the time of such examination resident out of the jurisdiction of the Court.

As to application by or consent of married women, whether of full age or under age.

**52.** Subject to such examination as aforesaid, married women may make or consent to any applications, whether they be of full age or infants.

No obligation to make or consent to application, &c.

**53.** Nothing in this Act shall be construed to create any obligation on any person to make or consent to any application to the Court or to exercise any power.

Tenants for life, &c. to be deemed entitled notwithstanding incumbrances.

**54.** For the purposes of this Act, a person shall be deemed to be entitled to the possession or to the receipt of the rents and profits of estates, although his estate may be charged or incumbered either by himself or by the settlor, or otherwise howsoever, to any extent; but the estates or interests of the parties entitled to any such charge or incumbrance shall not be affected by the acts of the person entitled to the possession or to the receipt of the rents and profits as aforesaid unless they shall concur therein.



**55.** Provided always, that nothing in this Act shall authorise any sale or lease beyond the term of twenty-one years of any settled estates in respect of which, under the Act of the thirty-fourth and thirty-fifth years of King Henry the Eighth, chapter twenty, "to embar feigned recovery of lands wherein the King's Majesty is in reversion," or under any other Act of Parliament, the tenants-in-tail are restrained from barring or defeating their estates tail, or where the reversion is vested in the Crown.

Exception as to entails created by Act of Parliament.

**56.** Nothing in this Act shall authorise the granting of a lease of any copyhold or customary hereditaments not warranted by the custom of the manor without the consent of the lord, nor otherwise prejudice or affect the rights of any lord of a manor.

Saving rights of lords of manors.

**57.** This Act shall, except as herein-after provided, apply to all matters existing at the time of the passing of this Act, whether proceedings are actually pending or not, and any proceedings in any such matter may be continued or taken under this Act as if the matter originated under this Act, or may be continued or taken under the Acts hereby repealed, or partly under this Act and partly under the said repealed Acts as occasion may require: Provided always, that the provisions in this Act contained respecting demises to be made without application to the Court shall extend only to settlements made after the first day of November one thousand eight hundred and fifty-six.

To what settlements this Act to extend.

**58.** The Acts specified in the schedule to this Act are hereby repealed: Provided always, that this repeal shall not affect anything done or any proceeding taken under any enactment hereby repealed.

Repeal of Acts specified in schedule.

**59.** Nothing in this Act shall interfere with the exercise of any powers to authorise or grant leases conferred by any Act of Parliament not expressly repealed by this Act.

Saving.

**60.** This Act shall not extend to Scotland.

Extent of Act.

**61.** This Act shall commence on the first day of November one thousand eight hundred and seventy-seven.

Commencement of Act.

## SCHEDULE.

Session and Chapter.	Title or Short Title.
19 & 20 Vict. c. 120. -	An Act to facilitate leases and sales of Settled Estates.
21 & 22 Vict. c. 77. -	An Act to amend and extend the Settled Estates Act of 1856.
27 & 28 Vict. c. 45. -	An Act to further amend the Settled Estates Act of 1856.
37 & 38 Vict. c. 33. -	The Leases and Sales of Settled Estates Amendment Act, 1874.
39 & 40 Vict. c. 30. -	The Settled Estates Act, 1876.

**CHAPTER 19.**

An Act to grant Money for the purpose of Loans by the Public Works Loan Commissioners, and authorise those Commissioners to compound a loan and interest, and amend the Public Works Loans Act, 1875.

[12th July 1877.]

38 & 39 Vict.  
c. 89.

**W**HEREAS by the Public Works Loans Act, 1875, and other Acts, the Public Works Loan Commissioners are authorised to make loans for the purposes therein mentioned, and it is expedient to grant the money herein-after mentioned for the purpose of such loans :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title.

**1.** This Act may be cited as the Public Works Loans Act, 1877.

Grant of  
4,000,000*l.* for  
loans during  
the period  
ending the 30th  
of June 1878.

**2.** For the purpose of loans by the Public Works Loan Commissioners, any sum or sums not exceeding in the whole four million pounds may be issued out of the Consolidated Fund of the United Kingdom, or the growing produce thereof, in manner provided by the Public Works Loans Act, 1875, during the period ending on the thirtieth day of June one thousand eight hundred and seventy-eight, or on any earlier day at which a further Act authorising the issue of money for the purpose of the said loans comes into operation.

The Treasury may, in the manner and subject to the limitations provided by the Public Works Loans Act, 1875, borrow the said sum or any part thereof.

Composition of  
debt due from  
the parish of  
Whitchurch.

**3.** Whereas in the month of March one thousand eight hundred and sixty-seven, under the enactments then in force in that behalf, the Public Works Loan Commissioners, in pursuance of an application from the churchwardens and overseers of the parish of Whitchurch in the county of Southampton, made with the consent of the inhabitants in vestry assembled, advanced a loan of two thousand pounds for the purpose of enlarging and repairing the parish church of the said parish, and the churchwardens and overseers of the said parish assigned the rates of the said parish as a security for the repayment of the loan, which was to be repaid in twenty years by yearly instalments of one hundred pounds each, with interest at four per centum per annum :

And whereas sums amounting in the whole to six hundred and fifty-one pounds or thereabouts have been repaid by the parish to the Public Works Loan Commissioners in respect of the principal and interest of the said loan, but there remains unpaid sixteen hundred and seventy-five pounds, or thereabouts, with interest thereon at four per centum per annum from the eighteenth day of March one thousand eight hundred and seventy-one :

And whereas in the year one thousand eight hundred and sixty-eight difficulties arose in enforcing the rate made for the purpose of raising the sums due to the Public Works Loan Commissioners, and legal proceedings were taken to enforce the payment of such

rate, which were ultimately unsuccessful, and of which the churchwardens were ordered to pay the costs :

And whereas in consequence of the said difficulties and proceedings persons declined to serve in the office of churchwarden of the said parish, and no instalments of principal and no interest have been paid, and no rate for the purpose of raising such instalments or interest has been made since the month of March one thousand eight hundred and seventy-one :

And whereas doubts have arisen as to the power of the Commissioners to enforce payment of the instalments of principal and interest due between the eighteenth of March one thousand eight hundred and seventy-one and the eighteenth of March one thousand eight hundred and seventy-six, and difficulties exist in enforcing a rate for the payment of any instalments of principal and interest on the said loan :

And whereas the churchwardens of the parish, on behalf of the inhabitants thereof, have offered to pay to the Public Works Loan Commissioners a sum of one thousand pounds by way of composition for the principal and interest of the said loan, and it is expedient to authorise the Commissioners to accept the same : Be it therefore enacted as follows :

The Public Works Loan Commissioners may compound the debt due to them from the parish of Whitechurch, in the county of Southampton, in respect of the said loan for the sum of one thousand pounds, and on the payment of that sum to the Commissioners the said debt shall be extinguished.

4. This Act shall come into operation on the first day of July one thousand eight hundred and seventy-seven. Commence-  
ment of Act.

## CHAPTER 20.

An Act to fix the Salaries of the Members of the Royal Irish Constabulary, and to amend the eleventh section of the Constabulary (Ireland) Amendment Act, 1870.

[12th July 1877.]

**W**HEREAS by section two of the Constabulary (Ireland) Act, 1874, provision was made for the grant of revised salaries to the members of the Constabulary Force in Ireland ; and the continuance of the payment of the said revised salaries is now by law limited to the first day of July one thousand eight hundred and seventy-seven, and it is expedient that such limitation should be repealed, and provision should be made for continuing the payment of such revised salaries ; and also for amending the eleventh section of the Constabulary (Ireland) Amendment Act, 1870 : 37 & 38 Vict.  
c. 80.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. From and after the passing of this Act, so much of the Act passed in the session of Parliament held in the thirty-eighth and thirty-ninth years of the reign of Her present Majesty, chapter 33 & 34 Vict.  
c. 83.

Continuation  
of revised  
salaries.

forty-four, as limits to the first day of July one thousand eight hundred and seventy-seven, the time during which the revised salaries therein mentioned shall continue to be paid shall be and the same is hereby repealed; and the said salaries shall continue to be paid from and after the first day of July one thousand eight hundred and seventy-seven from time to time as and when they shall become due respectively.

Amendment of  
33 & 34 Vict.  
c. 83.

**2.** It shall be lawful for the Lord Lieutenant, by and with the advice of Her Majesty's Privy Council in Ireland, to alter or vary from time to time the numbers of sub-inspectors and head constables fixed by the eleventh section of the Constabulary (Ireland) Amendment Act, 1870, to such numbers as the Lord Lieutenant, by and with such advice as aforesaid, may from time to time consider to be required, not exceeding the numbers fixed by the said section for each of the said ranks respectively.

Short title.

**3.** This Act may be cited for all purposes as "The Constabulary (Ireland) Amendment Act, 1877."

## CHAPTER 21.

An Act to amend the Law relating to Prisons in England.

[12th July 1877.]

**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:

### *Preliminary.*

Short title of  
Act.

Commence-  
ment of Act.

**1.** This Act may be cited for all purposes as the Prison Act, 1877.

**2.** This Act shall, except as is herein-after otherwise provided, and, except in so far as relates to the making of rules by the Secretary of State, in pursuance of any power transferred to or vested in the Secretary of State by this Act, which rules may be made at any time after the passing of this Act, come into operation on the first day of April one thousand eight hundred and seventy-eight, which day is herein-after referred to as the commencement of this Act.

Application of  
Act.  
28 & 29 Vict.  
c. 126.

**3.** This Act shall not extend to Scotland or Ireland, but shall apply to all prisons belonging to any prison authority as defined by the Prison Act, 1865.

## PART I.

### TRANSFER AND ADMINISTRATION OF PRISONS.

#### *Transfer of Prisons.*

Maintenance of  
prisons and  
prisoners out  
of public funds.

**4.** On and after the commencement of this Act all expenses incurred in respect of the maintenance of prisons to which this Act applies, and of the prisoners therein, shall be defrayed out of moneys provided by Parliament.

## 5. Subject as in this Act mentioned—

(1.) The prisons to which this Act applies, and the furniture and effects belonging thereto ; also

(2.) The appointment of all officers, and the control and safe custody of the prisoners in the prisons to which this Act applies ; also all powers and jurisdiction at common law or by Act of Parliament or by charter vested in or exerciseable by prison authorities or the justices in sessions assembled, in relation to prisons or prisoners within their jurisdiction,

shall, on and after the commencement of this Act, be transferred to, vested in, and exercised by one of Her Majesty's Principal Secretaries of State, in this Act referred to as the Secretary of State.

Prisons to vest in Secretary of State.

## ADMINISTRATION OF PRISONS.

*Prison Commissioners.*

6. For the purpose of aiding the Secretary of State in carrying into effect the provisions of this Act relating to prisons, Her Majesty may, on the recommendation of the Secretary of State, at any time and from time to time after the passing of this Act by warrant under her sign manual appoint any number of persons to be Commissioners during Her Majesty's pleasure, so that the whole number of Commissioners appointed do not at any one time exceed five, and may, on the recommendation of the Secretary of State, on the occasion of any vacancy in the office of any Commissioner by death, resignation, or otherwise, by the like warrant, appoint some other fit person to fill such vacancy. The Commissioners so appointed shall be a body corporate with a common seal, with power to hold land without license in mortmain so far as may be necessary for the purposes of this Act, and shall be styled "The Prison Commissioners."

Appointment of Prison Commissioners.

The Secretary of State may from time to time appoint one of the Commissioners to be chairman.

Any act or thing required or authorised to be done by the Prison Commissioners may be done by any one or more of them as the Secretary of State may by general or special rule direct.

7. The Prison Commissioners shall be assisted in the performance of their duties by such number of inspectors, storekeepers, accountants, and other officers and servants as may, with the sanction of the Treasury as to number, be determined by the Secretary of State. The inspectors shall be appointed by the Secretary of State, the other officers and servants of the Prison Commissioners by the Prison Commissioners themselves, subject to the approval of the Secretary of State.

Appointment of inspectors, officers, and servants.

8. There may be paid, out of moneys provided by Parliament, to all or any one or more of the Prison Commissioners such salary for their or his services as the Secretary of State may, with the consent of the Treasury, determine.

Salaries.

There shall be paid, out of moneys provided by Parliament, to the inspectors and other officers and servants of the Prison Commissioners such salaries as the Secretary of State may, with the consent of the Treasury, determine.

Duties of  
Prison Com-  
missioners.  
28 & 29 Vict.  
c. 126.

**9.** The general superintendence of prisons under this Act shall be vested in the Prison Commissioners, subject to the control of the Secretary of State.

Subject as in this Act mentioned, the Prison Commissioners shall appoint all such officers of a prison as are by the Prison Act, 1865, declared to be subordinate officers of a prison, such appointments to be for general prison service. The Prison Commissioners shall also make contracts, and do all other acts necessary for the maintenance of the prisons and prisoners within their jurisdiction.

Subject to the control of the Secretary of State, the Prison Commissioners, by themselves or their officers, shall visit and inspect the prisons within their jurisdiction, and shall examine into the state of the buildings, so as to form a judgment as to the repairs, additions, or alterations which may appear necessary, regard being had to the requisitions of the Prison Act, 1865, as amended by this Act, with respect to the separation of prisoners and enforcement of hard labour, and shall further examine into the conduct of the respective officers and the treatment and conduct of the prisoners, the means of setting them to work, the amount of their earnings, and the expenses attending the prison, and shall inquire into all abuses within the prison, and regulate all matters required to be regulated by them.

Subject to the control of the Secretary of State, the Prison Commissioners, or any one or more of them, may, in addition to any powers otherwise conferred on them by this Act, exercise in relation to any prison under this Act, and the prisoners therein, all powers and jurisdiction by any Act of Parliament or at common law, or by charter, exercisable by visiting justices, or a visiting justice, of a prison. And any reports, acts, or things required to be made or done to or by or in relation to the visiting justices, or a visiting justice, of a prison, at common law or by any Act of Parliament, or by charter, shall, except in so far as is otherwise provided by this Act, be made or done to or by or in relation to the Prison Commissioners, or any one or more of them, or to or by or in relation to such persons or person as the Secretary of State may from time to time appoint.

The Prison Commissioners shall, in the exercise of their powers and jurisdiction under this Act, conform to any directions which may from time to time be given to them by the Secretary of State.

Reports by '  
Prison Com-  
missioners.

**10.** The Prison Commissioners shall, at such time or times as the Secretary of State may direct, make a report or reports to the Secretary of State of the condition of the prisons and prisoners within their jurisdiction, and an annual report to be made by them with respect to every prison within their jurisdiction shall be laid before both Houses of Parliament.

Report to con-  
tain informa-  
tion as to  
manufacturing  
processes in  
prison.

**11.** Whereas it is expedient that the expense of maintaining in prison prisoners who have been convicted of crime should in part be defrayed by their labour during the period of their imprisonment, and that, with a view to defraying such expenses, and also of teaching prisoners modes of gaining honest livelihoods, means should be taken for promoting in prison the exercise of and instruction in useful trades and manufactures, so far as may be consistent with a due regard on the one hand to the maintenance

of the penal character of prison discipline, and on the other to the avoidance of undue pressure on or competition with any particular trade or industry: Be it enacted, that the annual report of the Prison Commissioners required by this Act to be laid before both Houses of Parliament shall state the various manufacturing processes carried on in each of the prisons within their jurisdiction, and such statement shall contain such particulars as to the kind and quantities of, and as to the commercial value of the labour on the manufactures, as to the number of prisoners employed, and otherwise, as may, in the opinion of the Secretary of State, be best calculated to afford information to Parliament.

12. The Prison Commissioners shall make a yearly return to Parliament of all punishments of any kind whatsoever which may have been inflicted within each prison, and the offences for which such punishments were inflicted.

Return of punishments and offences of prisoners to be made yearly.

*Visiting Committee of Justices.*

13. On and after the commencement of this Act there shall be repealed the fifty-third and fifty-fourth sections of the Prison Act, 1865, relating to the appointment and duties of visiting justices.

Repeal of 28 & 29 Vict. c. 126. ss. 53, 54.

A visiting committee shall be annually appointed for every prison under this Act, consisting of such number of persons being justices of the peace to be appointed at such time and by such court of quarter sessions or such bench or benches of magistrates as the Secretary of State, having regard to the locality of the prison, to the justices heretofore having jurisdiction over such prison, and to the class of prisoners to be confined in such prison, may from time to time by any general or special rule prescribe. In the following manner; namely,

Appointment of visiting committee of prisons.

The justices of any county, riding, or liberty of a county having a separate court of quarter sessions shall appoint members of a visiting committee when assembled at such general or quarter sessions as may be prescribed by the Secretary of State.

The justices of a borough shall hold special sessions, at such time as may be prescribed by the Secretary of State, for the purpose of appointing any members of a visiting committee they may be required to appoint.

Provided that in the application of this Act to the Worcester Prison, as constituted by the Worcester Prison Act, 1867, so long as the said prison is continued as a prison for the purposes of this Act, the appointment of such number of justices of the city of Worcester as the Secretary of State in pursuance of this section may prescribe to be appointed to serve on the visiting committee in respect of the said prison, shall be vested in the corporation acting by the council of the said city.

30 & 31 Vict. c. xxiii.

Nothing in this Act, or in any rules to be made under this Act, shall restrict any member of the visiting committee for any prison from visiting the prison at any time, and any such member shall at all times have free access to every part of the prison, and to every prisoner therein.

14. The Secretary of State shall, on or before the commencement of this Act, make and publish, and may hereafter from time to time repeal, alter, or add to rules with respect to the duties of a visiting

Duties of visiting committee.

committee, and such committee shall conform to any rules so made and for the time being in force, but subject as aforesaid, the members of such committee shall from time to time and at frequent intervals visit the prison for which they are appointed, and hear any complaints which may be made to them by the prisoners, and, if asked, privately. They shall report on any abuses within the prison, and also, on any repairs which may be urgently required in the prison, and shall further take cognizance of any matters of pressing necessity and within the powers of their commission as justices, and do such acts and perform such duties in relation to a prison as they may be required to do or perform by the Secretary of State.

28 & 29 Vict.  
c. 126.

The visiting committee shall be deemed to be visiting justices for all the purposes of the regulations relating to the punishment of prisoners numbered 58 and 59 in the first schedule annexed to the Prison Act, 1865, or either of such regulations, and any member of a visiting committee may exercise any power, or do any act, or receive any report which any one justice may exercise, do, or receive under the said regulations numbered 58 and 59, or either of them.

Provided that an offender shall not be punished under the said sections 58 and 59, or either of them, by personal correction except in pursuance of the order of two justices of the peace after such inquiry upon oath and determination concerning the matter reported to them as is mentioned in the said regulation numbered 58.

The visiting committee shall report to the Secretary of State any matters with respect to which they may consider it expedient, and shall report to the Secretary of State, as soon as may be and in such manner as he may direct, any matter respecting which they may be required by him to report.

Repeal of  
28 & 29 Vict.  
c. 126. s. 55.

**15.** Section fifty-five of "The Prisons Act, 1865," is hereby repealed, and instead thereof the following enactment shall take effect, viz.:

Visits to prison  
by any justice.

Any justice of the peace, having jurisdiction in the place in which a prison is situate, or having jurisdiction in the place where the offence in respect of which any prisoner may be confined in prison was committed, may, when he thinks fit, enter into and examine the condition of such prison, and of the prisoners therein, and he may enter any observations he may think fit to make in reference to the condition of the prison or abuses therein in the visitors book to be kept by the gaoler; and it shall be the duty of the gaoler to draw the attention of the visiting committee, at their next visit to the prison, to any entries made in the said book; but he shall not be entitled, in pursuance of this section, to visit any prisoner under sentence of death, or to communicate with any prisoner, except in reference to the treatment in prison of such prisoner, or to some complaint that such prisoner may make as to such treatment.

## PART II.

### SUPPLEMENTAL PROVISIONS.

#### *As to Obligation to maintain Prisons.*

Termination of  
local obligation

**16.** On and after the commencement of this Act the obligation of any county, riding, division, hundred, liberty, franchise, borough,



town, or other place having a separate prison jurisdiction, to maintain a prison or to provide prison accommodation for its prisoners shall cease.

**17.** Where at the time of the passing of this Act any prison authority has no prison of its own, or has not a prison or prisons of its own adequate to the accommodation of the prisoners belonging to such authority, it shall pay into the receipt of the Exchequer one hundred and twenty pounds in respect of each prisoner belonging to such prison authority for whom cell accommodation has not at such time as last aforesaid been provided by such authority in a prison of its own.

Any sum payable by a prison authority in pursuance of this section shall be deemed to be a debt due from the prison authority to the Crown, and may be recovered accordingly.

Where one prison authority has contributed a sum of money towards the construction by some other prison authority of cell accommodation for the use of the prisoners of the contributing authority, and such cell accommodation has been constructed accordingly, then in assessing the sum payable into the Exchequer by the contributing authority under this section, the contribution so made shall be taken into consideration, and a proportionate deduction be made accordingly.

For the purposes of this section a prison authority may borrow, and the Public Works Loan Commissioners may advance by way of loan, to bear interest at such rate per cent. as the Treasury may determine to be sufficient to prevent any loss to the Exchequer, such sum as may be required, so that the whole amount so borrowed be discharged within a period not exceeding thirty-five years.

**18.** Where before the first day of January one thousand eight hundred and seventy-seven any prison authority, having more than sufficient cell accommodation for the number of prisoners belonging to such prison authority, and which prison authority is in this section called the receiving authority, has contracted with any other prison authority, in this section called the sending authority, that the receiving authority is to receive into its prisons any prisoners belonging to such sending authority, and such receiving authority has in the performance of such contract provided cell accommodation for the prisoners of the sending authority, there shall be paid to the receiving authority, out of moneys provided by Parliament, any loss it may have so sustained in relation to such contract for cell accommodation by reason of the passing of this Act, so that the expense of providing cell accommodation for any one prisoner shall not in any case be held to have exceeded the sum of one hundred and twenty pounds.

For the purposes of this section any public department of State which has made contracts with respect to prisoners shall be included under the term "prison authority."

Where it appears that any contract under this section is intended to be renewed at the expiration of its subsisting term, the intention of renewal shall be taken into consideration in estimating the loss sustained by the receiving authority.

Where a prison authority has provided a prison or prisons of its own more than adequate for the accommodation of its prisoners,

to maintain prisons.

Compensation to be made in place of prison accommodation.

Compensation to be made to prison authority in respect of accommodation provided for prisoners of some other authority.

it shall be entitled to receive, out of moneys to be provided by Parliament, compensation to the extent of one hundred and twenty pounds in respect of each cell provided in such prison or prisons over and above the number of cells required for the average maximum number of prisoners maintained at the expense of such authority in its own prison or prisons during the five years immediately preceding the first day of January one thousand eight hundred and seventy-seven: Provided always, that in case the Prison Commissioners shall report to the Secretary of State that the prison accommodation is in excess of the probable requirements of such prison authority for its own prisoners, or that the buildings are dilapidated or unsuitable, it shall be lawful for the Secretary of State to decline to recommend to the Treasury to make such compensation, in whole or in part, as the circumstances of the case may demand.

Provided also, that no compensation shall be payable under such provision as last aforesaid in respect of any prison discontinued within two years after the commencement of this Act.

A prison authority shall not be entitled to receive under this section more than one hundred and twenty pounds in the whole in respect of the same cell.

“Probable requirements” means the probable future requirements of a prison authority calculated as from the passing of this Act.

The average maximum number of prisoners of a prison authority maintained in any prison in any period of five years shall be calculated by finding the greatest number of such prisoners confined therein on the day on which such prison contained most of such prisoners as aforesaid in each of the said five years, and dividing the aggregate so found by five, excluding fractions.

Allowance to be made to prison authority in respect of uncompleted prison.

**19.** Where at the time of the passing of this Act a prison authority has contracted to construct a building to be used as a prison, but such building has not at the commencement of this Act been completed or become a prison within the meaning of this Act, the Secretary of State may, if he thinks fit so to do, allow the prison authority time to complete such building as a prison, and when so completed it shall pass over to and vest in the Secretary of State as a prison completed at the commencement of this Act, but if the Secretary of State does not think fit to allow time for the completion of such prison as aforesaid, he shall, nevertheless, in assessing the amount of compensation payable in respect of cell accommodation, make with the consent of the Treasury, from the compensation payable as aforesaid, such deduction as, having regard to all the circumstances of the case, may be agreed upon or as may, in the event of disagreement between the Secretary of State and the prison authority, be determined by arbitration.

*As to Contracts and Debts.*

General saving of rights of creditors.

**20.** Nothing in this Act contained shall (save as in this Act mentioned with respect to contracts and obligations between prison authorities) affect any right or claim of any creditor of a prison authority under any contract legally made or in respect of any dealing legally had before the commencement of this Act, and between such creditor and the prison authority of which he is a

creditor such contract may be enforced in the same manner in all respects as if this Act had not passed.

**21.** Any contract made or obligation undertaken by any prison authority with any other prison authority for or in relation to the maintenance of any prison or prisoners, or any matter relating to such maintenance, shall be deemed to be determined on and after the commencement of this Act, without prejudice nevertheless to any moneys which may have accrued due under or in respect of such contract or obligation at or before the commencement of this Act.

Determination of contracts between prison authorities.

**22.** There shall be defrayed by a prison authority in the same manner as if this Act had not passed :

Existing debts to be defrayed by prison authorities.

(1.) All debts due and sums of money payable in respect of contracts performed, dealings completed, or any matter or thing done before the commencement of this Act ; and,

(2.) All mortgage debts (together with interest from time to time accruing thereon) contracted in respect of any prison.

A mortgage debt in this section shall include any moneys which at the commencement of this Act have been borrowed or contracted to be borrowed by a prison authority on the security of any prison, or on the security of any rate applicable to the payment of the expenses of a prison, also any debt or liability contracted before the commencement of this Act, for the payment of which debt or liability money is authorised to be borrowed in pursuance of section twenty-three of the Prison Act, 1865.

28 & 29 Vict. c. 126. s. 23.

**23.** Where any contract or dealing, in which any prison authority is concerned, is a continuous contract or dealing, to be performed partly before and partly after the commencement of this Act, and is not a contract or dealing which is declared by this Act to have determined, and is not a mortgage debt as defined by the previous section, such contract or dealing shall be deemed to be divisible, and as to so much thereof as is performable before the commencement of this Act, shall create a debt or obligation to be discharged or performed by the prison authority concerned therein, and as to so much thereof as is performable after the commencement of this Act, shall create a debt or obligation to be discharged or performed out of moneys provided by Parliament.

Provision as to continuing contracts.

#### *As to Classification and Commitment of Prisoners.*

**24.** The Secretary of State may from time to time by any general or special rule appoint in any county a convenient prison or prisons in which prisoners are to be confined before and during trial, or at either of such times, and any prisoner who might, if this Act had not passed, have been lawfully confined in a prison situate within the area of such county may be lawfully confined in any prison or prisons so appointed : Moreover, the Secretary of State may by any general or special rule from time to time appoint any convenient prison or prisons in any adjoining county to which prisoners may be committed for trial, safe custody, or otherwise, and any prisoners may be committed to such prison accordingly.

Confinement of prisoners before and during trial.

**25.** The Secretary of State may from time to time by any general or special rule appropriate either wholly or partially particular prisons within his jurisdiction to particular classes of convicted

Confinement of prisoners after conviction.

criminal prisoners, and may remove any convicted criminal prisoner from any one prison to any other prison within his jurisdiction for the purpose of his undergoing the whole or any portion of his punishment in such prison; provided that a prisoner who is confined in a prison situate beyond the limits of the county, borough, or place in which he was convicted of his offence shall, at the time of his discharge, be taken back at the public expense to the county, borough, or place in which he was so convicted.

Confinement of debtors and prisoners who are not criminal prisoners.

**26.** The Secretary of State may from time to time by any general or special rule appoint in any county a prison or prisons in which debtors and prisoners who are not criminal prisoners are to be confined during the period of their imprisonment, and it shall be lawful to confine in any prison so appointed during the period of his imprisonment any debtor or prisoner who is not a criminal prisoner who might, if this Act had not passed, have been confined during such period in any prison situate within the area of the county.

Saving as to commitment of prisoners.

**27.** Subject to this Act, and any rules made in pursuance thereof, prisoners may be committed to the same prison to which they might have been committed if this Act had not passed.

The committal or imprisonment of a prisoner to or in a prison, if otherwise valid, shall not be illegal by reason only that such prisoner ought, according to the law for the time being in force, to have been committed to or imprisoned in some other prison, but any such prisoner as is mentioned in this section shall, on application made on his behalf in a summary manner to any judge of the High Court of Justice, be entitled to be removed at the public expense to such other prison as aforesaid.

Legal custody of prisoner.

**28.** A prisoner shall be deemed to be in legal custody whenever he is being taken to or from, or whenever he is confined in, any prison in which he may be lawfully confined, or whenever he is working outside or is otherwise beyond the walls of any such prison in the custody or under the control of a prison officer belonging to such prison, and any constable or other officer acting under the order of any justice of the peace or magistrate having power to commit a prisoner to prison may convey a prisoner to or from any prison to or from which he may be legally committed or removed, notwithstanding such prison may be beyond the constablewick or other jurisdiction of such constable or officer, in the same manner and with the same incidents as if such prison were within such constablewick or other jurisdiction.

Allowance to discharged prisoners.

**29.** Where any prisoner is discharged from prison, the Prison Commissioners may, on the recommendation of the visiting committee or otherwise, order a sum of money, not exceeding two pounds, to be paid by the gaoler to the prisoner himself or to the treasurer of a certified prisoners aid society or refuge, on the gaoler receiving from such society an undertaking in writing, signed by the secretary thereof, to apply the same for the benefit of the prisoner.

*As to Jurisdiction.*

Jurisdiction of sheriff, coroner,

**30.** The Secretary of State may from time to time, if he think it expedient so to do, for the purpose of any enactment, law, or

custom, descriptive of or dependent on the circumstance of a prison and other officers. being the prison of any county, riding, county of a city, county of a town, liberty, borough, or other place having a separate prison jurisdiction, by any general or special rule direct that for such purpose as aforesaid any prison locally situate within the county in which such riding, county of a city, county of a town, liberty, borough, or place is situate, or any prison which he may in pursuance of this Act have appointed as a prison to which prisoners may be committed, is to be considered to be the prison of such county, riding, county of a city, county of a town, liberty, borough, or other place, but subject to any such rule as in this section mentioned, and until the same be made the transfer under this Act of the prisons to which this Act applies, and of the powers and jurisdiction of prison authorities, and of justices in sessions assembled, and of visiting justices, shall not affect the jurisdiction of any sheriff or coroner, or save as provided by this Act, of any justice of the peace or other officer having at the commencement of this Act jurisdiction in, over, or in respect of such prison.

**31.** On and after the commencement of this Act the sheriff of any sheriffdom shall not be liable for the escape of any prisoner. Sheriff not liable for escape.

**32.** Nothing in this Act contained shall affect the jurisdiction or responsibility of the sheriff in respect of prisoners under sentence of death, and confined in any prison within his jurisdiction, or his jurisdiction or control over the prison where such prisoners are confined, and the officers thereof, so far as may be necessary for the purpose of carrying into effect the sentence of death, or for any purpose relating thereto; and in any prison in which sentence of death is required or authorised to be carried into effect on any prisoner, the sheriff of the county in which the prison is situate shall, for the purposes of carrying that sentence into execution, be deemed to have the same jurisdiction with respect to such prison as he would by law have had with respect to the common gaol of his county if this Act had not passed, and such prison were the common gaol of his county. Prisoners under sentence of death.

*As to Discontinuance of Prisons.*

**33.** The Secretary of State may by order from time to time discontinue any prison or prisons which are vested in him by this Act, provided that in every county there remain at least one prison, unless the Secretary of State otherwise order for special reasons to be stated in his order, and any order made by the Secretary of State in pursuance of this section shall be laid before both Houses of Parliament forthwith if Parliament be sitting at the time of the order being made, or, if not then sitting, within one month after the commencement of the then next session of Parliament. Power of Secretary of State to discontinue prisons.

**34.** When a prison to which this Act applies is discontinued, the Secretary of State shall serve notice on the prison authority to which such prison originally belonged that he will, at any time within a period not less than six months, to be prescribed by the Secretary of State, from the date of the service of such notice, cause such prison, but without any furniture or effects belonging thereto, to be reconveyed to such authority on payment by such Effect of discontinuance of prison.

authority into the Exchequer, for the public use, of one hundred and twenty pounds in respect of each prisoner belonging to such prison authority for whom cell accommodation was provided in such discontinued prison at the time of the passing of this Act, and on repayment by such authority of any compensation it may have received out of moneys provided by Parliament in respect of its having provided a prison of its own more than adequate for the accommodation of the prisoners belonging to such authority.

A prison authority to whom a prison is reconveyed in pursuance of this section may sell or otherwise dispose of the same in such manner as they think fit.

If a prison authority declines to accept the offer of the reconveyance of the prison so made by the Secretary of State, or fail to pay or to secure to the satisfaction of the Secretary of State the payment of such sum into the Exchequer as is required to be paid by them in pursuance of this section, the prison shall be sold by the Secretary of State; and the Secretary of State, after paying the expenses of such sale, and paying into the Exchequer the amount so required to be paid as aforesaid, shall render the overplus (if any) to the prison authority to which the prison originally belonged.

Any sum payable by a prison authority in pursuance of this section shall be deemed to be a debt due from the prison authority to the Crown, and may be recovered accordingly.

For the purposes of this section a prison authority may borrow, and the Public Works Loan Commissioners may advance by way of loan, to bear interest at such rate per cent. as the Treasury may determine to be sufficient to prevent any loss to the Exchequer, such sum as may be required, so that the whole amount so borrowed be discharged within a period not exceeding thirty-five years.

For the purposes of this section the cell accommodation provided by a prison authority in all its prisons may be calculated, and if it appears from such calculation that sufficient accommodation has been provided by such authority in any one prison or prisons belonging to such authority no sum shall be payable under this section by such prison authority in respect of the discontinued prison, and a proportionate deduction shall be made in the sum payable under this section by a prison authority in the event of any partial accommodation in excess of the necessary accommodation having been provided in such other prisons belonging to that authority.

#### *Status of Prison Officers.*

Position and duties of existing officers of prisons.

**35.** The officers attached to prisons at the time of the commencement of this Act (in this Act referred to as existing officers of a prison) shall hold their offices by the same tenure, and upon like terms and conditions, as if this Act had not passed, and shall receive salaries of not less amount than those which they have hitherto received.

Such existing officers as aforesaid may be distributed amongst the several prisons to which this Act applies in such manner as may be directed by the Secretary of State, and they shall perform such duties as they may be required to perform by the said Secretary of

State, so that such duties are the same or analogous to those they performed previously to the commencement of this Act, and, subject as aforesaid, they shall perform the same duties as nearly as may be as they are performing at the time of the commencement of this Act.

An existing officer of a prison who is at the commencement of this Act in the receipt of military or naval half-pay, or who has, at or before such commencement as aforesaid, commuted his pension in pursuance of the Pensions Commutation Act, 1871, or is in receipt of any pension payable out of public moneys, shall not be subject to any deduction from his salary, or to be deprived of any portion of his half-pay, or of his pension, by reason of his salary being thenceforward paid out of public moneys, or of his employment becoming a public employment, or an employment of profit under Her Majesty, within the meaning of the Acts of Parliament providing for such deduction of salary or deprivation of half-pay, nor be disqualified from receiving such half-pay or pension by reason of his becoming by virtue of this Act a civil servant of Her Majesty.

34 & 35 Vict.  
c. 36.

**36.** If at any time after the commencement of this Act it appears to the Treasury that any existing officer of a prison has been in the prison service for not less than twenty years, and is not less than sixty years of age, or that any existing officer of a prison has become incapable, from confirmed sickness, age, or infirmity, or injury received in actual execution of his duty, of executing his office in person, and such sickness, age, infirmity, or injury is certified by a medical certificate, and there shall be a report of the Prison Commissioners testifying to his good conduct during his period of service under them, and recommending a grant to be made to him, the Treasury may grant to such officer, having regard to his length of prison service, an annuity, by way of superannuation allowance, not exceeding two thirds of his salary and emoluments, or a gratuity not exceeding the amount of his salary and emoluments for one year.

Superannuation of officers and abolition of office.

If any office in any prison to which this Act applies is abolished or any officer is retired or removed, any existing officer of a prison who by reason of such abolition, retirement, or removal is deprived of any salary or emoluments, shall be dealt with in manner provided by the Superannuation Act, 1859, with respect to a 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.

22 Vict. c. 26.

“Prison service,” for the purposes of this section, means, as respects the period before the commencement of this Act, service in a particular prison, or in the prisons of the same authority, transferred to the Secretary of State, and as respects the period after the commencement of this Act, service in any such prison or in any other prison transferred to the Secretary of State under this Act.

Any annuity by way of superannuation allowance or gratuity granted under this section shall be apportioned between the period of service before the commencement of this Act, and the period

of service after the commencement of this Act; and so much of such annuity or allowance as is payable in respect of service before the commencement of this Act, regard being had to the amount of salary then paid, but without taking into account any number of years added to the officer's service on account of abolition of office or for facilitating the organization of the department, shall be paid by the prison authority of the prison in which the officer to whom such annuity or allowance is granted was serving at the date of the commencement of this Act out of rates which at or immediately before the commencement of this Act were applicable to the payment of the salary of such officer, and the residue shall be paid out of moneys provided by Parliament.

*As to Miscellaneous Matters.*

Relaxation of the law relating to hard labour. 28 & 29 Vict. c. 126.

**37.** Whereas in pursuance of the 34th regulation of the first schedule annexed to the Prison Act, 1865, a male person of sixteen years and upwards sentenced to hard labour is directed to be kept to hard labour of the first class during the whole of his sentence where it does not exceed three months, and during the first three months of his sentence where it exceeds three months; and whereas it is expedient to amend the said regulation: Be it enacted, that the Secretary of State may in either of such cases substitute hard labour of the second class for hard labour of the first class during the last two of such three months as aforesaid, or any part of such last two months, and he may make such substitution either by a general or special regulation, and either conditionally or unconditionally, and may from time to time vary any regulation so made. In making any regulations in pursuance of this section, the Secretary of State shall have regard to the previous convictions, the industry, and the conduct of the prisoners.

Rules as to treatment of prisoners confined for non-payment of sums in the nature of debts. 28 & 29 Vict. c. 126.

**38.** The Secretary of State may from time to time make, and when made repeal, alter, or add to rules with respect to the classification and treatment of prisoners imprisoned for non-compliance with the order of a justice or justices to pay a sum of money, or imprisoned in respect of the default of a distress to satisfy a sum of money adjudged to be paid by order of a justice or justices, so that such rules are in mitigation and not in increase of the effect of such imprisonment, as regulated by the Prison Act, 1865.

Special rules as to treatment of unconvicted prisoners and certain other prisoners.

**39.** Whereas it is expedient that a clear difference shall be made between the treatment of persons unconvicted of crime and in law presumably innocent during the period of their detention in prison for safe custody only, and the treatment of prisoners who have been convicted of crime during the period of their detention in prison for the purpose of punishment, and that, in order to secure the observance of such difference there shall be in force in every place in which prisoners are confined for safe custody only, special rules regulating their confinement in such manner as to make it as little as possible oppressive, due regard only being had to their safe custody, to the necessity of preserving order and good government in the place in which they are confined, and to the physical and



moral well-being of the prisoners themselves : Therefore, be it enacted, that the Secretary of State shall make, and when made may from time to time repeal, alter, or add to, special rules—

- (1.) With respect to the retention by a prisoner of the possession of any books, papers, or documents in his possession at the time of his arrest, and which may not be required for evidence against him, and are not reasonably suspected of forming part of property improperly acquired by him, or are not for some special reason required to be taken from him for the purposes of justice ;
- (2.) With respect to communications between a prisoner, his solicitor, and friends, so as to secure to such prisoner as unrestricted and private communication between him, his solicitor, and his friends as may be possible, having regard only to the necessity of preventing any tampering with evidence, and any plans for escape, or other like considerations ; and
- (3.) With respect to arrangements whereby prisoners may provide themselves with articles of diet, or may be furnished with a sufficient quantity of wholesome food, and may be protected from being called upon to perform any unaccustomed tasks or offices ; also any matter which the Secretary of State may think conducive to the amelioration of the condition of a prisoner who has not been convicted of crime, regard being had to such matters as are in this section directed to be regarded.

**40.** The Prison Commissioners shall see that any prisoner under sentence inflicted on conviction for sedition or seditious libel shall be treated as a misdemeanant of the first division within the meaning of section sixty-seven of "The Prisons Act, 1865," notwithstanding any statute, provision, or rule to the contrary.

Treatment of prisoners convicted of sedition, &c. 28 & 29 Vict. c. 126. s. 67.

**41.** Any person who shall be imprisoned under any rule, order, or attachment for contempt of any court shall be in like manner treated as a misdemeanant of the first division within the meaning of the said section of the said Act.

Treatment of persons committed for contempt of court.

**42.** That where the prison medical officer considers it necessary to apply any painful test to a prisoner to detect malingering or otherwise, such test shall only be applied by authority of an order from the visiting committee of justices, or a Prison Commissioner.

Test of malingering.

**43.** It shall not be lawful for the gaoler to order any prisoner to be confined in a punishment cell for any term exceeding twenty-four hours ; nor shall it be lawful for the visiting committee of justices to order any prisoner to be punished by confinement in a punishment cell for any term exceeding fourteen days.

Limitation of time of confinement in punishment cells.

**44.** In no case, where an inquest is held on the body of a prisoner who dies within the prison, shall any person engaged in any sort of trade or dealing with the prison be a juror on such inquest.

As to inquests on the bodies of prisoners.

**45.** On and after the commencement of this Act, any duties required by Act of Parliament or otherwise to be performed by an inspector of prisons, appointed in pursuance of the Act of the session of the fifth and sixth years of King William the Fourth, chapter

Transfer of duties of existing inspectors of prisons.

thirty-eight, may, subject to any directions to be given by the Secretary of State, be performed by any Prison Commissioner or inspector appointed under this Act.

The persons who at the commencement of this Act hold the offices of Inspectors of Prisons, under such last-mentioned Act, shall become inspectors under this Act, in the same manner and liable to the performance of the same duties as if they had been appointed inspectors in pursuance of this Act, subject to the following qualifications, namely:—

- (1.) Every such inspector shall hold his office by the same tenure, and upon like terms and conditions, as if this Act had not passed, and shall receive a salary of not less amount than that which he has hitherto received; and
- (2.) Any duties they may be required to perform in pursuance of this Act shall be the same or analogous duties to those which they performed previously to the commencement of this Act.

The seventh section of the Act of the session of the fifth and sixth years of William the Fourth, chapter thirty-eight, shall be repealed from and after the commencement of this Act, in so far as respects England.

Power of prison authority to borrow on rate. 38 & 39 Vict. c. 83.

**46.** A prison authority may borrow any moneys authorised to be borrowed by them under this Act as one loan or as several loans in manner provided by the Local Loans Act, 1875, on the security of any rate or property which would, if this Act had not passed, have been applicable to the maintenance of the prisons within the jurisdiction of such authority, and such prison authority may levy such rate or apply such property in the same manner in all respects as if this Act had not passed.

The period for the discharge of a loan under this Act shall be deemed to begin at the date of the first advance of money made on account of any such loan or loans.

Power of Public Works Loan Commissioners to lend.

**47.** The Public Works Loan Commissioners may advance to any prison authority, on the security of such rate or property as aforesaid, any moneys authorised to be borrowed by the prison authority for the purposes of this Act.

38 & 39 Vict. c. 83.

The Public Works Loan Commissioners shall take, in respect of any loan advanced by them under this Act, in preference to any other securities, all or such one or more of the securities issuable under the Local Loans Act, 1875, as they may prefer; and for the purposes of any loan so made, and so far as relates to the securities taken and to the recovery of the moneys due on such securities, the Local Loans Act, 1875, shall be deemed to be substituted for the Public Works Loans Act, 1875.

38 & 39 Vict. c. 58.

Legal estate in prison.

**48.** The legal estate in every prison to which this Act applies, and in the site and land belonging thereto, and in the furniture and effects, shall, on and after the commencement of this Act, be deemed to be vested in the Prison Commissioners and not in the Secretary of State, but shall from time to time be disposed of by such Commissioners in such mode as the Secretary of State, with the consent of the Treasury, may direct.

**49.** Town halls, court-houses, or other rooms situate within the curtilage of a prison or forming part of a prison as defined by this Act, and which town halls, court-houses, or other rooms are used for the holding assizes or petty sessions, or for purposes other than those connected with the management of a prison, shall not be transferred to or vested in the Secretary of State under this Act, but it shall be lawful for the Secretary of State, with the consent of the Treasury, if he thinks it desirable to purchase such town halls, court-houses, or other rooms so situate as aforesaid from the local authority to whom the same belong, and for the purposes of such purchase the Lands Clauses Consolidation Acts, 1845, 1860, and 1869 shall be incorporated with this section, and in the construction of the said incorporated Acts this Act shall be deemed to be the special Act, and the Secretary of State shall be deemed to be the promoter of the undertaking.

Appropriation of court-houses situate within the precincts of a prison.

8 & 9 Vict.  
c. 18.  
23 & 24 Vict.  
c. 106.  
32 & 33 Vict.  
c. 18.

**50.** Any buildings which being in the nature of national monuments are as to certain portions thereof used as prisons shall, as to the portions so used during such time as they are used by the Secretary of State, be maintained in such manner as to prevent their being defaced or injured in their character of national monuments.

Protection of prisons in the nature of national monuments.

**51.** Any rule made by a Secretary of State, in pursuance of this Act, may be proved in manner in which regulations made under the authority of one of Her Majesty's Principal Secretaries of State are capable of being proved in pursuance of the Documentary Evidence Act, 1868, and all enactments inconsistent with this Act are hereby repealed: Provided always, that all rules and regulations made under or in pursuance of this Act shall be forthwith laid in a complete form, after the same shall have been settled and approved by such Secretary of State before both Houses of Parliament, if Parliament be sitting, or if not, then within three weeks after the beginning of the next ensuing session of Parliament; and if any such rules or regulations shall be disapproved by either House of Parliament within forty days after the same shall have been so laid before Parliament, such rules or regulations, or such parts thereof as shall be so disapproved of, shall be void and of no effect: Provided also, that no such rules or regulations shall come into force or operation until the same shall have been so laid before Parliament for forty days.

Rules of Secretary of State, and repeal of inconsistent enactments.  
31 & 32 Vict.  
c. 37.

**52.** Nothing in this Act contained shall affect the powers or jurisdiction of a prison authority in relation to any reformatory school or to any industrial school under the Reformatory Schools Act, 1866, and the Industrial Schools Act, 1866, or either of such Acts, or any Act amending the said Acts, or either of them.

Saving clause as to reformatory and industrial schools.  
29 & 30 Vict.  
c. 117.  
29 & 30 Vict.  
c. 118.

**53.** Nothing in this Act contained shall entitle any existing officer of a prison to any superannuation or other allowance, the conditions of whose office would not have entitled him to superannuation or other allowance under the Prison Act, 1865.

Saving clause as to pensions.  
28 & 29 Vict.  
c. 126.

**54.** The chancellor, masters, and scholars of the University of Oxford shall, in consideration of their being relieved from their obligation under the Oxford Police Act of 1868 to contribute to gaol expenses, pay to the mayor, aldermen, and citizens of the city

Commutation of payment by University of Oxford to the city of Oxford.

31 & 32 Vict.  
c. lix.

of Oxford, on or before the first day of April one thousand eight hundred and seventy-eight, the sum of four hundred pounds; and the said chancellor, masters, and scholars shall, from that date, be discharged from all liability under the said Act in respect of gaol expenses.

*Arrangement and Arbitration.*

Power for  
Secretary of  
State and  
prison autho-  
rity to compro-  
mise and refer  
to arbitration.  
17 & 18 Vict.  
c. 125.

**55.** The Secretary of State on the one hand (with the assent of the Treasury so far as any public moneys are concerned) and a prison authority on the other may, with a view to carry into effect the purposes of this Act, compromise any matter, or settle any difference, or refer to arbitration any matter or difference.

A reference to arbitration under this Act shall be to a single arbitrator, and the provisions of the Common Law Procedure Act, 1854, shall apply accordingly.

*Definitions.*

Definition of  
"furniture and  
effects belong-  
ing to a prison."

**56.** The expression "furniture and effects belonging to a prison" includes all furniture, beds, bedding, clothes, linen, implements, machinery, and stores, except goods manufactured for sale, and materials in store for the purposes of such manufacture, also all books, papers, registers, and documents whatsoever relating to such prison or to the prisoners therein, also all articles whatsoever, whether or not of the same kind as those previously described, belonging at the commencement of this Act to the prison authority of any prison for the purposes of such prison.

Definition of  
"prisoner"  
and "the main-  
tenance of a  
prisoner."

**57.** A "prisoner" for the purposes of this Act means any person committed to prison on remand or for trial, safe custody, punishment, or otherwise, and "the maintenance of a prisoner" includes all such necessary expenses incurred in respect of a prisoner for food, clothing, custody, safe conduct, and removal from one place of confinement to another, or otherwise, from the period of his committal to prison until his death or discharge from prison, as would if this Act had not passed have been payable by a prison authority with this proviso, that nothing in this Act shall exempt a prisoner from payment of any costs or expenses in respect of his conveyance to prison or otherwise which he would have been liable to pay if this Act had not passed.

For the purposes of this Act, sufficient accommodation for the prisoners belonging to a prison authority shall, as nearly as can be ascertained, be deemed to be the average daily number of prisoners maintained at the expense of such authority, whether in its own prison or in a prison belonging to some other prison authority during the five years immediately preceding the first day of January one thousand eight hundred and seventy-seven.

"Cell accommodation for a prisoner" means a cell for the separate confinement of such prisoner certified in pursuance of "The Prison Act, 1865."

"Cell accom-  
modation for  
a prisoner."  
28 & 29 Vict.  
c. 126.

Definition of  
"county" and  
"riding."

**58.** In the construction of this Act, unless there is something inconsistent in the context,—

“County” means a county at large, inclusive of any riding, division, or parts of a county having a separate court of quarter sessions :

“Riding” means any riding, division, or parts of a county having a separate court of quarter sessions.

The city of London shall be deemed to be a county, and any prison belonging to the city of London to be situate within the limits of that city.

Save as aforesaid, all counties of cities, counties of towns, liberties and franchises of counties, shall be considered as forming part of the county by which they are surrounded, or if partly surrounded by two or more counties, then as forming part of that county with which they have the longest common boundary.

**59.** “Borough” means a place which is for the time being subject to the Act of the session of the fifth and sixth years of the reign of King William the Fourth (chapter seventy-six), “to provide for the regulation of municipal corporations in England and Wales,” inclusive of any county of a city or county of a town.

Definition of  
“borough.”

**60.** “Prison,” in addition to the meaning attached to it by the Prison Act, 1865, includes any land or building bought or contracted to be bought before the commencement of this Act by a prison authority, for the purpose of enlarging or altering any prison, or adding to the appurtenances of any prison, subject to this proviso, that if the Secretary of State is of opinion that any portion of the lands so bought or contracted to be bought, whether included or not within the walls of the prison, was not at the time of the passing of this Act necessary for the then subsisting purposes of such prison, he shall either direct that such portion shall be reconveyed to the prison authority, or retain such portion, or any part of such portion, on payment out of moneys provided by Parliament of such sum as may be agreed upon, or, in the event of difference, may be determined by arbitration in manner provided by this Act, on the transfer of any such prison to him, and the vesting thereof in him as by this Act provided.

Definition of  
“prison.”  
28 & 29 Vict.  
c. 126.

**61.** In this Act the expressions “prison authorities,” “justices in sessions assembled,” and “visiting justices” shall respectively have the same meaning in relation to any prison as they have in “The Prison Act, 1865,” and expressions defined in that Act have the same meaning also in this Act.

Definition of  
“prison authorities,”  
“justices in sessions  
assembled,”  
“visiting  
justices.”

## CHAPTER 22.

An Act to amend the General Police and Improvement (Scotland) Act, 1862. [12th July 1877.]

WHEREAS it is expedient to amend in certain respects the General Police and Improvement (Scotland) Act, 1862:

Be it enacted by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal,

25 & 26 Vict.  
c. 101.

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

Title and extent of Act.

1. This Act may be cited for all purposes as “The General Police and Improvement (Scotland) Act, 1862, Amendment Act, 1877,” and shall apply to Scotland only.

Construction of Act.

2. The recited Act and “The General Police and Improvement (Scotland) Act, 1862, Amendment Act,” and this Act, shall be read and construed together.

Interpretation clause.

3. “Court of Session” and “Court” shall mean either Division of the Inner House of the Court of Session or the Lord Ordinary officiating on the bills in the time of vacation.

Court of Session may make orders to facilitate adoption or execution of recited Act.

4. Wherever in any burgh, the boundaries of which have been determined in terms of the recited Act, it has, either before or after the passing of this Act, from a failure to observe any of the provisions of the recited Act, or from any other cause, become impossible to proceed with the adoption or with the carrying out or execution, as the case may be, of the said Act within such burgh, the following provisions shall have effect :

1. It shall be lawful for any seven householders within the burgh to present a petition to the Court of Session, setting forth the failure which has taken place to observe the provisions of the recited Act, or other cause which has made it impossible to proceed with its adoption or carrying out or execution, and praying the Court to pronounce an order in terms of this Act as herein-after mentioned.

2. The petition shall be intimated in the Edinburgh Gazette, and in such other manner as the Court shall appoint.

3. Upon resuming consideration of the petition, with or without answers, and after receiving such evidence as they shall require, the Court may pronounce any order which in their judgment will enable the proceedings for the adoption or carrying out or execution of the recited Act within such burgh to be continued as nearly as possible as if the said failure to observe the provisions of the said Act, or other cause, had not taken place; and such order shall be final, and shall be recorded in the Sheriff Court books of the county within which such burgh is situate.

4. As soon as any directions contained in the said order of the Court shall have been complied with, the proceedings for the adoption or carrying out or execution of the recited Act within such burgh may proceed as nearly as possible in the same manner and with the same incidents as if the said failure to observe the provisions of the said Act, or other cause, had not taken place.

5. The Court may pronounce any order as to expenses of the petition and the proceedings following thereon, and as to the persons or assessments against which they shall be chargeable; and such order shall be final.

Amendment of sect. 14 of recited Act.

5. The fourteenth section of the recited Act shall be read and construed as if for the words “two years” therein the words “one year” were substituted.

## CHAPTER 23.

An Act to make better provision respecting fortifications, works, buildings, and land situate in a Colony, and held for the defence of the Colony. [23d July 1877.]

**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:

**1.** It shall be lawful for Her Majesty, on the representation of one of Her Majesty's Principal Secretaries of State and of the Commissioners of Her Majesty's Treasury that it is expedient so to do, by Order in Council to vest any fortifications, works, buildings, or land in any colony held in trust for the defence of that colony (whether vested in Her Majesty, or in one of Her Majesty's Principal Secretaries of State, or in the principal officers of the Board of Ordnance, or in the commanding Royal Engineer, or other officer), and the care and disposal of such fortifications, works, buildings, or land, in the governor of the colony, for such estate and interest, and upon such terms and conditions, and subject to such reservations, exceptions, and restrictions as are specified in the Order; and the governor for the time being of the colony shall, by virtue of this Act and the Order, take and hold (subject to the provisions of the Order) the premises transferred to and vested in him accordingly.

Power by Order in Council to transfer colonial fortifications to governor of colony.

Every representation to Her Majesty proposed to be made in pursuance of this Act shall be laid before both Houses of Parliament, and shall lie for not less than forty days on the table of both Houses before it is submitted to Her Majesty.

**2.** Nothing in an Order made in pursuance of this Act shall affect any estate, interest, right, or claim in or to any fortifications, works, buildings, or land comprised in the Order other than such as at the date of the Order was vested in or held in trust for Her Majesty.

Saving for other interests.

**3.** In this Act, unless the context otherwise requires,—  
The expression "colony" means any dominion, colony, island, territory, province, or settlement situate within Her Majesty's dominions, but without the United Kingdom, the Channel Islands, and Isle of Man, and not forming part of India as defined for the purposes of the Acts for the time being in force relating to the Government of India, and for the purposes of this Act the whole of the dominion, colonies, islands, territories, provinces, and settlements under one central legislature is deemed to be a colony:

Definitions:  
"Colony:"

The expression "governor" includes any lieutenant-governor, or officer administering the government of a colony, and any other person defined by an Order in Council under this Act to be the governor of the colony.

**4.** This Act may be cited as "The Colonial Fortifications Act, 1877."

Short title.

## CHAPTER 24.

An Act to apply the sum of twenty million pounds out of the Consolidated Fund to the service of the year ending the thirty-first day of March one thousand eight hundred and seventy-eight. [23d July 1877.]

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 sum 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:

Issue of  
20,000,000*l.*  
out of the Con-  
solidated Fund  
for the service  
of the year  
ending 31st  
March 1878.

Power to the  
Treasury to  
borrow.

1. The Commissioners of Her Majesty's Treasury for the time being may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to Her Majesty for the service of the year ending on the thirty-first day of March one thousand eight hundred and seventy-eight the sum of twenty million pounds.

2. The Commissioners of the Treasury may borrow from time to time on the credit of the said sum, any sum or sums not exceeding in the whole the sum of twenty million pounds, and shall repay the moneys so borrowed with interest not exceeding five pounds per centum per annum out of the growing produce of the Consolidated Fund at any period not later than the next succeeding quarter to that in which the said moneys were borrowed.

Any sums so borrowed shall be placed to the credit of the account of Her Majesty's Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such fund is available.

## CHAPTER 25.

An Act for regulating the Examination of persons applying to be admitted Solicitors of the Supreme Court of Judicature in England, and for otherwise amending the Law relating to Solicitors. [23d July 1877.]

**WHEREAS** under or by virtue of the enactments of the Act of the sixth and seventh years of the reign of Her present Majesty, chapter seventy-three, and of the Act of the twenty-third and twenty-fourth years of the same reign, chapter one hundred and twenty-seven, and of the Supreme Court of Judicature Acts, 1873 and 1875, relating to the admission of persons as solicitors of the Supreme Court, and of regulations made under the authority of those enactments, persons applying to be admitted as solicitors of the Supreme Court of Judicature in England are (with certain



exceptions) required to pass examinations known respectively as the preliminary, the intermediate, and the final examination :

And whereas under the above-mentioned enactments the power of making regulations for the conduct of the said examinations and of appointing examiners is vested in certain judges of Her Majesty's High Court of Justice :

And whereas it is expedient that such powers, subject as herein-after mentioned, be vested in the Incorporated Law Society, and that other amendments be made in the law relating to solicitors of the Supreme Court :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

*Preliminary.*

1. This Act may be cited for all purposes as "The Solicitors Act, 1877," and the Act of the sixth and seventh years of the reign of Her present Majesty, chapter seventy-three, "For consolidating and amending several of the laws relating to Attorneys and Solicitors practising in England and Wales," and the Act of the twenty-third and twenty-fourth years of the same reign, chapter one hundred and twenty-seven, "To amend the laws relating to Attorneys Solicitors Proctors and Certificated Conveyancers," may be respectively cited for all purposes as "The Solicitors Act, 1843," and "The Solicitors Act, 1860," and this Act shall (so far as is consistent with the tenour thereof) be construed as one with the said Solicitors Acts, 1843 and 1860, and with the other enactments for the time being in force relating to solicitors.

Short title and construction of Act.

6 & 7 Vict. c. 73.  
23 & 24 Vict. c. 127.

2. This Act shall not extend to Scotland or Ireland.

Extent of Act.

3. This Act shall, so far as regards the power of certain of the judges of Her Majesty's High Court of Justice and of the Incorporated Law Society to make regulations thereunder, and so far as regards the issue of notices and other proceedings preliminary to holding the first examinations thereunder, come into operation on the passing thereof, and for all other purposes shall come into operation on the first day of January one thousand eight hundred and seventy-eight.

Commencement of Act.

4. In this Act,—

Interpretation.

"The Incorporated Law Society" or "The Society" means "The Society of Attorneys Solicitors Proctors and others not being Barristers practising in the Courts of Law and Equity of the United Kingdom :"

"Solicitor" means solicitor of the Supreme Court of Judicature in England :

"Preliminary examination" means an examination in general knowledge of persons becoming bound under articles of clerkship to solicitors :

"Intermediate examination" means an examination of persons bound under articles of clerkship to solicitors in order to ascertain the progress made by such persons during their articles in acquiring the knowledge necessary for rendering them fit and capable to act as solicitors :

“Final examination” means an examination of persons applying to be admitted as solicitors as well touching the articles and service as the fitness and capacity of such persons to act as solicitors, in all business and matters usually transacted by solicitors, and includes, where any allegation is made by the registrar of solicitors as to the moral unfitness of any such person to be an officer of the Supreme Court, an inquiry into the truth of such allegation.

### *Examinations.*

Certificate of having passed examinations requisite for admission as solicitor.

Examinations to be held under management of Incorporated Law Society.

5. Subject to the exemptions allowed by this Act, or by regulations made under the authority thereof, a person shall not be admitted as a solicitor unless he has obtained from the Incorporated Law Society, or some person authorised in writing by that Society, a certificate or certificates to the effect that he has passed a preliminary, an intermediate, and a final examination.

6. The Incorporated Law Society are hereby authorised and required to hold, at least three times in the year commencing with the first day of January one thousand eight hundred and seventy-eight, and in every succeeding year, a preliminary examination, an intermediate examination, and a final examination, and the Society shall, subject to the provisions of this Act, have the entire management and control of all such examinations, and shall have power from time to time to make regulations with respect to all or any of the following matters; (that is to say,)

- (A.) With respect to the subjects for and the mode of conducting the examination of candidates; and
- (B.) With respect to the times and places of examinations and the notices of examinations; and
- (C.) With respect to the certificates to be given to persons of their having passed any examination; and
- (D.) With respect to the appointment and removal of examiners (other than the ex-officio examiners in this Act mentioned) and with respect to the remuneration by fees or otherwise of the examiners so appointed; and
- (E.) With respect to any other matter or thing as to which the Society think it expedient to make regulations for the purpose of carrying this section into execution.

Any regulation made under the authority of this section may be altered or revoked by a subsequent regulation; and copies of all regulations made under the authority of this section shall be transmitted to the presidents of the Queen's Bench Division, the Common Pleas Division, and the Exchequer Division of the High Court of Justice, and to the Master of the Rolls, and if within twenty-eight days after a copy of any regulation has been so transmitted, any two of those judges (the Master of the Rolls being one) signify by writing under their hands, addressed to the president or the vice-president or secretary of the Society, their dissent from such regulation or any part thereof, the same shall be of no force or effect; and if after any such regulation or any part thereof has come into force any two of those judges (the Master of the Rolls being one) shall signify in manner aforesaid their dissent from such regulation

or any part thereof the same shall, at the expiration of two months, cease to be of any force or effect.

7. Unless and until the presidents of the Queen's Bench Division, Common Pleas Division, and Exchequer Division of the High Court of Justice, and the Master of the Rolls otherwise order, the several masters for the time being of those divisions shall be ex-officio examiners for the intermediate and the final examinations, and one of such ex-officio examiners shall act in the conduct of every such examination in conjunction with the examiners appointed by the Society in pursuance of this Act.

Masters of Queen's Bench, Common Pleas, and Exchequer Divisions to be ex-officio examiners.

8. Any person applying to be examined or re-examined at a preliminary, intermediate, or final examination shall pay to the Incorporated Law Society such fees in respect of such examinations (and in such proportions and at such times) as may be from time to time determined by regulations to be made by the presidents of the Queen's Bench Division, the Common Pleas Division, and the Exchequer Division of the High Court of Justice, and the Master of the Rolls, or any two of them, of whom the Master of the Rolls shall be one.

Fees payable to Incorporated Law Society in respect of examinations.

All moneys paid to the Society in pursuance of this Act in respect of the preliminary, intermediate, and final examinations shall be applied by the Society in payment of the expenses from time to time incurred by the Society with reference to such examinations, and with reference to the lectures, classes, and other teaching provided by the Society from time to time for persons bound or about to be bound under articles of clerkship to solicitors.

9. Any person who has been refused a certificate of having passed an intermediate or final examination, and who objects to such refusal, whether on account of the nature or difficulty of the questions put to him by the examiners, or on any other ground whatsoever, shall be at liberty within one month next after such refusal to appeal by petition in writing to the Master of the Rolls against such refusal, such petition to be presented in such manner and subject to such regulations as the Master of the Rolls may from time to time direct.

Appeal to Master of the Rolls against refusal of certificate.

In the meantime and until the Master of the Rolls otherwise directs, such petition shall, as to a final examination, be presented at the Petty Bag Office without the payment of any fee, and a copy of such petition shall be left therewith and shall be delivered by the clerk of the petty bag to the secretary of the Incorporated Law Society, and the clerk of the petty bag shall also notify to such secretary the day appointed for the hearing of the petition, and the same shall be heard by the Master of the Rolls on such day after the expiration of fourteen days from the day on which such petition was presented and at such time as he may appoint.

On the hearing of any petition under this section the Master of the Rolls may make such order as to him may seem meet, and where any person who has been refused a certificate of having passed his final examination, on appeal to the Master of the Rolls, obtains an order for his admission, such order shall entitle him to a certificate from the Incorporated Law Society of his fitness and capacity to act as a solicitor, and in the usual business transacted by a solicitor, in the same manner as if he had passed his final examination.

General exemptions from preliminary examination.

**10.** A certificate of having passed a preliminary examination under this Act shall not be required from any person who has taken the degree of Bachelor of Arts or Bachelor of Laws in the Universities of Oxford Cambridge Dublin Durham or London, or in the Queen's University in Ireland, or the degree of Bachelor of Arts Master of Arts Bachelor of Laws or Doctor of Laws in any of the Universities of Scotland, (none of such degrees being honorary degrees,) or who has been called to the degree of Utter Barrister in England, or who has passed the first public examination before moderators at Oxford or the previous examination at Cambridge, or the examination in arts for the second year at Durham, or who has passed one of the local examinations established by the University of Oxford, or one of the non-gremial examinations established by the University of Cambridge, or one of the examinations of the Oxford and Cambridge Schools Examination Board, or one of the matriculation examinations at the Universities of Dublin or London (notwithstanding he may not have been placed in the first division of such matriculation examination), or the examination for the first-class certificate of the College of Preceptors incorporated by Royal Charter in 1849.

The presidents of the Queen's Bench Division, the Common Pleas Division, and the Exchequer Division of the High Court of Justice, and the Master of the Rolls, or any three of them (the Master of the Rolls being one), may make, and from time to time alter and revoke regulations extending the above exemption to any persons who pass any examination held in any of the above-mentioned universities or in the Owen's College, Manchester, or in any other university, college, or educational institution, and specified in that behalf in the said regulations.

Power of judges to grant special exemptions from preliminary examination.

**11.** The presidents of the Queen's Bench Division, the Common Pleas Division, and the Exchequer Division of the High Court of Justice, and the Master of the Rolls, or any one or more of them, may, where under special circumstances they or he see fit so to do, exempt any person from compliance with the enactments and regulations for the time being in force with respect to the preliminary examination either entirely or partially, or subject to any such conditions as to them or him may seem fit.

Exemption of certain barristers from intermediate examination.

**12.** Any person who has been called to the degree of Utter Barrister in England, and is of not less than five years standing at the bar, and has procured himself to be disbarred with a view of becoming a solicitor, and has obtained from two of the benchers of the inn to which he belongs or to which he belonged a certificate of his being a fit and proper person to practise as a solicitor, shall not be required to obtain a certificate of having passed an intermediate examination under this Act, and shall be entitled on passing a final examination under this Act (except so much of such examination as relates to articles and service under articles) to be admitted and enrolled as a solicitor.

Power of judges to provide for admission in certain cases after four years service.

**13.** The presidents of the Queen's Bench Division, the Common Pleas Division, and the Exchequer Division of the High Court of Justice, and the Master of the Rolls, or any three of them (the Master of the Rolls being one), may make and from time to time alter and revoke regulations directing that any person having passed

any examination held in the Universities of Oxford Cambridge Dublin Durham or London, or in the Queen's University in Ireland, or in any of the Universities in Scotland, or in the Owen's College, Manchester, or in any other university, college, or educational institution, and specified in that behalf in such regulations, may be admitted and enrolled as a solicitor after service under articles of clerkship to a practising solicitor for the term of four years, but not so as to allow in any case a less term of service than four years.

14. All regulations duly made by any of Her Majesty's judges or by the Society in pursuance of this Act before the first day of January one thousand eight hundred and seventy-eight shall come into force on that day, and on that day the general rules and regulations, dated the second day of November one thousand eight hundred and seventy-five, and the schedules thereto, (with the exception of the regulations "As to re-admission and the taking out and renewal of certificates," and "As to custody of rolls and documents," and "Provisions as to notices, &c. already given,") shall cease to be of any force or effect.

Time of regulations coming into force.

*Miscellaneous Amendments of Law.*

15. Where any person articed to a solicitor has not served as a clerk under such articles strictly within the provisions of The Solicitors Act, 1843, and The Solicitors Act, 1860, and any Act amending the same, but subsequently to the execution of his articles bonâ fide serves (either continuously or not) one or more solicitors as an articed clerk for periods together equal in duration to the full term for which he was originally articed, and has obtained such certificates as he is required by this Act to obtain, it shall be lawful for the Master of the Rolls in his discretion, if he is satisfied that such irregular service was occasioned by accident, mistake, or some other sufficient cause, and that such service, although irregular, was substantially equivalent to a regular service, to admit such person to be a solicitor in the same manner as if such service had been a regular service within the meaning of the said Acts and any Act amending the same.

Power for Master of Rolls to admit though service under articles is irregular.  
6 & 7 Vict.  
c. 73.  
23 & 24 Vict.  
c. 127.

16. The annual certificate required by law to be obtained by every practising solicitor from the registrar of solicitors, and the declaration required to be delivered to the registrar for the purpose of obtaining such certificate, may respectively be in the forms (A.) and (B.) in the first schedule to this Act, or to the like effect.

Form of registrar's certificate.

17. Any solicitor may practise in all courts and before all persons having or exercising power, authority, or jurisdiction in matters ecclesiastical in England, and shall be deemed to be duly qualified to practise and may practise in all matters relating to applications to obtain notarial faculties, and generally shall have and may exercise all the powers and authorities, and shall be entitled to all the rights and privileges, and may fulfil all the functions and duties which appertain or belong to the office or profession of a proctor, whether in the provincial, diocesan, or other jurisdictions in England.

Solicitors eligible to practise in ecclesiastical courts.

18. Commissioners for taking oaths in the Supreme Court of Judicature in England shall be commissioners for taking oaths in or for the purpose of any of the ecclesiastical courts or jurisdictions, or matters ecclesiastical in England, or matters relating to application for notarial faculties.

As to commissioners for taking oaths in ecclesiastical courts.

Council of Incorporated Law Society may act on behalf of Society.

**19.** All rules and regulations acts matters and things respectively authorised or required to be made or done by the Incorporated Law Society under or in pursuance of this Act or of The Solicitors Act, 1843, or of The Solicitors Act, 1860, or under any orders, rules, and regulations made in pursuance thereof respectively, may be made or done by the Council for the time being of the Society on behalf of the Society.

Authentication of regulations and other documents.

**20.** All rules regulations certificates notices and other documents made or issued by the Incorporated Law Society for any purpose whatever may be in writing or print, or partly in writing and partly in print, and may be signed on behalf of the Society by the secretary, or by such other officer or officers of the Society as may be from time to time prescribed by the Council.

Construction of enactments referring to attorneys and examinations.

**21.** All enactments referring to attorneys which are in force immediately after the coming into operation of this Act shall be construed as if the expression "solicitor of the Supreme Court" were therein substituted for the expression "attorney," and all enactments relating to the examinations of attorneys and solicitors which are in force immediately after the coming into operation of this Act shall be construed as relating to the examinations to be held in pursuance of this Act.

*Temporary Provision and Repeal.*

Temporary provision as to examinations.

**22.** All persons who before this Act comes into operation have passed a preliminary but have not passed an intermediate or final examination, and all persons who have passed an intermediate but have not passed a final examination under the enactments and regulations hereby repealed, shall be deemed respectively to have passed a preliminary or a preliminary and intermediate examination under this Act as the case may be, and all persons who have passed a final examination under the said enactments and regulations but have not been admitted shall be deemed to have passed a final examination under this Act.

Repeal of scheduled enactments.

**23.** The Acts mentioned in the first part of the second schedule to this Act are hereby repealed as from the first day of January one thousand eight hundred and seventy-eight, to the extent specified in the third column in the said part of that schedule, with the qualification that so much of the said Acts as is set forth in the second part of that schedule shall be re-enacted in manner therein appearing, and shall be of the same force as if enacted in the body of this Act: Provided also, that this repeal shall not affect—

- (A) Anything duly done or suffered under any enactment hereby repealed; or
- (B) Any right, liability, or penalty acquired, accrued, or incurred under any enactment hereby repealed, or any legal proceeding or remedy in respect of any such right, liability, or penalty, and any such legal proceeding and remedy may be carried on as if this Act had not been passed;

38 & 39 Vict. c. 77.

And the regulations made by certain of the judges of the High Court of Justice in pursuance of the power contained in section 14 of The Judicature Act, 1875, for adapting the enactments and forms therein mentioned, shall as from the said first day of January one thousand eight hundred and seventy-eight cease to be of any force or effect.

The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

FORM (A.)

*Registrar's Certificate.*

No. \_\_\_\_\_ 18 \_\_\_\_\_  
 Pursuant to The Solicitors Act, 1843, and the Acts amending the same, the \_\_\_\_\_ 6 & 7 Vict.  
 Incorporated Law Society, as the registrar of solicitors, hereby certifies that \_\_\_\_\_ c. 73.  
 solicitor of the Supreme Court, whose place of  
 business { are } at \_\_\_\_\_, hath this day left with the secretary of the  
 { is } at \_\_\_\_\_, said society a declaration in writing signed by (a)  
 containing his name and place or places of business, together with the term and year, or  
 the month and year in or as of which he was admitted, and hereby further certifies  
 that the said solicitor is duly enrolled a solicitor of the Supreme Court, and is entitled  
 to practise as such solicitor on this certificate being duly stamped as required by law.  
 Given under the hand of the secretary of the Incorporated Law Society this  
 day of \_\_\_\_\_ 187 .

Secretary.

Produced and entered this \_\_\_\_\_ day of \_\_\_\_\_ 187 .

(a) The said solicitor or the said solicitor's partner on his behalf or the said solicitor's  
 London agent as the case may be. The name of the partner or agent need not be inserted  
 here.

\* \* \* If this Certificate is stamped after the 1st January, it must be produced to the  
 registrar of solicitors within a month of the payment of the duty.

If admitted a notary this certificate should be entered at the Faculty Office; if a  
 proctor it should be entered in the court in which he is admitted.

FORM (B.)

*Declaration for obtaining the Registrar's Certificate.*

No. \_\_\_\_\_ 18 \_\_\_\_\_  
 I hereby declare that \_\_\_\_\_ was admitted an  
 attorney of (a) \_\_\_\_\_, in \_\_\_\_\_  
 Term in the year 18 \_\_\_\_\_ [or] a solicitor of the Supreme Court in the month of \_\_\_\_\_  
 in the year 18 \_\_\_\_\_ and that { my } place of  
 { are } as follows (b) :— { his }  
 Dated this \_\_\_\_\_ day of \_\_\_\_\_ 18 .  
 Signature \_\_\_\_\_.

[Partner or London agent of the said \_\_\_\_\_]

To the Registrar of Solicitors.

(a) One court is sufficient.

(b) If removed since last certificate state such removal.

## THE SECOND SCHEDULE.

## PART I.

*Enactments repealed.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
6 & 7 Vict. c. 73. -	An Act for consolidating and amending several of the laws relating to attorneys and solicitors practising in England and Wales.	Sections 15, 16, 17, 18, 20, and so much of section 30 and of the Second Schedule as relates to fees payable to the Incorporated Law Society.
23 & 24 Vict. c. 127. -	An Act to amend the laws relating to attorneys, solicitors, proctors, and certificated conveyancers.	Sections 8, 9, 11, 13, 14, section 19 from the words "and after" to the end of the section; section 20 from the words "and the said Lords Chief Justices" to the words "from time to time," section 23, and the Schedules (A.) and (B.)
33 & 34 Vict. c. 28. -	The Attorneys and Solicitors Act, 1870 -	Section 20.

## PART II.

## 6 &amp; 7 Vict. c. 73. s. 15.

If the Master of the Rolls or any of the judges of the Queen's Bench Division, the Common Pleas Division, or the Exchequer Division of the High Court of Justice is, by a certificate or certificates granted in pursuance of this Act, satisfied with respect to any person applying to be admitted a solicitor of the Supreme Court that such person is duly qualified to be admitted to act as a solicitor of the Supreme Court, then and not otherwise the Master of the Rolls shall administer the requisite oath and cause such person to be admitted a solicitor of the Supreme Court, and his name to be enrolled as a solicitor of such court, which admission shall be written on parchment and signed by the Master of the Rolls.

## 6 &amp; 7 Vict. c. 73. s. 20.

Such person or persons as the presidents of the Queen's Bench Division, the Common Pleas Division, and the Exchequer Division of the High Court of Justice, jointly with the Master of the Rolls, shall for that purpose appoint, shall have the custody and care of the rolls or books wherein persons are enrolled as solicitors of the Supreme Court, and shall be deemed and taken as the proper officer or officers for filing such affidavits as in The Solicitors Act, 1843, are mentioned, and he or they is or are hereby also respectively required from time to time, without fee or reward, other than as in the said Act mentioned, to enrol the name of every person who shall be admitted a solicitor of the Supreme Court pursuant to the directions in the said Act, and the time when admitted, in alphabetical order, in rolls or books to be kept for that purpose, to which rolls or books all persons shall and may have free access without fee or reward.

## 23 &amp; 24 Vict. c. 127. s. 23.

If any solicitor of the Supreme Court, after having at any time taken out a stamped certificate, neglects for a whole year after the expiration thereof to renew the same for the following year, the registrar shall not afterwards grant a certificate to such solicitor, except under an order of the Master of the Rolls, and it shall be lawful for the Master of the Rolls to direct the registrar to issue a certificate to such person on such terms and conditions as he may think fit.



## CHAPTER 26.

An Act to amend the Companies Acts of 1862 and 1867.

[23d July 1877.]

**W**HEREAS doubts have been entertained whether the power given by the Companies Act, 1867, to a company of reducing its capital extends to paid-up capital, and it is expedient to remove such doubts:

30 & 31 Vict.  
c. 131.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited for all purposes as the Companies Act, 1877.

Short title.

2. This Act shall, so far as is consistent with the tenor thereof, be construed as one with the Companies Acts, 1862 and 1867, and the said Acts and this Act may be referred to as "The Companies Acts, 1862, 1867, and 1877."

Construction of Act.  
25 & 26 Vict.  
c. 89.  
30 & 31 Vict.  
c. 131.

3. The word "capital" as used in the Companies Act, 1867, shall include paid-up capital; and the power to reduce capital conferred by that Act shall include a power to cancel any lost capital, or any capital unrepresented by available assets, or to pay off any capital which may be in excess of the wants of the company; and paid-up capital may be reduced either with or without extinguishing or reducing the liability (if any) remaining on the shares of the company, and to the extent to which such liability is not extinguished or reduced it shall be deemed to be preserved, notwithstanding anything contained in the Companies Act, 1867.

Construction of "capital" and powers to reduce capital contained in  
30 & 31 Vict.  
c. 131.

4. The provisions of the Companies Act, 1867, as amended by this Act, shall apply to any company reducing its capital in pursuance of this Act and of the Companies Act, 1867, as amended by this Act:

Application of provisions of  
30 & 31 Vict.  
c. 131.

Provided that where the reduction of the capital of a company does not involve either the diminution of any liability in respect of unpaid capital or the payment to any shareholder of any paid-up capital,

(1.) The creditors of the company shall not, unless the Court otherwise direct, be entitled to object or required to consent to the reduction; and

(2.) It shall not be necessary before the presentation of the petition for confirming the reduction to add, and the Court may, if it thinks it expedient so to do, dispense altogether with the addition of the words "and reduced," as mentioned in the Companies Act, 1867.

In any case that the Court thinks fit so to do, it may require the company to publish in such manner as it thinks fit the reasons for the reduction of its capital or such other information in regard to the reduction of its capital as the Court may think expedient with a view to give proper information to the public in relation to the reduction of its capital by a company, and, if the Court thinks fit, the causes which led to such reduction.

30 & 31 Vict.  
c. 131.

The minute required to be registered in the case of reduction of capital shall show, in addition to the other particulars required

by law, the amount (if any) at the date of the registration of the minute proposed to be deemed to have been paid up on each share.

5. Any company limited by shares may so far modify the conditions contained in its memorandum of association, if authorised so to do by its regulations as originally framed or as altered by special resolution, as to reduce its capital by cancelling any shares which, at the date of the passing of such resolution, have not been taken or agreed to be taken by any person; and the provisions of "The Companies Act, 1867," shall not apply to any reduction of capital made in pursuance of this section.

6. And whereas it is expedient to make provision for the reception as legal evidence of certificates of incorporation other than the original certificates, and of certified copies of or extracts from any documents filed and registered under the Companies Acts, 1862 to 1877: Be it enacted, that any certificate of the incorporation of any company given by the registrar or by any assistant registrar for the time being shall be received in evidence as if it were the original certificate; and any copy of or extract from any of the documents or part of the documents kept and registered at any of the offices for the registration of joint stock companies in England, Scotland, or Ireland, if duly certified to be a true copy under the hand of the registrar or one of the assistant registrars for the time being, and whom it shall not be necessary to prove to be the registrar or assistant registrar, shall, in all legal proceedings, civil or criminal, and in all cases whatsoever, be received in evidence as of equal validity with the original document.

## CHAPTER 27.

An Act to grant Money for the purposes of Loans by the Commissioners of Public Works in Ireland, and to remit certain Loans, and to amend the Law relating to Loans for public purposes by the Commissioners of Public Works in Ireland. [23d July 1877.]

WHEREAS under divers Acts, and particularly those mentioned in the first schedule to this Act, advances out of the Consolidated Fund are made, without interest, for divers purposes in Ireland, and are repayable by counties, counties of cities, and counties of towns in Ireland upon presentments made by the grand jury, and such advances are made in different methods and by different authorities:

And whereas it is expedient to authorise interest to be charged on such of those advances as are mentioned in the first part of the said schedule, and to provide that they should be made in one method and by one authority:

And whereas it is expedient that the advances under the Acts mentioned in the second part of the first schedule to this Act should, after a limited period, be made by treasurers of counties, and not out of the Consolidated Fund:

And whereas certain advances out of the Consolidated Fund have been made in Ireland for the objects mentioned in the second schedule to this Act, and upon each of these advances the amount

Power to reduce capital by the cancellation of unissued shares.

Reception of certified copies of documents as legal evidence.  
25 & 26 Vict. c. 89.  
30 & 31 Vict. c. 131.  
40 & 41 Vict. c. 26.

mentioned in that schedule, together with interest, is unpaid, and due to the Consolidated Fund :

And whereas no sums have been recovered, either by way of principal or interest, upon the said advances during a long period of years, and it is inexpedient to keep open for any further period the account of such advances :

And whereas it is expedient to make better provision with respect to the provision of funds for the purpose of loans by the Commissioners of Public Works in Ireland, and to grant money for those loans :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

*Preliminary.*

1. This Act may be cited as the Public Works Loans (Ireland) Act, 1877. Short title.

2. In this Act the term "county" means a county at large, also a county of a city, a county of a town and city, and a city or town and county. Definition of "county."

PART I.

*Amendment as to Loans to Local Authorities and Remission of sundry Loans.*

3. All advances out of the Consolidated Fund made by way of loan after the passing of this Act, in pursuance of the Acts mentioned in the first part of the first schedule to this Act, or of any other Act authorising loans to local authorities in Ireland without interest (other than for the purposes mentioned in the second part of the said schedule), shall bear interest at the rate of three and a half per cent. per annum, or at such other rate as the Commissioners of Her Majesty's Treasury (in this Act referred to as the Treasury) from time to time fix, in order to enable the advance to be made without loss to the Exchequer. Charge of interest on local loans in Ireland, and provisions as to their issue and remission.

All such advances shall be made through the Commissioners of Public Works in Ireland, acting under the direction of the Treasury, in such manner as the Treasury shall by order from time to time direct; and the power vested by the said Acts in the Lord Lieutenant, or the Lord Lieutenant in Council, to direct any sum to be issued out of the Consolidated Fund, shall be transferred to and vested in the Treasury.

Every such advance and the interest thereon shall be repaid within such period from the date of the advance as the Treasury shall by order from time to time fix, so that it do not in any case exceed twenty years or any less period fixed by the said Acts; all orders made by the Treasury in pursuance of this section shall be laid before each House of Parliament within forty days next after the same are made, if Parliament is then sitting, or, if not, within forty days after the then next meeting of Parliament.

Nothing in the foregoing provisions of this section shall apply to loans which at the passing of this Act have been authorised by an Order of the Lord Lieutenant in Council.

All advances made (whether before or after the passing of this Act) in pursuance of the said Acts shall be remitted or compounded only under the authority of Parliament in each case.

Recovery from grand jury of advances made.

4. Where any advance made in pursuance of the Acts mentioned in the first schedule to this Act, whether made before or after the passing of this Act, has been made on the faith of the presentment of a grand jury, or a grand jury are authorised or required to present the amount required for the repayment of any such advance as above mentioned, the grand jury shall be authorised and required, without any previous proceeding at any presentment sessions, to present the amount required for the repayment of the whole of such advance, and of the interest thereon; and upon the certificate of the Commissioners of Public Works in Ireland that any sum in respect of an advance, or interest on an advance, is due to the Consolidated Fund from any county, or any part thereof, being sent to the secretary of the grand jury of such county, the grand jury shall at the next assizes or presenting term, without any previous proceeding at any presentment sessions, present such sum, or in default thereof the judge of assize or the court shall order such sum to be raised, which order shall have the force of a presentment, and such sum shall be apportioned and raised and levied accordingly as if the same had been inserted on a presentment duly made at such assizes or presenting term; and every sum raised in pursuance of this section shall be paid into the Bank of Ireland to the account of Commissioners of Public Works in Ireland, or in such other manner as the Treasury from time to time direct.

In this section, the expression "grand jury" shall include the town council of any borough to whom the powers of a grand jury with respect to the presentment of public money have been transferred.

Advances for support of lunatic asylums by county treasurer instead of out of Consolidated Fund.

5. Whereas by the Act of the session of the first and second years of the reign of Her present Majesty, chapter one hundred and sixteen, intituled "An Act to facilitate advances out of County " Monies for the support of County Gaols and Institutions in " Ireland," provision is made for the treasurer of a county or county of a city or town in Ireland advancing sums required for the support of any gaol or other public institution for which a presentment has been made at the preceding assizes, and it is expedient that advances for the opening and maintenance of a lunatic asylum should be made in pursuance of that Act, and not out of the Consolidated Fund; be it therefore enacted that—

A lunatic asylum shall be deemed to be a public institution within the meaning of the Act above in this section recited, and advances for the support thereof may be made accordingly.

After the thirty-first day of March one thousand eight hundred and seventy-eight, advances shall not be made out of the Consolidated Fund in pursuance of the Acts mentioned in the second part of the first schedule to this Act.

Any advance made in pursuance of those Acts before the said day shall be repaid by such instalments as the Treasury may fix.

Power to lend for purchase of tolls of bridge on security of county cess.

6. Where any Commissioners, acting under any Act of Parliament passed either before or after the passing of this Act in relation to any bridge or the tolls thereof, are authorised to borrow any sum or sums

of money for the purpose of the purchase of the tolls payable on such bridge, or of paying off any lien or incumbrance on such tolls, or otherwise of freeing such bridge from toll, and the principal and interest of the sum or sums so borrowed are charged by such Act on the county cess or grand jury rate of any county, or of any part or parts thereof, and are required by the said Act to be presented by the grand juries of such county, the Commissioners of Public Works in Ireland may, if it seems fit, lend, in accordance with the Acts relating to loans by those Commissioners, any sum or sums of money for the purposes aforesaid; and if an arrangement for any such loan has been made by the Commissioners of Public Works, and approved by the Commissioners of Her Majesty's Treasury before the passing of this Act, the sum or sums may be lent on the terms of such arrangement.

For the purpose of any loan under this section, the grand jury or grand juries shall present the amount required for the repayment of such loan and the interest thereon, and direct the same to be raised by the instalments and at the times required for such repayment, and the same shall be raised accordingly, and the provisions of this Act with respect to the recovery of an amount required for the repayment of an advance to a grand jury shall, without prejudice to any other remedy, apply in like manner as if a loan under this section, and the interest thereon, were an advance made to a grand jury in pursuance of the Acts mentioned in the first schedule to this Act: Provided, that where the said loan is charged on the county cess or grand jury rate of a part only of a county, the same shall be apportioned, raised, and levied in that part only.

7. Whereas by section thirty-seven of the Act of the session of the tenth year of the reign of Her present Majesty, chapter thirty-two, intituled "An Act to facilitate the Improvement of Landed Property in Ireland," the Commissioners of Public Works in Ireland are authorised, with the sanction of the Treasury, to make loans for the purposes of that Act, repayable by means of a rentcharge at six pounds ten shillings, payable for a term of twenty-two years, by half-yearly payments on every fifth day of April and tenth day of October in every year during the said term, to be computed from the second of those dates which shall happen next after the advance:

Advance for improvement of landed property to carry interest from date of advance

And whereas by section three of the Act of the session of the twenty-ninth and thirtieth years of Her Majesty, chapter forty, intituled "An Act to authorise a further advance of money for the same and additional purposes," the Commissioners are authorised to make loans for the purposes of that Act and the Acts therein recited, repayable by means of a rentcharge at five pounds per centum per annum, payable for a term of thirty-five years, by half-yearly payments on every fifth day of April and tenth day of October in every year during the said term, to be computed from the second of those dates which shall happen next after the advance: And whereas it is expedient to amend the same by authorising interest to be charged on such loans from the day of each advance to the first gale day that shall next follow in manner following:

Be it therefore enacted that in case any loan is made after the passing of this Act in pursuance of the said recited Acts of tenth Victoria, chapter thirty-two, and twenty-ninth and thirtieth Victoria, chapter forty, or either of them, or any other Acts continuing and extending the provisions of either of them, it shall be lawful to further charge the lands included in any order of the said Commissioners of Public Works with interest on such loan at the rate of three and a half per centum per annum from the date of each advance to the first gale day which shall next happen; videlicet, the fifth day of April or the tenth day of October.

Advances for teachers dwellings to carry interest from the date of advance.

**8.** Whereas by section three of the Act of the session of the thirty-eighth and thirty-ninth years of Her Majesty, chapter eighty-two, intituled "An Act to afford facilities for the erection, enlargement, improvement, and purchase of dwelling-houses for residences for teachers of certain national schools in Ireland," it is provided that every loan shall be repayable by an annual sum of five pounds for every one hundred pounds of such sum from time to time advanced, and to be payable for the term of thirty-five years, to be computed from the date of the advance in respect of which the said annual sum shall be charged, such annual sum to be paid by equal half-yearly payments on the fifth day of April and tenth day of October in every year during the said term of thirty-five years, with such apportionment, if any, as may be necessary in respect of the first and last of such payments:

And whereas it is desirable that the repayment of all loans made under the provisions of the said recited Acts of the tenth, the twenty-ninth and thirtieth, and the thirty-eighth and thirty-ninth years of Her present Majesty shall be uniform in respect of date of repayment and interest:

Be it therefore enacted that in all advances made in pursuance of the thirty-eighth and thirty-ninth Victoria, chapter eighty-two, notwithstanding the provisions of the said recited third section as to the mode of computing the rentcharges payable thereunder, such rentcharges shall be computed and paid in accordance with the provisions of the third section of the twenty-ninth and thirtieth Victoria, chapter forty, as amended by the seventh section of this Act in respect of interest which shall accrue from the date of the advance to the first gale day which shall next happen.

Extinguishment of debts in second schedule.

**9.** The debts due to the Consolidated Fund mentioned in the second schedule to this Act, and all arrears of interest thereon, shall, after the passing of this Act, be extinguished:

Provided that any debt which in the schedule is expressed to be remitted only upon performance of any condition shall not be remitted until that condition is performed.

Repeal of Acts.

**10.** So much of the Acts mentioned in the first schedule to this Act as is inconsistent with this part of this Act is hereby repealed:

Provided that such repeal shall be without prejudice to any right acquired or liability accrued under any enactment hereby repealed, and any sum advanced in pursuance of such enactment may be recovered as if that enactment had not been repealed, and proceedings for the enforcement thereof taken accordingly.

## PART II.

*Permanent provision as to Funds for Loans for Commissioners of Public Works.*

**11.** For the purpose of passing an annual Act of Parliament granting money for the purpose of loans by the Commissioners of Public Works in Ireland, every intending borrower shall send to the Commissioners, on or before the thirty-first day of December in every year, a statement of the new loan or instalments of a loan already granted which the sender will probably apply to borrow during the ensuing financial year; and the Commissioners of Public Works shall as soon as practicable submit all such statements to the Treasury, with such observations thereon and information respecting the same as they may think expedient, and as may be necessary for enabling the Treasury to lay before the House of Commons an estimate of the amount required to be granted for the purpose of loans by the Commissioners of Public Works.

Annual estimate of amounts required.

The Commissioners of Public Works shall not, except with the special permission of the Treasury, decide upon complying with an application for a loan, or advance any instalment of a loan, which has not been included in such a statement as above mentioned.

The Treasury, if they think that after providing for the loans and instalments included in the said statements, or such of them as will actually be advanced, there will be a balance out of the sum granted by Parliament sufficient to meet any loan or instalment not included in the statements, may, if they think fit, grant such special permission, and may grant it conditionally upon the said balance being in their opinion sufficient when the time for the actual payment arrives.

The Commissioners of Public Works, with the consent of the Treasury, may, if they think fit, from time to time make and when made rescind and vary regulations requiring quarterly statements to be sent by the borrowers of the amounts which will be required by such borrowers; and while such regulations, if any, are in force, the Treasury may, if they think fit, refuse to issue in any quarter of a financial year any larger sum than the total of the amounts named in the statements referring to such quarter.

**12.** When any money has been granted by Parliament for the purpose of loans by the Commissioners of Public Works, the Treasury may from time to time, as they think fit, issue out of the Consolidated Fund of the United Kingdom, or the growing produce thereof, the required sums, not exceeding in the whole the amount so granted.

Issue of money for purpose of loans.

The said sums shall be issued in such manner as the Treasury may from time to time direct during the period authorised by the Act granting the same, or, if no period is authorised, during the financial year for which such Act was passed, and not subsequently.

**13.** All money so issued shall be placed to the general cash account at the Bank of Ireland of the Commissioners of Public Works for the purpose of loans by them; and all enactments for the time being in force for the regulation of the Commissioners of Public Works, and the money at their disposal, and their securities,

Money so issued to be applied to loans.

and the proceedings thereon, shall, so far as such enactments are consistent with this Act, apply in the case of the money issued in pursuance of this Act.

Borrowing for  
the purpose of  
raising money.

**14.** If the Act granting money for the purpose of loans by the Commissioners of Public Works authorises the Treasury to borrow such money, or any part thereof, the Treasury may raise any sums (not exceeding the amount authorised by the said Act to be borrowed, and not exceeding in any one financial year the excess of the issues out of the Consolidated Fund under this Act during that year over the repayments to the Consolidated Fund during that year in respect of the principal of loans granted by the Commissioners of Public Works either before or after the passing of this Act,) in such one or more of the following methods as may be directed by the Act authorising the money to be borrowed, and subject to any such direction as may be deemed most convenient for the public service, namely, by the creation of three pounds per centum per annum permanent annuities, or of annuities for any term not exceeding thirty years, or by the issue of Exchequer bonds or Exchequer bills, or Treasury bills, or by otherwise borrowing the same (for a period not exceeding six months) on the credit of the charge created by this Act on the Consolidated Fund, or by all of such means; and the sums so raised shall be placed to the credit of the account of Her Majesty's Exchequer, and form part of the Consolidated Fund.

The annuities created in pursuance of this section, and the principal moneys borrowed in pursuance of this section (otherwise than by the issue of Exchequer bonds), and all interest from time to time due thereon, or on Exchequer bonds issued under this section (not exceeding the rate of five per cent. per annum), shall be charged upon and be payable out of the Consolidated Fund, or out of the growing produce thereof, at such times in each year as may be fixed by the Treasury.

The principal of any Exchequer bonds issued under this section shall be paid out of moneys provided by Parliament.

The annuities, whether terminable or perpetual, shall be created by warrant of the Treasury to the Bank of England, directing them to inscribe in their books the amount of such annuities in the names directed by the warrant.

The said annuities shall, in manner directed by the warrant, be consolidated in the said books, if terminable, with annuities payable at the same date, and if permanent, with annuities at the same rate of interest, and payable at the same date, and shall be transferable in the said books in like manner as the annuities with which they are consolidated, and shall be subject to the enactments relating to those annuities so far as is consistent with the tenor of those enactments.

Accounts and  
audit.

**15.** Such accounts as the Treasury may from time to time direct of all moneys issued from or payable to the Consolidated Fund in pursuance of this Act during every financial year, and of all transactions during that year, relating to loans by the Commissioners of Public Works, including all sums due for the time being from any person in respect of any loan granted either before or after the passing of this Act, by the Commissioners of Public Works or any



authority whatever out of money issued in Ireland out of the Consolidated Fund, shall be kept by the Commissioners of Public Works, and such other persons (if any), and be audited by the Comptroller and Auditor General in such manner as the Treasury may from time to time direct.

16. After the passing of this Act, so much of any Act as authorises the issue of any money for the purpose of loans which under this or any other Act are authorised to be made by or through the Commissioners of Public Works is hereby repealed; provided that,

Repeal of enactments authorising issues for loans.

- (1.) This repeal shall be without prejudice to anything previously done under any enactments hereby repealed; and
- (2.) Nothing in this section shall apply to sums issued in pursuance of the Landlord and Tenant (Ireland) Act, 1870, or be deemed to repeal any portion of that Act.

33 & 34 Vict. c. 46.

PART III.

*Annual issue of Money for Loans by Commissioners of Public Works.*

17. For the purpose of loans by the Commissioners of Public Works any sum or sums not exceeding in the whole seven hundred thousand pounds may be issued out of the Consolidated Fund of the United Kingdom or the growing produce thereof in manner provided by Part II. of this Act during the period ending on the thirtieth day of June one thousand eight hundred and seventy-eight, or on any earlier day on which a further Act authorising the issue of money for those loans comes into operation.

Grant of 700,000*l.* for loan during the period ending the 30th of June 1878.

The Treasury may, in the manner and subject to the limitations provided by Part II. of this Act, borrow the said sum or any part hereof.

FIRST SCHEDULE.

PART ONE.

Object of Loan.	Acts.
Prisons (erection, &c.)	7 Geo. 4. c. 74. s. 17. 6 & 7 Will. 4. c. 116. s. 124.
Lunatic Asylums (erection of buildings)	1 & 2 Geo. 4. c. 33. s. 4. 6 & 7 Will. 4. c. 116. s. 93. 8 & 9 Vict. c. 107. 18 & 19 Vict. c. 109. ss. 1-6.
Post Roads (repairs)	6 & 7 Will. 4. c. 116. ss. 61, 62.
Harbours and Piers (repairs)	16 & 17 Vict. c. 136. ss. 11, 12.
Navigations (repairs)	19 & 20 Vict. c. 62. ss. 29, 30.

PART TWO.

Object of Loan.	Acts.
Lunatic Asylums (opening and maintenance)	6 Geo. 4. c. 54. 6 & 7 Will. 4. c. 116. s. 93.

## SECOND SCHEDULE.

Objects of Advance.	Acts under which Advance was made.	Amount advanced.	Amount repaid.	Principal outstanding.	Account of Advance, and Reason for Remission.
<i>Dundalk</i> School.	53 Geo. 3. c. 107.	£    s.    d. 276 18 5	£    s.    d. 27 13 10	£    s.    d. 249 4 7	The advance to this school was made in 1815 on the faith of two private individuals standing surety for its repayment. In 1846, however, no trace could be found of the records of the recognizance which was supposed to have been entered.
<i>New Ross</i> Endowed School.	53 Geo. 3. c. 107.	£    s.    d. 253 16 11	£    s.    d. 152 6 2	£    s.    d. 101 10 9	The endowments of this school are small, and the condition of the school is low.
<i>Dublin</i> .—Commissioners of Wide Streets.	40 Geo. 3. c. 60. 6 Geo. 4. c. 128.	£    s.    d. 226,728 17 6	£    s.    d. Nil.	£    s.    d. 226,728 17 6	At the end of last century certain Commissioners were appointed to make the streets of Dublin wider and more convenient; and to assist these Commissioners in their work, a sum of 35,987 <i>l.</i> 1 <i>s.</i> 2 <i>d.</i> was advanced to them in 1800, on the condition that the money should be repaid with interest at 5 per cent. out of the coal duty vested in them. In 1825 a further advance was made to the Commissioners of 190,741 <i>l.</i> 16 <i>s.</i> 4 <i>d.</i> , which was likewise secured on the coal duty, but a rate of 3 per cent. only was charged as interest on both these advances. Though no principal was repaid, yet interest continued to be paid till the year 1832, when the duty on coal imported into Dublin was permitted to expire. No further payments have since been received in respect of this loan. The consequence is that the whole of the principal is outstanding, with arrears of interest since 1832. Thus, the assistance which was given ostensibly in the shape of a loan to the city of Dublin towards the improvement of its streets, assumed in reality the form of a subsidy. This loan was made on the security of the tolls and dues leviable under Acts of Parliament, and was to be repaid with interest at the rate of 5 per cent. The Act 1 Geo. 4. c. 26., however, diminished the security by putting an end to some of the coasting dues. This was followed by the trade between England and Ireland being declared a coasting trade, and later on by Act 24 & 25 Vict. c. 47.; the combined effect of which was that the dues imposed under the original Act of 1816 were entirely abolished,
<i>Dunleury</i> Harbour	56 Geo. 3. c. 62. 1 Geo. 4. c. 69.	£    s.    d. 218,769 4 7	£    s.    d. 73,514 10 9	£    s.    d. 145,254 13 10	

Objects of Advance.	Acts under which Advance was made.	Amount advanced.	Amount repaid.	Principal outstanding.	Account of Advance, and Reason for Remission.
		£ s. d.	£ s. d.	£ s. d.	
<i>Cork</i> . — For improvement of streets in.	57 Geo. 3. c. 34.	18,076 18 6	4,376 18 6	13,700 0 0	together with the passing tolls received by the Light Commissioners, which had been by 1 Geo. 4. c. 69. made applicable towards the repayment of the harbour advances. In this case, again, Parliament in getting rid of the tolls omitted to take into account the effect that their abolition would have upon the public money lent for the purposes of the harbour, and to make some other provision for the repayment of the debt.
<i>Passey</i> . — To R. H. Mansell for canal or mill-race at.	57 Geo. 3. c. 34.	1,504 12 4	591 12 6	912 19 10	This money was advanced in 1818 and 1827 on the security of the butter dues and certain premises. The butter dues, however, were abolished in 1829 by 10 Geo. 4. c. 100.; and the only remaining portion of the premises was sold under Treasury authority in 1851.
<i>Co. Mayo</i> . — For improving the court-houses of Castlebar and Ballinasloe.	57 Geo. 3. c. 34.	2,699 0 0	2,581 17 4	117 2 8	A heavily encumbered estate appears to have formed the security of this loan, which was made in 1824. The consequence was that, when the estate was sold ten years later, it did not realise sufficient to repay the debt.
<i>Co. Kilkenny</i> . — For road from Castle-comer to Ballinakillard Causeway at Thomastown.	57 Geo. 3. c. 34.	2,115 9 9	1,950 0 5	165 9 4	This loan was made in 1822–3 on the faith of grand jury presentments. It would, doubtless, have been all repaid, had it not been that the balance which had been outstanding some years was, together with arrears of interest, omitted to be included in the Schedule of the Act of 17 & 18 Vict. c. 110. which recited the debts of the county.
<i>Ardfglass</i> . — For improvement of harbour at.	1 & 2 Will. 4. c. 33.	6,650 0 0	NIL.	6,650 0 0	The balance of this advance has not been paid, in consequence of a dispute with respect to certain arrears of interest which the grand jury declined to pay.
Totals	-	477,074 18 0	83,194 19 6	393,879 18 6	This amount was advanced on the security of the tolls. In 1838 the harbour was totally destroyed, and consequently the tolls ceased to be levied.

Objects of Advance.	Acts under which Advance was made.	Amount advanced.	Amount repaid.	Principal outstanding.	Account of Advance, and Reason for Remission.
		£ s. d.	£ s. d.	£ s. d.	
<i>Relief of Trade.</i> — Payment to Bank of Ireland of advances to various traders for, as follows:—	1 Geo. 4. c. 39. 3 Geo. 4. c. 118.				
(1.) Various traders	-	101,541 0 3	101,541 0 3	—	
(2.) Sheahy	-	500 0 0	479 19 7	20 0 5	
Moylan	-	3,500 0 0	2,415 19 8	1,084 0 4	
Renayne	-	4,000 0 0	3,074 8 7	925 11 5	
Delany	-	500 0 0	403 17 2	96 2 10	
Sausse	-	20,000 0 0	18,631 2 4	1,368 17 8	
Nowlan and Shaw.	-	30,000 0 0	16,229 10 2	13,770 9 10	
(3.) Interest and other expenses paid to Bank of Ireland.	-	18,035 7 4	—	18,035 7 4	
Add totals given above	-	178,076 7 7 477,074 18 0	142,775 17 9 83,194 19 6	35,300 9 10 393,879 18 6	
Grand total	-	655,151 5 7	225,970 17 3	429,180 8 4	
<i>Suitors' Fund, Court of Exchequer.</i> — Compensation to officers.	6 & 7 Vict. c. 55. 13 & 14 Vict. c. 51.	126,491 10 2	559 6 3	125,932 3 11	A sum of 286,000 <i>l.</i> was advanced by the Bank of Ireland for the relief of trade to different traders in the year 1821, with the guarantee of the Treasury for so much as was not repaid to the Bank by the borrowers. The Treasury thus became liable for a sum of 178,076 <i>l.</i> 7 <i>s.</i> 7 <i>d.</i> In the case of the loans to Sheahy, Moylan, Renayne, Delany, and Sausse, efforts have been made to recover the outstanding balances without success. In the case of Nowlan and Shaw proceedings have long been pending against Mr. Timothy Nowlan, in New South Wales, and a compromise has been effected by which the principal and interest due to the Government have been remitted in consideration of the payment of a sum of 5,000 <i>l.</i>
					This money was issued for the purpose of compensating officers of the Court of Exchequer whose emoluments were diminished by the first-mentioned Act, and was repayable out of the Suitors' Fund. A small sum only was repaid direct, but under 31 & 32 Vict. c. 88, the stock standing to the credit of the Fee Fund of the Courts of Chancery and Court of Exchequer was sold, and the proceeds of the sale, together with the cash standing to the account, amounting to 175,982 <i>l.</i> 15 <i>s.</i> 3 <i>d.</i> , were paid into the Exchequer. Consequently the debt may be considered to have been virtually paid, although not actually cancelled.

## CHAPTER 28.

An Act to amend the Laws relating to Game in Scotland.

[2d August 1877.]

**W**HEREAS divers Acts of Parliament have from time to time been passed relating to the preservation of game in Scotland, and certain of these Acts are enumerated in Schedule I. to this Act annexed, and are in this Act referred to as the "Game Acts:"

And whereas it is expedient that these Acts 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, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

**1.** This Act may be cited for all purposes as "The Game Laws Amendment (Scotland) Act, 1877," and shall apply to Scotland only. Short title and extent of Act.

**2.** This Act shall commence and come into operation on the first day of January one thousand eight hundred and seventy-eight, which day is hereafter referred to as the commencement of this Act. Commencement of Act.

**3.** In this Act, unless there be something in the subject or context repugnant to such construction, Interpretation.

**1.** The word "lessor" shall mean the grantor of any lease of land for any term not less than two years, and also the person or persons for the time in the right and subject to the obligations of the grantor with respect to such lease;

**2.** The word "lessee" shall mean the grantee of any lease of land for any term not less than two years, and also the person or persons for the time in the right and subject to the obligations of the grantee with respect to such lease;

**3.** The word "sheriff" shall include sheriff substitute;

**4.** The word "game" shall include all the animals enumerated in the Game Acts or any of them;

**5.** The word "crop" shall include grass, whether intended for hay or pasture, except where grown upon muirlands;

**6.** The term "Small Debt Acts" shall mean the Act of the seventh year of William the Fourth and the first year of Victoria, chapter forty-one, and any Acts amending the same;

**7.** The term "Sheriffs Small Debt Court" shall mean the court established under the Small Debt Acts.

**4.** Where under any lease made subsequently to the commencement of this Act, or where by presumption of common law upon any land occupied under a lease made subsequently to the commencement of this Act, the lessor shall reserve or retain the sole right of hunting, killing, or taking rabbits, hares, or other game, or any of them, the lessee shall be entitled to compensation for the damage done to his crops in each year by the rabbits and hares or other game to which the lessor may have reserved or retained the sole right, in excess of such sum as may have been set forth in the lease as the amount of annual damage for which it is agreed no compensation shall be due; and if no such sum shall be set forth in the lease, then in excess of the sum of forty shillings. Lessee entitled to compensation for excessive damage to crops by game.

During the currency of any lease the parties thereto may from time to time, by any agreement in writing, increase or diminish the estimated amount of the annual damage aforesaid.

In case of excessive damage, lessee to intimate the same to lessor.

5. In the event of a lessee in occupation of land under a lease made subsequently to the commencement of this Act being of opinion that the damage done to his crops by rabbits or hares or other game to which the lessor may have reserved or retained the sole right, in any one year during the lease, such year being reckoned from Whitsunday to Whitsunday, has exceeded the sum named in the lease, or, if no sum is therein named, the sum of forty shillings, he shall intimate this opinion to the lessor in writing, stating at the same time that it is his intention, failing agreement as to the amount of such excess of damage, or a reference to arbiters to settle the same, to take steps to recover the amount of such excess of damage in the form and manner herein-after provided.

Provisions as to arbitrations for settling claims of damage between lessor and lessee.

6. When a lessor and lessee agree in writing to refer to arbitration any claim of damage arising under this Act, or have agreed so to do in any lease made subsequently to the passing of this Act, the following provisions shall have effect :

1. Either party having in writing named an arbiter, and given notice of the nomination to the other party, and called on him to name an arbiter, and the other party having for fourteen days after such call failed to comply therewith in writing, the arbiter nominated may settle the claim as if he had been appointed by both parties, and his award shall be final. The office of every such arbiter shall be held to endure until the term of Whitsunday next following the date of his appointment, and thereafter until he shall have given his award or awards with reference to all claims for any damages as aforesaid arising during the year ended at the same term.
2. Where two arbiters are named by the parties the arbiters shall, before proceeding to the arbitration, name in writing an oversman or umpire who shall be entitled finally to decide on the claim in case of their disagreement.
3. The reference, the claim, the nomination of an arbiter or oversman, and the award may be validly made by any writing, however informal, admitted or proved to be genuine.
4. No proceedings under this section shall be void for want of form. In an arbitration under this section the course of the procedure and the inquiry shall be such as the person or persons acting therein shall direct, and the award therein shall be final, and though informal may be enforced by action in any court of law, according to the true construction and tenor thereof.
5. Any notice under this section shall be in writing, and may be served on the person to whom it is to be given either personally or by leaving it for him at his last known place of abode in Scotland, or by sending it through the post in a registered letter addressed to him there ; and if so sent by post it shall be deemed to have been served at the time when the letter containing it would be delivered in ordinary

course, and in order to prove service by letter it shall be sufficient to prove that the letter was properly addressed and posted and that it contained the notice to be served.

**7.** With regard to actions for the recovery of damages under this Act, the following provisions shall have effect :

1. No such action at the instance of a lessee against a lessor shall be competent unless the lessee shall have given to the lessor notice in writing of his intention to bring the same, in the case of damage done to growing crop, except grass for pasture, at least three weeks before the crop is reaped or raised, and in the case of damage done to crop reaped or raised, at least one week before it is removed from the land, and in the case of damage done to grass for pasture at least fourteen days before any person to be called as a witness by the lessee to value the damage shall inspect the crop with the view of valuing such damage :

2. Any such action may be brought in the Sheriff's Small Debt Court of the county within which the lands or any part thereof are situated, without regard to the amount sued for in name of damage, provided that such amount shall not exceed the sum of fifty pounds sterling, exclusive of expenses and fees of extracts, and all the provisions of the Small Debt Acts shall apply to any such action so brought in the same manner as if such action were brought for a sum not exceeding twelve pounds sterling : Provided always, that the sheriff substitute shall, whenever required to do so by either party, take and record the evidence led before him, in which case an appeal shall lie to the sheriff, whose judgment shall be final :

3. Where the amount sued for exceeds the sum of fifty pounds the action shall be brought in the ordinary sheriff court.

**8.** From and after the commencement of this Act, it shall be lawful for any lessee, being in the actual occupation of lands and having the right of killing hares thereon, by himself or by any person directed or authorised by him in writing according to the Form in Schedule II. to this Act annexed, or to the like effect, to pursue, take, kill, or destroy any hare then being in or upon any such land without obtaining any game certificate.

Provisions as to actions of damage between lessor and lessee.

Lessee in actual occupation may kill hares without game certificate.

**9.** Provided always, and be it enacted, that no lessee shall be authorised to grant or continue, under the provisions of this Act, authority to more than one person at one and the same time to kill hares upon the land occupied by him within any one parish : Provided also, that the lessee shall intimate to the lessor of the said lands, or his factor, or any one to whom he may have instructed the lessee to transmit such intimation, the name of the person so authorised by the lessee.

Limit of authority to kill hares.

**10.** From and after the commencement of this Act, all offences against the Game Acts shall be prosecuted subject to the following provisions ; that is to say,

Prosecutions under Game Acts.

(1.) Any prosecution which is at present competent either before the sheriff or the justices of the peace for the county shall, from and after the passing of this Act, be competent only before the sheriff :

- (2.) Any prosecution which is at present competent only before the justices of the peace for the county shall, from and after the passing of this Act, be competent only before the sheriff, who shall have all jurisdiction, authority, and power necessary for entertaining and determining the same; and all forms, procedure, and provisions applicable to prosecutions before justices of the peace shall, except as herein-after provided, be applicable, *mutatis mutandis*, to prosecutions before the sheriff as aforesaid:
- (3.) Where in any county there is more than one resident sheriff substitute any prosecution under the Game Acts shall be brought before the court of a sheriff substitute within whose district the offence is alleged to have been committed, or before the sheriff sitting in such court:
- (4.) Offences which are now cognisable only by the Court of Justiciary shall hereafter be prosecuted only before such court.

No person to be prosecuted again for the same offence.

**11.** From and after the commencement of this Act, any person who has been or shall be prosecuted for any act or acts as constituting an offence under any one or more of the Game Acts shall not be liable to be again prosecuted for the same act or acts as constituting an offence under any other of the Game Acts: Provided always, that nothing in this section shall apply to any prosecution under any enactment relating to the Inland Revenue.

Existing leases or agreements about game not to be affected.

**12.** This Act shall not prejudice or affect any lease of land or any lease or agreement about game existing at the date of the commencement of this Act.

## SCHEDULES.

### (I.)

An Act of the Parliament of Scotland, passed in the year 1587, chapter 43, intituled "Aganis slayeris of deir and utheris wyld beastis."

An Act of the Parliament of Scotland, passed in the year 1621, chapter 31, intituled "Anent hunting and hauling."

An Act of the Parliament of Scotland, passed in the year 1707, chapter 91, intituled "Act for preserving the game."

An Act for the more effectual preservation of the game in that part of Great Britain called Scotland, and for repealing and amending several of the laws now in being relative thereto. 13 George III., chapter 54.

An Act for repealing two Acts passed in the thirty-sixth year of the reign of His present Majesty, which limit the time for killing partridges in England and Scotland, and for amending so much of an Act passed in the second year of the reign of His present Majesty, as relates to such limitation within that part of Great Britain called England, by making other provisions for that purpose. 39 Geo. III., chapter 34.

An Act for the more effectual prevention of persons going armed by night for the destruction of game. 9 George IV., chapter 69.

An Act to amend the laws in England relative to game. 1 & 2 William IV., chapter 32.

An Act for the more effectual prevention of trespasses upon property by persons in pursuit of game in that part of Great Britain called Scotland. 2 & 3 William IV., chapter 68.

An Act to extend an Act of the ninth year of King George the Fourth for the more effectual prevention of persons going armed by night for the destruction of game. 7 & 8 Victoria, chapter 29.



An Act to enable all persons having at present a right to kill hares in Scotland to do so themselves, or by persons authorized by them, without being required to take out a game certificate. 11 & 12 Victoria, chapter 30.

An Act to repeal the duties on game certificates, and certificates to deal in game, and to impose in lieu thereof duties on excise licences and certificates for the like purposes. 23 & 24 Victoria, chapter 90.

An Act to amend the laws relating to the Inland Revenue. 24 & 25 Victoria, chapter 91.

An Act for the prevention of poaching. 25 & 26 Victoria, chapter 114.

## (II.)

I, *A.B.*, do authorise *C.D.* to kill hares on the lands occupied by me within the (*here insert the name of the parish or other place, as the case may be*).

Dated this \_\_\_\_\_ day of \_\_\_\_\_  
(*here insert the day, month, and year.*)

*A.B.*

Witness,

## CHAPTER 29.

An Act for the protection of the Property of Married Women in Scotland. [2d August 1877.]

**W**HEREAS it is just and expedient to protect to the extent herein-after provided for the property of married women in Scotland:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act shall commence and take effect from and after the first day of January one thousand eight hundred and seventy-eight. Commence-  
ment of Act.

2. This Act shall extend to Scotland only. Extent of Act.

3. The jus mariti and right of administration of the husband shall be excluded from the wages and earnings of any married woman, acquired or gained by her after the commencement of this Act, in any employment, occupation, or trade in which she is engaged, or in any business which she carries on under her own name, and shall also be excluded from any money or property acquired by her after the commencement of this Act through the exercise of any literary, artistic, or scientific skill, and such wages, earnings, money, or property, and all investments thereof, shall be deemed to be settled to her sole and separate use, and her receipts shall be a good discharge for such wages, earnings, money, or property, and investments thereof. Protection of  
earnings of  
married  
women.

4. In any marriage which takes place after the commencement of this Act, the liability of the husband for the ante-nuptial debts of his wife shall be limited to the value of any property which he shall have received from, through, or in right of his wife at, or before, or subsequent to the marriage, and any court in which a husband shall be sued for such debt shall have power to direct any inquiry Liability of  
husband for  
wife's ante-  
nuptial debts  
limited to  
amount of pro-  
perty received  
through her.

or proceedings which it may think proper for the purpose of ascertaining the nature, amount, and value of such property.

5. This Act shall not affect the rights conferred upon a married woman by the Conjugal Rights (Scotland) Amendment Act, 1861, or the Conjugal Rights (Scotland) Amendment Act, 1874.

6. This Act may be cited as "The Married Women's Property (Scotland) Act, 1877."

Savings.  
24 & 25 Vict.  
c. 86.  
37 & 38 Vict.  
c. 31.  
Short title.

CHAPTER 30.

An Act for enabling a further Sum to be raised for the purposes of the Telegraph Acts, 1868 to 1870.

[2d August 1877.]

WHEREAS divers funds have been authorised to be raised for the purposes of the Telegraph Acts, 1868 to 1870, and with a view to the payment under those Acts of compensation to railway companies in respect of telegraphs it is expedient to authorise the Commissioners of Her Majesty's Treasury (in this Act referred to as the Treasury) to raise further funds for the purposes of those Acts :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. The Treasury at any time before the first day of April one thousand eight hundred and seventy-nine may, in addition to any sum previously authorised to be raised by them, raise for the purposes of the Telegraph Acts, 1868 to 1870, any sum or sums of money not exceeding in the whole five hundred thousand pounds sterling, by the creation of three pounds per cent. per annum permanent annuities.

Such annuities shall be charged upon the Consolidated Fund, and shall be paid out of the permanent annual charge for the National Debt.

The annuities shall be created by warrant of the Treasury to the Governor and Company of the Bank of England, directing them to inscribe in their books the amount of such annuities in the names directed by the warrant.

The said annuities shall in manner directed by the warrant be consolidated in the said books with annuities at the same rate of interest and payable at the same date, and shall be transferable in the said books in like manner as the annuities with which they are consolidated, and shall be subject to the enactments relating to those annuities so far as is consistent with the tenor of those enactments.

2. All moneys raised in pursuance of this Act shall be placed to the account of the Paymaster General at the Bank of England and shall be issued from time to time under regulations to be made by the Treasury, and to be laid by them before Parliament ; such moneys shall not be applied for the purpose of the extension of telegraphs or for the payment of interest on any purchase-money or compensation payable in respect of telegraphs, unless such interest

31 & 32 Vict.  
c. 110.  
32 & 33 Vict.  
c. 73.  
33 & 34 Vict.  
c. 88.

Power for the Treasury to raise before 1st April 1879 a further sum of 500,000*l.* for the purposes of the Telegraph Acts.

Application of moneys raised.

is not separately stated in any award or agreement, but shall be applied only for the other purposes of the Telegraph Acts, 1868 to 1870.

3. Accounts of all expenditure out of moneys raised in pursuance of this Act shall be prepared by the Postmaster General in the form approved by the Treasury, and be transmitted to the Comptroller and Auditor General, to be examined by him as if they were appropriation accounts, in manner directed by the Exchequer and Audit Departments Act, 1866.

Accounts of expenditure.

29 & 30 Vict. c. 39.

4. This Act may be cited for all purposes as the *Telegraphs (Money) Act, 1877*; and this Act and the *Telegraph Acts, 1868 to 1876* may be cited together as the *Telegraph Acts, 1868 to 1877*.

Short titles.  
31 & 32 Vict. c. 110.

32 & 33 Vict. c. 73.

33 & 34 Vict. c. 88.

39 & 40 Vict. c. 5.

## CHAPTER 31.

An Act to give further facilities to Landowners of limited interests in England and Wales and Ireland to charge their estates with the expenses of constructing Reservoirs for the storage of Water, and other similar purposes.

[2d August 1877.]

WHEREAS landowners of limited interests in England and Wales, with the approval of the Inclosure Commissioners, and in Ireland of the Commissioners of Public Works in Ireland, are enabled to charge their estates with sums expended by them in constructing reservoirs and other works for the supply of water, if it can be shown to the satisfaction of the said Commissioners that such works will effect a permanent yearly increase in the value of such estates for agricultural purposes exceeding the yearly amount proposed to be charged thereon, and are also enabled to charge their estates with sums subscribed for the construction of railways and navigable canals, if it can be shown to the satisfaction of the Commissioners that such railways and canals will effect a permanent yearly increase in the value of such estates for any purpose exceeding the yearly amount proposed to be charged thereon:

And whereas in many places it would greatly conduce to the affording of a plentiful supply of pure water to the inhabitants of villages and towns and to the industrial requirements of the locality, if facilities were given to landowners of limited interests to charge their estates, subject to the approval of the Commissioners, with sums expended by them in constructing reservoirs and other works for the supply of water, of a character permanently to increase the value of such estates for other than agricultural purposes, or to be otherwise permanently productive of profit to the owners of the estates, and if such landowners were also enabled to charge their estates with sums subscribed by them for the construction of water-works on the same terms and conditions as those on which they are now enabled to charge their estates with subscriptions for the construction of railways and canals:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and

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

Short title.

1. This Act may be cited as the Limited Owners Reservoirs and Water Supply Further Facilities Act, 1877.

Extent of Act.  
Act incor-  
porated with  
27 & 28 Vict.  
c. 114.

2. This Act shall not extend to Scotland.

Certain  
provisions of  
26 & 27 Vict.  
c. 93. incor-  
porated.

3. This Act shall be incorporated with the Improvement of Land Act, 1864, and the two Acts shall be read together as one Act.

27 & 28 Vict.  
c. 114.

4. The provisions of the Waterworks Clauses Act, 1863, with respect to the security of the reservoirs constructed by the undertakers are incorporated with this Act ; and in that Act, as incorporated with this Act, the expression "the special Act" shall mean and include the Improvement of Land Act, 1864, and this Act ; and the expression "the undertakers" shall mean any person who constructs or erects any reservoir or dam under the authority of either of the last-mentioned Acts.

What to be  
deemed im-  
provements  
within  
27 & 28 Vict.  
c. 114.

5. The construction or erection of reservoirs or other works of a permanent character for the supply of water to persons residing or engaged in labour on the lands on which such works are situate, or on any other lands settled to the same uses, or for the more convenient or profitable user of such lands, or for the supply of water to any sanitary or other local authority or water company, or to any manufacturer or other person, or for any one or more of such purposes, shall be deemed to be an improvement of land within the meaning of the ninth section of the Improvement of Land Act, 1864, and shall be sanctioned by the Commissioners, if it can be shown to their satisfaction that such reservoirs or works for the supply of water will for any purpose effect a permanent yearly increase in the value of the lands on which they are situate, or any other lands settled to the same uses, or will be permanently productive of a yearly revenue to the owner of such lands exceeding the yearly amount proposed to be charged thereon ; and the construction of any such works shall be deemed to include the purchase by the landowner of any water right or other easement which might otherwise interfere with or prevent the construction of the same or any such supply of water as aforesaid.

In calculating whether the improvement is likely to effect a permanent increase of the yearly value of the land, or be productive of a yearly revenue to the landowner exceeding the yearly amount proposed to be charged thereon, it shall be lawful for the Commissioners to take into account the value of any contract, the terms of which have been agreed upon between the landowner and any sanitary or other local authority, or water company, or manufacturer or other persons, for the purpose of supplying such authority, company, person, or persons with water, as well as the effect on such value or revenue of any sum expended by the landowner in the construction of the works over and above the sum proposed to be charged upon the land.

When the improvement will afford a supply of water to persons residing or engaged in labour on the lands on which the proposed works will be situate, or on any other lands settled to the same uses, the Commissioners may, if they think fit, sanction the improvement, although it may not be shown that the same will effect a

direct yearly increase in the value of the lands, or be productive of a yearly revenue to the owner of the lands exceeding the yearly amount proposed to be charged thereon.

**6.** Any landowner charging or proposing to charge his estate with the cost of the construction of reservoirs or other works for the supply of water under this Act may enter into any agreement for the supply of water to any sanitary or other local authority, water company, manufacturer, or other person, for any term not exceeding the number of years during which the cost of the improvement, or any part of it, is made a charge upon the estate: Provided that every such agreement be approved by the Commissioners, and that no premium or benefit in the nature of a premium be reserved thereby by the landowner.

Supply of water to local authority, &c.

**7.** Any company now authorised to contract with landowners in England or Wales, or in Ireland, for the execution of any works for the improvement of land, or to make advances for the purpose of executing or assisting in the execution of such works, may, with the approval of the Commissioners, contract with any such landowner for the execution of any reservoirs or works of water supply, the cost of which may by this Act be charged upon the estates of such landowner, and may, with the like approval, make advances for the purpose of executing or assisting in the execution of such reservoirs or works; and for this purpose the execution of any such reservoirs or works shall be deemed to be an improvement of land within the meaning of any Act of Parliament or Articles of Association relating to any such company.

Power to contract for execution of reservoirs, &c.

**8.** Any landowner desiring to charge his estates with subscriptions for the construction of waterworks by a water company may charge his estates with such moneys on the same terms and conditions as he may under the Improvement of Land Act, 1864, charge his estates with moneys subscribed for the construction of railways or navigable canals; and for this purpose the provisions contained in sections seventy-eight to eighty-nine, both inclusive, of the Improvement of Land Act, 1864, shall apply, *mutatis mutandis*, to such subscriptions, as if the same had been subscribed for the construction of a railway or navigable canal.

Subscriptions to waterworks.

**9.** Nothing in this Act shall be construed to authorise any landowner, or any water company, local authority, person, or persons authorised by any landowner, to injuriously affect any reservoir, canal, river, stream, or navigation, or the feeders thereof, or the supply, quality, or fall of water contained in any reservoir, canal, river, stream, or navigation, or in the feeders thereof, or any other water rights or easements in cases where any body of persons or person would, if this Act had not passed, have been entitled by law to prevent or be relieved against the injuriously affecting such reservoir, canal, river, stream, navigation, feeders, or such supply, quality, or fall of water, or other water rights or easements, unless the landowner, water company, local authority, person, or persons first obtain the consent in writing of the body of persons or person so entitled as aforesaid.

Protection of rights.

**10.** In this Act the following words and expressions shall have the following meanings; that is to say,

Definitions.

“The Commissioners” means the Inclosure Commissioners of England and Wales, or the Commissioners of Public Works in Ireland, as the case may require :

“The Improvement of Land Act, 1864,” means the 27th and 28th Vict. c. 114 :

“Works for the supply of water” includes wells, pumps, reservoirs, cisterns, ponds, tanks, aqueducts, cuts, sluices, mains, pipes, culverts, machinery, and things for supplying or used in supplying water :

“Water company” means any person or body of persons, corporate or unincorporate, supplying or who may hereafter supply water for his or their own profit :

“Local authority” means any authority having jurisdiction for any public local purpose.

The several words and expressions to which by the Improvement of Land Act, 1864, meanings are assigned, shall in this Act have the same respective meanings as in that Act.

## CHAPTER 32.

An Act to remit certain Loans formerly made out of the Consolidated Fund or other Public Revenue of the United Kingdom. [2d August 1877.]

**W**HEREAS certain advances out of the Consolidated Fund or other public revenue of the United Kingdom have been made for the objects mentioned in the schedule to this Act, and the account of each of these advances shows the amount mentioned in that schedule, together with interest, to be unpaid, and due to the Consolidated Fund :

And whereas in the case of the advance for the purchase of a Bankruptcy Court it is doubtful whether the amount has not been virtually repaid, and in the case of certain other advances it is doubtful whether the advance has not been remitted, and in the case of all the said advances there is no prospect of recovering any further amount by way of principal or interest, and it is inexpedient to keep open for any further period the account of such advances :

Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title.

**1.** This Act may be cited as the Public Loans Remission Act, 1877.

Extinguishment of debts in schedule.

**2.** The debts due to the Consolidated Fund mentioned in the schedule to this Act, and all arrears of interest thereon, shall, after the passing of this Act, but subject to the provisions contained in the schedule, be extinguished, and the amount of debt so extinguished shall be considered as a free grant from Parliament.

## SCHEDULE.

Objects of Advance.	Acts under which Advance was made.	Amount Advanced.	Amount Repaid.	Principal Outstanding.	Account of Advance and reason for Remission.
		£ s. d.	£ s. d.	£ s. d.	
LONDON.—Bankruptcy Court.	1 & 2 Geo. 4. c. 115. s. 8.	22,300 0 0	10,000 0 0	12,300 0 0	<p>The money was advanced for purchasing the site of and building the Bankruptcy Court in Basinghall Street, in pursuance of addresses from the House of Commons in 1819 and 1821, which were carried into effect by the Act 1 &amp; 2 Geo. 4. c. 115. The amount was to be repaid out of certain fees to be received for the use of the room under each commission of bankruptcy; but the Act made no provision for the payment of any interest on the loan. 10,000<i>l.</i> was repaid in the financial year 1832-3. In 1849, by 12 &amp; 13 Vict. c. 106, the court, with the site, was (s. 60) vested in the Commissioners of the Court, and the Lord Chancellor was (s. 63) authorised out of "the unclaimed dividend account" to order repayment to the Treasury of the balance due in respect of the sums advanced for the purchase of the site, and for the erection and fitting up of the building. In 1861, by 24 &amp; 25 Vict. c. 134, the court and site were vested in the Commissioners of Her Majesty's Works, to be appropriated to such purpose as the Lord Chancellor should direct. Section 60 of the Act of 12 &amp; 13 Vict. c. 106. was repealed, s. 63 remained in force. In 1869, by 32 &amp; 33 Vict. c. 91, the court and site were (s. 15) continued vested in the Commissioners of Works, and to be appropriated as the Lord Chancellor, with the concurrence of the Treasury, should from time to time direct. By the same Act 244,387<i>l.</i> 19<i>s.</i> 1<i>d.</i> stock, and 6,064<i>l.</i> 6<i>s.</i> 8<i>d.</i> cash, standing to the "unclaimed dividend account," were transferred to the Commissioners for the Reduction of the National Debt, the stock being cancelled and the cash applied in reduction of debt. (Sections 9, 30, and second schedule.) The debt, therefore, has been virtually, though not in form, repaid.</p> <p>The amount was advanced under the Municipal Corporations Act in order to pay the remuneration of the barristers who were to revise the list of burgesses for the year 1835, instead of the mayors and assessors. The remuneration, together with the travelling and other expenses of these barristers, were to be paid by the Treasury, but the amount paid for remuneration alone was</p>
CARXARVON.—Revising list of burgesses.	5 & 6 Will. 4. c. 76. s. 20.	3,832 10 0	3,832 10 0	21 0 0	

Objects of Advance.	Acts under which Advance was made.	Amount Advanced.	Amount Repaid.	Principal Outstanding.	Account of Advance and reason for Remission.
		£ s. d.	£ s. d.	£ s. d.	
CRINAN CANAL	33 Geo. 3. c. 104. 45 Geo. 3. c. 85. 51 Geo. 3. c. 117. 56 Geo. 3. c. 135.	74,400 0 0	-	74,400 0 0	to be recovered from the boroughs. In 1849, when the accounts were intended to be finally closed, the borough of Carnarvon failed to repay the 21l. No steps, however, were taken to compel such repayment, and it would be impossible now to put forward the claim. The first advance was made to the Canal Company in 1799 on the security of the rates and duties of the canal, with interest at 5 per cent. Further advances were made in 1806 and the subsequent years up to 1817. No sum has ever been paid in respect either of principal or interest. In 1817 the advance had been made to the Commissioners of the Caledonian Canal, who had practically the control of the canal instead of the company, and in 1848 the canal was by 11 & 12 Vict. c. 54. vested in those Commissioners free from all claims by the company or any person claiming through them. In 1859 grants of public money, amounting to 17,000 <i>l.</i> , were made for repairing the works of the Crinan Canal, and by 23 & 24 Vict. c. 46. s. 25, all rates levied are to be expended on the improvement of the canal. By allowing these Acts to pass, the Government virtually abandoned their claim to the repayment of the debt; and even were it otherwise, the surplus revenue of the Crinan Canal is so small that it may at any time be absorbed in expenses, and would afford no prospect of any repayment of the principal or interest. The loan was advanced in 1816 at 5 per cent. on the security of the surplus of the road tolls and duties after payment of the repairs of the road and the interest on money privately subscribed. The amount was divided between the Scotch section, the English section, and the building of the Beattock Inn by the Acts subsequent to 1816, but a portion originally lent to the Scotch section was afterwards applied towards the expenses of the English section. Until 1845 there was no surplus. Between that year and 1848, in consequence of the making of the railway, there was a surplus, which was paid into the Exchequer, and the Treasury accepted a sum of 11,911 <i>l.</i> 15 <i>s.</i> 6 <i>d.</i> as arrears of interest on the Scotch section up to the 30th of June 1848. A certain amount has since been received from the Scotch section in respect of principal, and from the English section and Beattock Inn on
GLASGOW AND CARLISLE ROADS	56 Geo. 3. c. lxxxiii. (Local.) 58 Geo. 3. c. 44. 59 Geo. 3. c. xc. (Local.) 1 & 2 Geo. 4. c. xxxvii. (Local.)	-	-	-	
(1.) Scotch section	-	12,145 18 9	{ 300 0 0 } { 1,809 9 7 }	10,056 9 2	



Objects of Advance.	Acts under which Advance was made.	Amount Advanced.	Amount Repaid.	Principal Outstanding.	Account of Advance and reason for Remission.	
(2.) English section.	-	£ 33,333 18 5	Nil.	£ 33,333 18 5	<p>account of interest. On the Scotch section there is a prior debt of 20,688<i>l.</i> 4<i>s.</i> 3<i>d.</i> due to private creditors, and the receipts have for many years proved insufficient to discharge the interest on this private loan. On the English section the expenditure has for many years exceeded the revenue. The rent of the inn is the only sum continued to be received, and the value of the inn may be accepted <i>pro tanto</i> in discharge of the loan, but otherwise there is no prospect of any sum being recovered either for principal or interest. The inn being the property of the Government will be sold, and until it is sold the rent of the inn will be paid into the Exchequer as miscellaneous revenue. So far as regards the interest of the Crown in the inn, the debt is to be treated as not remitted until after the sale, and the Crown will retain the same rights, title, interest, and remedies in respect of the inn as they would have if the inn continued to be charged with the payment of the whole loan advanced out of public revenue, and for this purpose the inn shall be deemed to continue to be so charged.</p> <p>The money was advanced on the security of the rates and tolls, with a view to complete the improvements of the ferry by the erection of piers on each side, and was to be repaid with interest at 5 per cent. In 1830 the ferry was vested in new trustees by 11 Geo. 4. c. 115. (Local), but the debt was reserved and charged on the new rates. In 1863 the North British Railway Company were empowered by 26 &amp; 27 Vict. c. 213. s. 36. to buy up the ferry, and in the event of their not purchasing within two years the Edinburgh and Glasgow Railway Company were empowered by 26 &amp; 27 Vict. c. 237. (Local) s. 31. to buy. In both Acts the right of the Crown to the debt was reserved. The North British Railway Company did not purchase, but having acquired in 1865 the undertaking and powers of the Edinburgh and Glasgow Railway Company, under those powers agreed in 1867 to buy the ferry for 4,500<i>l.</i> This sum was deposited in a bank, and proceedings were taken in the Court of Session for distributing the amount. As it appeared that creditors had charges prior to that of the Government for debts largely exceeding the amount</p>	
(3.) Beattock Inn	-	4,520 2 10	Nil.	4,520 2 10		
QUEENSFERRY. Firth of Forth.	54 Geo. 3. c. 138.	50,000 0 0	2,109 9 7	47,890 10 5		
		10,000 0 0	Nil.	10,000 0 0		

Objects of Advance.	Acts under which Advance was made.	Amount Advanced.	Amount Repaid.	Principal Outstanding.	Account of Advance and reason for Remission.
		£ s. d.	£ s. d.	£ s. d.	
FIFE AND MIDLO- TULAN FERRIES.	53 Geo. 3. c. cxxv. (Local.)	10,000 0 0	Nil.	10,000 0 0	of the purchase money, it was considered useless to make any claim on the part of the Crown, and the purchase money was divided among the preference creditors. Consequently the debt is irrecoverable. The money was advanced to the local authorities for improving the communication between the counties of Edinburgh and Fife, by the ferries from Leith and Newhaven on the south side, and Kinghorn and Burntisland on the north side of the Firth of Forth. It was lent without interest, on the security of the tolls and on condition of an equal amount being subscribed privately. In 1838 the ferries were admittedly insolvent; applications for further Government aid had been repeatedly refused, and the Treasury refused to have anything more to do with the ferries, but no steps appear to have been taken to formally remit the debt. The traffic which formerly went by these ferries has now almost entirely been diverted to the North British Railway ferries between Granton and Burntisland.
WELLAND CANAL, CANADA.	9 Geo. 4. c. 91.	50,000 0 0	Nil.	50,000 0 0	In consequence of applications by the colony for assistance towards completing the Welland Canal connecting the lakes of Ontario and Erie, an offer was made by the Imperial Government to the colony either of a grant of one ninth of the expenses of constructing the canal, or of a loan of 50,000 <i>l.</i> The loan was adopted and was made to the president and directors of the Canal Company on the security of a mortgage of the tolls and profits, to be repaid in 10 years with interest of 4 per cent., and the canal was to be completed in five years. The company failed to complete the canal, and no payment was ever made for principal or interest. After the company failed, the Colonial Government undertook the works, and in 1840 a Colonial Act was passed for the transfer of the canal from the company to the Colonial Government. Neither upon this transfer, nor subsequently, have the Imperial Government ever made any claim to have their debt repaid out of the future profits of the canal.
SHUBENACCADIE CANAL.	11 Geo. 4. & 1 Will. 4. c. 34.	20,000 0 0	Nil.	20,000 0 0	The money was advanced in 1830 to a company to establish an inland communication for connecting Halifax with the agricultural and mineral districts on the Bay of Fundy. The loan was ad-

Objects of Advance.	Acts under which Advance was made.	Amount Advanced.	Amount Repaid.	Principal Outstanding.	Account of Advance and reason for Remission.
		£ s. d.	£ s. d.	£ s. d.	
NEW ZEALAND COMPANY.	9 & 10 Vict. c. 42. 9 & 10 Vict. c. 82. 10 & 11 Vict. c. 112.	236,000 0 0	Nil.	236,000 0 0	<p>vanced on a mortgage of the land on the line of the canal and of the works, tolls, and rates, to be repaid in 10 years with interest at 4 per cent. In 1838 the undertaking had failed, owing to the defective execution of the works. In 1849 the Canadian Government informed the Secretary of State that owing to some defect in the mortgage, claims might be established to the property in priority to the mortgage. In 1851 the mortgage was foreclosed and the property sold to the Colonial Government for 404<i>l.</i> The Imperial Government in January 1852 surrendered their claim to this sum, and only required a guarantee for the right of free passage in the event of the canal being completed by the locality. The debt was thus virtually remitted in 1852.</p> <p>In 1845 the New Zealand Company applied for the loan, and at the same time claimed compensation for injury received by reason of the passing of certain Acts of the Imperial Parliament, and of the local legislature since the formation of the company, and in 1846, 100,000<i>l.</i> was lent to the company on a mortgage of their landed property, to be repaid with interest at 3 per cent. in seven years. The company soon applied for a further loan, together with a further claim for damages. The Imperial Government admitted that the operations of the company had been advantageous to the colony, and a further advance of 136,000<i>l.</i> was made. The Act 10 &amp; 11 Vict. c. 112. (which authorised this loan) directed (s. 15) that no interest should be charged on that or on the former loan, and further provided (s. 19) that if the directors of the company gave notice to a Secretary of State that they were ready to surrender the charters of the company, the lands of the company should revert to Her Majesty as part of the demesne lands of the Crown in New Zealand, and (s. 20) that upon such reversion the claim in respect of the said loans should be remitted to the company. The above notice was given by the directors of the company on the 4th of July 1850 (14 &amp; 15 Vict. c. 86.), and although the condition imposed by 10 &amp; 11 Vict. c. 112. was fulfilled, the debt has never been formally cancelled.</p>
		476,553 10 0	15,941 19 7	460,611 10 5*	

\* It may be stated that in addition to the sum outstanding on account of principal it is computed that the amount of simple interest unpaid in respect of these loans is not less than 500,000*l.*

## CHAPTER 33.

An Act to amend the Law as to Contingent Remainders.

[2d August 1877.]

**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 :

Cases in which contingent remainders capable of taking effect.

**1.** Every contingent remainder created by any instrument executed after the passing of this Act, or by any will or codicil revived or republished by any will or codicil executed after that date, in tenements or hereditaments of any tenure, which would have been valid as a springing or shifting use or executory devise or other limitation had it not had a sufficient estate to support it as a contingent remainder, shall, in the event of the particular estate determining before the contingent remainder vests, be capable of taking effect in all respects as if the contingent remainder had originally been created as a springing or shifting use or executory devise or other executory limitation.

## CHAPTER 34.

An Act to amend the Acts seventeenth and eighteenth Victoria, chapter one hundred and thirteen, and thirtieth and thirty-first Victoria, chapter sixty-nine.

[2d August 1877.]

**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 :

Application of Acts in Schedule.

**1.** The Acts mentioned in the Schedule hereto shall, as to any testator or intestate dying after the thirty-first December one thousand eight hundred and seventy-seven, be held to extend to a testator or intestate dying seised or possessed of or entitled to any land or other hereditaments of whatever tenure which shall at the time of his death be charged with the payment of any sum or sums of money by way of mortgage, or any other equitable charge, including any lien for unpaid purchase money ; and the devisee or legatee or heir shall not be entitled to have such sum or sums discharged or satisfied out of any other estate of the testator or intestate unless (in the case of a testator) he shall within the meaning of the said Acts have signified a contrary intention ; and such contrary intention shall not be deemed to be signified by a charge of or direction for payment of debts upon or out of residuary real and personal estate or residuary real estate.

Act not to extend to Scotland.

**2.** This Act shall not extend to Scotland.

## SCHEDULE.

17 & 18 Vict. c. 113. -	An Act to amend the law relating to the administration of the estates of deceased persons.
30 & 31 Vict. c. 69. -	An Act to explain the operation of the Act 17 & 18 Vict. c. 113.

## CHAPTER 35.

An Act for affording Facilities for the enjoyment by the Public of Open Spaces in the Metropolis.

[2d August 1877.]

**W**HEREAS it is expedient to afford facilities for making available the open spaces in and near the metropolis for the use of the inhabitants for exercise and recreation, and to enable the Metropolitan Board of Works to acquire the control and management of such open spaces for such purposes :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

**1.** The Metropolitan Board of Works may, by purchase on voluntary sale, or by the gift of the person or persons legally entitled to dispose of the same, acquire or accept the ownership of any open spaces, whether inclosed within rails or palings, or uninclosed, situated in the metropolis, and hold the same in trust for the perpetual use thereof by the public for exercise and recreation, and may from time to time make byelaws for the regulation of such open spaces, and may by such byelaws provide for the removal of any person infringing any such byelaw by any officer of the said Board or police constable. Byelaws under this section shall be made in the same manner and subject to the same conditions as byelaws made by the said Board under the Metropolitan Management Act, 1855.

Metropolitan Board of Works may acquire and hold open spaces for benefit of public.

**2.** Where any open spaces now are or hereafter may be used as places of exercise and recreation for the inhabitants of certain houses, and the property and right of user is now or hereafter may be vested in one or more persons as owners or occupiers of such houses, such owners and occupiers (if any) may convey to the Metropolitan Board of Works, in trust for the public, the right to enter upon and use and enjoy such open spaces, subject to such terms and conditions as may be agreed upon.

18 & 19 Vict. c. 120.

Right of entry to places of recreation may be conveyed to Metropolitan Board of Works.

**3.** The Metropolitan Board of Works shall be entitled to make such provision as may be necessary for maintaining and protecting the open spaces so acquired by them.

Provision for keeping up open spaces.

**4.** The Metropolitan Board of Works shall be empowered to pay out of the funds at their disposal or which they are empowered to raise under the said Metropolitan Management Act, 1855, and the several Acts amending the same, the costs and charges

Expenses.

18 & 19 Vict. c. 120.

which they may incur in the execution of this Act, and such costs and charges shall be deemed to be expenses for which provision is made by such Acts.

Extent of Act.

5. This Act shall not extend to the royal parks, nor to any land belonging to Her Majesty in right of Her Crown or of Her Duchy of Lancaster, or any garden, ornamental ground, or ornamental land for the time being under the management of the Commissioners for the time being of Her Majesty's Works and Public Buildings or of the Commissioners for the time being acting under the Crown Estate Paving Act, 1851, or to any Metropolitan Common within the meaning of "The Metropolitan Commons Act, 1866," and "The Metropolitan Commons Amendment Act, 1869," nor to any land belonging to either of the honourable Societies of the Inner Temple and Middle Temple.

14 & 15 Vict.

c. 95.

29 & 30 Vict.

c. 122.

32 & 33 Vict.

c. 107.

Meaning of term "metropolis."

6. The term "metropolis" in this Act means all parishes and places mentioned in Schedules A., B., and C. to the said Metropolitan Management Act, 1855.

In the City of London the powers of the Act to be executed by the Corporation.

7. The powers in this Act conferred on the Metropolitan Board of Works shall in the City of London be exercised by the mayor, aldermen, and commons of the said city, who shall defray all the expenses caused by or connected with the execution of such powers.

Short title.

8. This Act may be cited as the Metropolitan Open Spaces Act, 1877.

## CHAPTER 36.

An Act to amend "The Registration of Leases (Scotland) Act, 1857." [6th August 1877.]

20 & 21 Vict.  
c. 26.

**W**HEREAS an Act was passed in the session holden in the twentieth and twenty-first years of Her Majesty (chapter twenty-six) to provide for the registration of long leases in Scotland and assignations thereof; and whereas it is expedient to amend the said 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:

"Commissary" to be read in recited Act after "sheriff."

1. Section nineteen of the said recited Act shall be read as if the word "commissary" occurred therein immediately after the word "sheriff."

Act 49 G. 3.  
c. 42. not to be affected.

2. Nothing in this Act shall affect the provisions of an Act passed in the forty-ninth year of His late Majesty King George the Third (chapter forty-two) for the better regulating the public records of Scotland.

Short title.

3. This Act may be cited for all purposes as "The Registration of Leases (Scotland) Amendment Act, 1877."

## CHAPTER 37.

An Act for extending the Time for the Registration of Trade Marks, in so far as relates to Trade Marks used in Textile Industries. [6th August 1877.]

**W**HEREAS by section one of the Trade Marks Registration Amendment Act, 1876, it is provided that from and after the first day of July one thousand eight hundred and seventy-seven a person shall not be entitled to institute any proceeding to prevent or to recover damages for the infringement of any trade mark as defined by the Trade Marks Registration Act, 1875 (referred to in such Amendment Act and in this Act as the principal Act), until and unless such trade mark is registered in pursuance of the principal Act, or until and unless, with respect to any device, mark, name, combination of words, or other matter or thing in use as a trade mark before the passing of the principal Act, registration thereof as a trade mark under the principal Act shall have been refused, as is in the said Act thereafter mentioned :

And whereas by reason of the difficulties attending the registration of trade marks used in the textile industries it has been found impossible to complete the registration of such trade marks within the time specified by the said section, and it is therefore expedient to prolong such time as aforesaid :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. In so far as relates to the registration of trade marks used in the textile industries, but not further or otherwise, section one of the Trade Marks Registration Amendment Act, 1876, shall be construed as if for the words "from and after the first day of July one thousand eight hundred and seventy-seven" there were substituted the words "from and after the first day of January one thousand eight hundred and seventy-eight, or such further time as Her Majesty may by Order in Council determine."

2. The expression in this Act "Trade marks used in the textile industries" means the trade marks relating to goods comprised in classes 23 to 35, both inclusive, of the First Schedule to the rules under the Trade Marks Registration Acts, 1875-76, dated September 1876.

3. This Act may be cited for all purposes as the "Trade Marks Registration Extension Act, 1877," and this Act and the Trade Marks Registration Amendment Act, 1876, and the Trade Marks Registration Act, 1875, may be cited together as the "Trade Marks Registration Acts, 1875-77."

39 & 40 Vict.  
c. 33.

38 & 39 Vict.  
c. 91.

Extension of  
time for regis-  
tration of trade  
marks used in  
textile indus-  
tries.

Definition of  
"trade marks  
used in the  
textile indus-  
tries.

Short title of  
Act.

**CHAPTER 38.**

An Act to continue for One Year the Board of Education in Scotland. [6th August 1877.]

35 & 36 Vict.  
c. 62.

**W**HEREAS by the Education (Scotland) Act, 1872, it was, inter alia, provided that "with a view to greater efficiency and convenience in the institution and organisation of schools and School Boards under the provisions of this Act, a Board of Education for Scotland shall be and is hereby established, to endure for the term of three years from and after the passing of this Act, with power to Her Majesty, by Order in Council made before the expiration of that term, to extend the same for a further period of not more than two years:"

And whereas the period of endurance of the Board of Education in Scotland was extended by Her Majesty, by Order in Council, in terms of the recited Act, until the sixth day of August one thousand eight hundred and seventy-seven:

And whereas it is expedient that the same should be further extended:

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:

Continuance  
of Board of  
Education till  
6th August  
1878.

**1.** The Board of Education in Scotland shall endure, and shall have all rights, privileges, powers, and duties belonging to it at the passing of this Act, until the sixth day of August one thousand eight hundred and seventy-eight.

Construction of  
Act.

**2.** This Act and the recited Act shall be read and construed together as one Act.

**CHAPTER 39.**

An Act to amend the Factors' Acts. [10th August 1877.]

**W**HEREAS doubts have arisen with respect to the true meaning of certain provisions of the Factors' Acts, and it is expedient to remove such doubts and otherwise to amend the said Acts, for the better security of persons buying or making advances on goods, or documents of title to goods, in the usual and ordinary course of mercantile business:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

**1.** In this Act, the expression "the principal Acts" means the following Acts; that is to say,

The Act of the 4th Geo. IV. (1823) c. 83.

The Act of the 6th Geo. IV. (1825) c. 94.

The Act of the 5th and 6th of Her Majesty (1842), c. 39.

And the said Acts and this Act may be cited for all purposes as the "Factors' Acts, 1823 to 1877."

Factories Acts  
defined.

Amendment  
of law with re-  
spect to secret

**2.** Where any agent or person has been entrusted with and continues in the possession of any goods, or documents of title to



goods, within the meaning of the principal Acts as amended by this Act, any revocation of his entrustment or agency shall not prejudice or affect the title or rights of any other person who, without notice of such revocation, purchases such goods, or makes advances upon the faith or security of such goods or documents.

revocation of entrustment or agency.

3. Where any goods have been sold, and the vendor or any person on his behalf continues or is in possession of the documents of title thereto, any sale, pledge, or other disposition of the goods or documents made by such vendor or any person or agent entrusted by the vendor with the goods or documents within the meaning of the principal Acts as amended by this Act so continuing or being in possession, shall be as valid and effectual as if such vendor or person were an agent or person entrusted by the vendee with the goods or documents within the meaning of the principal Acts as amended by this Act, provided the person to whom the sale, pledge, or other disposition is made has not notice that the goods have been previously sold.

With respect to vendors permitted to retain documents of title to goods.

4. Where any goods have been sold or contracted to be sold, and the vendee, or any person on his behalf, obtains the possession of the documents of title thereto from the vendor or his agents, any sale, pledge, or disposition of such goods or documents by such vendee so in possession or by any other person or agent entrusted by the vendee with the documents within the meaning of the principal Acts as amended by this Act shall be as valid and effectual as if such vendee or other person were an agent or person entrusted by the vendor with the documents within the meaning of the principal Acts as amended by this Act, provided the person to whom the sale, pledge, or other disposition is made has not notice of any lien or other right of the vendor in respect of the goods.

With respect to vendees permitted to have possession of documents of title to goods.

5. Where any document of title to goods has been lawfully indorsed or otherwise transferred to any person as a vendee or owner of the goods, and such person transfers such document by indorsement (or by delivery where the document is by custom, or by its express terms transferable by delivery, or makes the goods deliverable to the bearer) to a person who takes the same *bonâ fide* and for valuable consideration, the last-mentioned transfer shall have the same effect for defeating any vendor's lien or right of stoppage in transitu as the transfer of a bill of lading has for defeating the right of stoppage in transitu.

With respect to transfers of documents of title.

6. This Act shall apply only to acts done and rights acquired after the passing of this Act.

Act not to be retrospective.

## CHAPTER 40.

An Act to amend the Form of Warrant of Execution on certain Extracts of Writs registered in the Books of Council and Session and Sheriff Court Books in Scotland; and to provide for the Authentication of certain Extracts of Writs.

[10th August 1877.]

**B**E it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Tem-

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

Extracts of writs registered in Books of Council and Session to have, in certain cases, warrant for execution.

1. In all extracts of writs, deeds, or other documents which contain a clause of registration for preservation and execution, and which are registered in the register of deeds and probative writs and protests in the Books of Council and Session in Scotland, the keeper or assistant keeper of the said register shall insert a warrant for execution in the form, or as nearly as may be in the form, of the Schedule to this Act annexed.

Form of warrant of execution inserted in extracts of all protests, &c.

The warrants for execution inserted in the extracts of all protests of bills, promissory notes or bankers notes, or certificates of judgment registered for execution under the Judgments Extension Act, 1868, shall be as nearly as may be in the form of the said Schedule to this Act annexed.

Extracts of writs registered in Sheriff Court Books to have warrant of execution in certain cases.

2. In all extracts of writs, deeds, or other documents which contain a clause of registration for preservation and execution, and which are registered in the Sheriff Court Books of any county in Scotland, and in all extracts of protests of bills, promissory notes, or bankers notes registered in the Sheriff Court Books, the sheriff clerk shall insert a warrant of execution in the form, or as nearly as may be in the form, of the Schedule to this Act annexed.

Competent to arrest, charge, and poind by virtue of the extract, with warrant for execution thereon.

3. It shall be lawful by virtue of the warrant inserted in any extract under the provisions of the two preceding sections, to arrest the readiest goods, debts, and sums of money of the debtor or obligant mentioned in such extract, in payment and satisfaction of the sum or sums of money or obligation or obligations therein specified, as also to charge the debtor or obligant therein mentioned to pay the sum or sums of money or to perform the obligation or obligations therein specified within the appropriate days of charge, under the pain of poinding and imprisonment, so far as competent, the terms of payment or implement being first come and bygone, and if he fail to obey the said charge, then, so far as competent, to apprise, poind, and distrain all his readiest goods, gear, and other effects, in payment and satisfaction of the said sum or sums or obligation or obligations, and if necessary for effecting said poinding to open shut and lockfast places.

Warrants of execution unchallengeable on certain grounds.

4. It shall not be competent to challenge the validity of extracts of writs, deeds, or other documents, or of extracts of protests of bills, promissory notes or bankers notes, or certificates of judgment as aforesaid, registered in the Books of Council and Session, or in the Sheriff Court Books, containing warrants of execution, and issued prior to the commencement of this Act from the offices of the register of deeds and probative writs and protests in the Books of Council and Session, or of sheriff clerks respectively, on the ground that the forms of such warrants are not in conformity with those prescribed by the Act passed in the first and second years of the reign of Her Majesty Queen Victoria, chapter one hundred and fourteen.

Extracts of deeds registered in the Books of Council and Session, and Register of Sasines, to be authenticated.

5. Extracts of all writs, deeds, or other documents of what nature soever, which may be registered in the Books of Council and Session, shall be equivalent to the registered writs, deeds, or other documents themselves, except where any writ, deed, or other document so registered shall be offered to be improven, and such extracts shall be signed on the last page thereof, by the keeper or assistant keeper

of the register of deeds and probative writs and protests in the Books of Council and Session; and extracts of all writs registered in and issued from the office of the General Register of Sasines shall be signed, on the last page thereof, by the keeper of the said register, or by a deputy duly commissioned by him to that effect, and no further signature on any other page of such extracts shall be necessary. But each sheet of all such extracts shall be impressed with an office seal or stamp to be kept in the respective offices of the said keepers; provided that it shall be necessary and sufficient in the case of marginal additions occurring in any extract that the same shall be authenticated by the signature of the officer certifying such extract.

6. Where any writ containing in gremio thereof a procuratory or clause of registration for preservation and execution shall have been registered in the General Register of Sasines upon a warrant of registration for preservation but not for execution, it shall be competent to present for registration in the said register an extract of such registered writ having a warrant of registration written thereon, bearing that such extract is to be registered for preservation and execution; and it shall be lawful to register such extract accordingly, and to issue one or more extracts thereof, with warrant of execution in terms (*mutatis mutandis*) of Schedule B. annexed to the Land Registers (Scotland) Act, 1868, and every such warrant of execution shall have all the like force and effect as any warrant of execution issued in terms of the twelfth section of the said last-mentioned Act; and in making such subsequent registration it shall not be necessary to engross *ad longum* in the said register the extract so presented, but the registration thereof may be effected by the insertion of a memorandum of such extract in the appropriate division or divisions of said register, setting forth the volume of the register, and the folio or folios of such volume in which said original writ is engrossed, and the insertion of such memorandum shall be deemed equivalent to the full engrossment in the division or divisions of the register in which such memorandum shall be entered as aforesaid of the extract so presented for registration.

7. Whereas, in terms of the twelfth section of the Act passed in the forty-ninth year of the reign of His Majesty King George the Third, chapter forty-two, the volumes of records of the Books of Council and Session are, along with the warrants thereof, periodically transmitted by the keeper of the register of deeds and probative writs and protests in the Books of Council and Session, to the Lord Clerk Register or his deputies; be it enacted, that the deputy keeper of the records or any officer holding a commission to that effect from the Lord Clerk Register may, at any time, issue extracts one or more of any writ, deed, or other document registered in said volumes of records transmitted as aforesaid, in the same or in a similar form to the extracts of such writs, deeds, or other documents which might have been issued previous to such transmission. And all such extracts and the warrants of execution therein contained shall have all the like force and effect as any extract from the Books of Council and Session, made and issued previous to such transmission, or as any warrant of execution contained in or appended to such extract; and in all extracts issued as aforesaid, and also in all

Writs registered in the Register of Sasines for preservation only may afterwards be registered for preservation and execution.

After transmission of volumes of records of Books of Council and Session to the Lord Clerk Register, the deputy keeper of records may issue extracts of any deeds recorded in said volumes, and authenticate the same as well as other extracts.

extracts issued of writs contained in any record in the custody of the Lord Clerk Register, it shall be sufficient that the last page thereof shall be signed by the said deputy keeper of the records or by any officer duly commissioned by the Lord Clerk Register to that effect, and no further signature on any other page of such extracts shall be necessary, but each sheet of all such extracts shall be impressed with an office seal or stamp to be kept in the office of the Lord Clerk Register; provided that it shall be necessary and sufficient in the case of marginal additions occurring in any such extract that the same shall be authenticated by the signature of the officer certifying such extract.

Commence-  
ment and ex-  
tent of Act.

8. This Act shall take effect from and after the first day of October one thousand eight hundred and seventy-seven, and shall apply to Scotland only.

### SCHEDULE.

At the day of One thousand eight hundred and , the deed herein-after engrossed was presented for registration in the Books of the Lords of Council and Session (or Sheriff Court Books of the county of ) for preservation (or for preservation and execution), and is registered in the said books as follows:—

(Insert full copy of the deed; and where the deed is registered for execution, insert warrant for execution as follows):—

And the said Lords grant (or the Sheriff grants, as the case may be) warrant for all lawful execution hereon.

Extracted, &c.

## CHAPTER 41.

An Act for making Provision with respect to the Preparation and Authentication of Commissions and other Documents issued from the Office of the Clerk of the Crown in Chancery; and for other purposes. [10th August 1877.]

**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:

### *Preliminary.*

Short title of Act.

1. This Act may be cited for all purposes as the Crown Office Act, 1877.

Commence-  
ment of Act.

2. This Act shall come into operation on the first day of January one thousand eight hundred and seventy-eight, which day is in this Act referred to as the commencement of this Act.

Rules by Queen in Council as to language of documents to which Act applies.

3. Her Majesty may, by Order in Council, make, and when made from time to time revoke, add to, or alter rules—

(1.) Prescribing the form in which documents to which this Act applies, or any of them, are to be worded; and

(2.) Making regulations as to the publication of royal proclamations, and as to the towns to which copies of such proclamations are to be sent, and generally as to the best mode of making such proclamations known to the public:

Provided that—

- (1.) Acts of or Bills in Parliament may in all cases be cited by their short titles; and
- (2.) Whenever convenient, the enumeration of Acts of or Bills in Parliament, of names of persons, or other matters, shall be contained in a schedule or schedules, and in particular in the case of commissions of the peace the names of the justices shall, so far as seems to Her Majesty convenient, be placed in a schedule with space for additions to be made of the names of justices to be appointed after the issue of such commission; and
- (3.) Any royal proclamation shall be valid in law if published as follows:

As respects England, in the London Gazette; and

As respects Scotland, in the Edinburgh Gazette; and

As respects Ireland, in the Dublin Gazette.

Any rule purporting to be made in pursuance of this section shall be laid before both Houses of Parliament within one month after it is made, if Parliament be then sitting, or if not then sitting, within one month after the commencement of the then next session of Parliament, and shall be judicially noticed, and shall be of the same validity as if it had been enacted by Parliament.

4. A committee of Her Majesty's Most Honourable Privy Council, consisting of the Lord Chancellor of Great Britain for the time being, the Lord Privy Seal for the time being, and one of Her Majesty's Principal Secretaries of State (in this Act referred to as the Committee of Council), acting in case of difference according to the opinion of any two of them, may from time to time direct impressions with the same device as the Great Seal and of the Privy Seal to be taken in such manner and of such size or sizes as they may from time to time prescribe, on embossed paper, wax, wafer, or any other material; and any such impressions, in this Act respectively called a Wafer Great Seal and a Wafer Privy Seal, shall be in the same custody as the seals of which they are impressions, and when attached to or embossed on any document required to be or usually authenticated by or passed under the Great Seal or Privy Seal, shall confer on that document the same validity in all respects as if the document itself had been authenticated by or passed under the Great Seal or Privy Seal.

Wafer seals  
to be framed in  
certain cases.

5. The Committee of Council aforesaid, acting in case of difference according to the opinion of any two of them, may by order make, and when made from time to time revoke, add to, or alter rules—

Rules by Com-  
mittee of  
Council as to  
preparation  
and authentica-  
tion of docu-  
ments to which  
Act applies.

- (1.) Providing for a record to be kept at the Crown Office of all justices of the peace appointed in pursuance of any commission of the peace issued by Her Majesty, and for the rectification of such record from time to time; and
- (2.) Prescribing the documents to which the Wafer Great Seal and the Wafer Privy Seal respectively are to be attached; and
- (3.) Prescribing the mode in which documents to which this Act applies are to be prepared, whether to be printed or written, or partly printed and partly written, and whether

to be printed or written on paper, parchment, or any other fitting material: Provided that—

(a.) It shall not be necessary to the validity of any document to or on which a Wafer Great Seal or Wafer Privy Seal is attached or embossed to prove that the attachment or embossing of such wafer seals respectively was authorised, and no evidence to the contrary shall be received; and

(b.) Engrossing may in all cases be dispensed with, and, so far as seems to the Committee of Council convenient, printing shall be adopted in place of writing.

Any rule purporting to be made in pursuance of this section shall be laid before both Houses of Parliament within one month after it is made, if Parliament be then sitting, or if not then sitting, within one month after the commencement of the then next session of Parliament, and shall be judicially noticed, and shall be of the same validity as if it had been enacted by Parliament.

General saving.

6. Nothing in this Act shall abridge or affect the prerogative of the Crown in relation to the grant or withholding the grant of any document.

Definitions.

7. In this Act, if not inconsistent with the context, the following expressions have the meanings herein-after respectively assigned to them:

“Great Seal” means the Great Seal of the United Kingdom:

“Document to which this Act applies” means any writ, commission, letters patent, letters close, or document of such a character, or belonging to such a class, as would at the date of the passing of this Act, be required to be or usually would be authenticated by being passed under the Great Seal.

“Crown Office” means the office of the Clerk of the Crown in Chancery.

## CHAPTER 42.

An Act to amend the Law relating to the Fisheries of Oysters, Crabs, and Lobsters, and other Sea Fisheries.

[10th August 1877.]

**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:

### *Preliminary.*

Short title.

1. This Act may be cited as the Fisheries (Oyster, Crab, and Lobster) Act, 1877.

Commencement of Act.

2. This Act shall come into operation on the first day of September one thousand eight hundred and seventy-seven (which day is in this Act referred to as the commencement of this Act).

PART I.

Oysters.

3. This part of this Act shall not apply to Ireland or to any oyster bed or bank within the jurisdiction of the Inspectors of Irish Fisheries.

This part of Act not to apply to Ireland.

4. A person shall not sell, expose for sale, consign for sale, or buy for sale,—

Prohibition on sale of oysters between certain dates.

(1.) Any oysters known at the passing of this Act in the oyster trade as “deep-sea oysters,” between the fifteenth day of June in any year and the following fourth day of August ; or

(2.) Any description of oysters other than those aforesaid, between the fourteenth day of May in any year and the following fourth day of August.

Every person who acts in contravention of this section shall be liable to a fine not exceeding two pounds for the first offence, and ten pounds for the second or any subsequent offence, and also to forfeit all oysters exposed for sale, consigned for sale, or bought for sale in contravention of this section :

Provided that a person shall not be guilty of an offence under this section if he satisfies the court that the oysters alleged to have been sold, exposed for sale, consigned for sale, or bought for sale,—

(1.) Were taken within the waters of some foreign state ; or

(2.) Were preserved in tins or otherwise cured ; or

(3.) Were intended for the purpose of oyster cultivation within the same district in which the oysters were taken, or were taken from any place for cultivation with the sanction of the Board of Trade ; and for this purpose the Thames estuary, bounded by a line drawn from Orford Ness to the North Foreland, shall be deemed to be a district, and also any other area for the time being constituted a district for the purposes of this section by an order of the Board of Trade, and also where the place at which the oysters are taken is not within any such district as aforesaid, so much of the area within ten miles of the said place where the oysters are taken as is not included in any other such district as aforesaid, and the Board of Trade may from time to time make, and when made revoke or vary, an order for the purposes of this section.

5. The Board of Trade, on such application as is in this part of this Act mentioned, and after such public inquiry and notice as they think expedient, may, if they think fit, by order restrict or prohibit during a limited period not exceeding one year, either entirely or subject to any exceptions and regulations, the dredging for and taking of oysters on any oyster bank or bed, and may by such order provide for enforcing the order, and any prohibition, restriction, or regulation contained therein, by fines not exceeding twenty pounds for each offence.

Power to Board of Trade on local application to temporarily prohibit or restrict dredging for oysters on certain banks.

The Board of Trade by order may from time to time renew, for period not exceeding one year, or vary, an order under this section, and may at any time revoke the same.

Nothing in such order shall apply to a several right of fishery in any oyster bed or bank, or to any bed or bank of oysters which has been or shall hereafter be the subject of a grant or regulation order under Part III. of "The Sea Fisheries Act, 1868," or any Acts amending the same.

31 & 32 Vict.  
c. 45.

Persons entitled to apply to Board of Trade under this part of Act.

6. An application to the Board of Trade for an order under this part of this Act may be made by any persons appearing to the Board of Trade to represent the fishermen of any locality, or by any of the following authorities, if they appear to the Board of Trade to be locally interested in the fisheries; namely,

- (1.) The justices of a county in general or quarter sessions assembled;
- (2.) A town council or other urban sanitary authority;
- (3.) A rural sanitary authority; and
- (4.) Any body corporate, persons or person being or claiming to be proprietors or proprietor of or intrusted with the duty of improving, managing, maintaining, or regulating any harbour.

Order relating to oyster fishery under 31 & 32 Vict. c. 45. when unobjected to to take effect on confirmation by Order in Council.

7. Where an order of the Board of Trade, under Part III. of the Sea Fisheries Act, 1868, either is limited to the grant of a right of fishery for a period not exceeding twenty-one years over an area not exceeding five acres, or amends a previous order without extending the area to which that order applies, and a petition against the order by any local authority or persons affected thereby is not within one month after the first publication of the order received by the Board of Trade, or if received is withdrawn, the Board of Trade may, if they think fit, submit the scheme for confirmation to Her Majesty in Council, and every such order, if confirmed by Her Majesty in Council, shall have full operation as if it had been confirmed by Parliament as provided by the Sea Fisheries Act, 1868:

Provided that Her Majesty in Council may at any time, on the representation of the Board of Trade, cancel the order, and the grantees under the order shall not be entitled to any compensation in respect of such cancellation, or of any expenses they may have incurred in acting or with a view to act under the order.

## PART II.

### *Crabs and Lobsters.*

Prohibition on sale of edible crabs under a certain size.

8. A person shall not take, have in his possession, sell, expose for sale, consign for sale, or buy for sale,—

- (1.) Any edible crab which measures less than four inches and a quarter across the broadest part of the back; or
- (2.) Any edible crab carrying any spawn attached to the tail or other exterior part of the crab, whether known as "berried crab," "seed crab," "spawn crab," or "ran crab," or by any other name; or
- (3.) Any edible crab which has recently cast its shell, whether known as "caster," "white crab," "white-footed crab," "white-livered crab," "soft crab," "glass crab," or by any other name.



Every person who acts in contravention of this section shall be liable to a fine not exceeding two pounds for the first offence, and ten pounds for the second and every subsequent offence, and to forfeit all edible crabs exposed for sale, consigned for sale, or bought for sale in contravention of this section :

Provided that a person shall not be guilty of an offence under this section if he satisfies the court that the edible crabs found in his possession or alleged to have been sold, exposed for sale, consigned for sale, or bought for sale, were intended for bait for fishing.

**9.** A person shall not take, have in his possession, sell, expose for sale, consign for sale, or buy for sale any lobster which measures less than eight inches from the tip of the beak to the end of the tail when spread as far as possible flat. Prohibition on sale of lobsters under a certain size.

Every person who acts in contravention of this section shall be liable to a fine not exceeding two pounds for the first offence, and ten pounds for the second and every subsequent offence, and to forfeit all lobsters found in his possession, sold, exposed for sale, consigned for sale, or bought for sale in contravention of this section.

**10.** The Board of Trade, after such public inquiry and notice as they think expedient, may, if they think fit, from time to time, by order restrict or prohibit, either entirely or subject to any exceptions and regulations, the fishing for and taking of edible crabs and lobsters, or either of them, or any description of them or either of them, within the area named in the order, during such period of years or during such period either in every year or in such number of years as may be limited by the order, and may by the order provide for enforcing the order, and any prohibition, restriction, or regulation contained therein, by fines not exceeding twenty pounds for each offence. Power on local application to prohibit or restrict the taking of crabs and lobsters in certain areas.

The Board of Trade by order may from time to time vary, and at any time revoke, an order under this section.

Nothing in such order shall apply to a several right of fishery.

The powers of the Board of Trade under this section shall, as regards any area within the jurisdiction of the Inspectors of Irish Fisheries, be vested in and exercised by those inspectors with the approval of the Lord Lieutenant or other chief governor or governors of Ireland.

### PART III.

#### *Supplemental.*

**11.** All offences against this Act, or against any order made in pursuance of this Act, may be prosecuted, and all fines under this Act or any such order may be recovered on summary conviction before a court of summary jurisdiction in manner provided by the Summary Jurisdiction Acts. Prosecution of offences and recovery of fines

For all purposes of and incidental to the prosecution of any such offence, or the recovery of any such fine, and the proceedings and matters preliminary and incidental thereto, and consequential thereon, and for all purposes of and incidental to the jurisdiction of any court or of any constable or officer with reference to such offence, the offence shall be deemed to have been committed either in the

place in which it was actually committed, or in any place in which the offender may for the time being be found.

All fines recovered under this Act in any of the Channel Islands shall be paid to the receiver general of the island in which they are recovered.

Search for and seizure of oysters, crabs, and lobsters illegally exposed for sale.

**12.** All oysters, crabs, and lobsters of which the possession, exposure for sale, consignment for sale, or purchase for sale is prohibited by this Act, may be searched for, seized, condemned, destroyed, and disposed of by any authority lawfully acting under any Act, charter, or byelaw, or by any persons appointed by that authority, or in Ireland by the Inspectors of Irish Fisheries, with the approval of the Lord Lieutenant, in like manner as if such oysters, crabs, and lobsters respectively were found to be diseased, unsound, unwholesome, corrupt, unfit to be sold, or unfit for the food of man.

Definitions.

**13.** In this Act—

The expression “Summary Jurisdiction Acts” means,—

- (1.) As regards England, the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled “An Act to facilitate the performance of the duties of Justices of the Peace out of sessions within England and Wales, with respect to Summary Convictions and Orders,” and any Act amending the same; and
- (2.) As regards Scotland, the Summary Procedure (Scotland) Act, 1864; and
- (3.) As regards Ireland, with reference to any matter or proceeding in the police district of Dublin Metropolis, the Acts regulating the powers and duties of justices of the peace for or the police of such district, and with reference to any matter or proceeding elsewhere in Ireland, the Petty Sessions (Ireland) Act, 1851, and the Acts amending the same; and
- (4.) As regards the Isle of Man and the Channel Islands, the law relating to offences and fines, and proceedings therefor.

The expression “Court of Summary Jurisdiction” means,—

- (a.) As regards England and Ireland, any justice or justices of the peace to whom jurisdiction is given by the Summary Jurisdiction Acts; provided that the court, when hearing and determining an information or complaint under this Act, shall be constituted either of two or more justices of the peace in petty sessions sitting at some place appointed for holding petty sessions, or of some magistrate or officer sitting alone or with others at some court or other place appointed for the administration of justice, and for the time being empowered by law to do alone any act authorised to be done by more than one justice; and
- (b.) As regards Scotland, the sheriff or his substitute; and
- (c.) As regards the Isle of Man and the Channel Islands, any court, governor, deputy governor, deemster, jurat, or other magistrate before whom offences and fines are by law prosecuted and recovered.

27 & 28 Vict.  
c. 53.

14 & 15 Vict.  
c. 93.

The expression "Inspectors of Irish Fisheries" means the Inspectors of Fisheries acting in execution of the Fisheries (Ireland) Act, 1869. 32 & 33 Vict.  
c. 92.

The expression "person" includes a body corporate.

14. This Act shall apply to the Isle of Man and the Channel Islands, and the royal courts of the Channel Islands are hereby respectively authorised and required to register this Act. Application  
of Act to Isle  
of Man and  
Channel Is-  
lands.

15. Notwithstanding anything contained in the Sea Fisheries Act, 1868, the Act of the sixth and seventh years of the reign of Her present Majesty, chapter seventy-nine, intituled "An Act to carry into effect a Convention between Her Majesty and the King of the French concerning the Fisheries in the Sea between the British Islands and France," so far as regards French fishermen and French sea-fishing boats, shall be in force as if it had not been repealed, and shall continue in force until the day when the convention set out in the first schedule to the Sea Fisheries Act, 1868, comes into operation. Temporary  
revival of  
6 & 7 Vict.  
c. 79.  
31 & 32 Vict.  
c. 45.

16. The Crab and Lobster Fisheries (Norfolk) Act, 1876, is hereby repealed, without prejudice to anything done or suffered in pursuance of that Act. Repeal of  
39 & 40 Vict.  
c. cli.

## CHAPTER 43.

An Act to amend the Law with respect to the Appointment, Payment, and Fees of Clerks of Justices of the Peace and Clerks of Special and Petty Sessions.

[10th August 1877.]

WHEREAS by section nine of the Act of the session of the fourteenth and fifteenth years of the reign of Her present Majesty, chapter fifty-five, intituled "An Act to amend the law relating to the expenses of prosecutions, and to make further provision for the apprehension and trial of offenders in certain cases," (in this Act referred to as "the principal Act,") it is provided that one of Her Majesty's Principal Secretaries of State, (in this Act referred to as a Secretary of State,) upon the recommendation of the justices, council, or other governing body as therein mentioned, (in this Act referred to as "the local authority,") may, by order, direct that the clerks of special and petty sessions and the clerks of justices of the peace within the jurisdiction of such local authority, or any of such clerks, are to be paid by salaries in lieu of fees and other payments, and fix the amount of salary so to be paid: 14 & 15 Vict.  
c. 55.

And whereas by the same Act the Secretary of State is authorised, on the recommendation of the local authority as therein mentioned, to order that certain business specified in the recommendation should not be included in fixing the salary of any clerk, and that such clerk should be paid for that business (in this Act referred to as excepted business) by fees and not by salary:

And whereas it is expedient to provide that all the said clerks should be paid by salary in lieu of fees, and to provide for the qualification, appointment, and fees of the said clerks:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title.

Payment of clerks of petty sessions, &c. by salary under 14 & 15 Vict. c. 55. s. 9. made compulsory.

1. This Act may be cited as the Justices Clerks Act, 1877.

2. Where at the passing of this Act an order under the principal Act is not in force for the payment by salary in lieu of fees of any clerk of special or petty sessions or clerk of justices of the peace within the jurisdiction of any local authority, that local authority shall, as soon as may be after the passing of this Act, and in any case before the first day of February one thousand eight hundred and seventy-eight, make a recommendation to a Secretary of State in pursuance of the principal Act with respect to the payment of such clerk by salary in lieu of fees, and the Secretary of State shall make an order directing such payment ; and if, in the case of any of the said clerks, such recommendation as enables a Secretary of State to make an order under the principal Act is not received by the Secretary of State before the said first day of February, the Secretary of State shall, in like manner (so nearly as circumstances admit) as if such recommendation had been duly made, make an order under the principal Act, directing the payment of such clerk by salary in lieu of fees for all business (other than the business of giving copies of depositions if that business is excepted by the order) and fixing the amount of the salary.

Every such salary may, if it is thought fit, be made to vary according to the number of cases or amount of business.

Subject as aforesaid, every such salary shall be deemed to accrue from day to day and shall be paid quarterly or at such less intervals as may be from time to time fixed by the local authority.

Provision as to clerks of petty sessions partly paid by salary under 14 & 15 Vict. c. 55. ss. 9, 10, or paid under a special Act.

3. Where at the passing of this Act an order is in force under the principal Act for the payment of any clerk of special or petty sessions or clerk of justices of the peace by salary in lieu of fees, but an order has been made that such clerk should be paid for certain excepted business (other than that of giving copies of depositions) by fees and not by salary, this Act shall, so far as is consistent with the tenour thereof, apply, as regards the fees for the excepted business, in like manner as it applies where an order is not in force for the payment of a clerk by salary in lieu of fees.

Where any such clerk as aforesaid is, in pursuance of any Act of Parliament (other than the principal Act), paid by salary in lieu of fees, either for all business, or for all business other than that of giving copies of depositions, that clerk shall continue to be paid by salary in lieu of fees for all such business, and a recommendation need not be made with respect to such clerk in pursuance of this Act.

Provision as to clerk of petty sessions, &c. paid by salary by arrangement.

4. Where at the passing of this Act any clerk of special or petty sessions or clerk of justices of the peace is by arrangement paid by salary in lieu of fees, either for all business, or for all business other than that of giving copies of depositions, that clerk shall continue to be paid by salary in lieu of fees for all such business, and unless a Secretary of State requires a recommendation to be made with respect to such clerk in pursuance of this Act, such arrangement shall have effect as if it were an order of the Secretary of State under the principal Act, and this Act shall apply accordingly.

5. In each petty sessional division there shall after the first day of February one thousand eight hundred and seventy-eight, or any later date at which an order for the payment of a clerk by salary in lieu of fees comes into operation in the division, be only one salaried clerk in the division to perform the duties of clerk of petty sessions, clerk of special sessions, or clerk of any justice or justices of the peace:

Appointment of one salaried clerk only in a petty sessional division.

Provided that—

- (1.) Where special or petty sessions are usually held at more than one place appointed for the purpose in a petty sessional division, there may, if it seem fit, be a separate salaried clerk appointed in respect of each such place; and
- (2.) Where a Secretary of State has fixed the amount of the salary for one salaried clerk in a division, and there are, at the passing of this Act, two clerks, each of whom performs the duties of clerk of petty sessions and clerk of special sessions in that division, the local authority may, if they think fit, continue such existing clerks in office, and apportion the salary between those clerks in such manner as they think just; and
- (3.) Where any partners have before the passing of this Act jointly performed the duties of clerk of petty sessions or clerk of special sessions, the local authority may, if they think fit, continue such existing clerks in office and pay the salary to such clerks jointly.
- (4.) A Secretary of State, on the application of the local authority, may, if he thinks fit, authorise in any case the appointment of more than one salaried clerk.

The salaried clerk (in this Act referred to as a clerk of a petty sessional division) shall be appointed from time to time by the justices acting in and for the petty sessional division in which he is clerk assembled in special sessions, and shall hold his office during the pleasure of those justices.

Where there is a salaried clerk of a petty sessional division, any fees which may be received by a clerk of special sessions, clerk of petty sessions, or clerk of a justice of the peace in that division, shall not be received by such clerk for his own use, but shall be received, paid, and accounted for as directed by section eleven of the principal Act, or by any Act specially relating to such clerk.

Nothing in this section shall apply to, or to the fees of, either a clerk of a metropolitan police court, or a clerk to the justices of a borough, or a clerk to a stipendiary or other magistrate whose salary is regulated under any Act of Parliament other than the principal Act.

In the case of the town and county of Haverfordwest, the justices of the peace for the said town and county in quarter sessions assembled, and not the town council thereof, shall be the local authority to carry out the provisions of the principal Act and this Act, and the salary for the time being payable to the clerk of the justices of the said town and county under their order shall be paid out of the county rate thereof, and all fees received by such clerk after the making of such order shall be paid to the treasurer of the said town and county in aid of the county rate thereof, and

shall be accounted for by such treasurer from time to time as the justices so assembled as aforesaid may direct.

Payment to treasurer of county or borough of unclaimed penalties and other sums.

6. All penalties, costs, and sums which, in pursuance of a conviction or order by a justice or justices of the peace, are paid to a clerk of a petty sessional division, or a clerk of special sessions, or a clerk of petty sessions, or a clerk of any justice or justices of the peace, and are not actually paid by him to the party or parties by law entitled thereto, other than the treasurer herein-after mentioned, shall be paid to the treasurer of the county, riding, division, liberty, city, borough, or place for which such justice or justices acted, subject nevertheless to be paid by such treasurer, to any party showing himself to be by law entitled thereto.

Every such clerk shall account for and pay over all penalties, costs, and sums payable to any such treasurer, under this or any other Act, at such times and in such manner as may be from time to time directed by the justices or council who appointed that treasurer, and if he wilfully omits to account for or pay over any such penalty, costs, or sum, he shall forfeit for every such omission twenty pounds, to be recovered by action of debt by any person who may sue for the same.

Qualification of salaried clerk of petty sessional division and justices of a borough.

7. Every clerk appointed after the passing of this Act to be a salaried clerk of a petty sessional division, or to be clerk to the justices of a borough, shall either—

- (1.) Be a barrister of not less than fourteen years standing; or,
- (2.) Be a solicitor to the Supreme Court of Judicature; or,
- (3.) Have served for not less than seven years as a clerk to a police or stipendiary magistrate, or to a metropolitan police court, or to one of the police courts of the City of London.

Provided that a person who for not less than fourteen years has served as or as assistant to either a clerk of petty sessional division, or a clerk to the justices of a borough, or (in the case of service before the passing of this Act) a clerk of special or petty sessions, or a clerk of a justice or justices of the peace, may be appointed salaried clerk of a petty sessional division, or clerk to the justices of a borough, in any case in which in the opinion of the justices empowered to make the appointment there are special circumstances rendering such appointment desirable; provided also, that no person being clerk of the peace or deputy clerk of the peace for a county or borough, or a partner of such clerk or deputy clerk, shall be salaried clerk of a petty sessional division or clerk to the justices of a borough within such county; but this proviso shall not apply to any clerk of the peace or deputy clerk of the peace or partner of such clerk or deputy clerk holding and executing in person at the time of the passing of this Act the office of clerk to the justices of any petty sessional division of a county, or clerk to the justices of a borough.

Power of local authority and Secretary of State as to table of fees and adjustment of fees in proportion to salary of clerks.

8. Whereas by section thirty of the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders," provision is made for the making of tables of the fees to be paid to the clerks of special and petty sessions, and to the clerks

of justices of the peace, and it is expedient to make such further provision as is herein-after mentioned concerning the same; be it therefore enacted as follows: 11 & 12 Vict.  
c. 43.

The said section thirty is hereby repealed so far as relates to clerks of special and petty sessions and clerks of justices of the peace without prejudice to anything done in pursuance of that section.

Where it appears to a local authority that the aggregate amount received by the treasurer of that authority in respect of court fees unduly exceeds or unduly falls below the aggregate amount paid by that authority by way of salary to the clerks of petty sessional divisions, or in the case of a borough to the clerk to the justices of the borough, or that otherwise it is expedient so to do, the local authority may make a table of the court fees which in their opinion should be taken, and shall cause such table, signed by the chairman, mayor, or other presiding officer of the local authority, to be laid before a Secretary of State, and a Secretary of State may, if he think fit, alter such table of fees and settle the same (having due regard to the relation of the aggregate amounts so received and paid as aforesaid), and certify that the fees in the table as settled by him are proper to be taken within the jurisdiction of the said local authority.

Where complaint is made to a Secretary of State that the aggregate amount received by the treasurer of a local authority in respect of court fees unduly exceeds or unduly falls below the aggregate amount paid by that authority by way of salary as aforesaid, or that for other reasons it is expedient that the table of court fees should be revised, he may, if he think fit, by order, require the local authority to make a return to him within the time specified in the order of the aggregate amount so received and paid during three years previous to the order, or of the table of court fees in force for the time being, as the case may be, and if, on receiving such return, or on the failure of the local authority to make the return, he is, after making such inquiry as he thinks proper, satisfied of the truth of the complaint, he may, by order, require the local authority to make and lay before him, within the time (not being less than four months from the date of the order) specified in the order, a table of court fees in pursuance of this section, and if the local authority fail to comply with the order, he may, in like manner (so nearly as circumstances admit) as if the local authority had laid before him a table of fees in pursuance of this section, settle a table of fees and certify that the fees in that table are proper to be taken within the jurisdiction of the said local authority.

A Secretary of State, upon certifying a table of fees in pursuance of this section, shall cause copies thereof to be sent to the clerk of the local authority to be by him distributed to the clerks of petty sessional divisions and clerks to justices within the jurisdiction of that authority, and if at any time thereafter any of those clerks or any other person wilfully demands or receives any other or greater court fee than such as is set down in the said table, he shall forfeit for every such demand or receipt twenty pounds, to be recovered by action of debt by any person who may sue for the same.

Until a table is made in pursuance of this section, any of the said clerks may demand and receive such fees as he is at the passing of this Act lawfully authorised to demand and receive.

The expression "court fee" in this section means any fee, gratuity, or sum which may by law be demanded or received in respect of any business or act transacted or done by a clerk of special or petty sessions or a clerk of justices of the peace as such clerk, notwithstanding that by reason of such clerk being paid by salary, or of the provisions of this Act, he cannot receive the same for his own use, and includes fees for the giving of copies of depositions by any clerk mentioned in this section, whether received for his own use or not.

Account of fees by clerk.

9. The account of fees required by section eleven of the principal Act, as amended by this Act, to be rendered by any clerk shall be rendered quarterly, or at any less interval directed by the local authority, and if any clerk wilfully omits from any such account any fee received by him he shall forfeit for every such omission twenty pounds, to be recovered by action of debt by any person who may sue for the same.

Construction of Act, and repeal of part of 14 & 15 Vict. c. 55.

10. This Act shall, so far as is consistent with the tenour thereof, be construed as one with the principal Act; and so much of sections nine and ten of the principal Act as empowers a Secretary of State to direct that a clerk be paid by fees in lieu of salary (either generally or in respect of excepted business) is hereby repealed.

## CHAPTER 44.

An Act to make provision respecting the Superannuation Allowance of Officers whose Salaries were formerly payable out of the Mercantile Marine Fund.

[10th August 1877.]

39 & 40 Vict. c. 80.  
17 & 18 Vict. c. 104.  
18 & 19 Vict. c. 119.

WHEREAS by section thirty-nine of the Merchant Shipping Act, 1876, the salaries of surveyors appointed under the Merchant Shipping Acts, 1854 to 1876, and of persons employed under the Passengers Act, 1855, which were formerly payable out of the Mercantile Marine Fund, were directed to be paid, after the first day of January one thousand eight hundred and seventy-seven, out of moneys provided by Parliament, but no provision was made with respect to the superannuation allowances of those of the said surveyors and persons whose salaries had been previously paid out of the Mercantile Marine Fund, and it is expedient to make such provision:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Superannuation (Mercantile Marine Fund Officers) Act, 1877.

Transfer of existing pensions to money to be provided by Parliament.

2. Where any superannuation or other retiring allowance was previously to the first day of January one thousand eight hundred and seventy-seven payable out of the Mercantile Marine Fund



to any person in respect of his service as a surveyor appointed under the Merchant Shipping Acts, 1854 to 1876, or of his employment under the Passengers Act, 1855, such allowance shall be payable, and be deemed to have been payable, on and after the said first day of January one thousand eight hundred and seventy-seven, out of moneys provided by Parliament.

3. Where a surveyor appointed under the Merchant Shipping Acts, 1854 to 1876, or a person employed under the Passengers Act, 1855, was immediately previous to the first day of January one thousand eight hundred and seventy-seven receiving a salary out of the Mercantile Marine Fund, and since that date has in pursuance of section thirty-nine of the Merchant Shipping Act, 1876, received such salary out of moneys provided by Parliament, the Commissioners of Her Majesty's Treasury may grant to such surveyor or person, upon retirement or removal from his office or employment, the same superannuation allowance, gratuity, pension, or other allowance (if any), as might have been granted to him if he had continued to receive his salary out of the Mercantile Marine Fund; and in calculating the amount of such superannuation allowance, gratuity, pension, or other allowance, his service during the period that his salary was paid out of the Mercantile Marine Fund, and his service during the period that his salary was paid out of moneys provided by Parliament, shall be reckoned indifferently as the same service.

Grant of pension to existing officers.

17 & 18 Vict. c. 104.  
39 & 40 Vict. c. 80.  
18 & 19 Vict. c. 119.  
39 & 40 Vict. c. 80.

## CHAPTER 45.

### An Act to limit and regulate the Treasury Chest Fund.

[10th August 1877.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Treasury Chest Fund Act, 1877.
2. The available balance of the assets above the liabilities of the Treasury Chest Fund shall not exceed one million pounds.
3. The Treasury may employ the Treasury Chest Fund in making temporary advances for any public service, to be repaid to the Treasury Chest Fund out of money appropriated by Parliament to such service, or out of other money applicable thereto, and in the repayment of money deposited in any Treasury chest on account of any public service, and for the above purposes may, out of the Treasury Chest Fund, purchase and remit specie or bills; and pay bills drawn on the Treasury.

Short title.

Balance of Treasury Chest Fund.

Mode of employment of Treasury Chest Fund.

No expenditure whatever shall be finally defrayed out of or permanently charged upon the Treasury Chest Fund.

4. The Treasury shall, as soon as is practicable after the end of every financial year, prepare an account showing for that year the receipts and payments of the Treasury Chest Fund, distinguishing those of the several Treasury chests, and the assets, liabilities, and available balance of the Treasury Chest Fund at

Annual account of Treasury Chest Fund.

the end of the said year, distinguishing the balance of each Treasury chest.

The Treasury shall at the same time prepare an account, showing for the same financial year the profit and loss arising out of the employment of the Treasury Chest Fund during the year, whether from exchange, expenses of remittance of specie, or otherwise howsoever.

The Treasury shall transmit the said accounts to the Comptroller and Auditor General, who shall examine the same in accordance with any regulations that may be prescribed by the Treasury under section thirty-three of the Exchequer and Audit Departments Act, 1866, and shall certify and report upon the same.

The said accounts, with the said certificate and report, shall be laid by the Treasury before the House of Commons on or before the last day of the financial year next following the year for which the account is made up, if the House be then sitting, or if not, then within one week after the then next sitting of the House.

**5.** Where the said annual account shows a profit to the Treasury Chest Fund in a financial year, that profit shall be paid into the Exchequer, and where the account shows a loss, that loss shall be reimbursed to the Treasury Chest Fund out of moneys provided by Parliament:

**6.** In this Act—

The expression “the Treasury” means the Commissioners of Her Majesty’s Treasury.

The expression “the Treasury Chest Fund” includes all balances in Treasury chests, or in the hands of persons acting as paymasters for the said fund.

The expression “public service” includes colonial service.

The expression “financial year” means the twelve months ending on the thirty-first day of March.

The expression “Comptroller and Auditor General” means the Comptroller General of the receipt and issue of Her Majesty’s Exchequer and Auditor General of Public Accounts, and in case of his illness or absence, includes the assistant comptroller and auditor.

**7.** The Treasury Chest Funds Acts, 1861 and 1873, are hereby repealed, without prejudice to anything done in pursuance of the said Acts, and any transaction or thing begun under the said Acts may be carried on and completed as if begun under this Act.

The first annual accounts in pursuance of this Act shall be made up for the financial year ending on the thirty-first day of March one thousand eight hundred and seventy-seven.

29 & 30 Vict.  
c. 39.

Payment of  
profit into  
Exchequer and  
of loss out of  
votes.

Definitions.

Repeal of  
24 & 25 Vict.  
c. 127. and  
36 & 37 Vict.  
c. 56.

First annual  
accounts.

## CHAPTER 46.

An Act to extend the provisions of the Winter Assizes Act, 1876. [10th August 1877.]

**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 :

1. The Winter Assizes Act, 1876, shall take effect as if, wherever in that Act the month of November is mentioned, there were added the months of September and October.

Amendment of  
39 & 40 Vict.  
c. 57.

2. This Act may be cited as the Winter Assizes Act, 1877 ; and the Winter Assizes Act, 1876, and this Act, may be cited together as the Winter Assizes Acts, 1876 and 1877.

Short title.

## CHAPTER 47.

An Act for the Union under one Government of such of the South African Colonies and States as may agree thereto, and for the Government of such Union ; and for purposes connected therewith. [10th August 1877.]

**W**HEREAS proposals have been made for uniting under one Government under the Crown of the United Kingdom of Great Britain and Ireland those colonies and states of South Africa which may voluntarily elect to enter into such Union :

And whereas such Union would conduce to the welfare of the said colonies and states and promote the interests of the British Empire, and it is expedient to make provision for any two or more of the said colonies or states to unite at such time as may be found convenient :

And whereas it is expedient to declare and define the general principles on which the constitution of the legislative authority and of the Executive Government in the Union may be established, and to enable the details of the said constitution and of the administrative establishments thereunder to be provided for after the wishes and opinions of the said colonies and states with respect to such details have been duly represented to Her Majesty through their respective Legislatures :

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.—PRELIMINARY.

1. This Act may be cited as The South Africa Act, 1877.

Short title.

2. The provisions of this Act referring to Her Majesty the Queen extend also to her heirs and successors.

Application of  
provisions re-  
ferring to  
the Queen.

### II.—UNION.

3. It shall be lawful for the Queen, by and with the advice of Her Majesty's Most Honourable Privy Council, to declare by Order in Council that, on and after a day therein appointed, any two or more of the colonies or states of South Africa whose respective Legislatures may so agree shall be joined or confederated together in Union under one general Government and Legislature, with such name and designation as to Her Majesty may seem fit ; and on and after that day the said general Government and Legislature of the

Declaration of  
union and pro-  
vision for its  
completion.

Union shall have full power and effect within the said colonies or colonies and states which shall have so agreed.

It shall be lawful for the Queen, by and with the advice of Her Majesty's Privy Council, by any subsequent Order in Council issued before the first assembling of the Union Parliament, to alter or amend the said Order in Council, or to provide for any matters or things as to which Her Majesty is authorised by this Act to make provision, and which are not provided for in the said Order in Council; but no such Order in Council shall be issued under the provisions of this section after the first assembling of the Union Parliament.

In any such Order in Council as aforesaid the Queen may make provision for all or any of the matters as to which she is by this Act empowered to give directions, as well as for any other matters necessary to the due establishment of the Union, and before making such provision shall have regard to any representations that may be made to Her Majesty by or by the authority of the Legislature of any state or colony concerned, or by any committee or other body duly appointed by any two or more of the said Legislatures jointly to consider the subjects mentioned in this Act.

Construction of subsequent provisions of Act.

4. The subsequent provisions of this Act shall, unless it is otherwise expressed or implied, commence and have effect on and after the Union, that is to say, on and after the day appointed for the Union taking effect; and in the same provisions, unless it is otherwise expressed or implied, the words "the Union" shall be taken to mean the Union of South African colonies or colonies and states provided for by this Act.

Union to be divided into provinces.

5. The Union shall be divided into such provinces, with such names and boundaries, as the Queen may direct.

### III.—EXECUTIVE POWER.

Executive power vested in the Queen.

6. The Executive Government and Authority of and over the Union is hereby declared to be vested in the Queen and may be exercised on Her Majesty's behalf by the Governor General or the officer appointed to administer the Government by or by authority of Her Majesty's Royal Letters Patent.

Application of provisions referring to Governor General.

7. The provisions of this Act referring to the Governor General extend and apply to the Governor General for the time being of the Union, or other the Chief Executive Officer or Administrator for the time being carrying on the Government of the Union on behalf and in the name of the Queen by whatever title he is designated.

Great Seal.

8. There shall be a Great Seal for the Union, of such device as Her Majesty may approve.

Constitution of Privy Council of the Union.

9. There shall be a council to aid and advise in the government of the Union, to be styled the Privy Council of the Union; and the persons who are to be members of that council shall be from time to time chosen and summoned by the Governor General, and sworn in as privy councillors, and may be from time to time removed by the Governor General.

All powers under Acts to be exercised by Governor

10. All powers, authorities, and functions which are at the Union lawfully vested in or exercisable by the respective Governor, Lieutenant-Governor, Administrator, or President of a colony or state,

with the advice, or with the advice and consent of the Executive Council or other administrative body thereof, or in conjunction with such council or body, or with any number of members thereof, or by the said Governor, Lieutenant-Governor, Administrator, or President individually, or by Her Majesty's High Commissioner for South Africa, shall (as far as the same continue in existence and capable of being exercised after the admission of such colony or state into the Union), in relation to the Government of the Union, be vested in and exerciseable by the Governor General, with the advice, or with the advice and consent of, or in conjunction with the Privy Council of the Union, or any members thereof, or by the Governor General individually, as the case requires, subject nevertheless to be abolished or altered by the Union Parliament.

General with advice of Privy Council, or alone.

11. The provisions of this Act referring to "the Governor General in Council" shall be construed as referring to the Governor General acting by and with the advice of the Privy Council of the Union, and where "the Governor General" alone is mentioned the provision shall be construed as referring to the Governor General acting on his own discretion and without such advice.

Application of provisions referring to Governor General in Council.

12. It shall be lawful for the Queen, if Her Majesty thinks fit, to authorise the Governor General from time to time to appoint any person or any persons jointly or severally to be his deputy or deputies within any part or parts of the Union, and in that capacity to exercise during the pleasure of the Governor General such of the powers, authorities, and functions of the Governor General as he may deem it necessary or expedient to assign to him or them, subject to any limitations or directions expressed or given by the Queen in conformity with the constitutional laws of the Union; but the appointment of such a deputy or deputies shall not affect the exercise by the Governor General himself of any power, authority, or function.

Power to Her Majesty to authorise Governor General to appoint deputies.

13. The command-in-chief of the land and naval militia, and of all naval and military forces, of and in the Union, is hereby declared to be vested in the Queen.

Command of armed forces.

14. The seat of Government of the Union shall be such place as the Queen may direct.

Seat of Government.

#### IV.—LEGISLATIVE POWER.

15. There shall be one general Legislature for the Union (in this Act called "the Union Parliament"), consisting of the Queen, an Upper House herein-after styled the Legislative Council, and a House of Representatives herein-after styled the House of Assembly; provided that either of the said Houses may receive such other designation as the Queen may direct.

Constitution of Union Parliament.

16. The privileges, immunities, and powers to be held, enjoyed, and exercised by the Legislative Council and by the House of Assembly and by the members thereof respectively shall be such as are from time to time defined by Act of the Union Parliament, but so that the same shall never exceed those at the time of the passing of such Act held, enjoyed, and exercised by the Commons House of Parliament of the United Kingdom of Great Britain and Ireland and by the members thereof; and until the passing of such Act the said privileges, immunities, and powers shall be the

Definition of privileges, &c. of Legislative Council and House of Assembly.

same as those at the time of the passing of this Act held, enjoyed, and exercised by the Commons House of Parliament of the United Kingdom of Great Britain and Ireland, and by the members thereof.

First session of the Parliament.

**17.** The Union Parliament shall be called together not later than twelve months after the Union.

*The Legislative Council.*

Number and constitution of Legislative Council.

**18.** The Legislative Council shall, subject to the provisions of this Act, consist of such number of members, representing such divisions of the Union, and shall be so constituted, as the Queen may direct.

*The House of Assembly.*

Constitution of House of Assembly.

**19.** The House of Assembly shall, subject to the provisions of this Act, consist of elected members, representing in fair proportions the various provinces of the Union; and until the Union Parliament otherwise provides, the provinces shall for the purposes of the election of members to serve in the House of Assembly be divided into such electoral districts returning such number of members respectively, and the electors and members shall have such qualifications, and the elections shall be conducted according to such rules and regulations, as the Queen may direct: Provided always, that in the apportionment of members, and in the determination of the qualifications of electors and members, provision shall be made for the due representation of the natives in the Union Parliament and in the Provincial Councils, in such manner as shall be deemed by Her Majesty to be without danger to the stability of the Government.

Summoning of House of Assembly.

**20.** The Governor General shall from time to time, but at least once a year, in the Queen's name, by instrument under the Great Seal of the Union, summon and call together the House of Assembly.

Decennial re-adjustment of representation.

**21.** A census of the Union shall be taken in the year one thousand eight hundred and ninety-one, and at the end of each subsequent period of ten years, and on the completion of every such decennial census, the representation of the provinces may be re-adjusted by such authority, in such manner, and from such times as the Union Parliament from time to time provides, subject and according to such rules as the Queen may direct.

Such re-adjustment shall not take effect until the termination of the then existing Parliament.

As to increase of members of House of Assembly.

**22.** The number of members of the House of Assembly may be from time to time increased by the Union Parliament, provided that the proportionate representation for the time being in force of the provinces is not thereby disturbed.

*Money Votes, Royal Assent.*

Appropriation and Tax Bills.

**23.** Bills for appropriating any part of the public revenue, or for imposing any tax or impost, shall originate in the House of Assembly.

Recommendation of money

**24.** It shall not be lawful for the House of Assembly to adopt or pass any vote, resolution, address, or Bill for the appropriation

of any part of the public revenue, or of any tax or impost, to any purpose that has not been first recommended to that House by message from the Governor General in the session in which such vote, resolution, address, or Bill is proposed. votes by Governor General.

**25.** Where a Bill passed by the Houses of the Union Parliament is presented to the Governor General for the Queen's Assent, he shall declare, according to his discretion, but subject to the provisions of this Act and to Her Majesty's instructions, either that he assents thereto in the Queen's name, or that he withholds such assent, or that he reserves the Bill for the signification of the Queen's pleasure, or that he will be prepared to assent thereto, subject to certain amendments to be specified by him. Royal Assent to Bills, &c.

**26.** Where the Governor General assents to a Bill in the Queen's name, he shall, by the first convenient opportunity, send an authentic copy of the Act to one of Her Majesty's Principal Secretaries of State, and if the Queen in Council, within two years after receipt thereof by the Secretary of State, thinks fit to disallow the Act, such disallowance (with a certificate of the Secretary of State of the day on which the Act was received by him) being signified by the Governor General, by speech or message to each of the Houses of the Union Parliament or by proclamation, shall annul the Act from and after the day of such signification. Disallowance by Queen in Council of Act assented to by Governor General.

**27.** A Bill reserved for the signification of the Queen's pleasure shall not have any force unless and until, within two years from the day on which it was presented to the Governor General for the Queen's Assent, the Governor General signifies, by speech or message to each of the Houses of the Union Parliament or by proclamation, that it has received the assent of the Queen in Council. Signification of Queen's pleasure on Bill reserved.

An entry of every such speech, message, or proclamation shall be made in the Journal of each House, and a duplicate thereof duly attested shall be delivered to the proper officer to be kept among the records of the Union.

#### V.—PROVINCIAL GOVERNMENT.

**28.** Each province shall be presided over by a Chief Executive Officer bearing such title and appointed and removable in such manner as the Queen may direct. Appointment of Presidents of provinces.

**29.** Until altered by Act of the Union Parliament, the salaries of such officers shall be such as the Queen may direct. Salaries of Presidents.

**30.** Every such officer shall, before assuming the duties of his office, make and subscribe before the Governor General, or some person authorised by him, oaths of allegiance and office similar to those taken by the Governor General. Oaths, &c. of Presidents.

**31.** The provisions of this Act referring to such officer shall extend and apply to the Chief Executive Officer or Administrator for the time being carrying on the Government of any province, by whatever title he is designated. Application of provisions referring to Presidents.

#### *Provincial Councils.*

**32.** There shall be a Council or Parliament for each province, consisting of the Chief Executive Officer and a House or two Council for each province.

Houses of Legislature, and of such number of councillors, or councillors and members of Assembly, elected in such manner and for such term as the Queen may direct.

## VI.—DISTRIBUTION OF LEGISLATIVE POWERS.

### *Powers of the Union Parliament.*

Legislative  
authority of  
Parliament.

**33.** It shall be lawful for the Queen, by and with the advice and consent of the Legislative Council and House of Assembly, to make laws for the peace, order, and good government of the Union, in relation to all matters not coming within the classes of subjects by this Act assigned to the councils of the provinces; and for greater certainty it is hereby declared that (notwithstanding anything in this Act) the legislative authority of the Union Parliament extends to all matters coming within the classes of subjects next herein-after enumerated; that is to say,

1. The qualification of electors and members of the Legislative Council and House of Assembly, and other questions relating to the constitution, privileges, and proceedings of either of the said bodies, but always subject to the provisions of this Act relating to the representation of natives.
2. The public debt and property.
3. The regulation of trade and commerce.
4. The raising of money by any mode or system of taxation.
5. The borrowing of money on the public credit of the Union.
6. Postal service and telegraphs.
7. The census and statistics.
8. Militia, military and naval service, and defence, saving all matters and things relating to the troops, ships, property, and prerogatives of the Crown not heretofore placed under the jurisdiction of the Colonial Governments.
9. The fixing of and providing for the salaries and allowances of civil and other officers of the Government of the Union.
10. Beacons, buoys, lighthouses.
11. Navigation and shipping.
12. Quarantine and the establishment and maintenance of marine hospitals.
13. Fisheries.
14. Bridges or ferries between a province and a foreign state or between two provinces.
15. Currency and coinage.
16. Banking, incorporation of banks, and the issue of paper money.
17. Savings banks.
18. Weights and measures.
19. Bills of exchange and promissory notes.
20. Interest.
21. Legal tender.
22. Bankruptcy and insolvency.
23. Patents of invention and discovery.
24. Copyrights.
25. Affairs of native tribes or peoples who are not included under the laws applicable to the general community.
26. Naturalization and aliens.



27. Marriage and divorce.
28. The criminal law.
29. The establishment, maintenance, and management of gaols, hospitals, asylums, and other public institutions for the use of the Union generally.
30. Such classes of subjects as are expressly excepted in the enumeration of the classes of subjects by this Act assigned exclusively to the councils of the provinces.
31. Such other subjects herein assigned to the councils of the provinces as the council of any province may by law declare to be within the competency of the Union Parliament in respect of such province.

*Exclusive Powers of Provincial Councils.*

**34.** In each province the council may exclusively make laws in relation to matters coming within the classes of subjects next herein-after enumerated, and not included among the subjects herein-before assigned to the Union Parliament; that is to say, Subjects of  
exclusive  
provincial  
legislation.

1. The qualification of electors and members of the Provincial Council, but always subject to the provisions of this Act relating to the representation of natives.
2. Direct taxation within the province in order to the raising of a revenue for provincial purposes.
3. The borrowing of money on the sole credit of the province.
4. The establishment and tenure of provincial offices and the appointment and payment of provincial officers.
5. The management and sale of the public lands belonging to the province, and of the timber and wood thereon.
6. Education.
7. The establishment, maintenance, and management of public and reformatory prisons in and for the province.
8. The establishment, maintenance, and management of hospitals, asylums, charities, and eleemosynary institutions in and for the province other than marine hospitals.
9. Municipal institutions in the province.
10. Licenses for trading and other purposes in order to the raising of a revenue for provincial, local, or municipal purposes.
11. Local works and undertakings other than such as are of the following classes :
  - a. Lines of steam or other ships, railways, canals, telegraphs, and other works and undertakings connecting the province with any other or others of the provinces, or extending beyond the limits of the province :
  - b. Lines of steamships between the province and any British or foreign country :
  - c. Such works as, although wholly situate within the province, are before or after their execution declared by the Union Parliament to be for the general advantage of the Union or for the advantage of two or more of the provinces.
12. The incorporation of companies with provincial objects.
13. The solemnization of marriage in the province.
14. Property and civil rights in the province.

15. The administration of justice in the province, including the constitution, maintenance, and organization of provincial courts, both of civil and of criminal jurisdiction, and including procedure in civil matters in those courts.
16. The imposition of punishment by fine, penalty, or imprisonment for enforcing any law of the province made in relation to any matter coming within any of the classes of subjects enumerated in this section.
17. The registration of titles to land.
18. Generally all matters of a merely local or private nature in the province.

Concurrent powers of legislation respecting immigration.

**35.** In each province the council may make laws in relation to immigration into the province; and it is hereby declared that the Union Parliament may from time to time make laws in relation to immigration into all or any of the provinces; and any law of a provincial council relative to immigration shall have effect in and for the province as long and as far only as it is not repugnant to any Act of the Union Parliament.

As to votes, &c. for appropriation of provincial revenue.

**36.** It shall not be lawful for the council of any province to adopt or pass any vote, resolution, address, or law for the appropriation of any part of the provincial revenue, or of any tax or impost, to any purpose that has not first been recommended to the council by the chief executive officer.

Distribution of legislative powers may be varied.

**37.** The distribution of legislative powers between the Union Parliament and the councils of the provinces provided in the four last preceding sections of this Act may be varied by any Order in Council issued in pursuance of section three of this Act, and nothing in this Act shall be deemed to affect or limit in any way the power of the Queen, with the advice and consent of the Lords Spiritual and Temporal, and the Commons, of the United Kingdom of Great Britain and Ireland, in Parliament assembled, to make any law relating to the Union.

Allowance or disallowance of provincial laws.

**38.** Every law made by a provincial council shall be forthwith transmitted to the Governor General, who shall proceed with regard to such law in the same manner as is herein-before provided with respect to Bills passed by the Union Parliament.

#### VII.—REVENUES ; DEBTS ; ASSETS ; TAXATION.

Creation of Consolidated Revenue Fund.

**39.** All duties and revenues lawfully raised within the Union, except such portions thereof as are reserved to the respective councils of the provinces, or are raised by them in accordance with the special powers conferred on them, shall form one Consolidated Revenue Fund, to be appropriated for the public service of the Union in the manner and subject to the charges in this Act provided.

Expenses of collection, &c.

**40.** The Consolidated Revenue Fund of the Union shall be permanently charged with the costs, charges, and expenses incident to the collection, management, and receipt thereof, and the same shall form the first charge thereon, subject to be reviewed and audited in such manner as shall be ordered by the Governor General in Council until the Union Parliament otherwise provides.

Interest of provincial public debts.

**41.** The annual interest of the public debts of each colony or state joining the Union shall, so far as they are in this Act declared

to be a charge upon the Union, form the second charge on the Consolidated Revenue Fund of the Union.

**42.** Unless altered by Act of the Union Parliament, the salary of the Governor General shall be not less than eight nor more than ten thousand pounds per annum sterling money of the United Kingdom of Great Britain and Ireland, payable out of the Consolidated Revenue Fund of the Union, and the same shall form the third charge thereon.

Salary of Governor General.

**43.** Subject to the several payments by this Act charged on the Consolidated Revenue Fund of the Union, the same shall be appropriated by the Union Parliament for the public service.

Appropriation of revenue.

After due provision has been made for the public service of the Union, any surplus of the consolidated revenue of the Union which may in any year be so appropriated by the Union Parliament shall be divided among the provinces in such proportions as the Queen may direct, or the Union Parliament may provide.

**44.** The Union shall be liable for so much of the public debt of each province existing at the Union as the Queen may direct, and the said provincial debts may, by Act of the Union Parliament, be consolidated into one stock.

Union may become liable to provincial debts.

**45.** The Union may assume any lands or public property required for fortifications or for the defence of the country.

Property for defence.

**46.** All payments to be made under this Act, or in discharge of liabilities created under any law of the colonies, states, or province respectively, and assumed by the Union, shall, until the Union Parliament otherwise enacts, be made in such form and manner as may from time to time be ordered by the Governor General in Council.

Form of payments under Act.

**47.** All articles of the growth, produce, or manufacture of any one of the provinces shall, from and after the Union, be admitted free into each of the other provinces.

Articles duty free within the Union.

**48.** All duties and revenues raised or received by the respective governments or councils of the provinces, in accordance with the special powers conferred upon them by this Act, shall in each province form one Consolidated Revenue Fund to be appropriated for the public service of the province.

Provincial Consolidated Revenue Fund.

#### VIII.—MISCELLANEOUS PROVISIONS.

**49.** Every member of the Legislative Council or House of Assembly of the Union, and every member of a council of any province, shall, before taking his seat therein, take and subscribe before the Governor General or some person authorised by him, the oath of allegiance contained in the schedule to this Act.

Oath of allegiance by members, &c.

**50.** Except as otherwise provided by this Act, or by any Order in Council issued under section three of this Act, all laws in force in the colonies and states respectively at the Union, and all courts of civil and criminal jurisdiction, and all legal commissions, powers, and authorities, and all officers, judicial, administrative, and ministerial, existing therein at the Union, shall continue in the provinces situate within what at the said Union are the boundaries of those colonies and states respectively, as if the Union had not been made; subject nevertheless to be repealed, abolished, or altered by the Union Parliament, or by the council of the respective province,

Continuance of existing laws, courts, officers, &c.

according to the authority of the Parliament or of that council under this Act.

General Court  
of Appeal, &c.

**51.** The Union Parliament may, notwithstanding anything in this Act, from time to time provide for the constitution, maintenance, and organisation of a Supreme Court of Judicature and of a General Court of Appeal for the Union and for the establishment of any additional courts for the better administration of the laws of the Union: Provided always, that no Act of the said Union Parliament shall extend or be construed to extend to take away or abridge the undoubted right and authority of Her Majesty, her heirs and successors, upon the humble petition of any person or persons aggrieved by any judgment, decree, order, or sentence of the said General Court of Appeal, to admit his, her, or their appeal to Her Majesty in Council from any rule, judgment, decree, order, or sentence upon such terms and securities, limitations, restrictions, and regulations as Her Majesty in Council, her heirs and successors, shall think fit.

Transfer of  
officers to  
the Union.

**52.** Until the Union Parliament otherwise provides, all officers of the several provinces having duties to discharge in relation to matters other than those coming within the classes of subjects by this Act assigned exclusively to the councils of the provinces shall be officers of the Union, and shall continue to discharge the duties of their respective offices under the same liabilities, responsibilities, and penalties as if the Union had not been made.

Appointment  
of new officers.

**53.** Until the Union Parliament otherwise provides, the Governor General in Council may from time to time appoint such officers as the Governor General in Council deems necessary or proper for the effectual administration of the affairs of the Union in accordance with this Act.

Treaty obligations with  
foreign  
countries.

**54.** The Parliament and Government of the Union shall have all powers necessary or proper for performing the obligations of the Union or of any province thereof, as part of the British Empire, towards foreign countries, arising under treaties between the Empire and such foreign countries.

Laws respecting  
natives to  
be reserved  
for Her Majesty's pleasure.

**55.** All laws passed by the Union Parliament or by the Provincial Councils relating to the natives or to native affairs, or relating to immigration, and all laws passed by the Provincial Councils relating to the tenure of land, shall be reserved by the Governor General for the signification of Her Majesty's pleasure thereon, unless, owing to some urgent emergency, it is necessary for any such law to have immediate operation; but in such case the law shall be transmitted for Her Majesty's pleasure thereon at the earliest possible opportunity.

Amendment  
of Act, or  
Order made  
thereunder.

**56.** No Act of the Union Parliament shall be deemed to be void or inoperative on the ground that it is repugnant to this Act or to any Order in Council made hereunder, but any such Act containing provisions differing from the provisions of this Act shall be reserved for the signification of Her Majesty's pleasure thereon, and shall not have effect until Her Majesty's pleasure in that behalf has been duly signified.

Power to  
Her Majesty to  
admit new

**57.** It shall be lawful for the Queen, by and with the advice of Her Majesty's Most Honourable Privy Council, on addresses from the Houses of the Union Parliament, and from the Legislature of

any colony, state, or province not at the date of such addresses included in the Union, to admit that colony, state, or province into the Union, and on address from the Houses of the Union Parliament to admit any territory, not at the date of such addresses included in any colony, state, or province, into the Union, on such terms and conditions expressed in the addresses as the Queen thinks fit to approve, subject to the provisions of this Act; and the provisions of any Order in Council in that behalf shall have effect as if they had been contained in this Act.

members into the Union.

**58.** It shall be lawful for the Queen, by and with the advice of Her Majesty's Most Honourable Privy Council, to authorise the Governor for the time being of the Cape of Good Hope by proclamation, to declare that the whole or any portion or portions of any territories in South Africa forming part of Her Majesty's possessions, but not already included in that colony, shall be annexed to and form part of such colony, and the said territories or portions shall be annexed accordingly; provided always, that no such proclamation shall be issued until the Legislature of the Cape of Good Hope shall have passed a law providing that the said territories shall become part of the colony.

Power to Her Majesty to authorise annexation to the Cape of certain territories.

**59.** In case of the admission into the Union of any colony, state, or province not originally included in the Union, it shall be entitled to a representation in the Legislative Council and in the House of Assembly proportioned to the representation granted under this Act to the other provinces of the union, and calculated in the same manner.

As to representation of new members of Union.

**60.** The powers hereby conferred upon Her Majesty with reference to the first establishment of the Union shall not be exercised after the first day of August one thousand eight hundred and eighty-two, and no such Order in Council made in pursuance of this Act shall have any force or effect unless duly published in the "London Gazette" on or before that date.

Powers conferred upon Her Majesty as to first establishment of Union not to be exercised after 1 Aug. 1882.

**61.** In this Act—

The words "as the Queen may direct" mean as Her Majesty may direct by any Order in Council issued in pursuance of section three of this Act, but not otherwise.

Interpretation.

## SCHEDULE.

### OATH OF ALLEGIANCE.

I, *A.B.*, do swear, That I will be faithful and bear true allegiance to Her Majesty Queen Victoria.

NOTE.—*The name of the Sovereign of the United Kingdom of Great Britain or Ireland for the time being is to be substituted from time to time with proper terms of reference thereto.*

## CHAPTER 48.

An Act to make further Provision respecting the Universities of Oxford and Cambridge and the Colleges therein.

[10th August 1877.]

**W**HEREAS the revenues of the Universities of Oxford and Cambridge are not adequate to the full discharge of the duties

incumbent on them respectively, and it is therefore expedient that provision be made for enabling or requiring the Colleges in each University to contribute more largely out of their revenues to University purposes, especially with a view to further and better instruction in art, science, and other branches of learning, where the same are not taught, or not adequately taught, in the University :

And whereas it may be requisite, for the purposes aforesaid, as regards each University, to attach fellowships and other emoluments held in the Colleges to offices in the University :

And whereas it is also expedient to make provision for regulating the tenure and advantages of fellowships not so attached, and for altering the conditions on which the same are held, and to amend in divers other particulars the law relating to the Universities and Colleges :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

*Preliminary.*

Short titles.

**1.** This Act may be cited as The Universities of Oxford and Cambridge Act, 1877; and the Acts described in the schedule to this Act may respectively be cited by the short titles therein mentioned.

Interpretation.

**2.** In this Act—

“The University” means the University of Oxford and the University of Cambridge respectively, or one of them separately (as the case may require) :

“The Senate” means the Senate of the University of Cambridge :

“College” means a College in the University, and includes the Cathedral or House of Christ Church in Oxford :

“Hall” means one of the following Halls, namely, St. Mary Hall, St. Edmund Hall, St. Alban Hall, New Inn Hall, in the University of Oxford :

“The Governing Body” of a College means, as regards the Colleges in the University of Oxford, except Christ Church, the head and all actual fellows of the College, being graduates, and as regards Christ Church means the dean, canons, and senior students :

“The Governing Body” of a College means, as regards the Colleges in the University of Cambridge, except Downing College, the head and all actual fellows of the College, bye-fellows excepted, being graduates, and as regards Downing College, the head, professors, and all actual fellows thereof, bye-fellows excepted, being graduates :

“Emolument” includes—

(1.) A headship, professorship, lectureship, readership, prælectorship, fellowship, by-fellowship, tutorship, senior studentship, scholarship, junior studentship, exhibition, demyship, postmastership, taberdarship, Bible clerkship, servitorship, sizarship, sub-sizarship, or other place in the University or a College, or Hall, having attached thereto an income payable out of the revenues of the

University or of a College or Hall, or being a place to be held and enjoyed by a head or other member of a College or Hall as such, or having attached thereto an income to be so held and enjoyed, arising wholly or in part from an endowment, benefaction, or trust; and

- (2.) The income aforesaid, and all benefits and advantages of every nature and kind belonging to the place, and any endowment belonging to, or held by, or for the benefit of, or enjoyed by, a head or other member of a College or Hall as such, and any fund, endowment, or property held by or on behalf of the University or a College or Hall, for the purpose of advancing, rewarding, or otherwise providing for any member of the University or College or Hall, or of purchasing any advowson, benefice, or property to be held for the like purpose, or to be in any manner applied for the promotion of any such member; and

- (3.) As regards the University of Oxford a bursary appropriated to any College in Scotland:

“Office” has the same meaning in the sections in which “The Universities Tests Act, 1871,” is mentioned as it has in that Act: 34 & 35 Vict.  
c. 26.

“School” means a school or other place of education beyond the precincts of the University, and includes a College in Scotland:

“Professor” includes Regius and other professor, and reader, and teacher; and “Professorship” includes their several offices:

“Advowson” includes right of patronage, exclusive or alternate:

“The Charity Commissioners” means the Charity Commissioners for England and Wales:

“The Secretary of State” means one of Her Majesty’s Principal Secretaries of State.

#### *Commissioners.*

3. There shall be two bodies of Commissioners styled respectively the University of Oxford Commissioners and the University of Cambridge Commissioners. Bodies of Commissioners.

The provisions of this Act referring to the Commissioners shall be construed to apply to those two bodies respectively, or to one of those two bodies separately, as the case may require.

4. The following persons are hereby nominated the University of Oxford Commissioners: Nomination of Oxford Commissioners.

The Right Honourable Roundell, Baron Selborne.

The Right Honourable John Thomas, Earl of Redesdale.

The Right Honourable Mountague Bernard, Doctor of Civil Law.

The Honourable Sir William Robert Grove, one of the Justices of Her Majesty’s High Court of Justice.

The Reverend James Bellamy, Doctor of Divinity, President of St. John’s College.

Henry John Stephen Smith, Master of Arts, Savilian Professor of Geometry.

Matthew White Ridley, Esquire, Master of Arts.

Nomination of  
Cambridge  
Commissioners.

5. The following persons are hereby nominated the University of Cambridge Commissioners :

The Right Honourable Sir Alexander James Edmund Cockburn, Baronet, Lord Chief Justice of England.

The Right Reverend Henry, Lord Bishop of Worcester.

The Right Honourable John William, Lord Rayleigh.

The Right Honourable Edward Pleydell Bouverie.

The Reverend Joseph Barber Lightfoot, Doctor of Divinity, Lady Margaret Professor of Divinity.

George Gabriel Stokes, Master of Arts, Lucasian Professor of Mathematics.

George Wirgman Hemming, one of Her Majesty's Counsel, Master of Arts.

Vacancies  
among Com-  
missioners.

6. If any person nominated a Commissioner by this Act dies, resigns, or becomes incapable of acting as a Commissioner, it shall be lawful for Her Majesty the Queen to appoint a person to fill his place; and so from time to time as regards every person appointed under this section: Provided that the name of every person so appointed shall be laid before the Houses of Parliament within ten days after the appointment, if Parliament is then sitting, or if not, then ten days after the next meeting of Parliament.

*Duration : Proceedings.*

Duration of  
Commissions.

7. The powers of the Commissioners shall continue until the end of the year one thousand eight hundred and eighty, and no longer; but it shall be lawful for Her Majesty the Queen, from time to time, with the advice of Her Privy Council, on the application of the Commissioners, to continue the powers of the Commissioners for such time as Her Majesty thinks fit, but not beyond the end of the year one thousand eight hundred and eighty-one.

Chairmen and  
meetings of  
Commissioners.

8. The Commissioner first named in this Act, as regards each of the two bodies of Commissioners, shall be the Chairman of the respective body of Commissioners; and in case of his ceasing from any cause to be a Commissioner, or of his absence from any meeting, the Commissioners present at each meeting shall choose a chairman.

The powers of the Commissioners may be exercised at a meeting at which three or more Commissioners are present.

In case of an equality of votes on a question at a meeting, the chairman of the meeting shall have a second or casting vote in respect of that question.

Seals of Com-  
missioners.

9. The Commissioners shall have a common seal, and the same shall be judicially noticed.

Vacancies not  
to invalidate  
acts.

10. Any act of the Commissioners shall not be invalid by reason only of any vacancy in their body; but if at any time, and as long as, the number of persons acting as Commissioners is less than four, the Commissioners shall discontinue the exercise of their powers.

*Statutes for University and Colleges.*

Power for  
University and  
Colleges to  
make statutes.

11. Until the end of the year one thousand eight hundred and seventy-eight, the University and the Governing Body of a College shall have the like powers in all respects of making statutes for the



University or the College respectively, and of making statutes for altering or repealing statutes made by them, as are, from and after the end of that year, conferred on the Commissioners by this Act; but every statute so made shall, before the end of that year, be laid before the Commissioners, and the same, if approved before or after the end of that year by the Commissioners by writing under their seal, but not otherwise, shall, as regards the force and operation of the statute, and as regards proceedings prescribed by this Act to be taken respecting a statute made by the Commissioners after (but not before) the statute is made, be deemed to be a statute made by the Commissioners.

If within one month after a statute so made by a College is laid before the Commissioners, a member of the Governing Body of the College makes a representation in writing to the Commissioners respecting the statute, the Commissioners, before approving of the statute, shall take the representation into consideration.

In considering a statute so made by a College, the Commissioners shall have regard to the interests of the University and the Colleges therein as a whole.

The Commissioners shall not approve a statute so made by a College until they have published, in such form as to them may seem fit, a statement with respect to the main purposes relative to the University for which, in their opinion, provision should be made under this Act, the sources from which funds for those purposes should be obtained, and the principles on which payments from the Colleges for those purposes should be contributed; but nothing in this provision or in any statement published thereunder shall prevent the Commissioners from exercising from time to time according to their discretion the powers and performing the duties conferred and imposed on them by this Act.

**12.** From and after the end of the year one thousand eight hundred and seventy-eight, the Commissioners may by virtue of this Act, and subject and according to the provisions thereof, make, by writing under their seal, statutes for the University and for any College or Hall, and for altering or repealing statutes made by the Commissioners, and may exercise those powers from time to time with reference to the University and to any College or Hall.

Power for Commissioners to make statutes for University and Colleges and Halls.

**13.** The Commissioners shall not make a statute altering the trusts, conditions, or directions affecting a University or College emolument if the original charter, deed of composition, or other instrument of foundation thereof, not being an Order in Council made under, or a statute or ordinance having effect under, any Act mentioned in the schedule to this Act, was made or executed within fifty years before the passing of this Act; but nothing in this section shall prevent the Commissioners from making a statute increasing the endowment of any University or College emolument, or otherwise improving the position of the holder thereof.

Limitation of fifty years.

**14.** The Commissioners, in making a statute affecting a University or College emolument, shall have regard to the main design of the founder, except where the same has ceased to be observed before the passing of this Act, or where the trusts, conditions, or directions affecting the emolument have been altered in substance by or under any other Act.

Regard to main design of founder.

Provision for  
education,  
religion, &c.

Objects of  
statutes for  
University.

**15.** The Commissioners, in making a statute for the University or a College or Hall, shall have regard to the interests of education, religion, learning, and research, and in the case of a statute for a College or Hall shall have regard, in the first instance, to the maintenance of the College or Hall for those purposes.

**16.** With a view to the advancement of art, science, and other branches of learning, the Commissioners, in statutes made by them for the University, may from time to time make provision for the following purposes, or any of them :

- (1.) For enabling or requiring the several Colleges, or any of them, to make contribution out of their revenues for University purposes, regard being first had to the wants of the several colleges in themselves for educational and other collegiate purposes :
- (2.) For the creation, by means of contributions from the Colleges or otherwise of a common University Fund, to be administered under the supervision of the University :
- (3.) For making payments under the supervision of the University, out of the said common fund for the giving of instruction, the doing of work, or the conducting of investigations within the University in any branch of learning or inquiry connected with the studies of the University :
- (4.) For consolidating any two or more professorships or lectureships :
- (5.) For erecting and endowing professorships or lectureships :
- (6.) For abolishing professorships or lectureships :
- (7.) For altering the endowment of any professorship or lectureship :
- (8.) For altering the conditions of eligibility or appointment and mode of election or appointment to any professorship or lectureship, and for limiting the tenure thereof :
- (9.) For providing retiring pensions for professors and lecturers :
- (10.) For providing new or improving existing buildings, libraries, collections, or apparatus for any purpose connected with the instruction of any members of the University, or with research in any art or science or other branch of learning, and for maintaining the same :
- (11.) For diminishing the expense of University education by founding scholarships tenable by students either at any College or Hall within the University, or as unattached students, not members of any College or Hall, or by paying salaries to the teachers of such unattached students, or by otherwise encouraging such unattached students :
- (12.) For founding and endowing scholarships, exhibitions, and prizes for encouragement of proficiency in any art or science or other branch of learning :
- (13.) For modifying the trusts, conditions, or directions of or affecting any University endowment, foundation, or gift, or of or affecting any professorship, lectureship scholarship, office, or institution, in or connected with the University, or of or affecting any property belonging to or held in trust for the University or held by the University in

trust for a Hall, as far as the Commissioners think the modification thereof necessary or expedient for giving effect to statutes made by them for any purpose in this Act mentioned :

- (14.) For regulating presentations to benefices in the gift of the University :
- (15.) For regulating the application of the purchase money for any advowson sold by the University :
- (16.) For founding any office not paid out of University or College funds in connexion with any special educational work done out of the University under the control of the University, and for remunerating any secretary or officer resident in the University and employed there in the management of any such special educational work :
- (17.) For altering or repealing any statute, ordinance, or regulation of the University, and substituting or adding any statute for or to the same.

**17.** The Commissioners, in statutes made by them for a College, may from time to time make provision for the following purposes relative to the College, or any of them :

Objects of statutes for Colleges in themselves.

- (1.) For altering and regulating the conditions of eligibility or appointment, including where it seems fit those relating to age, to any emolument or office held in or connected with the College, the mode of election or appointment thereto, and the value, length, and conditions of tenure thereof, and for providing a retiring pension for a holder thereof :
- (2.) For consolidating any two or more emoluments held in or connected with the College :
- (3.) For dividing, suspending, suppressing, converting, or otherwise dealing with any emolument held in or connected with the College :
- (4.) For attaching any emolument held in or connected with the College to any office in the College, on such tenure as to the Commissioners seems fit, and for attaching to the emolument, in connexion with the office, conditions of residence, study, and duty, or any of them :
- (5.) For affording further or better instruction in any art or science or other branch of learning :
- (6.) For providing new or improving existing buildings, libraries, collections, or apparatus, for any purpose connected with instruction or research in any art or science or other branch of learning, and for maintaining the same :
- (7.) For diminishing the expense of education in the College :
- (8.) For modifying the trusts, conditions, or directions affecting any College endowment, foundation, or gift, or any property belonging to the College, or the head or any member thereof, as such, or held in trust for the College, or for the head or any member thereof, as such, as far as the Commissioners think the modification thereof necessary or expedient for giving effect to statutes made by them for the College :
- (9.) For regulating presentations to benefices in the gift of the College :

Objects of statutes for Colleges in relation to University.

(10.) For regulating the application of the purchase money for any advowson sold by the College :

(11.) For altering or repealing any statute, ordinance, regulation, or byelaw of the College, and substituting or adding any statute for or to the same.

**18.** The Commissioners, in statutes made by them for a College, may from time to time make provision for the following purposes relative to the University, or any of them :

(1.) For authorising the College to commute any annual payment agreed or required to be made by it for University purposes into a capital sum to be provided by the College out of money belonging to it, and not produced by any sale of lands or hereditaments made after the passing of this Act :

(2.) For annexing any emolument held in or connected with the College to any office in the University, or in a Hall, on such tenure as to the Commissioners seems fit, and for attaching to the emolument, in connexion with the office conditions of residence, study, and duty, or any of them :

(3.) For assigning a portion of the revenues or property of the College, as a contribution to the common fund or otherwise, for encouragement of instruction in the University in any art or science or other branch of learning, or for the maintenance and benefit of persons of known ability and learning, studying or making researches in any art or science or other branch of learning in the University :

(4.) For empowering the College by statute made and passed at a general meeting of the Governing Body of the College specially summoned for this purpose, by the votes of not less than two thirds of the number of persons present and voting, to transfer the library of the College, or any portion thereof, to any University library :

(5.) For providing out of the revenues of the College for payments to be made, under the supervision of the University, for work done or investigations conducted in any branch of learning or inquiry connected with the studies of the University within the University :

(6.) For giving effect to statutes made by the Commissioners for the University :

(7.) For modifying the trusts, conditions, or directions of or affecting any College endowment, foundation, or gift, concerning or relating to the University, as far as the Commissioners think the modification thereof necessary or expedient for giving effect to statutes made by them for the University.

Increase of or additional income to be regarded.

**19.** The Commissioners, in making a statute affecting a University or College emolument, shall take into account any prospective increase of the income of the emolument, or any prospective addition to the revenues of the University or College, and may make such provision as they think expedient for the application of that increase or addition.

Power to allow voluntary payments.

**20.** Nothing in or done under this Act shall prevent the Commissioners from making in any statute made by them for a College such provisions as they think expedient for the voluntary con-

tinuance of any voluntary payment that has been used to be made out of the revenues of the College in connexion with the College estates or property.

**21.** The Commissioners, in statutes made by them, shall from time to time make provision—

Provision for accounts, audit, borrowing, and leases.

(1.) For the form of accounts of the University, and of a College relating to funds administered either for general purposes, or in trust, or otherwise, and for the audit and publication thereof:

(2.) For the publication of accounts of receipts and expenditure of money raised under the borrowing powers of the University or of a College:

And the Commissioners, in statutes made by them, may from time to time, if they think fit, make provision—

(3.) For regulating the exercise of the borrowing powers of the University or of a College:

(4.) For regulating the conditions under which beneficial leases may be renewed by the University or a College.

**22.** The Commissioners, in statutes made by them, may from time to time make provision for the complete or partial union of two or more Colleges, or of a College or Colleges and a Hall or Halls, or of two or more Halls, or of a College or Hall, with any institution in the University, or for the organization of a combined educational system in and for two or more Colleges or Halls, provided application in that behalf is made to the Commissioners on the part of each College and Hall and institution as follows:

Union of Colleges and Halls and institutions or combination for education.

(1.) In the case of a College in the University of Oxford, by a resolution passed at a general meeting of the Governing Body of the College specially summoned for this purpose, by the votes of not less than two thirds of the number of persons present and voting, and, in case of an application for complete union, with the consent in writing of the Visitor of the College:

(2.) In the case of a Hall, by a resolution of the Hebdomadal Council, with the consent in writing of the Chancellor of the University:

(3.) In the case of a College in the University of Cambridge, by a resolution passed at a general meeting of the Governing Body of the College specially summoned for this purpose, and, in case of an application for complete union, the resolution being passed by the votes of not less than two thirds of the number of persons present and voting:

(4.) In the case of an institution, with the consent of the Congregation or Senate of the University.

**23.** The Commissioners shall not make a statute affecting the trusts or directions of the will of William Hulme of Kearsley, in the county of Lancaster, deceased, or the provisions of any Act of Parliament relating thereto, except as regards so much of the funds or property of the trustees under the same as the Charity Commissioners under any scheme approved by Order in Council may assign for scholarships or exhibitions at Brasenose College or elsewhere in Oxford, without the consent in writing of the trustees under the same.

Saving respecting Hulme Exhibitions at Oxford.

Saving respecting Snell Exhibitions at Oxford.

**24.** No statute or ordinance shall be made under this Act affecting the trusts, conditions, or directions of the will of John Snell, Esquire, deceased, or any scheme approved by the Court of Chancery relating thereto, without the consent in writing of the University Court of the University of Glasgow.

Provision for canonry of Rochester annexed to provostship of Oriol College, Oxford.

**25.** The Commissioners, in a statute made by them for the University of Oxford, or for Oriol College in Oxford, may, if they think fit, with the assent of Oriol College, signified under its common seal, and with the concurrence of the Ecclesiastical Commissioners for England, provide that the canonry in the chapter of the cathedral church of Rochester, which is now annexed and united to the provostship of Oriol College, shall, on a vacancy, be severed therefrom, and may also, with the concurrence of the said Ecclesiastical Commissioners, provide that such canonry shall be thenceforth permanently annexed and united to some office or place of a theological or ecclesiastical character in or connected with the University of Oxford, or may, with the concurrence aforesaid, make such other provisions for the future disposal and patronage of such canonry as they shall think fit; and in case any such statute shall be made annexing such canonry to such office or place as aforesaid, such canonry, or the income thereof, may, if they think fit, be reckoned and taken in whole or in part, as a contribution of Oriol College out of its revenues to University purposes.

Severance of canonry from Greek professorship at Cambridge.

**26.** The Commissioners, in a statute or statutes made by them for the University of Cambridge, with the concurrence of the Ecclesiastical Commissioners for England, may provide for the canonry in the chapter of the Cathedral Church of Ely, which is annexed and united to the Regius Professorship of Greek, being, on a vacancy, severed therefrom, and being thenceforth permanently annexed and united to a professorship in the University of a theological or ecclesiastical character, with power, nevertheless, for the Commissioners, with the concurrence of the Ecclesiastical Commissioners, if they think it expedient, to allow the present professor to resign the professorship and to hold the canonry as if it had never been annexed to the professorship.

Saving for statutes of Trinity College, Cambridge, as to Regius professorships.

**27.** A statute for altering or modifying the trusts, statutes, or directions relating to the endowments held by the Regius Professor of Greek, Hebrew, or Divinity in the University of Cambridge, if affecting any statute of Trinity College touching those professors or their endowments, shall not be made by the Commissioners unless and until it receives the assent of Trinity College under its common seal.

Alteration of trusts of Dixie Foundation in Emmanuel College, Cambridge.

**28.** The Commissioners, in a statute or statutes made by them for Emmanuel College in the University of Cambridge, after notice in writing to the heir of Sir Wolstan Dixie, may alter or modify the trusts, conditions, or directions of or affecting the Dixie Foundation, and as regards any right of nomination vested in the heir of the founder may commute that right in such manner, or make such other arrangement touching that right, as to the Commissioners seems just and beneficial.

Saving for headship of Magdalene

**29.** A statute made by the Commissioners shall not affect the right of nominating or appointing to the headship of Saint Mary

Magdalene College in the University of Cambridge, unless the consent by deed of the person entitled to that right is first obtained.

**30.** A statute made by the Commissioners may, if the Commissioners think fit, be in part a statute for the University, and in part a statute for a College or Hall.

The Commissioners shall in each statute made by them declare whether the same is a statute, wholly or in any and what part, for the University or for a College or Hall therein named; and the declaration in that behalf of the Commissioners shall be conclusive to all intents.

If any statute is in part a statute for a College or Hall, the same shall for the purposes of the provisions of this Act relative to the representation of Colleges and Halls, and of the other provisions of this Act regulating proceedings on the statute, be proceeded on as a statute for the College or Hall.

**31.** Where the Commissioners contemplate making a statute for the University or a statute for a College or Hall containing a provision for any purpose relative to the University, or a statute otherwise affecting the interests of the University, they shall, one month at least (exclusive of any University vacation) before adopting any final resolution in that behalf, communicate the proposed statute in the University of Oxford to the Hebdomadal Council, to the Head and to the Visitor of the College, and to the Principal of the Hall affected thereby, and in the University of Cambridge to the Council of the Senate and to the Governing Body of the College affected thereby.

The Commissioners shall take into consideration any representation made to them by the Council, College, Visitor, Principal, or Governing Body respecting the proposed statute.

Within seven days after receipt of such communication by the Council, the Vice-Chancellor of the University shall give public notice thereof in the University.

**32.** Where the Commissioners contemplate making a statute for a College or Hall, they shall, one month at least (exclusive of any University vacation) before adopting any final resolution in that behalf, communicate the proposed statute to the Vice-Chancellor of the University and to the Head, and in the University of Oxford the Visitor, of the College, and to the Principal of the Hall.

Within seven days after receipt of such communication the Vice-Chancellor shall give public notice thereof in the University.

**33.** The Commissioners may, if they think fit, by writing under their seal, from time to time authorise and direct the University or any College or Hall to suspend the election or appointment to, or limit the tenure of, any emolument therein mentioned for a time therein mentioned within the continuance of the powers of the Commissioners as then ascertained; and the election or appointment thereto or tenure thereof shall be suspended or limited accordingly.

**34.** Any statute made by the Commissioners shall operate without prejudice to any interest possessed by any person by virtue of his having, before the statute comes into operation, become a member of a College or Hall, or been elected or appointed to a University or College emolument, or acquired a vested right to be elected or appointed thereto.

Production of documents, &c.

**35.** The Commissioners, in the exercise of their authority, may take evidence, and for that purpose may require from any officer of the University or of a College or Hall the production of any documents or accounts relating to the University or to the College or Hall (as the case may be), and any information relating to the revenues, statutes, usages, or practice thereof, and generally may send for persons, papers, and records.

*Representation of Colleges and Halls.*

Election of Commissioners by College. For Hall, Principal to be Commissioner.

**36.** Eight weeks at least (exclusive of any University vacation) before the Commissioners, in the first instance, enter on the consideration of a statute to be made by the Commissioners for a College or Hall, they shall, by writing under their seal, give notice to the Governing Body of the College, and in the University of Oxford to the Visitor of the College, and in the case of a Hall to the Principal of the Hall, of their intention to do so.

The Governing Body of the College, at any time after receipt of the notice, may, at an ordinary general meeting, or at a general meeting specially summoned for this purpose, elect three persons to be Commissioners to represent the College in relation to the making by the Commissioners of statutes for the College.

But, in the case of a College, any actual member of the foundation whereof is nominated a Commissioner in this Act, no more than two persons shall be so elected, while that member is a Commissioner.

If during the continuance of the powers of the Commissioners a vacancy happens by death, resignation, or otherwise, among the persons so elected, the same may be filled up by a like election; and so from time to time.

Each person entitled to vote at an election shall have one vote for every place to be then filled by election, and may give his votes to one or more of the candidates for election, as he thinks fit.

The persons elected to represent a College, and the principal of a Hall, shall be, to all intents, Commissioners in relation to the making by the Commissioners of statutes for the College or Hall, before and after the making thereof, but not further or otherwise, save that they shall not be counted as Commissioners for the purposes of the provisions of this Act requiring four Commissioners to be acting and three to be present at a meeting.

Notice to College or Hall of meeting.

**37.** Where the Commissioners propose at any meeting, not being an adjourned meeting, to make a statute for a College or Hall, they shall give to the Governing Body of the College or to the Principal of the Hall, by writing under the seal of the Commissioners, or under the hand of their secretary, fourteen days notice of the meeting.

Validity of acts as regards Colleges and Halls.

**38.** Any act of the Commissioners shall not be invalid by reason only of any failure to elect any person to be a Commissioner to represent a College, or the failure of any person elected to represent a College, or of the Principal of a Hall, to attend a meeting of the Commissioners.

*Schools.*

Notice to Governing Body of school and to Charity Commissioners.

**39.** If in any case the Commissioners contemplate making a statute for a College, affecting any right of preference in elections to any College emolument lawfully belonging to and enjoyed by any school, individually named or designated in any instrument of



foundation, they shall, two months at least before adopting any final resolution in that behalf, give notice, by writing under their seal, to the Governing Body of the school, or to the Master or Principal of the school on behalf of the Governing Body, and to the Charity Commissioners, of the proposed statute.

Where the emolument is not a fellowship, bye-fellowship, or studentship, the Commissioners shall not make the proposed statute in either of the following cases ; namely,

- (1.) If within two months after receipt of the notice aforesaid by the Governing Body, master, or principal of the school, two thirds of the Governing Body of the school, or two thirds of the aggregate body composed of the members of the several Governing Bodies of several schools interested (in the reckoning of the two thirds members of the Governing Body of a school who are such by virtue of membership of or election by the Governing Body of the College not being counted), by writing under their respective hands or seal, dissent from the proposed statute on the ground that it would be prejudicial to the school or schools as a place or places of learning and education ; or
- (2.) If within two months after receipt of the notice aforesaid by the Charity Commissioners, those Commissioners, by writing under their seal, dissent from the proposed statute on the ground aforesaid.

Where fellowships or studentships are tenable in a College by undergraduates, and the fellowships or studentships of the College are divided, or proposed to be divided, into elder and younger, the elder only shall be deemed to be fellowships or studentships within this section.

**40.** The Governing Body of a school having a right of preference contingently only on the failure of fit objects from some other school entitled to and in the enjoyment of a prior right of preference, shall not have the power of dissent from a proposed statute under this Act. Provision for case of contingent right.

**41.** Where the Governing Body of a school is a corporate body, the Governing Body of the corporation shall be deemed to be the Governing Body of the school. Governing Body a corporation.

**42.** The Commissioners shall send to the Secretary of State every statute relating to a school proposed by them and dissented from as aforesaid (unless another statute has been substituted), and it shall be laid before both Houses of Parliament. Statutes for schools dissented from.

**43.** Every right of preference retained by or for a school under this Act shall be subject to all statutes from time to time made by the Commissioners for the purpose of making the College emolument, to which the right relates, more conducive to the mutual benefit of the College and school, or for the purpose of throwing the emolument open to general or extended competition, on any vacancy for which no candidate or claimant of sufficient merit offers himself from any school entitled. Provision respecting right of preference when retained by school.

#### *Universities Committee of Privy Council.*

**44.** There shall be a Committee of Her Majesty's Privy Council, styled The Universities Committee of the Privy Council (in this Act referred to as the Universities Committee). Constitution of Universities Committee of Privy Council.

The Universities Committee shall consist of the President for the time being of the Privy Council, the Archbishop of Canterbury for the time being, the Lord Chancellor of Great Britain for the time being, the Chancellor of the University of Oxford for the time being, if a member of the Privy Council, the Chancellor of the University of Cambridge for the time being, if a member of the Privy Council, and such other member or two members of the Privy Council as Her Majesty from time to time thinks fit to appoint in that behalf, that other member, or one at least of those two other members, being a member of the Judicial Committee of the Privy Council.

The powers and duties of the Universities Committee may be exercised and discharged by any three or more of the members of the Committee, one of whom shall be the Lord Chancellor or a member of the Judicial Committee of the Privy Council.

*Confirmation or Disallowance of Statutes.*

Submission  
of statutes to  
Queen in  
Council.

**45.** The Commissioners, within one month after making a statute, shall cause it to be submitted to Her Majesty the Queen in Council, and notice of it having been so submitted shall be published in the London Gazette (in this Act referred to as the gazetting of a statute).

The subsequent proceedings under this Act respecting the statute shall not be affected by the cesser of the powers of the Commissioners.

Petition against  
statute.

**46.** At any time within three months after the gazetting of a statute, the University or the Governing Body of a College, or the trustees, governors, or patron of a University or College emolument, or the Principal of a Hall, or the Governing Body of a school, or any other person or body, in case the University, College, emolument, Hall, school, person, or body, is directly affected by the statute, may petition the Queen in Council for disallowance of the statute, or of any part thereof.

Reference to  
Committee.

**47.** It shall be lawful for the Queen in Council to refer any statute petitioned against under this Act to the Universities Committee.

The petitioners shall be entitled to be heard by themselves or counsel in support of their petition.

It shall be lawful for the Queen in Council to make, from time to time, rules of procedure and practice for regulating proceedings on such petitions.

The costs of all parties of and incident to such proceedings shall be in the discretion of the Universities Committee; and the orders of the Committee respecting costs shall be enforceable as if they were orders of a Division of the High Court of Justice.

Disallowance  
by Order in  
Council, or  
remitting to  
Commissioners.

**48.** If the Universities Committee report their opinion that a statute referred to them, or any part thereof, ought to be disallowed, it shall be lawful for the Queen in Council to disallow the statute or that part, and thereupon the statute or that part shall be of no effect.

If, during the continuance of the powers of the Commissioners, the Universities Committee report their opinion that a statute referred to them ought to be remitted to the Commissioners with a

declaration, it shall be lawful for the Queen in Council to remit the same accordingly; and the Commissioners shall reconsider the statute, with the declaration, and the statute, if and as modified by the Commissioners, shall be proceeded on as an original statute is proceeded on, and so from time to time.

**49.** If a statute is not referred to the Universities Committee, then, within one month after the expiration of the time for petitioning against it, the statute shall be laid before both Houses of Parliament, if Parliament is then sitting, and if not, then within fourteen days after the next meeting of Parliament.

Statutes not referred, or not disallowed or remitted, to be laid before Houses of Parliament.

If a statute is referred to the Universities Committee, and the Committee do not report that the same ought to be wholly disallowed or to be remitted to the Commissioners, then, as soon as conveniently may be after the report of the Universities Committee thereon, the statute, or such part thereof as is not disallowed by Order in Council, shall be laid before both Houses of Parliament.

**50.** If neither House of Parliament, within twelve weeks (exclusive of any period of prorogation) after a statute or part of a statute is laid before it, presents an address praying the Queen to withhold her consent therefrom, it shall be lawful for the Queen in Council by Order to approve the same.

Approval of statutes by Order in Council.

#### *Effect of Statutes.*

**51.** Every statute or part of a statute made by the Commissioners, and approved by Order in Council, shall be binding on the University and on every College and Hall, and shall be effectual notwithstanding any instrument of foundation or any Act of Parliament, Order in Council, decree, order, statute, or other instrument or thing constituting wholly or in part an instrument of foundation, or confirming or varying a foundation or endowment, or otherwise regulating the University or a College or Hall.

Statutes to be binding and effectual.

**52.** If after the cesser of the powers of the Commissioners any doubt arises with respect to the true meaning of any statute made by the Commissioners for the University of Cambridge, the Council of the Senate may apply to the Chancellor of the University for the time being, and he may declare in writing the meaning of the statute on the matter submitted to him, and his declaration shall be registered by the Registry of the University, and the meaning of the statute as therein declared shall be deemed to be the true meaning thereof.

Power in Cambridge for Chancellor to settle doubts as to meaning of University Statutes.

#### *Alteration of Statutes.*

**53.** A statute made by the Commissioners for the University or for a Hall shall, after the cesser of the powers of the Commissioners, be subject to alteration from time to time by statute made by the University under this Act and not otherwise.

Power for University to alter Commissioners statutes.

But where and as far as a statute made by the Commissioners for the University affects a College, the same shall not be subject to alteration under this section, except with the consent of the College.

**54.** A statute made by the Commissioners for a College, and any statute, ordinance, or regulation made by or in relation to a College under any authority other than that of this Act, shall, after the

Power for Colleges to alter Commissioners statutes.

cesser of the powers of the Commissioners, be subject to alteration from time to time by statute made by the College under this Act and not otherwise, the same being passed at a general meeting of the Governing Body of the College, specially summoned for this purpose, by the votes of not less than two thirds of the number of persons present and voting.

But where and as far as a statute made by the Commissioners for a College affects the University, the same shall not be subject to alteration under this section except with the consent of the University.

Confirmation or disallowance of altering statutes.

**55.** Every statute made by the University or a College under either of the two next preceding sections of this Act shall be submitted to the Queen in Council, and be proceeded on and have effect as if it were a statute made by the Commissioners, with the substitution only of the University or the College for the Commissioners in the provisions of this Act in that behalf.

*Reference of other Statutes to Universities Committee.*

Statutes awaiting submission to Queen in Council, or made before cesser of powers of Commissioners.

**56.** Every statute, ordinance, and regulation made as follows; namely,

- (1.) Every statute, ordinance, and regulation made by or in relation to the University or a College under any former Act before the passing of this Act, and required by any former Act to be submitted to the Queen in Council, but not so submitted before the passing of this Act; and
- (2.) Every statute, ordinance, and regulation made by or in relation to the University or a College under any former Act after the passing of this Act, and before the cesser of the powers of the Commissioners, and required by any former Act to be submitted to the Queen in Council; and
- (3.) Every statute, ordinance, and regulation made by or in relation to a College under any former Act or any ordinance since the first day of January one thousand eight hundred and seventy-seven, and before the passing of this Act,

shall, in lieu of being submitted to the Queen in Council under and according to any former Act or any ordinance, and whether or not a submission to the Queen in Council is required under any former Act or any ordinance, be, with the consent of the Commissioners in writing under their seal, but not otherwise, submitted to the Queen in Council under this Act, and be proceeded on as if it were a statute made by the Commissioners, with the substitution only of the University or the College for the Commissioners in the provisions of this Act in that behalf; and the same, if and as far as it is approved by Order in Council under this Act, shall have effect as if it had been submitted and proceeded on under any former Act or any ordinance.

*Tests.*

**57.** Nothing in this Act shall be construed to repeal any provision of the Universities Tests Act, 1871.

**58.** Where the Commissioners, by any statute made by them, erect or endow an office declared by them in the statute to require in the incumbent thereof the possession of theological learning, which (notwithstanding anything in this Act) they are hereby

Saving for Tests Act. 34 & 35 Vict. c. 26.

Operation of Tests Act as regards new

empowered to do, provided the office be not a headship or fellowship of a College, then the Universities Tests Act, 1871, shall, with reference to that office, be read and have effect as if the statute had been made before and was in operation at the passing of the Universities Tests Act, 1871.

theological offices. 34 & 35 Vict. c. 26.

59. The Commissioners, in statutes made by them, shall make provision, as far as may appear to them requisite, for the due fulfilment of the requisitions of sections five and six of the Universities Tests Act, 1871 (relating to religious instruction and to morning and evening prayer in Colleges); but, except for that purpose, they shall not, by a statute made by them, endow wholly or in part an office of an ecclesiastical or theological character by means of any portion of the revenues or property of the University or a College not forming, when the statute comes into operation, the endowment, or part of the endowment, of an office of that character, and in any statute made by them, shall not make directly, or indirectly through the consolidation or combination of any office or emolument with any other office or emolument, whether in the University or in a College or Hall, the entering into holy orders or the taking of any test a condition of the holding of any office or emolument existing at the passing of this Act to which that condition is not at the passing of this Act attached.

Provision for religious instruction and worship in pursuance of Tests Act.

*Land.*

60. A license to aliene or to take and hold in mortmain shall be and be deemed to have been unnecessary in respect of a purchase, made before or after the passing of this Act, by the University or a College of land situate within a district or place described or named in, and required for any purpose mentioned in, the following enactments respectively:

License in mortmain unnecessary on purchases under University Acts.

Section four of the Oxford University Act, 1857:

20 & 21 Vict. c. 25.

Section fifty-one of the Cambridge University Act, 1856.

19 & 20 Vict. c. 88.

*Electoral Roll, Cambridge.*

61. No objection to the list of members of the Electoral Roll of the University of Cambridge, promulgated in accordance with section seven of the Cambridge University Act, 1856, made on the ground of any person being improperly placed on or omitted from that list, shall be entertained unless notice of it is given in writing to the Vice-Chancellor at least four days before the day for publicly hearing objections to that list; and the Vice-Chancellor shall, at least two days before such day, cause to be promulgated a list of all the objections of which notice has been given.

Notice of objection as to Electoral Roll to be given.

THE SCHEDULE.

*Short Titles for former Acts.*

OXFORD.

17 & 18 Vict. c. 81.—An Act to make further provision for the good government and extension of the University of Oxford, of the Colleges therein, and of the College of Saint Mary, Winchester.

The Oxford University Act, 1854.

CH. 48, 49. *Universities of Oxford and Cambridge.* 40 & 41 VICT.

19 & 20 Vict. c. 31.—An Act to amend the Act of the seventeenth and eighteenth years of Her Majesty concerning the University of Oxford and the College of Saint Mary, Winchester. The Oxford University Act, 1856.

20 & 21 Vict. c. 25.—An Act to continue the powers of the Commissioners under an Act of the seventeenth and eighteenth years of Her Majesty concerning the University of Oxford and the College of Saint Mary, Winchester, and further to amend the said Act. The Oxford University Act, 1857.

23 & 24 Vict. c. 91.—An Act for removing doubts respecting the Craven Scholarships in the University of Oxford, and for enabling the University to retain the custody of certain testamentary documents. The Oxford University Act, 1860.

32 & 33 Vict. c. 20.—An Act to remove doubts as to the validity of certain statutes made by the Convocation of the University of Oxford. The Oxford University Statutes Act, 1869.

#### CAMBRIDGE.

19 & 20 Vict. c. 88.—An Act to make further provision for the good government and extension of the University of Cambridge, of the Colleges therein, and of the College of King Henry the Sixth at Eton. The Cambridge University Act, 1856.

## CHAPTER 49.

An Act to amend the Law relating to Prisons in Ireland.  
[14th August 1877.]

**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:

### *Preliminary.*

Short title.

1. This Act may be cited as "The General Prisons (Ireland) Act, 1877."

Extent of Act.

2. This Act shall extend to Ireland only.

Interpretation of terms.

3. In this Act,

The term "Lord Lieutenant" shall mean the Lord Lieutenant, or other chief governor or governors of Ireland for the time being:

The term "Privy Council" shall mean Her Majesty's Privy Council in Ireland:

The term "county" shall extend to and include county of a city, county of a town, city and county, city, and town:

The term "grand jury" shall, as regards any borough, the town council of which is authorised to make presentments for the prisons thereof, include such council:

The term "assizes" shall include presenting term:

The term "treasurer of the county" shall include any person or persons or bank performing duties analogous to those of the

“treasurer of the county” in any county, and in the application of this Act to the county of Dublin it shall include the finance committee :

The term “secretary to the grand jury” shall, as regards any borough the town council of which is authorised to make presentments for the prisons thereof, include the town clerk :

The term “Prisons Acts” shall mean the Act passed in the session of Parliament held in the seventh year of the reign of King George the Fourth, chapter seventy-four, intituled “An Act for consolidating and amending the Laws relating to “Prisons in Ireland” and the Acts altering, amending, or affecting the same :

The term “ordinary prison” shall mean any gaol, district bridewell, bridewell, and prison under the Prisons Acts :

The term “Convict Prisons Acts” shall mean the Act passed in the session of Parliament held in the seventeenth and eighteenth years of the reign of Her present Majesty, chapter seventy-six, intituled “An Act for the formation, regulation, and “government of Convict Prisons in Ireland,” and the Acts altering, amending, or affecting the same :

The term “convict prison” shall mean any prison under the control and management of the directors of convict prisons for Ireland under the Convict Prisons Acts :

The term “prison” shall include convict prison and ordinary prison :

The term “prisoner” for the purposes of this Act means any person committed to prison on remand or for trial, safe custody, punishment, or otherwise ; and the term “maintenance of a prisoner” includes all necessary expenses incurred in respect of a prisoner for food, clothing, and custody ; and also for his safe conduct and removal from one place of confinement to another from the period of his being received into prison, on committal for trial, or on summary conviction, until his death or discharge from prison ; with this proviso, that nothing in this Act shall exempt a prisoner from payment of any costs or expenses in respect of his conveyance to prison or otherwise which he would have been liable to pay if this Act had not been passed :

The term “governor” shall include the gaoler or keeper of any prison :

The term “medical officer” shall include surgeon and physician :

The term “property” shall include things in action and rights of action :

The term “Lands Clauses Acts” shall mean the Lands Clauses Consolidation Act, 1845, as the same is amended by the Lands Clauses Consolidation Acts Amendment Act, 1860 ; the Railways Act (Ireland), 1851 ; the Railways Act (Ireland), 1860 ; the Railways Act (Ireland), 1864 ; and the Railway Traverse Act.

8 & 9 Vict.  
c. 18.  
23 & 24 Vict.  
c. 106.  
14 & 15 Vict.  
c. 70.  
23 & 24 Vict.  
c. 97.  
27 & 28 Vict.  
c. 71.

## PART I.

### *General Prisons Board.*

4. A board shall be established to be called “The General Prisons Board for Ireland” (in this Act referred to as “the General Prisons Board”) (in this Act referred to as “the General Prisons Board”) Establishment of General Prisons Board.

Board"), and such board shall consist of a chairman, a vice-chairman, and not more than two other members, to be appointed by the Lord Lieutenant by warrant and to hold office during the pleasure of the Lord Lieutenant, and such board shall, subject to such directions as they may from time to time receive from the Lord Lieutenant and to the provisions of this Act, have the control and management of all prisons and of all prisoners therein, and may make contracts and do all other acts necessary for the maintenance of such prisons and the prisoners therein. The General Prisons Board shall defray the expenses incurred in the performance of the various duties hereby committed to them out of such moneys as may be provided by Parliament for such purposes respectively.

Whenever from time to time any vacancy upon the General Prisons Board shall occur by reason of the death, removal, or resignation of any member thereof, or otherwise, the Lord Lieutenant may by the like warrant appoint some other fit person to fill such vacancy.

Any one member of such board may also hold the appointment of inspector of industrial and reformatory schools.

The members of the said board so appointed, and their successors, shall, by the name of "The General Prisons Board for Ireland," be a body corporate, with a common seal, and with power to acquire and hold land without license in mortmain so far as may be necessary for the purposes of this Act.

The General Prisons Board shall be deemed to be established from and after the date of the first appointment of the chairman of the same under this Act, which period is in this Act referred to as the "commencement of this Act," and, except where otherwise expressly provided, the provisions of this Act shall from and after such period come into operation and have effect.

Any act or thing required or authorised to be done by the General Prisons Board may be done by any one or more members of the board as the Lord Lieutenant may direct; and the said board shall, in the exercise of their powers and jurisdictions under this Act, conform to any directions which may from time to time be given them by the Lord Lieutenant.

No act or proceeding of the General Prisons Board shall be invalidated or be illegal in consequence only of there being any vacancy on such board at the time of such act or proceeding.

5. The Lord Lieutenant may from time to time, with the approval of the Commissioners of Her Majesty's Treasury, appoint such inspectors, officers, clerks, and servants as he may deem necessary for the purpose of assisting the General Prisons Board in the performance of their duties under this Act, and the Lord Lieutenant may from time to time remove such inspectors, officers, clerks, and servants as and when he shall think fit.

6. There shall be paid, out of moneys provided by Parliament, to the chairman, vice-chairman, and members of the General Prisons Board, and to the inspectors, officers, clerks, and servants appointed under this Act respectively, such salaries as the Lord Lieutenant may, with the consent of the Treasury, determine.

7. From and after the commencement of this Act the offices following; that is to say,

Of inspector general of prisons under the Prisons Acts;

Appointment  
of officers.

Salaries.

Abolition of  
office of in-  
specter general,  
director of



Of director of convict prisons under the Convict Prisons Acts ;  
Of registrar of criminals under the Prevention of Crimes Act,  
1871,

convict prisons,  
and registrar  
of criminals.  
34 & 35 Vict.  
c. 112.

shall be and the same are hereby abolished, and the persons at such time holding such offices shall cease to hold the same respectively.

The Corporation of Directors of Convict Prisons for Ireland is hereby dissolved.

**8.** In case any person who immediately before the commencement of this Act shall hold the office of inspector general of prisons or director of convict prisons shall be appointed a member of the General Prisons Board, the time during which such person shall have served in such office of inspector general or director of convict prisons shall be taken into account in reckoning, for the purpose of superannuation, the period of his service on the General Prisons Board ; and in case any such person shall not be so appointed, or shall refuse such appointment if tendered to him, he shall be entitled to such superannuation allowance or compensation as the Commissioners of the Treasury shall fix and determine, and as may be granted under the provisions of the Superannuation Act, 1859, to a 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 organisation of the department to which he belongs.

Superannua-  
tion of inspec-  
tor general of  
prisons and  
director of con-  
vict prisons.

22 Vict. c. 26.

**9.** From and after the commencement of this Act all powers, jurisdictions, and duties at such time vested in or imposed upon the inspectors general of prisons under the Prisons Acts, the directors of convict prisons under the Convict Prisons Acts, and the registrar of criminals under the Prevention of Crimes Act, 1871, shall be transferred to and imposed upon the General Prisons Board, who shall, subject to the control of the Lord Lieutenant, exercise and perform the same in such manner as may be prescribed by this Act, and in the absence of express provisions, and so far as any such provisions shall not extend, in like manner and subject to the same conditions as near as may be as the said inspectors general of prisons, directors of convict prisons, and registrar of criminals might, but for the passing of this Act, have exercised and performed the same. All the business which previously to the commencement of this Act was performed and transacted in the several offices of the inspectors general of prisons, of the directors of convict prisons, and of the registrar of criminals respectively, shall be performed and transacted in the office of the General Prisons Board.

Transfer to  
General Pris-  
ons Board of  
powers of in-  
spectors gene-  
ral of prisons,  
directors of  
convict pris-  
ons, &c.  
34 & 35 Vict.  
c. 112.

**10.** Whereas it is expedient that the establishment of the General Prisons Board should in the first instance be formed of persons who, immediately before the commencement of this Act, shall be employed in various capacities in the several offices of the inspectors general of prisons, of the directors of convict prisons, and of the registrar of criminals respectively ; therefore the establishment of the General Prisons Board shall be at first formed out of the establishments of the said offices in such manner as the Lord Lieutenant may direct and the Commissioners of Her Majesty's Treasury may approve ; and no fresh appointment to such establishment shall be made so long as the duties can be provided for by the

New establish-  
ment to be  
formed from  
old.

recall to active service of any person who, having been on the establishment of any of the said offices, may be or may hereafter be placed on the compensation list. The Lord Lieutenant may, with the consent in each case of the Commissioners of Her Majesty's Treasury, appoint any of such persons whom he shall think fit, having regard to the absolute length of service and the relative seniority and the previous duties of each such person, to a position in the office of the General Prisons Board, involving duties the same as or analogous to those previously performed by such person.

Any such person who shall decline to accept any position tendered to him as aforesaid, of which the salary shall not be less than that enjoyed by him at the time of such tender, shall, if in a competent state of health for the discharge of the duties of such position, and if under sixty years of age, be deemed to have resigned his office, and shall not be entitled to the grant of any superannuation allowance or compensation, and any such person to whom no such position shall be tendered shall be entitled to such superannuation allowance or compensation as the Commissioners of Her Majesty's Treasury shall fix and determine, and as may be granted under the provisions of the Superannuation Act, 1859, to a 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 organisation of the department to which he belongs.

22 Vict. c. 26.

Powers of  
board and  
inspectors  
to summon  
witnesses.

**11.** Every member of the General Prisons Board and every inspector appointed under this Act may by summons under his hand require the attendance of all such persons as he shall think fit to call before him, upon any matter connected with the execution of this Act, at such time and place as shall be set forth in such summons, and may make inquiry and require returns, and may administer oaths and examine all such persons on oath, and may require and enforce the production upon oath of books, contracts, agreements, accounts, and other documents in anywise relating to any such matter: Provided always, that no person shall be required, in obedience to any such summons, to go more than twenty statute miles from the place of his abode: Provided also, that nothing herein contained shall empower any member of the General Prisons Board or any inspector to require the production of the title or any papers or deeds relating to the title of any lands, tenements, or hereditaments not being property vested in the General Prisons Board.

Every person who upon any examination under the authority of this Act shall wilfully give false evidence, or wilfully make or subscribe a false declaration, shall be guilty of perjury; and every person who shall refuse or wilfully neglect to act in obedience to any such summons, or to give evidence, or who shall wilfully alter, suppress, conceal, destroy, or refuse to produce any books, contracts, agreements, accounts, or other documents which may be required to be produced for the purposes of this Act to any person authorised by this Act to require the production thereof, shall be deemed guilty of a misdemeanor.

General Prisons Board to make rules with respect to prisons.

**12.** The General Prisons Board may, subject to the approval of the Lord Lieutenant and Privy Council, from time to time after the commencement of this Act, by rules to be made in manner

herein-after prescribed, alter or repeal the byelaws in force for the time being for the regulation of any prison and for the duties and conduct of the governor and other officers of the said prison, and for the classification, diet, clothing, maintenance, employment, instruction, discipline, and correction of all persons confined therein, and may repeal rules so made and may make new rules instead thereof.

No rule shall be made by the General Prisons Board inconsistent with any of the regulations contained in the one hundred and ninth section of the Act of the seventh year of the reign of King George the Fourth, chapter seventy-four.

**13.** Whereas it is expedient that a clear difference shall be made between the treatment of persons unconvicted of crime and in law presumably innocent during the period of their detention in prison for safe custody only, and the treatment of prisoners who have been convicted of crime during the period of their detention in prison for the purpose of punishment, and that, in order to secure the observance of such difference, there shall be in force in every place in which prisoners are confined for safe custody only, special rules regulating their confinement in such manner as to make it as little as possible oppressive, due regard only being had to their safe custody, to the necessity of a conformity to regular rules for the purpose of preserving order and good government in the place in which they are confined, and to the physical and moral well-being of the prisoners themselves; therefore be it enacted, that the General Prisons Board shall, subject to the approval of the Lord Lieutenant and Privy Council, make, and when made may from time to time repeal, alter, or add to, special rules:

Special rules as to treatment of unconvicted prisoners and certain other prisoners.

- (1.) With respect to the retention by a prisoner of the possession of any books, papers, or documents in his possession at the time of his arrest, and which may not be required for evidence against him, and are not reasonably suspected of forming part of property improperly acquired by him, or are not for some special reason required to be taken from him for the purposes of justice;
- (2.) With respect to communications between a prisoner, his solicitor, and friends, so as to secure to such prisoner as unrestricted and private communication between him, his solicitor, and his friends as may be possible, having regard only to the necessity of preventing any tampering with evidence, and any plans for escape, or other like considerations; and
- (3.) With respect to arrangements whereby prisoners may provide themselves with articles of diet, or may be furnished with a sufficient quantity of wholesome food, and may be protected from being called upon to perform any unaccustomed tasks or offices; also any matter which the General Prisons Board may think conducive to the amelioration of the condition of a prisoner who has not been convicted of crime, regard being had to such matters as are in this section directed to be regarded.

**14.** The General Prisons Board may, subject to the approval of the Lord Lieutenant and Privy Council, from time to time make,

Rules as to treatment of persons con-

fined for non-payment of sums adjudged by justices to be paid.

Board to make reports.

and when made repeal, alter, or add to, rules with respect to the classification and treatment of prisoners imprisoned for non-compliance with the order of a justice or justices to pay any sum of money, or imprisoned in respect of the default of a distress to satisfy a sum of money adjudged to be paid by order of a justice or justices.

**15.** The General Prisons Board shall, at such time or times as the Lord Lieutenant may appoint, make a report or reports to the Lord Lieutenant of the condition of the prisons and prisoners within their jurisdiction, and with respect to the registration of criminals; and an annual report to be made by them with respect to every prison within their jurisdiction shall be laid before both Houses of Parliament.

Such report shall include a yearly return of all punishments of any kind which may have been inflicted within each prison, and the offences for which such punishments were inflicted.

So much of any Statute in force immediately before the time of the passing of this Act as would impose upon the General Prisons Board any obligation to make any report shall be and the same is hereby repealed; and the several reports in this section mentioned shall be in substitution for all the reports heretofore made by the inspectors general of prisons, the directors of convict prisons, and the registrar of criminals respectively.

Useful trades and industries in prisons.

**16.** Whereas it is expedient that the expense of maintaining in prison prisoners who have been convicted of crime should in part be defrayed by their labour during the period of their imprisonment, and that, with a view of defraying such expenses and also of teaching prisoners modes of gaining honest livelihoods, means should be taken for promoting in prison the exercise of and instruction in useful trades and manufactures, so far as may be consistent with a due regard on the one hand to the maintenance of the penal character of prison discipline, and on the other to the avoidance of undue pressure on or competition with a particular trade or industry: Be it enacted that the annual report of the General Prisons Board required by this Act to be laid before Parliament shall state the various trades and manufacturing processes carried on in each of the prisons within their jurisdiction, and such statement shall contain such particulars as to the kind and quantities of, and as to the commercial value of the labour employed on, such trades and manufactures, and as to the number of prisoners employed, and otherwise, as may in the opinion of the Lord Lieutenant be best calculated to afford information to Parliament.

## PART II.

### *Transfer and Administration of Prisons.*

Transfer of ordinary prisoners to board.

**17.** On the first day of April one thousand eight hundred and seventy-eight all the estate and interest of any grand jury, commissioners, board of superintendence, board, or trustees in any lands, buildings, tenements, or hereditaments used as or appertaining to any prison, and in any property, real or personal, except goods manufactured for sale, and implements, tools, and materials in store for the purposes of such manufacture, belonging to or appropriated to the use of any prison or belonging to or vested in any grand

jury, commissioners, board of superintendence, board, or trustees in trust for prison purposes, shall be transferred to and shall vest in the General Prisons Board for the purposes of this Act, subject to any quitrents, head rents, or rents payable in respect of the same, but absolutely freed and discharged from all debts, liabilities, or engagements affecting the same, and from and after such first day of April one thousand eight hundred and seventy-eight every grand jury and county is hereby relieved from all and every obligation to provide and maintain prisons, and, save as by this Act otherwise provided, to provide for prisoners; and thenceforth all powers of every such grand jury with respect to the presentment of public moneys or the making of rates for such purposes as aforesaid shall, save as by this Act otherwise provided, absolutely cease and determine.

From and after the first day of April one thousand eight hundred and seventy-eight all boards of superintendence of prisons shall cease to exist as such, and thereupon all powers, jurisdictions, and duties at such time vested in or imposed upon grand juries and boards of superintendence, or any members of them as justices or otherwise, with respect to prisons or the maintenance thereof or the persons confined therein, shall be transferred to and vested in the General Prisons Board, who shall exercise and perform the same, in like manner and subject to the same conditions, as near as may be, as such grand juries and boards of superintendence respectively might, but for the passing of this Act, have exercised and performed the same.

**18.** Where for the purpose of enlarging, improving, or building any prison it shall be necessary to acquire any lands, the General Prisons Board, with the consent of the Commissioners of Her Majesty's Treasury, may enter into agreements for the acquirement of such lands or take such lands without entering into such agreements, and for the purposes aforesaid there shall be incorporated with this Act the Lands Clauses Acts; and in the said last-mentioned Acts the terms "the promoters of the undertaking" and "the company" shall for the purpose of such incorporation be deemed to mean the General Prisons Board, and the terms "the undertaking" and "the railway" used therein shall, when necessary, be deemed to mean the works the General Prisons Board are about to execute: Provided always, that the General Prisons Board shall not, except in respect of lands contiguous to a prison, and required for the purpose of enlarging a prison or rendering it more commodious or safe, put in force the provisions of the said Acts with respect to the purchase of land otherwise than by agreement.

Power to improve prisons and build new ones.

**19.** All works, matters, and things necessary for the maintenance, repair, rebuilding, enlargement, and improvement of buildings, lands, and premises by this Act transferred to and vested in or placed under the control of the General Prisons Board, or for the building of new prisons, shall be executed and done by the General Prisons Board according to such general rules as the Commissioners of Her Majesty's Treasury may from time to time make; and except in accordance with such rules no such works, matters, or things shall be commenced, executed, or done without the special sanction of the Commissioners of Her Majesty's Treasury.

Control of Treasury as to works.

Grand juries and boards of superintendence to discharge duties, &c. until 1st April 1878.

**20.** Nothing in this Act contained shall be construed to alter or affect the duties and liabilities of grand juries or boards of superintendence with respect to prisons, or the maintenance thereof, and of the prisoners confined therein, until the first day of April one thousand eight hundred and seventy-eight, or with respect to the discharge of any debts due in respect thereof, or with respect to the repayment of moneys advanced on the faith of any presentment or presentments for the building, altering, or enlarging of prisons or otherwise with respect thereto; and up to that day they shall respectively perform all such duties and discharge such liabilities and keep all such prisons and all buildings connected therewith in good and substantial repair, and up to and after such day until such debts and liabilities shall be discharged and such moneys shall be repaid, they shall pay off and satisfy all such debts and liabilities and pay all such moneys which, in the ordinary course, and but for this Act, should be by them paid or satisfied, and they shall provide for the payment or satisfaction of the same in like manner in every respect as if this Act had not been passed, and shall for such purpose make any and all presentments, and do all acts, matters, and things, and raise all moneys which may be necessary, and which, but for the passing of this Act, they should have made, done, or raised.

Nothing in this Act contained shall affect any right or claim of any creditor of a grand jury or board of superintendence under any contract legally made or in respect of any dealing legally had under the Prisons Acts and this Act before the first day of April one thousand eight hundred and seventy-eight, and as between such creditor and the grand jury or board of superintendence of which he is a creditor, such contract may be enforced in the same manner in all respects as if this Act had not been passed.

Any contract made or obligation undertaken by any grand jury or town council with any other grand jury or town council for or in relation to the maintenance of any prison or prisoners, or any matter relating to such maintenance, shall be deemed to be determined on and after the first day of April one thousand eight hundred and seventy-eight, without prejudice nevertheless to any liability incurred, or to any moneys which may have accrued due under or in respect to such contract or obligation, at or before the said first day of April one thousand eight hundred and seventy-eight.

**21.** From and after the first day of April one thousand eight hundred and seventy-eight, the powers and duties vested in and imposed upon the several boards of superintendence by the fourth section of the Act of the session of Parliament held in the fourteenth and fifteenth years of the reign of Her present Majesty, chapter eighty-five, as amended by this Act, and by the fifteenth section of the Irish Reformatory Schools Act, 1868, as to the payment of the expenses mentioned in the said sections, shall be transferred to the grand jury by which each such board of superintendence was customarily appointed; and the accounts prescribed by the said sections respectively shall be transmitted to the secretary of such grand jury at a reasonable time before each assizes; and the said sections shall be read and construed as if the grand jury of each county were named therein instead of the board of superintendence.

Amendment of 14 & 15 Vict. c. 85. s. 4. and 31 & 32 Vict. c. 59. s. 15. as to payment of certain expenses.

22. Where any contract entered into under the authority of the Prisons Acts in which any grand jury or board of superintendence is concerned is a continuous contract, to be performed partly before and partly after the first day of April one thousand eight hundred and seventy-eight, such contract shall be deemed to be divisible, and as to so much thereof as is performable before the said first day of April, shall create a debt or obligation to be discharged or performed by the grand jury or board of superintendence concerned therein, and as to so much thereof as is performable after the said first day of April, to create a debt or obligation to be discharged or performed by the General Prisons Board out of moneys provided by Parliament.

Provision as to continuing contracts.

23. The Commissioners of Public Works in Ireland shall, when required by the Lord Lieutenant, provide and maintain, in connexion with all such constabulary barracks as the Lord Lieutenant shall order, such proper accommodation for the temporary detention of prisoners, being unconvicted or unsentenced prisoners, as the Lord Lieutenant shall direct.

Lock-ups.

All moneys necessary for providing and maintaining such accommodation as aforesaid shall in the first instance be voted by Parliament, and shall be repaid by the several counties in Ireland in such manner as the Commissioners of the Treasury shall from time to time prescribe, and the same shall be raised by grand jury presentment of each county to which the same shall be declared by the Lord Lieutenant to relate, and in such proportions as he shall think just.

#### *Visiting Committee of Justices.*

24. From and after the first day of April one thousand eight hundred and seventy-eight a visiting committee shall, at such time in each year and in such manner as the Lord Lieutenant shall by order from time to time prescribe, be appointed by the grand jury of every county for every prison the board of superintendence of which shall have been dissolved by this Act, consisting of such number of persons being justices of the peace as, having regard to the locality of such prison and to the class of prisoners to be confined in such prison, may from time to time be determined by the Lord Lieutenant.

Visiting committees.

25. The Lord Lieutenant shall, on or before the first day of April one thousand eight hundred and seventy-eight, make and publish, and may from time to time thereafter repeal, alter, or add to, rules with respect to the duties of a visiting committee, and such committee shall conform to any rules so made, and for the time being in force, but, subject as aforesaid, the members of such committee shall from time to time and at frequent intervals visit the prison for which they are appointed, and hear any complaints which may be made to them by the prisoners, and, if asked, shall do so privately. They shall report on any abuses within the prison, and also on any repairs which may be urgently required in the prison, and shall further take cognizance of any matters of pressing necessity and within the powers of their commission as justices, and do such acts and perform such duties in relation to a prison as they may be required to do or perform by the Lord Lieutenant.

Duties of visiting committee.

Subject to the provisions of this Act, the visiting committee may exercise any powers vested at the time of the passing of this Act in the justices, or any one or more of them, being members of a board of superintendence under the Prisons Acts, with respect to the punishment of prisoners. Nothing in this Act, or in any rules to be made under this Act, shall restrict any member of the visiting committee for any prison from visiting the prison at any time, and any such member shall at all times have free access to every part of the prison and to every prisoner confined therein.

The visiting committee shall report to the Lord Lieutenant any matters with respect to which they may consider it expedient, and shall report to the Lord Lieutenant as soon as may be, and in such manner as he may direct, any matter respecting which they may be required by him to report.

Power of entry into prisons by justices of the peace.

7 G. 4. c. 74.

**26.** Section five of the Act passed in the session of Parliament held in the seventh year of the reign of King George the Fourth, chapter seventy-four, is hereby repealed, and instead thereof the following enactment shall take effect, viz., Any justice of the peace having jurisdiction in the place in which a prison is situate, or having jurisdiction in the place where the offence in respect of which any prisoner may be confined in prison was committed, may, when he thinks fit, enter into and examine the condition of such prison, and of the prisoners therein, and he may enter any observations he may think fit to make in reference to the condition of the prison or abuses therein in the visitors' book to be kept by the governor; and it shall be the duty of the governor to draw the attention of the visiting committee, at their next visit to the prison, to any entries made in the said book; but he shall not be entitled, in pursuance of this section, to visit any prisoner under sentence of death, or to communicate with any prisoner, except in reference to the treatment in prison of such prisoner, or to some complaint that such prisoner may make as to such treatment. Nothing in this section shall apply to convict prisons.

#### *Status of Prison Officers.*

Position and duties of existing officers of prisons.

**27.** The officers attached to prisons on the first day of April one thousand eight hundred and seventy-eight (in this Act referred to as existing officers of a prison) shall hold their offices by the same tenure, and upon like terms and conditions, as if this Act had not passed, and shall receive salaries of not less amount than those which they have hitherto received.

Such existing officers as aforesaid (except all local inspectors, chaplains, medical officers, and apothecaries,) may be distributed amongst the several prisons to which this Act applies in such manner as may be directed by the General Prisons Board, and all such officers shall perform such duties as they may be required to perform by the said General Prisons Board, so that such duties are the same or analogous to those they performed previously to the commencement of this Act, and, subject as aforesaid, they shall perform the same duties as nearly as may be as they shall be performing at the said date.

An existing officer of a prison who is at the commencement of this Act in the receipt of military or naval half-pay, or who has, at



or before such commencement as aforesaid, commuted his pension in pursuance of the Pensions Commutation Act, 1871, or is in receipt of any pension payable out of public moneys, shall not be subject to any deduction from his salary, or to be deprived of any portion of his half-pay, or of his pension, by reason of his salary being thenceforward paid out of public moneys, or of his employment becoming a public employment, or an employment of profit under Her Majesty, within the meaning of the Acts of Parliament providing for such deduction of salary or deprivation of half-pay, nor be disqualified from receiving such half-pay or pension by reason of his becoming by virtue of this Act a civil servant of Her Majesty.

34 & 35 Vict  
c. 36.

From and after the first day of April one thousand eight hundred and seventy-eight, no surgeon of the infirmary of any county shall be bound or required as a condition precedent to the making of any presentment for his salary as such surgeon under the provisions of the eighty-sixth section of the Act of the session of Parliament holden in the sixth and seventh years of the reign of His late Majesty King William the Fourth, chapter one hundred and sixteen, to give his attendance or assistance to the prisoners or others in the gaol of such county; but no such surgeon shall be entitled, save as provided by section thirty-four of this Act, to any compensation, gratuity, or allowance whatever by reason of the discontinuance of any attendance or assistance at any gaol which, but for the passing of this Act, he would have been bound to give as a condition precedent to the making of a presentment to him for his salary as surgeon to the county infirmary under the provisions of the said section.

**28.** From and after the first day of April one thousand eight hundred and seventy-eight every governor, matron or female superintendent, chaplain, and medical officer of a prison shall be appointed by the Lord Lieutenant; every other officer and servant of a prison shall be appointed by the General Prisons Board, subject to the approval of the Lord Lieutenant. Every such appointment, except those of chaplain and medical officer, shall be for general prison service; and every such officer and servant shall hold his office or situation during the pleasure of the Lord Lieutenant, and shall receive such salary as the Lord Lieutenant, with the consent of the Commissioners of Her Majesty's Treasury, shall from time to time appoint.

Appointment,  
tenure, and  
salary of  
officers.

**29.** Whenever any officer or servant of any prison is suspended, removed from, or resigns his office, or departs this life, the officer or servant so suspended, removed, or resigning, and his family, and the family of every such deceased officer or servant, shall quit the possession of any house or apartments in or belonging to such prison in which he or they shall have previously resided by virtue of such office when required so to do by notice in writing from the General Prisons Board; and if he or they refuse or neglect to give such possession within forty-eight hours after the service of such notice, any justice of the peace, upon proof made to him of such removal, resignation, or death, and of the service of such notice, and of such neglect or refusal to comply therewith, may, by warrant, direct any constable, within a period therein named, to enter by force, if necessary, into such premises, and deliver possession thereof to the General Prisons Board, or to any person appointed by them

Removal of  
officers and  
servants from  
apartments.

*Power to alter Condition of Prisons and to close Prisons.*

Power to Lord  
Lieutenant to  
alter legal con-  
dition of  
prisons.

**30.** From and after the first day of April one thousand eight hundred and seventy-eight the Lord Lieutenant may by order from time to time close any prison or prisons, or may direct that any prison shall be a legal place of confinement only for certain classes of prisoners specified in such order, and that any part of the same shall be closed: Provided that in every county there remain one prison, unless the Lord Lieutenant otherwise order for special reasons to be stated in his order.

Whenever the Lord Lieutenant shall have made any such order, a prison or prisons shall be named in such order to which prisoners who but for such order would have been confined in the prison so wholly or in part closed, shall be removed or committed, and in which they shall be kept in custody, and any such substituted prison shall thenceforth and so long as such order is in force, for all purposes relating to the committal, detention, trial, and punishment of the prisoners so removed and of the prisoners committed thereto in pursuance of this section, be deemed to be a legal place of confinement, and such prisoners shall, during removal to and during such time as they shall be in such substituted prison, be deemed to be in the proper legal custody in every respect, and no such removal shall be deemed an escape.

Every order of the Lord Lieutenant made under the provisions of this section whereby the only prison in any county shall be directed to be closed, shall be laid before both Houses of Parliament forthwith, if Parliament be sitting at the time of the order being made, or if not then sitting, within one month after the commencement of the then next session of Parliament.

Disposal of  
ordinary prison  
where such  
prison is closed.

**31.** Whenever, in pursuance of any such order as aforesaid, any prison shall be closed, all the estate and interest therein of the General Prisons Board shall, at the expiration of a period of twelve months from the date of such order, be deemed to be re-transferred to and shall vest in the grand jury, commissioners, board, or trustees from whom the same was transferred to the General Prisons Board by this Act, and may thereafter be sold or disposed of in the manner and subject to the conditions prescribed by the Prisons Acts with respect to old gaols and prisons: Provided always, that in case any such prison, or any part thereof that may have been closed, shall before the expiration of such period of twelve months be required for the purposes of a reformatory, industrial school, lunatic asylum, constabulary barrack, lock-up, or any other public purpose whatsoever, the General Prisons Board may, with the consent of the Commissioners of Her Majesty's Treasury, and subject to the provisions of this Act and to such conditions as the General Prisons Board shall approve, allow the same to be used for any of such purposes, and in such case the estate and interest of the General Prisons Board therein shall, so long as such user shall continue, and until the expiration of a period of twelve months after the discontinuance of each user, remain vested in the General Prisons Board; and shall, at the expiration of such period, be deemed to be re-transferred to, and shall vest in, and may be sold or disposed of by such grand jury, commissioners, board, or trustees as are above mentioned in the manner aforesaid.

*Superannuation.*

**32.** If at any time after the first day of April one thousand eight hundred and seventy-eight it appears to the Commissioners of Her Majesty's Treasury that any existing officer of a prison who was, within the meaning of the Prison Officers (Ireland) Superannuation Act, 1873, an officer of any prison, has been in the prison service for not less than twenty years, and is not less than sixty years of age, or that any such person has become incapable, from confirmed sickness, age, or infirmity, or injury received in actual execution of his duty, of executing his office in person, and such sickness, age, infirmity, or injury is certified by a medical certificate, and there shall be a report of the General Prisons Board testifying to his good conduct during his period of service under them, and recommending a grant to be made to him, the Commissioners of Her Majesty's Treasury may grant to such officer, having regard to his length of prison service, an annuity, by way of superannuation allowance, not exceeding two thirds of his salary and emoluments, or a gratuity not exceeding the amount of his salary and emoluments, for one year.

Superannuation of officers and abolition of offices.  
36 & 37 Vict c. 51. s. 4.

Any such officer of a prison who by reason of the abolition of his office, or of his compulsory retirement or removal, is deprived of any salary or emoluments, shall be dealt with in manner provided by the Superannuation Act, 1859, with respect to a 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 organisation of the department to which he belongs.

22 Vict. c. 26.

“Prison service,” for the purposes of this section, means, as respects the period before the first day of April one thousand eight hundred and seventy-eight, service in the ordinary prison or prisons of the county in which the officer to be superannuated shall be serving at the time of his ceasing to hold office, and as respects the period after the said first day of April one thousand eight hundred and seventy-eight, service in any such prison or in any other prison.

Any annuity by way of superannuation allowance or gratuity granted under this section shall be apportioned between the period of service before the said first day of April one thousand eight hundred and seventy-eight and the period of service after the said day; and so much of such annuity or allowance as is payable in respect of service before the said day, regard being had to the amount of salary then paid, but without taking into account any number of years added to the officer's service on account of abolition of office, or for facilitating the organisation of the department, shall, without application to presentment sessions, or other preliminaries, be presented and paid to the person entitled thereto by the grand jury of the county by which the prison in which such person was serving immediately before the said first day of April one thousand eight hundred and seventy-eight was at such time maintained, and the residue shall be paid out of moneys provided by Parliament. No annuity or gratuity shall be granted under the provisions of this Act to any person whose appointment, at the time of his retirement or removal from office, shall not have been duly confirmed in pursuance of the provisions of the Prisons Acts.

Superannua-  
tion of medical  
officers.  
36 & 37 Vict.  
c. 51.

**33.** The provisions of the Prison Officers Superannuation (Ireland) Act, 1873, which relate to medical officers of prisons, shall, in the case of any medical officer who shall be also surgeon to any county infirmary, and who shall have given his attendance and professional assistance, whether with or without remuneration, to the prisoners or others in any prison up to the first day of April one thousand eight hundred and seventy-eight, and whose further attendance or assistance at such prison shall at any time thereafter cease to be required, apply to such medical officer on the occasion of his retiring from the office of surgeon of the county infirmary, as fully as the same would have applied if such medical officer had continued to give his attendance and professional assistance at such prison up to the time of his retirement from the office of surgeon of the county infirmary.

Conditions to  
be observed  
in granting  
superannua-  
tions.

**34.** In case any person enjoying any superannuation allowance or compensation upon the abolition of office under the authority of this Act shall be appointed to fill any office remunerated wholly or partly out of local rates, or any office in any public department, every such allowance or compensation shall cease to be paid for any period subsequent to such appointment, if the annual amount of the profits of the office to which he shall be appointed shall be equal to those of the office formerly held by him, and in case they shall not be equal to those of his former office, then no more of such superannuation allowance or compensation shall be paid to him than with the salary of his new appointment shall be equal to that of his former office.

Presentments  
by grand juries.

**35.** Every grand jury shall make all such presentments, and do all such acts, matters, and things, as may from time to time be necessary to provide for any annuities, gratuities, or payments under this Act, and shall, in case of default in complying with any of the provisions of this Act, be subject to all the provisions of the Prisons Acts relating to default in the making of presentments under those Acts, anything in this Act to the contrary notwithstanding.

#### *Removal of Prisoners.*

Confinement of  
prisoners before  
and during  
trial.

**36.** The Lord Lieutenant may from time to time by any general or special rule appoint in any county a convenient prison or prisons in which prisoners are to be confined before and during trial, or at either of such times, and any prisoner who might, if this Act had not passed, have been lawfully confined in a prison situate within the area of such county may be lawfully confined in any prison or prisons so appointed: Moreover, the Lord Lieutenant may, by any general or special rule, from time to time appoint any convenient prison or prisons in any adjoining county to which prisoners may be committed for trial, safe custody, or otherwise, and any prisoners may be committed to such prison accordingly.

Confinement of  
prisoners after  
conviction.

**37.** The Lord Lieutenant may from time to time by any general or special rule appropriate, either wholly or partially, particular prisons in Ireland to particular classes of prisoners under sentence of any court or of any competent authority to which such prisoners may be committed or removed, and may remove any prisoner from any one prison to any other prison in Ireland, for the purpose of

his undergoing the whole or any portion of his punishment in such prison; provided that a prisoner who is confined in a prison situate beyond the limits of the county, borough, or place in which he was convicted of his offence shall, at the time of his discharge, be entitled to be taken back at the public expense to the county, borough, or place in which he was so convicted.

**38.** The Lord Lieutenant may from time to time by any general or special rule appoint in any county a prison or prisons in which debtors and prisoners who are not criminal prisoners are to be confined during the period of their imprisonment, and it shall be lawful to confine in any prison so appointed during the period of his imprisonment any debtor or prisoner who is not a criminal prisoner who might, if this Act had not passed, have been confined during such period in any prison situate within the area of the county.

Confinement of debtors and prisoners who are not criminal prisoners.

**39.** Subject to this Act, and any rules made in pursuance thereof, prisoners may be committed to the same prison to which they might have been committed if this Act had not passed.

Saving as to commitment of prisoners.

The committal or imprisonment of a prisoner to or in a prison, if otherwise valid, shall not be illegal by reason only that such prisoner ought, according to the law for the time being in force, to have been committed to or imprisoned in some other prison, but any such prisoner as is mentioned in this section shall, on application made on his behalf in a summary manner to any judge of any of Her Majesty's superior courts of law in Dublin, be entitled to be removed at the public expense to such other prison as aforesaid.

**40.** Every prisoner confined in any prison to which this Act applies shall be deemed to be in the legal custody of the governor or keeper of the same: Provided that nothing in this Act contained shall affect the jurisdiction or responsibility of the sheriff in respect of prisoners under sentence of death, or his jurisdiction or control over the prison where such prisoners are confined, and the officers thereof, so far as may be necessary for the purpose of carrying into effect the sentence of death, or for any purpose relating thereto; and in any prison in which sentence of death is required to be carried into effect on any prisoner, the sheriff shall, for the purposes of carrying the sentence into execution, be deemed to have the same jurisdiction with respect to such prison as he would by law have had with respect to the common gaol of his county if this Act had not passed, and such prison were the common gaol of his county.

Custody of prisoners.

**41.** Any writ, warrant, or other legal instrument addressed to the governor or keeper of a particular prison, describing the prison by its situation or other definite description, shall be valid, by whatever title such prison is usually known, or whatever be the description of the prison.

Description of prison in writ.

**42.** A prisoner may be brought up in cases of adjournments and remands, and for trial, and may be removed from any one prison to another to which such prisoner may be legally removed, for the purpose of being tried or undergoing his sentence, by or under the direction of the governor or keeper of such prison, or any member of the constabulary force, or of the Dublin metropolitan

Removal of prisoners for trial.

police, duly authorised by such governor or keeper, and no prisoner whilst in the custody of any such governor or keeper or any member of the constabulary or metropolitan police force duly authorised by such governor or keeper shall be deemed to have escaped, although he may be taken into different jurisdictions or different places of confinement.

43. On and after the first day of April one thousand eight hundred and seventy-eight the sheriff of any sheriffdom shall not be liable for the escape of any prisoner.

*Miscellaneous.*

Chief Secretary may grant certificates to Prisoners Aid Societies.

44. The Chief Secretary to the Lord Lieutenant, upon the application of any one or more member or members of any society formed for the purpose of finding employment for discharged prisoners, and enabling them by loans and grants of money to live by honest labour, and after examining the rules of such society, and receiving such evidence as he thinks fit as to the condition of such society, may issue a certificate under his hand to the effect that such society is approved by him for the purposes of this Act, and he may subsequently at any time, upon due cause shown, by a writing under his hand, revoke or suspend such certificate, and any society in respect of which such certificate as aforesaid has been granted and remains in force shall be deemed to be a "Certified Prisoners Aid Society," and to be entitled to such privileges as are herein-after mentioned.

Allowance to discharged prisoner.

45. Where any prisoner is discharged from prison, the General Prisons Board may, in addition to any sums by law payable to such prisoner, order a sum of money not exceeding two pounds to be paid out of any moneys under their control, and applicable to the payment of the expenses of the prison, by the governor to the prisoner himself, or to the treasurer of a certified Prisoners Aid Society or refuge, on his receiving from such society an undertaking in writing, signed by the secretary thereof, to apply the same for the benefit of the prisoner, or, if that becomes impossible, repay the same to the General Prisons Board.

Power for General Prisons Board and grand jury to arrange and refer to arbitration.

46. The General Prisons Board on the one hand (with the assent of the Lord Lieutenant, and, so far as any public moneys are concerned, with the assent of the Treasury), and a grand jury on the other, may, with a view to carry into effect the purposes of this Act, compromise any matter, or settle any difference, or refer to arbitration any matter or difference.

19 & 20 Vict. c. 102.

A reference to arbitration under this Act shall be to a single arbitrator, and the provisions of the Common Law Procedure Amendment Act (Ireland), 1856, shall apply accordingly.

Employment of prisoners sentenced without hard labour.

47. In every prison in which prisoners sentenced to imprisonment without hard labour shall be confined, due provision shall be made by the General Prisons Board for the employment of such prisoners respectively, and the nature and amount of such employment shall be defined by rules to be made under this Act.

Division of prisoners in ordinary prison.

48. The General Prisons Board shall cause provision to be made in such prison or prisons as they shall think proper, so that prisoners convicted of misdemeanor and not sentenced to hard labour shall be divided into at least two divisions, one of which

shall be called the first division; and whenever any person convicted of misdemeanor is sentenced to imprisonment without hard labour, it shall be lawful for the court or judge before whom such person has been tried to order, if such court or judge think fit, that such person shall be confined during his sentence in such prison or in some one of such prisons, and be there treated as a misdemeanant of the first division, and a misdemeanant of the first division shall be treated in accordance with such rules as may from time to time be made in that behalf under the provisions of this Act.

**49.** Every prisoner under sentence inflicted on conviction for sedition or seditious libel, and any person who shall be imprisoned under any rule, order, or attachment for contempt of any court, shall be treated as a misdemeanant of the first division.

Certain prisoners shall be treated as first-class misdemeanants.

Saving clause as to reformatory and industrial schools. 31 & 32 Vict. c. 59.

**50.** Nothing in this Act contained shall affect the power or jurisdiction of any grand jury in relation to any reformatory school or to any industrial school under the Irish Reformatory Schools Act, 1868, and the Industrial Schools Act (Ireland), 1868, or either of such Acts, or any Act amending the said Acts or either of them.

31 & 32 Vict. c. 25.

**51.** Nothing in this Act contained shall entitle any existing officer of a prison to any superannuation or other allowance the conditions of whose office would not have entitled him to superannuation or other allowance under the Prison Officers (Ireland) Superannuation Act, 1873.

Saving clause as to pensions. 36 & 37 Vict. c. 51.

**52.** Where the prison medical officer considers it necessary to apply any painful test to a prisoner to detect malingering, or otherwise, such test shall only be applied by authority of an order from the visiting committee, or a member of the General Prisons Board.

Test of malingering.

**53.** In addition to the duties imposed upon the surgeon of a prison by the seventy-second section of the Act of the session of Parliament held in the seventh year of King George the Fourth, chapter seventy-four, it shall be the duty of the surgeon to see every prisoner in the course of every week, and daily visit the sick prisoners and the prisoners, if any, confined in punishment cells.

Duties of surgeon regarding sick prisoners.

He shall enter day by day, in his journal to be kept in the prison, an account of the state of every sick prisoner, the name of his disease, a description of the medicines and diet, and any other treatment which he may order for such prisoner.

He shall, once at least in every three months, inspect every part of the prison, and enter in his journal the result of each inspection, recording therein any observations he may think fit to make on any want of cleanliness, drainage, warmth, or ventilation, any bad quality of the provisions, any insufficiency of clothing or bedding, any insufficiency in the quantity or defect in the quality of the water, or any cause which may affect the health of the prisoners.

Whenever he has reason to believe that the mind of a prisoner is or is likely to be injuriously affected by the discipline or treatment, he shall report the case in writing to the gaoler, together with such directions as he may think proper, and he shall call the attention of the chaplain to any prisoner who appears to require his special notice.

He may, in any case of danger or difficulty, which appears to him to require it, call in additional medical assistance, and no serious operation shall be performed without previous consultation being held

with another medical practitioner, except under circumstances not admitting of delay, such circumstances to be recorded in his journal.

He shall, forthwith on the death of any prisoner, enter in his journal the following particulars, videlicet, at what time the deceased was taken ill; when the illness was first communicated to the surgeon; the nature of the disease; when the prisoner died; and an account of the appearances after death; together with any special remarks that appear to him requisite.

**54.** In addition to the duties imposed on the gaoler of a prison by the Prisons Acts, it shall be the duty of the gaoler to enter in a separate book, called the Punishment Book, a statement of the nature of any offence for which he has awarded punishment to be inflicted on any prisoner, with the addition of the name of the offender, the date of the offence, and the amount of punishment inflicted.

He shall, without delay, report to the visiting committee of justices any case of insanity or apparent insanity occurring among the prisoners. He shall also, without delay, call the attention of the surgeon to any prisoner whose state of mind or body appears to require attention, and shall carry into effect the directions of the surgeon respecting alterations of the discipline or treatment of any such prisoner.

He shall notify to the surgeon without delay the illness of any prisoner, and shall deliver to him daily a list of such prisoners as complain of illness, or are removed to the infirmary, or confined to their cells by illness, and he shall deliver to the chaplain and surgeon lists of such prisoners as are confined in punishment cells.

No prisoner sentenced to hard labour shall be kept at such labour for more than ten hours each day, exclusive of meals.

**55.** It shall not be lawful for the governor of any prison in exercising the powers conferred upon him by the fifteenth rule contained in the hundred and ninth section of the Act of the session of Parliament held in the seventh year of the reign of King George the Fourth, chapter seventy-four, to order any prisoner to be confined in a punishment cell for any term exceeding twenty-four hours; nor shall it be lawful for any justice in exercising the powers conferred by the sixteenth rule contained in the same section to order any prisoner to be confined in a punishment cell for any term exceeding fourteen days.

**56.** It shall be the duty of the coroner having jurisdiction in the place to which the prison belongs, to hold an inquest on the body of every prisoner who may die within the prison. Where it is practicable, sufficient time shall be allowed before the holding of the inquest to allow the attendance of the nearest relative of the deceased, and in no case shall any officer of the prison, nor any person engaged in any sort of trade or dealing with the prison, be a juror on such inquest.

**57.** The following conditions shall apply to the rules and special rules to be made by the Lord Lieutenant, or by the General Prisons Board, under the authority of this Act:

(a.) No such rule or special rule shall have effect with respect to any ordinary prison before the first day of April one thousand eight hundred and seventy-eight.

Duties of  
gaolers.

Limitation of  
time of confinement in  
punishment  
cells.

Coroner shall  
hold inquest  
on prisoner  
who has died  
in prison.

Conditions as  
to rules made  
under this Act.



(b.) Any rule made in manner aforesaid respecting matters relating to finance or to account shall, before receiving the approval of the Lord Lieutenant and Privy Council, be submitted to and approved by the Commissioners of Her Majesty's Treasury.

(c.) All such rules and special rules shall be forthwith laid in a complete form, after the same shall have been settled and approved by the Lord Lieutenant and Privy Council, before both Houses of Parliament, if Parliament be sitting, or if not, then within three weeks after the beginning of the next ensuing session of Parliament; and if any such rules shall be disapproved by either House of Parliament within forty days after the same shall have been so laid before Parliament, such rules, or such part thereof as shall be so disapproved of, shall be void and have no effect: Provided also, that no such rules shall come into force or operation until the same shall have been laid before Parliament for forty days.

All such rules and special rules not disapproved in manner aforesaid shall be published in the Dublin Gazette, and the production of a printed copy of the Dublin Gazette, purporting to be printed and published by the Queen's authority, and containing the publication of such rules, shall be conclusive evidence of the making of such rules. A copy of the rules shall be posted in some conspicuous place in every prison to which the same relate, and, so long as the same shall continue in force, shall be of the same validity as if enacted by this Act. The rules and byelaws of every prison existing at the time of the passing of this Act shall continue in force unless and so far as the same shall not be altered or repealed in manner aforesaid.

**58.** Whereas certain charitable donations and bequests have from time to time been made, and are still payable, for the benefit of poor debtors confined in prisons in Ireland: And whereas in consequence of the passing of the Debtors Act (Ireland), 1872, and the rules and discipline established in the various prisons in Ireland, it has in many cases been found to be inconsistent with the rules and discipline of the said prisons, or otherwise impracticable, to apply the said charitable bequests in the manner directed by the several donors or testators: Therefore it shall be lawful for the Commissioners of Charitable Donations and Bequests for Ireland to apply or to order the application of any of such donations or bequests to such charitable purposes as they shall judge to be best, having regard to the intentions of the donor or testator; and such application or order shall be made in the manner prescribed by the provisions of the sixth section of the Charitable Donations and Bequests Act (Ireland), 1871, and shall be valid and effectual, although the amount of any such donation or bequest shall exceed the amounts specified in the said section.

As to charitable donations and bequests for poor prisoners. 35 & 36 Vict. c. 57.

34 & 35 Vict. c. 102.

**59.** From and after the first day of April one thousand eight hundred and seventy-eight any enactment contained in the Prisons Acts which requires that a local inspector, or more than one medical officer, or an apothecary, shall be appointed for any prison, or imposes upon prison chaplains the duty of inspecting the bread or

Discontinuance of unnecessary offices and duties.

other provisions provided for prisoners, and of taking care that the same are of good and wholesome quality, and of sufficient weight, shall be and the same is hereby repealed.

Saving as to  
commissions.

**60.** Nothing in this Act contained relating to the custody of prisoners shall affect the validity of any commission of gaol delivery, commission of oyer and terminer, or other commission, precept, writ, warrant, or other document, notwithstanding the same may be addressed to or make mention of the sheriff of any county, city, or place, instead of being addressed to or making mention of the governor of a prison or prisons; and every such commission, precept, writ, warrant, or other document shall be obeyed by the governor and take effect in the same manner as if the governor had been named therein instead of the sheriff.

## CHAPTER 50.

An Act to amend the Law in regard to the appointment of Sheriffs Substitute and Procurators Fiscal in Scotland; to extend the jurisdiction of and amend the procedure in the Sheriff Courts of Scotland; and for certain other purposes connected therewith.

[14th August 1877.]

**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:

Short title.

**1.** This Act may be cited for all purposes as the Sheriff Courts (Scotland) Act, 1877.

Commence-  
ment of Act.

**2.** Except in so far as otherwise expressly provided, this Act shall commence and take effect on and immediately after the first day of October one thousand eight hundred and seventy-seven.

Appointment  
of salaried  
sheriffs sub-  
stitute vested in  
Her Majesty.

**3.** From and after the passing of this Act the right of appointing to the salaried office of sheriff substitute, heretofore belonging to sheriffs, shall be transferred to, vested in, and exercised by Her Majesty, her heirs and successors, on the recommendation of one of Her Majesty's Principal Secretaries of State.

Qualification  
of sheriffs  
substitute.  
6 Geo. 4. c. 23.  
s. 9. repealed.

**4.** The ninth section of the Act passed in the sixth year of His Majesty George the Fourth, chapter twenty-three, is hereby repealed; and in lieu thereof it is enacted as follows: From and after the passing of this Act no person shall be appointed to the office of salaried sheriff substitute who shall not be an advocate or a law agent, within the meaning of the Act passed in the thirty-sixth and thirty-seventh years of the reign of Her present Majesty, chapter sixty-three; provided always, that such advocate or law agent shall not be of less than five years standing in his profession.

36 & 37 Vict.  
c. 63.

Tenure of  
office of salaried  
sheriffs sub-  
stitute and  
procurator  
fiscal.

**5.** No person holding the office of sheriff substitute or procurator fiscal at the passing of this Act, and receiving salary on that account, and no person who may hereafter be appointed to the office of salaried sheriff substitute or procurator fiscal by virtue of the provisions of this Act, shall be removable from office, except by one of Her Majesty's Principal Secretaries of State, for inability or

misbehaviour, upon a report by the Lord President of the Court of Session and the Lord Justice Clerk for the time being.

6. From and after the passing of this Act the appointment of procurators fiscal shall be made by the sheriff with the approval of one of Her Majesty's Principal Secretaries of State, and any procurator fiscal so appointed, and any procurator fiscal holding office at the passing of this Act (save in so far as herein-after expressly provided) shall not be removable from office except in the manner provided in the fifth section of this Act: Provided always, that no appointment of any procurator fiscal, whether made before or after the passing of this Act, shall fall by reason of the sheriff ceasing to hold office by reason of death, resignation, or otherwise. The appointment of any person to act as procurator fiscal ad interim or in the absence of the procurator fiscal in any sheriff court shall cease and determine from and after the commencement of this Act.

Appointment of procurators fiscal vested in sheriffs with approval of Secretary of State.

7. Except as herein-before provided, no sheriff shall have power, after the passing of this Act, to nominate or appoint any person to perform the duties of procurator fiscal; but it shall be lawful for a procurator fiscal, with the leave of the Lord Advocate and sheriff expressed in writing, to grant a deputation to one or more fit persons to be named in such writing for whose actings he shall be responsible, to sign writs, to appear in Court, and to conduct prosecutions and inquiries in his name and on his behalf. In the event of a vacancy in the office of procurator fiscal, any depute or deputies appointed in terms of this section shall have and discharge all the powers, privileges, and duties of a procurator fiscal until such vacancy is filled up.

Procurator fiscal may appoint depute with consent of Lord Advocate and sheriff.

8. The jurisdictions, powers, and authorities of the sheriffs and sheriffs substitute of Scotland shall be and the same are hereby extended to,—

Sheriffs jurisdiction extended to certain questions of heritable right or title, &c.

- (1.) All actions (including actions of declarator, but excluding actions of adjudication, save in so far as now competent, and excluding actions of reduction,) relating to a question of heritable right or title, where the value of the subject in dispute does not exceed the sum of fifty pounds by the year, or one thousand pounds value:
- (2.) Actions of declarator for the purpose of determining any question relating to the property in, or right of succession to, movables, where the value of the subject in dispute does not exceed the sum of one thousand pounds:
- (3.) Actions of division of commonty, and division, or division and sale, of common property, where the value of the subject in dispute does not exceed the sum of fifty pounds by the year, or one thousand pounds value:

Provided that the Act of the Parliament of Scotland passed in the year one thousand six hundred and ninety-five, intituled "Act concerning the dividing of commonties," shall for the purposes of this Act, and subject to the limitations hereof, be read and construed as if it conferred jurisdiction upon sheriffs and sheriffs substitute in the same manner as it confers jurisdiction on the Court of Session:

(4.) Any action against a foreigner, provided—

- (1.) That such action would be competent in a sheriff court against a Scotsman subject to the jurisdiction thereof; and
- (2.) That a ship or other vessel belonging to such foreigner, or of which he is part owner or master, shall have been arrested within the sheriffdom:

Actions relating to questions of heritable right or title, or to division of commonties, or division, or division and sale, of common property, raised in a sheriff court, shall be raised in the sheriff court of the county in which the property forming the subject in dispute is situated, and all parties against whom any such action may be brought shall be subject in such action to the jurisdiction of the sheriff and sheriff substitute of such county.

Nothing herein contained shall derogate from any jurisdiction, power, or authority now possessed by the sheriffs and sheriffs substitute of Scotland.

Provisions as to actions, &c. made by this Act competent in the sheriff court.

9. In regard to every action brought under the preceding section in the sheriff court, the following provisions shall have effect; that is to say,

- (1.) If a defender shall, at any time before an interlocutor closing the record is pronounced in the action, or within six days after such an interlocutor shall have been pronounced, lodge a note in the process in the following or similar terms; that is to say,

“The Defender prays that the process may be transmitted to the Court of Session.

“ [Signed by the Defender  
or his Law Agent.]”

“ [Date]

it shall be the duty of the sheriff clerk forthwith to transmit the process to the keeper of the rolls of the First Division of the Court of Session, who shall, under the directions of the Lord President of the Court, mark on the petition the Division and the Lord Ordinary before whom it shall depend, and shall transmit the process to the depute clerk officiating at the bar of such Lord Ordinary; and the process having been so transmitted shall thereafter proceed before the Court of Session as nearly as may be as if it had been raised in that court:

- (2.) The Court of Session or either Division thereof or any Lord Ordinary therein may, if of opinion that the action might have been properly tried in the sheriff court, allow the defender who removed the action to the Court of Session, in the event of his being successful therein, such expenses only as they may consider that he would have been entitled to if successful in the action in the sheriff court:
- (3.) The provisions of any Act of Parliament excluding appeal to the Court of Session in respect of the value of a cause depending in the sheriff court shall not apply to actions brought therein under the preceding section.

How value of estate shall be determined.

10. In any case of question as to the value of the subject in dispute in any action brought in a sheriff court under the provisions of this Act extending the jurisdiction of the sheriffs, the sheriff or

sheriff substitute shall (in such way as he may think expedient) inquire into and determine the value, and his determination shall be final as regards the competency of bringing the action in the sheriff court.

If it shall appear to the sheriff or sheriff substitute, as the case may be, that the value exceeds the amount specified by this Act, he may dismiss the action, with or without expenses, as he shall see fit, or on the motion of the pursuer may, if he shall see fit, order the sheriff clerk to transmit the process to the keeper of the rolls of the First Division of the Court of Session, who shall, under the directions of the Lord President of the Court, mark on the petition the Division and the Lord Ordinary before whom it shall depend, and shall transmit the process to the depute clerk officiating at the bar of such Lord Ordinary, and the process having been so transmitted shall thereafter proceed before the Court of Session as nearly as may be as if it had been raised in that court.

**11.** When in any action competent in the sheriff court a deed or writing is founded on by either party, all objections thereto may be stated and maintained by way of exception, without the necessity of bringing a reduction thereof: Provided always, that if any objection to a liquid document of debt, now maintainable only by way of reduction, shall be maintained by way of exception, the objector shall find such caution, or make such consignment, as the sheriff or sheriff substitute may direct.

Deed may be set aside by exception.

**12.** From and after the passing of this Act, the seventh section of "The Bankruptcy (Scotland) Amendment Act, 1860," and so much of the fifty-first section of "The Lands Clauses Consolidation (Scotland) Act, 1845," as provides for the payment of remuneration to sheriffs and sheriffs substitute shall be repealed, and all payments to sheriffs and sheriffs substitute in respect of the discharge of their official duties, other than the salaries provided to them out of public moneys, and the expenses mentioned in the last-recited section, shall cease and determine: Provided always, that it shall be lawful to the Commissioners of Her Majesty's Treasury to grant out of moneys to be provided by Parliament, such compensation as they shall think fit to any sheriff or sheriff substitute in respect of the operation of this section, regard being had to the terms of the commission under which such sheriff or sheriff substitute holds office, and to the conditions, if any, which may have been attached to any salary, or increase of salary, granted to such sheriff or sheriff substitute.

Abolition of fees to sheriffs and sheriffs substitute. 23 & 24 Vict. c. 33. 8 & 9 Vict. c. 19.

## CHAPTER 51.

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.

[14th August 1877.]

**W**HEREAS the exigencies of the public service in India require 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 :

Power to the Secretary of State in Council of India to raise any sum not exceeding 5,000,000*l.*

1. It shall be lawful for the Secretary of State in Council of India, at any time or times after the passing of this Act, 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 of pounds sterling, of which two millions five hundred thousand pounds sterling may be raised by the creation and issue of capital stock bearing interest, or annuities, bonds, debentures, or bills, or partly by one of such modes and partly by another or others, and the whole or any portion of the remaining two millions five hundred thousand pounds sterling may be raised by the creation and issue of bonds, debentures, or bills, but not by the creation and issue of capital stock bearing interest, or of annuities.

Bonds may be issued under the hands of two members of the Council, and countersigned by Secretary of State.

2. All bonds issued under the authority of this Act 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.

Debentures may be issued.

3. All debentures issued under the authority of this Act 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.

As to payment of principal and interest on debentures.

4. 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 shall be payable either at the treasury of the Secretary of State in Council in London or at the Bank of England.

Debentures transferable by delivery.

5. 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 by the delivery of such debentures; and the coupons for interest annexed to any debenture issued under the authority of this Act shall also pass by delivery.

Coupons by delivery.

6. All bills issued under the authority of this Act may be issued under the hands of two members of the Council, and countersigned as aforesaid, for such respective amounts 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.

Bills may be issued.

Description, currency of, and interest on bills.

7. A bill issued under the authority of this Act shall be a bill for the payment of the principal sum named therein at the date therein mentioned, so that the date be not more than twelve months from the date of the bill; and the principal sum secured by such bill shall be payable either at the treasury of the Secretary of State

in Council in London or at the Bank of England. Interest shall be payable in respect of such bill at such rate and in such manner as the Secretary of State in Council may determine.

8. 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 centum 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.

Capital stock and annuities may be created and issued.

9. 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 attorneys thereunto lawfully authorised 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.

Transfer books of such capital stock and annuities to be kept.

10. 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.

Annuities deemed personal estate.

11. The whole amount of the principal moneys to be charged on the revenues of India under this Act shall not exceed five millions.

The whole amount charged not to exceed 5,000,000*l*.

12. Upon or for the repayment of any principal money secured under the authority of this Act, 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 or to be repaid, and so from time to time as all or any part of any principal money under this Act 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, and the total amount raised under this section by the creation and issue of capital stock bearing interest or of annuities shall not at any one time exceed two millions five hundred thousand pounds sterling.

Power to raise money for payment of principal money.

Securities, &c. to be charged on revenues of India.

**13.** All bonds, debentures, and bills 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.

Provisions as to composition for stamp duties on India bonds extended to bonds and debentures under this Act.

**14.** 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.

Forgery of debentures and bills to be punishable as forgery of East India bonds.

**15.** 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 or bill 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 prepared half-yearly of moneys raised on loan, and presented to Parliament.

**16.** Provided always, that, at the end of each of the half years ending on the thirty-first day of March and the thirtieth day of September in every year, the Secretary of State in Council shall prepare or cause to be prepared a return of all loans raised in England under the provisions of this Act or of any other Acts, and of loans raised in India chargeable on the revenues of India, outstanding at the commencement of each half year, with the rates of interest and total amount payable thereon, and the date of the termination of each loan, the debt incurred during the half year, the moneys raised thereby during the half year, the loans paid off or discharged during the half year, and the loans outstanding at the close of the half year, stating, so far as the public convenience will allow, the purpose or service for which moneys have been raised during the half year; also a return of all stocks, loans, debts, and liabilities then chargeable on the revenues of India, as provided for in the Act twenty-first and twenty-second Victoria, chapter three, with rates and amount of interest, showing the changes which have taken place in each half year, in respect to the debts incurred and paid off or discharged; that such returns shall be presented to both Houses of Parliament, as respects the return of loans and liabilities in England, within fifteen days after the expiration of the said half-yearly periods, and within three months after the expiration of each half year, as respects the return of loans and liabilities in India, if Parliament be then sitting, or if not sitting, then within one week after Parliament shall be next assembled; and the various conditions in respect to terms, prices, dates of payment, and rates of interest on which bills have been issued during the half year under the authority of sections six and seven of this Act, shall be shown in the return in a form admitting of a comparison with previous years.



17. 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.

Saving powers of the Secretary of State in Council.

18. Any capital stock created under this Act shall be deemed to be East India stock, within the Act twenty-second and twenty-third Victoria, chapter thirty-five, section thirty-two, unless and until Parliament shall otherwise provide; and any capital stock created under this Act shall be deemed to be and shall mean India stock within the Act of the twenty-sixth and twenty-seventh Victoria, chapter seventy-three, anything in the said last-mentioned Act to the contrary notwithstanding.

Stock created hereunder to be deemed East India stock.

19. The provisions contained in the third section of the Act of the thirty-third and thirty-fourth Victoria, chapter ninety-three, and all other enactments in the said Act relating to or affecting such provisions, shall be extended and be applicable to any capital stock created under this Act.

Sect. 3. &c. of 33 & 34 Vict. c. 93. extended to capital stock created under this Act.

## CHAPTER 52.

An Act for further amending the Acts relating to the raising of Money by the Metropolitan Board of Works; and for other purposes relating thereto.

[14th August 1877.]

**W**HEREAS by the Metropolitan Board of Works (Loans) Act, 1875, in this Act referred to as "the Act of 1875," the raising of money by the Metropolitan Board of Works (in this Act referred to as "the Board") for the purposes therein specified was regulated, and provision was made requiring that the borrowing powers granted to the Board by Parliament for the purposes therein named should for the future be limited both in time and amount:

38 & 39 Vict. c. 65.

And whereas by the Metropolitan Board of Works (Loans) Act, 1876, (in this Act referred to as the "Act of 1876,") the Board were empowered to raise certain sums of money for the purposes in the said Act mentioned, and limits of time and amount within which the powers by the said Act granted might be exercised were fixed:

39 & 40 Vict. c. 55.

And whereas the powers for the raising of money by the Act of 1876 conferred upon the Board have been partially exercised, but it is expedient that the Board should have power to raise certain further sums of money for the purposes, upon the terms and subject to the limitations herein-after mentioned, and that for such purposes the Act of 1876 should be amended:

And whereas it is expedient that the Board should be empowered to raise any of the moneys which they are by this Act authorised to raise, and which it may be convenient to raise for a temporary period, by the issue of bills with the consent of the Treasury for not less than three and not more than twelve months, to be repaid out of moneys raised by the creation of consolidated stock under this 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:

Short title.

1. This Act may be cited as the "Metropolitan Board of Works (Money) Act, 1877," and the Act of 1875, the Act of 1876, and this Act may be cited together as the "Metropolitan Board of Works (Money) Acts, 1875 to 1877."

Construction of Act.  
32 & 33 Vict. c. 102.  
33 & 34 Vict. c. 24.  
34 & 35 Vict. c. 47.

2. This Act shall be read and have effect as one with the Metropolitan Board of Works (Loans) Acts, 1869 to 1871, and the Act of 1875 and the Act of 1876.

Amendment of section 4 of the Act of 1876 as to limit of amount for Fire Brigade.

3. Section four of the Act of 1876 shall be read and construed as if the aggregate amount which the Board was thereby authorised to raise and expend for the purposes of the Fire Brigade Act, 1865, had been limited to a sum not exceeding thirty-five thousand pounds instead of twenty thousand pounds.

Amendment of section 7 of the Act of 1876 as to limit of amount to be lent.

4. Section seven of the Act of 1876 shall be read and construed as if the aggregate amount which the Board was thereby authorised to lend to vestries and district boards under the said section had been limited to a sum not exceeding two hundred thousand pounds instead of to a sum not exceeding one hundred and fifty thousand pounds.

Amendment of section 8 of the Act of 1876.

5. Section eight of the Act of 1876 shall be read and construed as if the aggregate amount which the Board was thereby authorised to lend to boards of guardians had been limited to a sum not exceeding two hundred thousand pounds instead of one hundred and twenty thousand pounds.

Amendment of section 9 of the Act of 1876.

6. Section nine of the Act of 1876 shall be read and construed as if the aggregate amount which the Board was thereby authorised to lend to the corporations, bodies of commissioners, burial boards, and other public bodies therein specified had been limited to a sum not exceeding one hundred thousand pounds instead of fifty thousand pounds.

Power for Board to expend for general improvements and contributions.  
18 & 19 Vict. c. 120.  
25 & 26 Vict. c. 102.

7. The Board may from time to time up to the thirty-first day of December one thousand eight hundred and seventy-eight expend, under section one hundred and forty-four of the Metropolis Management Act, 1855, and section seventy-two of the Metropolis Management Amendment Act, 1862, such money as they think fit for the purposes mentioned in the said sections respectively.

The aggregate amount expended by the Board under this section shall not exceed one hundred thousand pounds.

The Board in order to raise money for purposes of this section may from time to time create consolidated stock.

Power for Board to expend for Fire Brigade purposes.  
28 & 29 Vict. c. 90.

8. The Board may from time to time up to the thirty-first day of December one thousand eight hundred and seventy-eight expend for the purposes of providing station houses, fire-engines, fire-escapes, and permanent plant for the purposes of the Fire Brigade Act, 1865, such money as they think fit not exceeding twenty thousand pounds.

The Board in order to raise money for purposes of this section may from time to time create consolidated stock.

The Board shall from time to time carry to the consolidated loans fund such sums as the Treasury approve, as being in their opinion sufficient to redeem within thirty years from the date of the creation of stock for purposes of this section an amount of consolidated stock equal to that so created.

9. The Board may from time to time up to the thirty-first day of December one thousand eight hundred and seventy-eight expend for the purposes of the Metropolitan Street Improvements Act, 1877, if it shall become law, such money as they think fit not exceeding three millions seven hundred and twelve thousand five hundred and seven pounds, and for the purposes of the Metropolitan Board of Works Act, 1877, such money as they think fit not exceeding four thousand five hundred pounds, and for the purposes of so much of the Metropolitan Commons Supplemental Act, 1877, if it becomes law, as relates to Clapham Common and Bostall Heath, such money as they think fit not exceeding thirty thousand pounds.

Power for Board to expend for purposes of 40 & 41 Vict. cc. ccxxv., viii., and cci.

Provided that if the Metropolitan Street Improvements Act, 1877, does not authorise the making of the new street Number six, commencing in Trafalgar Square and terminating at Tottenham Court Road, the moneys raised for the purposes of the last-mentioned Act shall not exceed two million nine hundred and twenty-nine thousand nine hundred and seven pounds.

The Board in order to raise money for purposes of this section may from time to time create consolidated stock: Provided always, that the money to be raised and the consolidated stock to be created by the Board under this section shall be raised and created by them from time to time in such amounts and at such times only as the Board shall actually require, and as the Treasury shall approve, for the purpose of carrying out the provisions of the said Acts in a proper and efficient manner.

10. The Board may from time to time up to the thirty-first day of December one thousand eight hundred and seventy-eight expend for the purposes of the Metropolitan Street Improvements Act, 1872, such additional sums of money as they think fit not exceeding sixty thousand pounds.

Power for Board to expend for the purposes of 35 & 36 Vict. c. clxiii.

The Board in order to raise money for purposes of this section may from time to time create consolidated stock.

11. Where a vestry or district board constituted under the Metropolis Management Act, 1855, desire in pursuance of authority vested in them by Act of Parliament to borrow money for the purpose of any work, or for the purpose of paying off any loan or debt, or for any other purpose, and it appears to the Board and to the Treasury expedient that the repayment of the money to be borrowed shall be spread over a series of years, then from time to time up to the thirty-first day of December one thousand eight hundred and seventy-eight the Board may lend to the vestry or district board, and the vestry or district board may borrow from the Board, such money as the Board think fit, and as the vestry or district board are authorised and desire to borrow.

Power for Board to lend to vestry or district board.

The aggregate amount lent by the Board under this section shall not exceed two hundred thousand pounds.

The Board in order to raise money for purposes of this section may from time to time create consolidated stock.

Money lent by the Board under this section shall, notwithstanding anything in any other Act, be repaid to them with interest within such time after the borrowing as the Board and the borrowers with the approval of the Treasury agree, not exceeding in case of a loan for purposes of improvements effected by the

widening of streets or bridges or for the purpose of purchase of land in fee simple sixty years, and for any other purpose thirty years.

In case of a loan required to be for not exceeding thirty years the Board shall from time to time carry to the consolidated loans fund such sums as the Treasury approve, as being in their opinion sufficient to redeem within the period for which the loan is made, not exceeding thirty years from the date of the creation of stock for purposes of this section, an amount of consolidated stock equal to that so created.

Power for Board to lend to board of guardians.

**12.** Where a board of guardians of a union or parish wholly or for the greater part in the Metropolis, as defined in the Metropolis Management Act, 1855, desire in pursuance of authority vested in them to borrow money for the purpose of any work, or for the purpose of paying off any loan or debt, or for any other purpose, and it appears to the Board and the Treasury expedient that the repayment of the money to be borrowed shall be spread over a series of years, then from time to time up to the thirty-first day of December one thousand eight hundred and seventy-eight the Board may lend to the board of guardians, and the board of guardians may borrow from the Board, such money as the Board think fit, and as the board of guardians are authorised and desire to borrow.

The aggregate amount lent by the Board under this section shall not exceed two hundred thousand pounds.

The Board in order to raise money for purposes of this section may from time to time create consolidated stock.

Money lent by the Board under this section shall, notwithstanding anything in any other Act, be repaid to them with interest within such time after the borrowing as the Board and the borrowers with the approval of the Treasury agree, not exceeding thirty years.

The Board shall from time to time carry to the consolidated loans fund such sums as the Treasury approve, as being in their opinion sufficient to redeem within the period for which the loan is made, not exceeding thirty years from the date of the creation of stock for purposes of this section, an amount of consolidated stock equal to that so created.

Power for Board to lend to corporations, burial boards, &c.

**13.** Where any corporation, body of commissioners, burial board, or other public body having power to levy, directly or indirectly, rates in respect of lands in the Metropolis, as defined in the Metropolis Management Act, 1855, or to make charges on rates leviable in the Metropolis as so defined, or to take within the Metropolis as so defined dues or impositions in the nature of rates, desire in pursuance of authority vested in them to borrow money for the purpose of any work, or for the purpose of paying off any loan or debt, or for any other purpose, and it appears to the Board and to the Treasury expedient that the repayment of the money to be borrowed shall be spread over a series of years, then from time to time up to the thirty-first day of December one thousand eight hundred and seventy-eight, with the approval of the Treasury, the Board may lend to the corporation, commissioners, burial board, or other public body, and they may borrow from the Board, such money as the Board think fit, and as the corporation, commis-

sioners, burial board, or other public body are authorised and desire to borrow.

The aggregate amount lent by the Board under this section shall not exceed fifty thousand pounds.

The Board in order to raise money for purposes of this section may from time to time create consolidated stock.

Money lent by the Board under this section shall, notwithstanding anything in any other Act, be repaid to them with interest within such time after the borrowing as the Board and the borrowers with the approval of the Treasury agree, not exceeding in case of a loan for purposes of improvements effected by the widening of streets or bridges or for the purpose of purchase of land in fee simple sixty years, and for any other purpose thirty years.

In case of a loan required to be for not exceeding thirty years the Board shall from time to time carry to the consolidated loans fund such sums as the Treasury approve, as being in their opinion sufficient to redeem within the period for which the loan is made, not exceeding thirty years from the date of the creation of stock for purposes of this section, an amount of consolidated stock equal to that so created.

Nothing in this section shall apply to the case of the managers of the Metropolitan Asylum District or of the School Board for London.

14. The Board may from time to time up to the thirty-first day of December one thousand eight hundred and seventy-eight lend to the managers of the Metropolitan Asylum District, in addition to the sum of five hundred thousand pounds authorised by section thirty-seven of the Metropolitan Board of Works (Loans) Act, 1869, and to the sum of one hundred thousand pounds authorised by section seventeen of the Metropolitan Board of Works (Loans) Act, 1871, and to the sum of one hundred thousand pounds authorised by section seven of the Act of 1875, and to the sum of one hundred thousand pounds authorised by section ten of the Act of 1876, such sums as the managers are from time to time authorised by the Local Government Board to borrow in pursuance of the Acts in the first-mentioned section referred to not exceeding in the whole fifty thousand pounds, and the first-mentioned section shall be construed as if eight hundred and fifty thousand pounds were therein substituted for five hundred thousand pounds.

Extension of amount of loans by Board for Metropolitan Asylum District.

15. Notwithstanding anything in this Act, or in any other Act relating to the Board, contained, the Board, with the consent of the Treasury, may from time to time, as they think fit, raise any part of the moneys which they are by this Act authorised to raise, not exceeding in the whole the sum of four million six hundred and twenty-two thousand and seven pounds, by the issue of bills under this Act.

Board may raise money by bills.

16. A bill under this Act (in this Act referred to as a "Metropolitan bill") shall be a bill in form prescribed by a regulation made in pursuance of this Act for the payment of the principal sum named therein in the manner and at the date therein mentioned, so that the date be not less than three nor more than twelve months from the date of the bill.

Form and length of currency and interest on Metropolitan bills.

Interest shall be payable in respect of a Metropolitan bill at

such rate and in such manner as the Board, with the consent of the Treasury, may direct.

Payment of proceeds of Metropolitan bills, and charge of bill on Consolidated rate.

**17.** All moneys raised by the issue of any Metropolitan bills shall be paid to the Board, and shall be expended by them for the purposes for which the same are by this Act authorised to be raised respectively. The principal money and interest expressed in any Metropolitan bill to be payable shall be charged on the consolidated rate, and shall be payable out of the said rate, or as regards principal out of moneys raised by the creation of consolidated stock under this Act for the purpose for which such principal money has been expended, and as regards interest out of the consolidated loans fund.

Mode of issue of Metropolitan bills.

**18.** With respect to the issue of Metropolitan bills the following provisions shall have effect:

- (1.) Metropolitan bills shall be issued under the authority of a warrant sealed by the Board and countersigned on behalf of the Treasury:
- (2.) Each Metropolitan bill shall be for the amount directed by the Board:
- (3.) Each Metropolitan bill shall be sealed by the Board, the sealing being attested by the clerk in his own name.

Regulations to be made by the Board as to issue, cancellation, &c. of Metropolitan bills.

**19.** The Board may from time to time, with the consent of the Treasury, make, and when made rescind, alter, and add to, regulations for carrying into effect the provisions of this Act with respect to Metropolitan bills, and in particular—

- (1.) For regulating (subject to the provisions of this Act) the preparation, form, mode of issue, mode of payment, and cancellation of Metropolitan bills:
- (2.) For regulating the issue of a new Metropolitan bill in lieu of one defaced, lost, or destroyed:
- (3.) For preventing, by the use of counterfoils or of a special description of paper or otherwise, fraud in relation to the Metropolitan bills:
- (4.) For the proper discharge to be given upon the payment of a Metropolitan bill:

Every regulation purporting to be made in pursuance of this section shall be deemed to be within the powers of this Act, and shall have effect as if it were enacted in this Act.

Power to create consolidated stock partially suspended while Metropolitan bills authorised to be raised.

**20.** For the purpose of paying off the principal money of any Metropolitan bills the Board may raise any sum which they are by this Act empowered to raise by the creation of consolidated stock for the purposes for which such principal money has been expended, not exceeding the amount of such principal money, but save as aforesaid the powers given to the Board by this Act to raise moneys for any purposes by the creation of consolidated stock shall be suspended to the amounts and for the periods to and for which moneys are for the time being authorised by the Treasury to be raised for such purposes respectively by the issue of Metropolitan bills.

Application to Metropolitan bills of 24 & 25 Vict. c. 98. ss. 8-11,

**21.** Sections eight, nine, ten, and eleven of the Act of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, chapter ninety-eight, intituled "An Act to consolidate and amend the Statute Law of England and Ireland relating to indictable

“offences by forgery,” (which sections relate to the forgery of and other frauds relating to Exchequer bills,) shall apply to the Metropolitan bills, and shall have effect as if “Exchequer bill” in those sections included “Metropolitan bill.”

relating to forgery and other frauds.

22. The Board may enter into such arrangements with any bank approved by the Treasury for carrying into effect the provisions of this Act with respect to the issue of Metropolitan bills, and to the payment of the principal sum named therein, and to all matters relating thereto, and for the proper remuneration of such bank with reference thereto, as they may think proper and as may be approved by the Treasury.

Arrangement with bank as to Metropolitan bills.

23. The limitation on the borrowing power of the Board contained in section thirty-eight of the Metropolitan Board of Works (Loans) Act, 1869, shall not extend to money raised by the Board for purposes mentioned in this Act.

Alteration of limitation of borrowing power.

24. All sums received by the Board in respect of interest on or principal of any loan made by them under this Act shall be carried to the consolidated loans fund.

Repayments to go to consolidated loans fund.

25. The provisions of section three of the Metropolitan Board of Works (Loans) Act, 1869, shall extend and apply to and shall authorise the raising in manner therein mentioned of any money by the Board with the sanction of the Treasury under any powers of borrowing.

Application of provisions of 32 & 33 Vict. c. 102. s. 3.

## SCHEDULE.

### NEW MONEY POWERS CONFERRED IN THIS ACT.

Section of Act.	Purpose.	Amount.
(a) Supplemental for 1877.		£
3	Fire Brigade - - - - -	15,000
4	Loans to vestries and district boards - - -	50,000
5	Loans to guardians - - - - -	80,000
6	Loans to public bodies - - - - -	50,000
(b) For 1878.		
7	Minor improvements - - - - -	100,000
8	Fire Brigade - - - - -	20,000
9	Street Improvements Act, 1877, and other Acts, viz.:	
	Street Improvements - - - 3,712,507	
	Sydenham Recreation Ground 4,500	
	Clapham Common and Bostal Heath - - - - - 30,000	
		3,747,007
10	Street improvements under Act of 1872 - - -	60,000
11	Loans to vestries and district boards - - -	200,000
12	Loans to guardians - - - - -	200,000
13	Loans to public bodies - - - - -	50,000
14	Loans to managers of Metropolitan Asylums District - - - - -	50,000
		£4,622,007

## CHAPTER 53.

An Act to amend the Law relating to Prisons in Scotland.  
[14th August 1877.]

**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:

*Preliminary.*

Short title of Act.

1. This Act may be cited for all purposes as the Prisons (Scotland) Act, 1877.

Commencement of Act.

2. This Act shall, except as is herein-after otherwise provided, and except in so far as relates to the making of rules by the Secretary of State, in pursuance of any power transferred to or vested in the Secretary of State by this Act, which rules may be made at any time after the passing of this Act, come into operation on the first day of April one thousand eight hundred and seventy-eight, which day is herein-after referred to as the commencement of this Act.

Extent of Act.

3. This Act shall not extend to England or Ireland, but shall apply in Scotland to all prisons as herein-after defined.

## PART I.

## TRANSFER AND ADMINISTRATION OF PRISONS.

*Transfer of Prisons.*

Maintenance of prisons and prisoners out of public funds.

4. On and after the commencement of this Act all expenses incurred in respect of the maintenance of prisons to which this Act applies, and of the prisoners therein, shall be defrayed out of moneys provided by Parliament.

Prisons to vest in Secretary of State.

5. Subject as in this Act mentioned—

(1.) The prisons to which this Act applies, and the furniture and effects belonging thereto; also,

(2.) The appointment of all officers, and the control and safe custody of the prisoners in the prisons to which this Act applies; also all powers and jurisdiction vested in or exercisable by the Managers of the General Prison at Perth, or any prison authorities appointed in pursuance of the Prisons (Scotland) Administration Act, 1860, or any Act amending the same, in relation to prisons or prisoners within their jurisdiction,

23 &amp; 24 Vict. c. 105.

shall, on and after the commencement of this Act, be transferred to, vested in, and exercised by one of Her Majesty's Principal Secretaries of State, in this Act referred to as the Secretary of State.

General rules for prisons made by Secretary of State to continue. 23 &amp; 24 Vict. c. 105.

6. All rules for prisons in Scotland which have before the commencement of this Act been certified under the hand of one of Her Majesty's Principal Secretaries of State in pursuance of the Prisons (Scotland) Administration Act, 1860, and have not been superseded by the provisions of this Act, or by rules made as herein-after provided, shall continue to be rules for prisons in Scotland: Provided that it shall be lawful for the Secretary of State at any time after the passing of this Act to repeal, alter, or add to such rules, and such repeal, alteration, or addition shall be by writing under the hand of the Secretary of State, which shall be subject to the pro-



visions herein contained as to rules or regulations made by the Secretary of State.

A copy of all the rules for the time being in force shall be posted in some conspicuous place in every prison to which the same relate.

Wherever in any enactment reference is made to rules made under and in virtue of the powers conferred by the Prisons (Scotland) Administration Act, 1860, such reference shall be deemed and taken to be made to rules made or continued or altered under and in virtue of the powers conferred by this Act.

23 & 24 Vict.  
c. 105.

#### ADMINISTRATION OF PRISONS.

##### *Prison Commissioners.*

**7.** For the purpose of aiding the Secretary of State in carrying into effect the provisions of this Act relating to prisons in Scotland, Her Majesty may, on the recommendation of the Secretary of State, at any time after the passing of this Act by warrant under Her Sign Manual appoint any number of persons not exceeding three to be Commissioners during Her Majesty's pleasure, and may, on the recommendation of the Secretary of State, on the occasion of any vacancy in the office of any Commissioner by death, resignation, or otherwise, by the like warrant appoint some other fit person to fill such vacancy. For the like purpose the Sheriff of the county of Perth and the Crown Agent for Scotland for the time being shall be Commissioners *ex officio*. The Commissioners shall be a body corporate, with power to hold land so far as may be necessary for the purposes of this Act, and shall be styled "The Prison Commissioners for Scotland."

Appointment  
of Prison Com-  
missioners.

The Secretary of State may from time to time appoint one of the Commissioners to be chairman.

Any act or thing required or authorised to be done by the Prison Commissioners may be done by any one or more of them as the Secretary of State may by general or special rule direct.

**8.** The Prison Commissioners shall be assisted in the performance of their duties by such number of inspectors, storekeepers, accountants, and other officers and servants as may, with the sanction of the Treasury as to number, be determined by the Secretary of State. The inspectors shall be appointed by the Secretary of State, the other officers and servants of the Prison Commissioners by the Prison Commissioners themselves, subject to the approval of the Secretary of State.

Appointment  
of inspectors,  
officers, and  
servants.

**9.** There may be paid, out of moneys provided by Parliament, to any two of the Prison Commissioners such salary for their services as the Secretary of State may, with the consent of the Treasury, determine.

Salaries.

There shall be paid, out of moneys provided by Parliament, to the inspectors and other officers and servants of the Prison Commissioners such salaries as the Secretary of State may, with the consent of the Treasury, determine.

**10.** The general superintendence of prisons under this Act shall be vested in the Prison Commissioners, subject to the control of the Secretary of State.

Duties of  
Prison Com-  
missioners.

The Secretary of State shall appoint the governors, matrons, and

medical officers of prisons, such medical officers being medical practitioners duly registered under the Medical Act, and any Acts amending the same; and he shall also appoint to each prison a chaplain being a minister or licentiate of the Church of Scotland.

Subject as in this Act mentioned, the Prison Commissioners shall appoint all other officers in prisons (herein-after called subordinate officers), such appointments to be for general prison service. The Prison Commissioners shall also make contracts, and do all other acts necessary for the maintenance of the prisons and prisoners within their jurisdiction.

The Prison Commissioners shall have such office accommodation as the Secretary of State may, with the consent of the Treasury, determine.

Subject to the control of the Secretary of State, the Prison Commissioners, by themselves or their officers, shall visit and inspect the prisons within their jurisdiction, and shall examine into the state of the buildings, so as to form a judgment as to the repairs, additions, or alterations which may appear necessary, regard being had to the arrangements requisite for the separation of prisoners and enforcement of hard labour, and shall further examine into the conduct of the respective officers and the treatment and conduct of the prisoners, the means of setting them to work, the amount of their earnings, and the expenses attending the prison, and shall inquire into all abuses within the prison, and regulate all matters required to be regulated by them.

Subject to the control of the Secretary of State, the Prison Commissioners, or any one or more of them, may, in addition to any powers otherwise conferred on them by this Act exercise in relation to any prison under this Act, and the prisoners therein, all powers and jurisdiction by any Act of Parliament, or by any rules duly made in pursuance thereof, exercisable by the prison authority of a prison. And any reports, acts, or things required to be made or done to or by or in relation to the prison authority of a prison by any Act of Parliament, or by any such rules, shall, except in so far as is otherwise provided by this Act, be made or done to or by or in relation to the Prison Commissioners, or any one or more of them, or to or by or in relation to such persons or person as the Secretary of State may from time to time appoint.

The Prison Commissioners shall, in the exercise of their powers and jurisdiction under this Act, conform to any directions which may from time to time be given to them by the Secretary of State.

**11.** The Prison Commissioners shall, at such time or times as the Secretary of State may direct, make a report or reports to the Secretary of State of the condition of the prisons and prisoners within their jurisdiction, and an annual report to be made by them with respect to every prison within their jurisdiction shall be laid before both Houses of Parliament.

**12.** Whereas it is expedient that the expense of maintaining in prison prisoners who have been convicted of crime should in part be defrayed by their labour during the period of their imprisonment, and that, with a view to defraying such expenses, and also of teaching prisoners modes of gaining honest livelihoods, means should be taken for promoting in prison the exercise of and instruction in

Reports by  
Prison Com-  
missioners.

Report to con-  
tain informa-  
tion as to  
manufacturing  
processes in  
prison.

useful trades and manufactures, so far as may be consistent with a due regard on the one hand to the maintenance of the penal character of prison discipline, and on the other to the avoidance of undue pressure on or competition with any particular trade or industry: Be it enacted, that the annual report of the Prison Commissioners required by this Act to be laid before both Houses of Parliament shall state the various manufacturing processes carried on in each of the prisons within their jurisdiction, and such statement shall contain such particulars as to the kind and quantities of, and as to the commercial value of the labour on the manufactures, as to the number of prisoners employed, and otherwise, as may, in the opinion of the Secretary of State, be best calculated to afford information to Parliament.

**13.** The Prison Commissioners shall make a yearly return to Parliament of all punishments of any kind whatsoever which may have been inflicted within each prison, and the offences for which such punishments were inflicted.

Return of punishments to be made yearly.

#### *Visiting Committee.*

**14.** A visiting committee shall annually be appointed for every ordinary prison under this Act, consisting of such number of persons being commissioners of supply or justices of the peace of counties, and magistrates of burghs, to be appointed in such manner, and to be chosen at such time as the Secretary of State, having regard to the locality of the prison, to the prison authority heretofore having jurisdiction over such prison, and to the class of prisoners to be confined in such prison, may from time to time by any general or special rule prescribe.

Appointment of visiting committee of prisons.

The commissioners of supply of any county shall appoint members of a visiting committee when assembled at such general or special meeting as may be prescribed by the Secretary of State.

The magistrates of a burgh shall hold a special meeting at such time as may be prescribed by the Secretary of State for the purpose of appointing any members of a visiting committee they may be required to appoint.

Nothing in this Act, or in any rules to be made under this Act, shall restrict any member of the visiting committee for any prison from visiting the prison at any time, and any such member shall at all times have free access to every part of the prison, and to every prisoner therein.

**15.** The Secretary of State shall, on or before the commencement of this Act, make and publish, and may hereafter from time to time repeal, alter, or add to, rules with respect to the duties of a visiting committee, and such committee shall conform to any rules so made, but, subject as aforesaid, the members of such committee shall from time to time and at frequent intervals visit the prison for which they are appointed, and hear any complaints which may be made to them by the prisoners, and if asked privately. They shall report on any abuses within the prison, and also on any repairs which may be urgently required in the prison, and shall further take cognizance of any matters of pressing necessity, and do such acts and perform such duties in relation to a prison as they may be required to do or perform by the Secretary of State.

Duties of visiting committee.

The visiting committee shall report to the Secretary of State any matters with respect to which they may consider it expedient, and shall report to the Secretary of State as soon as may be, and in such manner as he may direct, any matter respecting which they may be required by the Secretary of State to report.

Visit to prison  
by any sheriff  
or justice.

**16.** Any sheriff or justice of the peace, having jurisdiction in the place in which a prison is situate, or having jurisdiction in the place where the offence in respect of which any prisoner may be confined in prison was committed, may, when he thinks fit, enter into and examine the condition of such prison, and of the prisoners therein, and he may enter any observations he may think fit to make in reference to the condition of the prison, or abuses therein, in the visitors book to be kept by the governor; and it shall be the duty of the governor to draw the attention of the visiting committee, at their next visit to the prison, to any entries made in the said book; but he shall not be entitled, in pursuance of this section, to visit any prisoner under sentence of death, or to communicate with any prisoner, except in reference to the treatment in prison of such prisoner, or to some complaint that such prisoner may make as to such treatment.

## PART II.

### SUPPLEMENTAL PROVISIONS.

#### *As to Obligation to maintain Prisons.*

Termination of  
local obligation  
to maintain  
prisons.

**17.** On and after the commencement of this Act, the obligation of any prison authority or any county or burgh to maintain a prison or to provide prison accommodation for its prisoners shall cease.

Compensation  
to be made in  
place of prison  
accommoda-  
tion.

**18.** Where at the time of the commencement of this Act any prison authority has no prison of its own, or has not a prison or prisons of its own adequate to the accommodation of the prisoners belonging to such authority, it shall pay into the receipt of the Exchequer one hundred and twenty pounds in respect of each prisoner belonging to such prison authority for whom cell accommodation has not at such time as last aforesaid been provided by such authority in a prison of its own.

Any sum payable by a prison authority in pursuance of this section shall be deemed to be a debt due from the prison authority to the Crown, and may be recovered accordingly from the county and burgh or burghs at the passing of this Act within the jurisdiction thereof, subject to the allocation herein-after provided.

Where one prison authority has contributed a sum of money towards the construction by some other prison authority of cell accommodation for the use of the prisoners of the contributing authority, and such cell accommodation has been constructed accordingly, then in assessing the sum payable into the Exchequer by the contributing authority under this section, the contribution so made shall be taken into consideration, and a proportionate deduction be made accordingly.

Any sum payable by a prison authority in pursuance of this section shall be allocated upon and recovered from the county and

burgh or burghs at the passing of this Act within the jurisdiction of such prison authority in such proportions as shall be determined by the Secretary of State, having regard to the valuations of such county and burgh or burghs respectively. Any sum so allocated upon a county shall be a charge upon the county general assessment thereof, and any sum so allocated upon a burgh shall be a charge upon such municipal or police assessment or upon the yearly proceeds of the common good and revenues of the burgh as the magistrates may determine.

For the purposes of this section the commissioners of supply of a county, and the magistrates of a burgh, may borrow, and the Public Works Loan Commissioners may advance by way of loan, to bear interest at such rate per centum as the Treasury may determine to be sufficient to prevent any loss to the Exchequer, such sum as may be required, so that the whole amount so borrowed be discharged within a period not exceeding thirty-five years.

**19.** Where before the first day of January one thousand eight hundred and seventy-seven, any prison authority having more than sufficient cell accommodation for the number of prisoners belonging to such prison authority, and which prison authority is in this section called the receiving authority, has contracted with any other prison authority, in this section called the sending authority, that the receiving authority is to receive into its prisons any prisoners belonging to such sending authority, and such receiving authority has in the performance of such contract provided cell accommodation for the prisoners of the sending authority, there shall be paid to the receiving authority, out of moneys provided by Parliament, any loss it may have so sustained in relation to such contract for cell accommodation by reason of the passing of this Act, so that the expense of providing cell accommodation for any one prisoner shall not in any case be held to have exceeded the sum of one hundred and twenty pounds.

For the purposes of this section any public department of State which has made contracts with respect to prisoners shall be included under the term "prison authority."

Where it appears that any contract under this section is intended to be renewed at the expiration of its subsisting term, the intention of renewal shall be taken into consideration in estimating the loss sustained by the receiving authority.

Where a prison authority has provided a prison or prisons of its own more than adequate for the accommodation of its prisoners, it shall be entitled to receive, out of moneys to be provided by Parliament, compensation to the extent of one hundred and twenty pounds in respect of each cell provided in such prison or prisons over and above the number of cells required for the average maximum number of prisoners maintained at the expense of such authority in its own prison or prisons during the five years immediately preceding the first day of January one thousand eight hundred and seventy-seven: Provided always, that in case the Prison Commissioners shall report to the Secretary of State that the prison accommodation is in excess of the probable requirements of such prison authority for its own prisoners, or that the buildings are dilapidated or unsuitable, it shall be lawful for the Secretary of State to decline to recommend

Compensation to be made to prison authority in respect of accommodation provided for prisoners of some other authority.

to the Treasury to make such compensation, in whole or in part, as the circumstances of the case may demand.

Provided also, that no compensation shall be payable under such provision as last aforesaid in respect of any prison discontinued within two years after the commencement of this Act.

A prison authority shall not be entitled to receive under this section more than one hundred and twenty pounds in the whole in respect of the same cell.

“ Probable requirements ” means the probable future requirements of a prison authority calculated as from the passing of this Act.

The average maximum number of prisoners of a prison authority maintained in any prison in any period of five years shall be calculated by finding the greatest number of such prisoners confined therein on the day on which such prison contained most of such prisoners as aforesaid in each of the said five years, and dividing the aggregate so found by five, excluding fractions.

Any sums which a prison authority shall be entitled to receive under this section shall be payable and divisible in the same manner and subject to the same conditions as herein-after provided in regard to any balance due to a prison authority.

Allowance to be made to prison authority in respect of uncompleted prison.

**20.** Where at the time of the commencement of this Act a prison authority has contracted to construct a building to be used as a prison, but such building has not been completed or become a prison within the meaning of this Act, the Secretary of State may, if he thinks fit so to do, allow the prison authority time to complete such building as a prison, and when so completed it shall pass over to and vest in the Secretary of State as a prison completed at the commencement of this Act ; but if the Secretary of State does not think fit to allow time for the completion of such prison as aforesaid, he shall, nevertheless, in assessing the amount of compensation payable in respect of cell accommodation, make, with the consent of the Treasury, from the compensation payable as aforesaid, such deduction as, having regard to all the circumstances of the case, may be agreed upon, or as may, in the event of disagreement between the Secretary of State and the prison authority, be determined by arbitration.

Power to prison authority to erect new prison.

**21.** Where any prison authority has, at the passing of this Act, a prison or prisons containing cell accommodation, one half of which is not satisfactory to the Secretary of State, such prison authority may build a new prison or prisons containing adequate cell accommodation in terms of this Act, in such situation or situations and in accordance with such plans as may be approved of by the Secretary of State ; and upon such new prison or prisons being completed to the satisfaction of the Secretary of State within such time or extended time as he may fix, the same shall pass over to and vest in him as a prison or prisons completed at the commencement of this Act ; or otherwise such authority may agree with the Secretary of State, with the consent of the Treasury, to make payment of a sum or sums of money in lieu of building such new prison or prisons.

For the purposes of building such new prison or prisons, and of acquiring land therefor, and of paying the cost thereof, or of making payment of a sum or sums of money as herein-before provided, the

provisions of "The Prisons (Scotland) Administration Act, 1860,"<sup>23 & 24 Vict. c. 105.</sup> and of the Act of the session of the twenty-eighth and twenty-ninth years of Her present Majesty, chapter eighty-four, relating to the acquiring of lands, the building of prisons, and the imposing, levying, collecting, and recovery of building assessments, shall be applicable thereto, and the prison authority may for said purposes borrow money, and assign such building assessments in security thereof.

Upon the new prison or prisons vesting in the Secretary of State under the provisions of this section, or upon payment of a sum or sums of money as herein-before provided, the existing prison or prisons and land and premises appertaining thereto shall by virtue of this Act be and the same are hereby reinvested in and transferred to the prison authority of the county within which the same are situated, and be sold and disposed of by such authority by public auction.

If the price received shall, after deducting the expenses of and incident to such sale, be insufficient to meet the costs of and incident to the erection of the new prison or prisons, including therein any moneys borrowed for the purpose, the deficit shall be allocated and recovered in the same way as any sum payable by a prison authority in respect of inadequate cell accommodation is by this Act provided to be allocated and recovered, and the powers of borrowing and advancing by way of loan by this Act conferred on the commissioners of supply of a county, the magistrates of a burgh, and the Public Works Loan Commissioners respectively, for the said purposes, shall apply to such deficit. If there be an overplus such overplus shall be disposed of in like manner as is herein-after provided in regard to any balance due to any prison authority in respect of building assessments or assessments for current expenses.

The prison authority and all other authorities, and their clerks, treasurers, and other officers, shall continue to exercise the powers, duties, and functions conferred on them under any statute so far as necessary for the purposes of this section, except where by this section it is otherwise specially provided.

The members of the prison authority who are in office at the commencement of this Act, and the survivors and survivor of them, shall, for the purposes of this section, continue without re-election to be the prison authority, and there shall be no election of members or supplying of vacancies after the commencement of this Act.

#### *As to Contracts and Debts.*

**22.** Nothing in this Act contained shall (save as in this Act mentioned with respect to contracts and obligations between prison authorities) affect any right or claim of any creditor of a prison authority under any contract legally made or in respect of any dealing legally had before the commencement of this Act, and between such creditor and the prison authority of which he is a creditor such contract may be enforced in the same manner in all respects as if this Act had not passed. General saving of rights of creditors.

**23.** Any contract made or obligation undertaken by any prison authority with any other prison authority for or in relation to, the Determination of contracts

between prison  
authorities.

maintenance of any prison or prisoners, or any matter relating to such maintenance, shall be deemed to be determined on and after the commencement of this Act, without prejudice nevertheless to any moneys which may have accrued due under or in respect of such contract or obligation at or before the commencement of this Act.

Existing debts  
to be defrayed  
by prison  
authorities.

24. There shall be defrayed by a prison authority in the same manner as if this Act had not passed,—

- (1.) All debts due and sums of money payable in respect of contracts performed, dealings completed, or any matter or thing done before the commencement of this Act; and,
- (2.) All debts on account kept with any bank or any person (together with interest from time to time accruing thereon) due at the commencement of this Act in respect of any prison.

A debt in this section shall include any moneys borrowed or contracted to be borrowed by or advanced to a prison authority on the security or credit of any assessment applicable to the payment of the expenses of a prison; provided, that having regard to the exceptional circumstances of Orkney and Zetland, these counties shall, as regards the prisons just built or being built at Kirkwall and Lerwick, be entitled to borrow from the Public Works Loan Commissioners the amounts expended by them in the erection and furnishing of such prisons, so far as not already assessed for, as if the said amounts had been moneys authorised to be borrowed by the commissioners of supply of the said counties for the purposes of this Act.

Provision as to  
continuing  
contracts.

25. Where any contract or dealing, in which any prison authority is concerned, is a continuous contract or dealing to be performed partly before and partly after the commencement of this Act, and is not a contract or dealing which is declared by this Act to have determined, or a debt of the nature referred to in the preceding section, such contract or dealing shall be deemed to be divisible, and as to so much thereof as is performable before the commencement of this Act, shall create a debt or obligation to be discharged or performed by the prison authority concerned therein, and as to so much thereof as is performable after the commencement of this Act, shall create a debt or obligation to be discharged or performed out of moneys provided by Parliament.

For the purpose of enforcing the obligations laid upon or reserved against prison authorities in this and the three preceding sections, "prison authority" shall mean the commissioners of supply of the county at the passing of this Act within the jurisdiction of the prison authority; and all such obligations shall be a charge against the county general assessment of such county, but with a right of relief against the burgh or burghs at the passing of this Act within the said jurisdiction, and the municipal or police or other assessments thereof, in the proportion of the valuation of such burgh or burghs respectively to the valuation of such county.

*As to Assets.*

Provision as to  
assets.

26. Where there is any balance due to any prison authority, either in respect of building assessments or assessments for current



expenses, such balance shall be payable to the commissioners of supply of the county at the passing of this Act within the jurisdiction of such prison authority; but the said commissioners shall be bound to pay to the magistrates of the burgh or burghs at the passing of this Act within the said jurisdiction a portion or portions thereof in the proportion of the valuation of such burgh or burghs respectively to the valuation of such county. The sums ultimately payable to such commissioners and magistrates respectively shall be placed to the credit of the county general assessment of the county, or municipal, or police, or other assessments of the burgh or burghs, as the case may be.

*As to Classification and Commitment of Prisoners.*

**27.** The Secretary of State may from time to time by any general or special rule appoint in any county or burgh a convenient prison or prisons in which prisoners are to be confined before and during trial, or at either of such times, and any prisoner who might, if this Act had not passed, have been lawfully confined in a prison situate within the area of such county or burgh may be lawfully confined in any prison or prisons so appointed: Moreover, the Secretary of State may by any general or special rule from time to time appoint any convenient prison or prisons in any adjoining or adjacent county or burgh to which prisoners may be committed for trial, safe custody, punishment, or otherwise, and any prisoners may be committed to such prison accordingly.

Confinement of prisoners before and during trial.

**28.** The Secretary of State may from time to time by any general or special rule appropriate either wholly or partially particular prisons within his jurisdiction to particular classes of convicted criminal prisoners, and may remove any convicted criminal prisoner from any one prison to any other prison within his jurisdiction for the purpose of his undergoing the whole or any portion of his punishment in such prison; provided that a prisoner who is confined in a prison situate beyond the limits of the county or burgh in which he was convicted of his offence shall, at the time of his discharge, be taken back at the public expense to the county or burgh in which he was so convicted.

Confinement of prisoners after conviction.

**29.** The Secretary of State may from time to time by any general or special rule appoint in any county or burgh, or in any adjoining or adjacent county or burgh, a prison or prisons in which civil prisoners are to be confined during the period of their imprisonment, and it shall be lawful to confine in any prison so appointed during the period of his imprisonment any civil prisoner who might, if this Act had not passed, have been confined during such period in any prison situate within the area of the county or burgh.

Confinement of civil prisoners.

**30.** In any county or burgh in which there are police cells or other premises in the possession of the police authority of such county or burgh, the Secretary of State may from time to time, on the application of such police authority, by any general or special rule, declare that such cells or any number of them, or such other premises or any part of them, shall be a legal prison for the detention of prisoners before or during or after trial, for any period not exceeding fourteen days; and any person charged with or convicted of any crime or any offence committed within such county or burgh,

Secretary of State may legalise police cells as places of detention for short periods.

as the case may be, who might, if this Act had not passed, have been lawfully confined in a prison situate within the area of such county or burgh, may be lawfully confined in such police cells or other premises for such period: Provided always, the police authorities shall, in all cases, and at all times, have a prior claim to the use of such cells, and shall in no case be interfered with in their use thereof.

The maintenance of prisoners confined in such police cells or other premises shall be deemed to be the maintenance of prisoners in terms of this Act, and the expense incurred in respect thereof shall be defrayed out of moneys provided by Parliament, subject to this proviso, that the police authority shall not be entitled to make any claim in respect of the use of the police cells or other premises, or of the personal services rendered by any of their officers in detaining or removing the prisoners therein confined.

For the purposes of this section the police authority of any county or burgh, and all persons in their employment, shall be subject to the provisions of this Act, and of any rules made in pursuance thereof.

“Police authority” shall mean the body having the charge or management of the police of a county or burgh under the provisions of any general or local Act of Parliament.

Saving as to  
commitment  
of prisoners.

**31.** Subject to this Act, and any rules made in pursuance thereof, prisoners may be committed to the same prison to which they might have been committed if this Act had not passed.

The committal or imprisonment of a prisoner to or in a prison, if otherwise valid, shall not be illegal by reason only that such prisoner ought, according to the law for the time being in force, to have been committed to, or imprisoned in, some other prison, but any such prisoner as is mentioned in this section shall, on application made on his behalf in a summary manner to any judge of the Court of Justiciary, be entitled to be removed at the public expense to such other prison as aforesaid.

Legal custody  
of prisoner.

**32.** A prisoner shall be deemed to be in legal custody whenever he is being taken to or from, or whenever he is confined in, any prison in which he may be lawfully confined, or whenever he is working outside or is otherwise beyond the walls of any such prison in the custody or under the control of a prison officer belonging to such prison; and any constable or other officer acting under the order of any sheriff, justice of the peace, or magistrate having power to commit a prisoner to prison may convey a prisoner to or from any prison to or from which he may be legally committed or removed, notwithstanding such prison may be beyond the jurisdiction of such constable or officer, in the same manner and with the same incidents as if such prison were within such jurisdiction.

#### *Discharge of Prisoners.*

Provision  
where term of  
imprisonment  
expires on  
Sunday.

**33.** Any prisoner confined in a prison whose term of imprisonment would, according to his sentence, expire on any Lord's day, shall be entitled to his discharge on the Saturday next preceding such Lord's day; and every governor of every prison having the custody of any such prisoner as aforesaid is hereby required and authorised to

discharge such prisoner on the Saturday next preceding any such Lord's day.

**34.** The Secretary of State, upon the application of any one or more member or members of any society formed for the purpose of finding employment for discharged prisoners, and enabling them by loans and grants of money to live by honest labour, and after examining the rules of such society, and receiving such evidence as he thinks fit as to the condition of such society, may issue a certificate under his hand to the effect that such society is approved by him for the purposes of this Act, and he may subsequently at any time, upon due cause shown, by a writing under his hand, revoke or suspend such certificate, and any society in respect of which such certificate as aforesaid has been granted and remains in force shall be deemed to be a "Certified Prisoners Aid Society."

Power to Secretary of State to grant certificates to Prisoners Aid Societies, and to revoke or suspend the same.

**35.** Where any prisoner is discharged from prison, the Prison Commissioners may, on the recommendation of the visiting committee or otherwise, order a sum of money not exceeding two pounds to be paid by the governor to the prisoner himself, or to the treasurer of a certified Prisoners Aid Society or Refuge, out of any moneys voted by Parliament for the purpose, on the governor receiving from such society an undertaking in writing, signed by the secretary thereof, to apply the same for the benefit of the prisoner.

Allowance to discharged prisoner.

**36.** When a prisoner is discharged from prison the Prison Commissioners may provide such prisoner, out of any moneys voted by Parliament for the purpose, with the means of returning to his home by causing his fare to be paid by railway, or in any other convenient manner.

Discharged prisoner may be provided with means of returning to his home.

*As to Jurisdiction.*

**37.** The Secretary of State may from time to time, if he think it expedient so to do, by any general or special rule direct that any prison not locally situate within the county or burgh is to be considered to be the prison of such county or burgh, but subject to any such rule as in this section mentioned, and until the same be made, the transfer under this Act of the prisons to which this Act applies, and of the powers and jurisdiction of prison authorities, shall not affect the jurisdiction, save as provided by this Act, of any sheriff, magistrate, justice of the peace, or other officer having at the commencement of this Act jurisdiction in, over, or in respect of such prison.

Jurisdiction of sheriff and other officers.

All powers, authorities, and jurisdictions necessary for giving effect to the provisions of this Act are hereby conferred upon all courts, judges, sheriffs, magistrates, justices of the peace, and officers thereof.

**38.** Nothing in this Act contained shall affect the jurisdiction or responsibility of the magistrates of burghs in respect of prisoners under sentence of death, and confined in any prison within their jurisdiction, or their jurisdiction or control over the prison where such prisoners are confined, and the officers thereof, so far as may be necessary for the purpose of carrying into effect the sentence of death, or for any purpose relating thereto; and in any prison in which sentence of death is required to be carried into effect on any

Prisoners under sentence of death.

prisoner, the magistrates shall, for the purposes of carrying that sentence into execution, be deemed to have the same jurisdiction with respect to such prison as they would by law have had with respect to the prison within their burgh if this Act had not passed.

*As to Discontinuance of Prisons.*

Power of Secretary of State to discontinue prisons.

**39.** The Secretary of State may by order from time to time discontinue any prison or prisons which are vested in him by this Act, and any order made by the Secretary of State in pursuance of this section shall be laid before both Houses of Parliament forthwith, if Parliament be sitting at the time of the order being made, or if not then sitting, within one month after the commencement of the then next session of Parliament.

Effect of discontinuance of prison.

**40.** When a prison to which this Act applies is discontinued the Secretary of State may direct the same to be sold by public auction, at an upset price to be named in the advertisement of sale, and after paying the expenses of such sale, and also after making payment into the Exchequer, for the public use, of one hundred and twenty pounds in respect of each prisoner maintained by the prison authority to whom such prison originally belonged, for whom cell accommodation was provided in such discontinued prison at the time of the passing of this Act, he shall render the overplus (if any) to the commissioners of supply of the county and magistrates of the burgh or burghs at the passing of this Act within the jurisdiction of such prison authority in such proportions as he shall determine, having regard to the valuations of such county and burgh or burghs respectively.

The commissioners of supply of a county or magistrates of a burgh may purchase such discontinued prison, and if they do so they may sell or otherwise dispose of the same in such manner as they think fit; provided that any price obtained by them shall, in the first instance, be applied in extinguishing, or towards the extinction of, any sums borrowed in pursuance of this Act, and the overplus, if any, shall be applied as such commissioners or magistrates may think fit.

Where any discontinued prison forms part of or is immediately contiguous to any buildings belonging to the commissioners of supply of a county or the magistrates of a burgh, as the case may be, such commissioners of supply or magistrates, as the case may be, may, at any time before such prison is sold by public auction, require the Secretary of State to sell the same to them at the upset price named in the advertisement of sale, and thereupon such prison, but without any furniture or effects belonging thereto, shall belong to such commissioners of supply or magistrates, as the case may be, in the same manner as if they had purchased it at a public auction under this section.

Any sum payable by commissioners of supply or magistrates of burghs in pursuance of this section shall be deemed to be a debt due from such commissioners or magistrates to the Crown, and may be recovered accordingly.

For the purposes of this section such commissioners or magistrates may borrow, and the Public Works Loan Commissioners may advance by way of loan, to bear interest at such rate per centum

as the Treasury may determine to be sufficient to prevent any loss to the Exchequer, such sum as may be required, so that the whole amount so borrowed be discharged within a period not exceeding thirty-five years.

For the purposes of this section the cell accommodation provided by a prison authority in all its prisons may be calculated, and if it appears from such calculation that sufficient accommodation has been provided by such authority in any one prison or prisons belonging to such authority no sum shall be payable under this section by such prison authority in respect of the discontinued prison, and a proportionate deduction shall be made in the sum payable under this section by a prison authority in the event of any partial accommodation in excess of the necessary accommodation having been provided in such other prisons belonging to that authority.

#### *Status of Officers.*

**41.** The clerks and other officers in the office in Edinburgh of the Managers of the General Prison at Perth at the time of the commencement of this Act shall hold their offices by the same tenure, and upon like terms and conditions, and receive the same or equivalent salaries and emoluments as if this Act had not passed. Such existing officers shall perform such duties as they may be required to perform by the Secretary of State, so that such duties are the same or analogous to those they performed previously to the commencement of this Act; and, subject as aforesaid, they shall perform the same duties as nearly as may be as they are performing at the commencement of this Act. In estimating at any time after the commencement of this Act the period of service of any such officer for the purpose of superannuation in terms of the Superannuation Act, 1859, such officer shall be entitled to take into account the number of years service passed by him under the late General Board of Directors of Prisons in Scotland and the said Managers of the General Prison at Perth, along with the years service passed by him under this Act.

Position and duties of existing officers of Managers of General Prison at Perth.

22 Vict. c. 26.

**42.** The officers attached to prisons at the time of the commencement of this Act (in this Act referred to as existing officers of a prison) shall hold their offices by the same tenure, and upon like terms and conditions, as if this Act had not passed, and shall receive salaries of not less amount than those which they have hitherto received.

Position and duties of existing officers of prisons.

Such existing officers as aforesaid may be distributed amongst the several prisons to which this Act applies in such manner as may be directed by the Secretary of State, and they shall perform such duties as they may be required to perform by the said Secretary of State, so that such duties are the same or analogous to those they performed previously to the commencement of this Act, and, subject as aforesaid, they shall perform the same duties as nearly as may be as they are performing at the time of the commencement of this Act.

An existing officer of a prison who is at the commencement of this Act in the receipt of military or naval half-pay, or who has, at or before such commencement as aforesaid, commuted his pension

34 & 35 Vict.  
c. 36.

in pursuance of the Pensions Commutation Act, 1871, or is in receipt of any pension payable out of public moneys, shall not be subject to any deduction from his salary, or to be deprived of any portion of his half-pay or of his pension, by reason of his salary being thenceforward paid out of public moneys, or of his employment becoming a public employment or an employment of profit under Her Majesty within the meaning of the Acts of Parliament providing for such deduction of salary or deprivation of half-pay, nor be disqualified from receiving such half-pay or pension by reason of his becoming by virtue of this Act a civil servant of Her Majesty.

Superannua-  
tion of officers  
and abolition  
of offices.

43. If at any time after the commencement of this Act it appears to the Treasury that any existing officer of an ordinary prison has been in the prison service for not less than twenty years, and is not less than sixty years of age, or that any existing officer of a prison has become incapable from confirmed sickness, age, or infirmity, or injury received in actual execution of his duty, of executing his office in person, and such sickness, age, infirmity, or injury is certified by a medical certificate, and there shall be a report of the Prison Commissioners testifying to his good conduct during his period of service under them, and recommending a grant to be made to him, the Treasury may grant to such officer, having regard to his length of prison service, an annuity, by way of superannuation allowance, not exceeding two thirds of his salary and emoluments, or a gratuity not exceeding the amount of his salary and emoluments for one year.

22 Vict. c. 26.

If any office in any ordinary prison to which this Act applies is abolished, or any officer is retired or removed, any existing officer of such prison who by reason of such abolition, retirement, or removal is deprived of any salary or emoluments, shall be dealt with in manner provided by the Superannuation Act, 1859, with respect to a 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 organisation of the department to which he belongs.

"Prison service," for the purposes of this section, means, as respects the period before the commencement of this Act, service in a particular ordinary prison, or in the prisons of the same authority, transferred to the Secretary of State, and, as respects the period after the commencement of this Act, service in any such prison or in any other prison transferred to the Secretary of State under this Act.

Any annuity by way of superannuation allowance or gratuity granted under this section shall be apportioned between the period of service before the commencement of this Act and the period of service after the commencement of this Act; and so much of such annuity or allowance as is payable in respect of service before the commencement of this Act, regard being had to the amount of salary then paid, but without taking into account any number of years added to the officer's service on account of abolition of office, or for facilitating the organisation of the department, shall be paid, in such proportions as the Secretary of State shall determine, by the commissioners of supply of the county and the magistrates of the burgh or burghs at the commencement of this Act within

the jurisdiction of the prison authority of the prison in which the officer to whom such annuity or allowance is granted was serving at the date of the commencement of this Act, out of the county general assessment or any municipal or police or other assessment of the burgh, as the case may be, and the residue shall be paid out of moneys provided by Parliament.

*As to Miscellaneous Matters.*

44. A court of law having jurisdiction to sentence to imprisonment may also sentence to hard labour, either for the whole or a portion of the sentence, and the Secretary of State may make any general or special regulations in regard to carrying out sentences of hard labour, and may from time to time vary any regulation so made. In making any regulations in pursuance of this section, the Secretary of State shall have regard to the previous convictions, the industry, and the conduct of the prisoners.

Regulations as to hard labour.

45. Whereas it is expedient that a clear difference shall be made between the treatment of persons unconvicted of crime and in law presumably innocent during the period of their detention in prison for safe custody only, and the treatment of prisoners who have been convicted of crime during the period of their detention in prison for the purpose of punishment, and that, in order to secure the observance of such difference there shall be in force in every place in which prisoners are confined for safe custody only, special rules regulating their confinement in such manner as to make it as little as possible oppressive, due regard only being had to their safe custody, to the necessity of preserving order and good government in the place in which they are confined, and to the physical and moral well-being of the prisoners themselves: Therefore be it enacted, that the Secretary of State shall make, and when made may from time to time repeal, alter, or add to, special rules—

Special rules as to treatment of unconvicted prisoners and certain other prisoners.

- (1.) With respect to the retention by a prisoner of the possession of any books, papers, or documents in his possession at the time of his arrest, and which may not be required for evidence against him, and are not reasonably suspected of forming part of property improperly acquired by him, or are not for some special reason required to be taken from him for the purposes of justice ;
- (2.) With respect to communications between a prisoner, his solicitor, and friends, so as to secure to such prisoner as unrestricted and private communication between him, his solicitor, and his friends as may be possible, having regard only to the necessity of preventing any tampering with evidence, and any plans for escape, or other like considerations ; and
- (3.) With respect to arrangements whereby prisoners may provide themselves with articles of diet, or may be furnished with a sufficient quantity of wholesome food, and may be protected from being called upon to perform any unaccustomed tasks or offices ; also any matter which the Secretary of State may think conducive to the amelioration of the condition of a prisoner who has not been convicted

of crime, regard being had to such matters as are in this section directed to be regarded.

Treatment of prisoners convicted of sedition, &c.

**46.** The Prison Commissioners shall see that any prisoner under sentence inflicted on conviction for sedition or seditious libel shall be treated in the manner provided in special rules to be made, and which when made may be repealed, altered, or added to, by the Secretary of State in regard to the treatment of such prisoners.

Treatment of persons committed for contempt of court.

**47.** Any person who shall be imprisoned for contempt of any court shall be treated in the manner provided in special rules to be made, and which when made may be repealed, altered, or added to, by the Secretary of State in regard to the treatment of persons so imprisoned.

Test of malingering to be made only with authority of visiting committee, &c.

**48.** Where the prison medical officer considers it necessary to apply any painful test to a prisoner to detect malingering or otherwise, such test shall only be applied by authority of an order from the visiting committee or a prison commissioner.

Duties of medical officer.

**49.** The medical officer shall visit the prison at least twice in every week, and oftener if necessary, and shall see every prisoner in the course of the week. He shall daily visit the prisoners, if any, confined in punishment cells, and he shall visit daily, and oftener if necessary, such of the prisoners as are sick, and when necessary shall direct any prisoner to be removed to the sick cells.

The medical officer shall enter daily in a register to be kept in the prison an account of the state of every sick prisoner, the name of his disease, a description of the medicines and diet, and any other treatment which he may order for such prisoner.

The medical officer shall, once at least in every three months, inspect every part of the prison, and enter in his register the result of each inspection, recording therein any observations he may think fit to make on any want of cleanliness, drainage, warmth, or ventilation, any bad quality of the provisions, any insufficiency of clothing or bedding, any deficiency in the quantity or defect in the quality of the water, or any other cause which may affect the health of the prisoners.

Whenever the medical officer has reason to believe that the mind of a prisoner is or is likely to be injuriously affected by the discipline or treatment, he shall report the case in writing to the governor, together with such directions as he may think proper, and he shall call the attention of the chaplain to any prisoner who appears to require his special notice.

The medical officer may, in any case of danger or of difficulty which appears to him to require it, call in additional medical assistance; and no serious operation shall be performed without a previous consultation being held with another medical practitioner, except under circumstances not admitting of delay, such circumstances to be recorded in his register.

Limitation of time of confinement in a punishment cell.

**50.** It shall not be lawful for the governor to order any prisoner to be confined in a punishment cell for any term exceeding twenty-four hours; nor shall it be lawful for the visiting committee to order any prisoner to be punished by confinement in a punishment cell for any term exceeding fourteen days.

Duties of governor.

**51.** The governor shall, as far as practicable, visit the whole of the prison, and see every male prisoner once at least in every



twenty-four hours, and, in default of such daily visits, he shall state in his journal how far he has omitted them and the cause thereof.

The governor shall, without delay, call the attention of the medical officer to any prisoner whose state of mind or body appears to require attention, and shall carry into effect the written directions of the medical officer respecting alterations of the discipline or treatment of any such prisoner.

The governor shall notify to the medical officer without delay the illness of any prisoners, and shall deliver to him daily a list of such prisoners as complain of illness, or are removed to the sick cells, or confined to their cells by illness, and he shall daily deliver to the chaplain and medical officer lists of such prisoners as are confined in punishment cells.

Upon the death of a prisoner the governor shall give immediate notice thereof to the procurator fiscal of the jurisdiction within which the prison is situated, and to one of the visiting committee, as well as to the nearest relative of the deceased, where practicable.

**52.** The governor shall without delay report to the visiting committee any case of insanity, or apparent insanity, occurring among the prisoners. As to insane prisoners.

**53.** It shall be the duty of the procurator fiscal of the jurisdiction within which a prison is situated to hold a public inquiry before the sheriff or sheriff substitute of the county on the body of every prisoner who may die within such prison. Where it is practicable, sufficient time shall intervene between the day of the death and the day of the holding the inquiry, to allow the attendance of the next of kin to the deceased. Procurator fiscal shall hold public inquiry on prisoner who has died in prison.

**54.** On and after the commencement of this Act, any duties required by Act of Parliament or otherwise to be performed by an inspector of prisons appointed in pursuance of the Act of the session of the fifth and sixth years of King William the Fourth, chapter thirty-eight, may, subject to any directions to be given by the Secretary of State, be performed by any Prison Commissioner or Inspector appointed under this Act. Transfer of duties of existing inspectors of prisons.

The persons who at the commencement of this Act hold the offices of Inspectors of Prisons under such last-mentioned Act shall become inspectors under this Act, in the same manner and liable to the performance of the same duties as if they had been appointed inspectors in pursuance of this Act, subject to the following qualifications; namely,

- (1.) Every such inspector shall hold his office by the same tenure, and upon like terms and conditions, as if this Act had not passed, and shall receive a salary of not less amount than that which he has hitherto received; and
- (2.) Any duties they may be required to perform in pursuance of this Act shall be the same or analogous duties to those which they performed previously to the commencement of this Act.

The seventh section of the Act of the session of the fifth and sixth years of William the Fourth, chapter thirty-eight, shall be repealed from and after the commencement of this Act, in so far as respects Scotland.

Power of authority to borrow on rate.

**55.** The commissioners of supply of a county and the magistrates of a burgh may borrow any moneys authorised to be borrowed by them under this Act as one loan or as several loans, on the security of the county general assessment of the county, or the municipal, or police, or other assessment of the burgh, as the case may be.

The period for the discharge of a loan under this Act shall be deemed to begin at the date of the first advance of money made on account of any such loan or loans.

Power of Public Works Loan Commissioners to lend.

**56.** The Public Works Loan Commissioners may advance to the commissioners of supply of a county, or the magistrates of a burgh, on the security of such assessments as aforesaid, and without any other or farther security, any moneys authorised to be borrowed by such commissioners of supply or magistrates for the purposes of this Act.

Legal estate in prison to be in the Prison Commissioners.

**57.** The legal estate in every prison to which this Act applies, and in the site and land belonging thereto, and in the furniture and effects, shall on and after the commencement of this Act be deemed to be vested in the Prison Commissioners and not in the Secretary of State, but shall from time to time be disposed of by such Commissioners in such mode as the Secretary of State, with the consent of the Treasury, may direct.

As to rules of Secretary of State, and repeal of inconsistent enactments.

23 & 24 Vict. c. 105.

31 & 32 Vict. c. 37.

**58.** Any rule made by a Secretary of State, in pursuance of this Act, or of the Prisons (Scotland) Administration Act, 1860, may be proved in manner in which regulations made under the authority of one of Her Majesty's Principal Secretaries of State are capable of being proved in pursuance of the Documentary Evidence Act, 1868; and all enactments inconsistent with this Act are hereby repealed: Provided always, that all rules and regulations made under or in pursuance of the foresaid Acts shall be forthwith laid in a complete form, after the same shall have been settled and approved by such Secretary of State, before both Houses of Parliament, if Parliament be sitting, or if not, then within three weeks after the beginning of the next ensuing session of Parliament; and if any such rules or regulations shall be disapproved by either House of Parliament within forty days after the same shall have been so laid before Parliament, such rules or regulations, or such parts thereof as shall be so disapproved of, shall be void and of no effect: Provided also, that no such rules or regulations shall come into force or operation until the same shall have been so laid before Parliament for forty days.

Saving clause as to pensions.

23 & 24 Vict. c. 105.

Superannuation to clerk or treasurer, &c.

**59.** Nothing in this Act contained shall entitle any existing officer of a prison to any superannuation or other allowance the conditions of whose office would not have entitled him to superannuation or other allowance under the Prisons (Scotland) Administration Act, 1860.

**60.** At any time after the passing of this Act a prison authority shall have a discretionary power to grant to any clerk or treasurer, or other officer of such authority in office at the passing of this Act, such superannuation allowance or other compensation to take effect on his ceasing to hold office, as they shall deem fit, and may declare the proportions in which such allowance or compensation shall be payable by the commissioners of supply of the county and the magistrates of the burgh or burghs at the passing of this Act within

the jurisdiction of such prison authority : Provided always, that any such grant made by such prison authority may be reduced or rescinded by such commissioners of supply or magistrates, as the case may be, in so far as payable by them, if such commissioners of supply or magistrates shall consider the same excessive or improper.

Any sums payable under this section shall be a charge against the county general assessment of a county, or any municipal, or police, or other assessment of a burgh, as the case may be.

**61.** Section fifty of the Act passed in the twentieth and twenty-first years of Her present Majesty, chapter seventy-one, is hereby repealed, and in lieu thereof it is enacted as follows :

The District Boards of Lunacy elected in terms of the repealed section shall continue in office until the election of district boards elected in terms hereof.

There shall be chosen for each of the districts into which Scotland is or may hereafter be divided for the purposes and in terms of the last-recited Act and any Act amending the same, a board to be called the District Board of Lunacy, the number of the members whereof shall be fixed by the General Board of Lunacy in Scotland, who shall also fix the number of the members of each district board to be elected by the commissioners of supply and magistrates of burghs respectively in each county within such district, and such number shall be proportioned, as nearly as may be, to the valuation of the property situated in each such county and burgh. The members of such district board shall be elected annually by the commissioners of supply and magistrates of burghs at such time as shall be determined by the said General Board of Lunacy ; and any vacancy occurring by the death or resignation of any member shall be filled up by the same body by whom the member so vacating was elected. Such district boards shall meet at such times and places as shall be fixed by the General Board of Lunacy from time to time, and shall have power to adjourn and also to appoint a chairman, who, in case of an equality of votes, shall have a casting vote, and committees of their number, to whom may be delegated all or any part of the powers by the said recited Act committed to such district boards. Three shall be a quorum of a district board.

**62.** Where it shall happen that in any such district as is mentioned in the preceding section there shall be no district asylum, the clerk of the district board shall divide and apportion the total amount of the expenses incurred by the district board of such district between the landward part of the county and the burghs situated therein, according to the total value of lands and heritages as appearing in the valuation rolls of such county and burghs respectively, and shall transmit to the convener of the commissioners of supply of the county, and to the chief magistrate of each burgh situated therein, a notification of the total amount of such expenses, and of the proportion thereof to be paid by the landward part of the county and by each burgh respectively.

The sums so apportioned as due by the landward part of the county shall be a charge upon and shall be paid out of the county general assessment of such county, and the sums so apportioned as due by each burgh shall be a charge upon and shall be paid out of any assessment levied in such burgh, and payable one half by the

Repeal of section 50 of 20 & 21 Vict. c. 71., and constitution of District Boards of Lunacy.

Provision for expense of Lunacy District Board where there is no district asylum.

owner and one half by the tenant or occupier of the lands and heritages within the burgh, and if there be no such assessment, then out of any other assessment levied in such burgh.

Provision for levying certain assessments heretofore levied along with the prison assessment.  
23 & 24 Vict. c. 105.

**63.** Where assessments under any Act of Parliament may be imposed, levied, and recovered in the same way and manner as the assessments imposed and levied under the Prisons (Scotland) Administration Act, 1860, such assessments may be imposed, levied, and recovered in the same way and manner and with the like powers as any other assessment which may be leviable by the commissioners of supply within any county or the magistrates within any burgh upon the lands and heritages within the same, as appearing on the valuation roll thereof; provided that in a county such assessments shall be payable wholly by the owner of lands and heritages within the county, and that in a burgh such assessments shall be payable one half by the owner and one half by the tenant or occupier of the lands or heritages within the burgh, but the whole of such last-mentioned assessments may be levied on and recovered from the tenant or occupier who, on production of a receipt by the collector therefor, shall be entitled to deduct one half of the amount from the rent payable to the owner: Provided also, that it shall be lawful for such commissioners of supply to exempt from such assessments in any county any lands and heritages the annual value of which, as appearing from the valuation roll, shall not exceed two pounds sterling, on account of the poverty of the owner thereof; and that it shall be lawful for such magistrates to exempt from the whole or any part of such assessments in any burgh the tenant or occupier of any lands and heritages the annual value of which, as appearing from the valuation roll, shall not exceed five pounds sterling, on account of the poverty of such occupier. And all such assessments shall in the case of bankruptcy or insolvency be paid out of the first proceeds of the estate, and shall be preferable to all other debts of a private nature due by the persons assessed.

23 & 24 Vict. c. 105.

8 & 9 Vict. c. 19. incorporated with this Act for acquisition of lands.

Nothing herein contained shall prejudice the power of levying any assessments in any other way or manner not affected by the repeal of certain provisions of the Prisons (Scotland) Administration Act, 1860.

**64.** For enabling the Prison Commissioners to purchase, take, and acquire lands for the purposes of this Act, "The Lands Clauses Consolidation (Scotland) Act, 1845," excepting section one hundred and sixteen thereof, and any Act amending the said Act, shall be incorporated with and form part of this Act: Provided that the clauses of the said Lands Clauses Consolidation Acts with respect to the purchase and taking of lands otherwise than by agreement shall not be incorporated herewith, except for the purpose of acquiring lands adjoining or adjacent to a prison for the purpose of enlarging, improving, or isolating such prison; and the expression "the special Act" in the said Lands Clauses Consolidation Acts shall mean this Act, and the expression "the promoters of the undertaking" in the said Act shall mean and include the said Prison Commissioners.

Returns of warrants of imprisonment and sentences.

**65.** The clerk of every court, judge, sheriff, magistrate, justice of the peace, or other judicial officer, by whom any warrant for im-

prisonment or any sentence of imprisonment or penal servitude is pronounced, shall make a return thereof to the Prison Commissioners at such time and in such form and under such penalty as the Secretary of State may determine.

*Judicial Statistics.*

**66.** The Prison Commissioners shall be the department of judicial statistics under the Judicial Statistics (Scotland) Act, 1869, and shall discharge the duties of the said department, and all statutory returns relating to such statistics shall be made to them accordingly. The Secretary of State shall from time to time appoint a superintendent of the said department at such salary as shall be determined with the sanction of the Treasury, and such superintendent may, with the consent of the Treasury, fill any other office under the said Prison Commissioners.

Prison Commissioners to discharge duties of department of Judicial Statistics.

32 & 33 Vict. c. 33.

*Reformatories and Industrial Schools.*

**67.** The commissioners of supply of any county or the magistrates of any burgh may resolve to contribute to any reformatory or industrial school in any part of Scotland which has been certified by one of Her Majesty's Principal Secretaries of State, in terms of an Act passed in the seventeenth and eighteenth years of Her present Majesty, intituled "An Act for the better care and reformation of youthful offenders in Great Britain," or the Industrial Schools Act, 1866, or any Act amending the same, and on such resolution, stating the name of the reformatory or industrial school to which they propose to contribute, being transmitted to the Secretary of State for the Home Department, being one of Her Majesty's Principal Secretaries of State, he shall intimate whether he approves or disapproves of such resolution; and if he intimate that he approves thereof, such commissioners or magistrates may from time to time pay over such sum as they may think fit to the directors and managers of such reformatory or industrial school, and such sum shall be a charge on the county general assessment or on any municipal or police or other assessment of any burgh, as the case may be: Provided, that if at any time such Secretary of State shall notify his withdrawal of such his approval, it shall no longer be lawful for the commissioners or magistrates to contribute to such reformatory or industrial school.

Commissioners of supply of counties or magistrates of burghs may contribute to reformatories or industrial schools.

17 & 18 Vict. c. 86.

29 & 30 Vict. c. 118.

*Arrangement and Arbitration.*

**68.** The Secretary of State on the one hand (with the assent of the Treasury so far as any public moneys are concerned), and a prison authority on the other, may, with a view to carry into effect the purposes of this Act, compromise any matter, or settle any difference, or refer to a single arbiter any matter or difference.

Power of Secretary of State and prison authority to compromise and refer to arbitration.

*Definitions.*

**69.** The expression "furniture and effects belonging to a prison" includes all furniture, beds, bedding, clothes, linen, implements, machinery and stores, except goods manufactured for sale and materials in store for the purposes of such manufacture, also all books, papers, registers, and documents whatsoever relating to such

Definition of "furniture and effects belonging to a prison."

prison or to the prisoners therein, also all articles whatsoever, whether or not of the same kind as those previously described, belonging at the commencement of this Act to the prison authority of any prison for the purposes of such prison.

Definition of  
"prisoner" and  
"maintenance  
of prisoner."

**70.** A "prisoner" for the purposes of this Act means any person committed to prison for trial, safe custody, punishment, or otherwise; and "the maintenance of a prisoner" includes all such necessary expenses incurred in respect of a prisoner for food, clothing, custody, safe conduct, and removal to or from any place of confinement or otherwise, from the period when the order for his committal to prison is made until his death or discharge from prison, as would if this Act had not passed have been payable by the managers appointed under the Prisons (Scotland) Administration Act, 1860, or by a prison authority, with this proviso, that nothing in this Act shall exempt a prisoner from payment of any costs or expenses in respect of his conveyance to prison or otherwise which he would have been liable to pay if this Act had not passed.

23 & 24 Vict.  
c. 105.

Nothing herein contained shall alter the law with respect to the aliment of civil prisoners, or with respect to the powers and jurisdiction at present possessed by the sheriff of a county or the magistrates of a burgh with respect to applications and proceedings for aliment, and for liberation of civil prisoners.

For the purposes of this Act, sufficient accommodation for the prisoners belonging to a prison authority shall, as nearly as can be ascertained, be deemed to be the average daily number of prisoners maintained at the expense of such authority, whether in its own prison or in a prison belonging to some other prison authority during the five years immediately preceding the first day of January one thousand eight hundred and seventy-seven.

"Cell accom-  
modation for a  
prisoner."

"Cell accommodation for a prisoner" means a cell for the separate confinement of such prisoner certified in pursuance of this Act by the Secretary of State as in respect of its cubical contents and other particulars proper for the detention of prisoners.

Definitions of  
other terms  
used in this  
Act.

**71.** In the construction of this Act, unless there is something inconsistent in the context,—

"County" shall not include a county of a city:

For the purposes of this Act, Orkney and Zetland shall be taken to be separate counties:

For the purposes of this Act the northern prison district and the southern prison district of the county of Lanark, as defined by the "Prisons (Scotland) Administration Acts (Lanarkshire) Amendment Act, 1868," shall be taken to be separate counties; and the duties, rights, and obligations arising under this Act shall, in the said districts, exist and be discharged, as nearly as may be, in conformity with the provisions of the last-mentioned Act; and if any question shall arise [in regard thereto, it shall be determined by the Secretary of State; and any order under his hand shall have the same effect as if it were contained in this Act: Provided always, that after the commencement of this Act no district prison board shall be elected for either prison district of the said county:

"Burgh" shall include and apply to the cities, burghs, and towns

31 & 32 Vict.  
c. 50.

which are royal burghs, or which send or contribute as burghs to send a member to Parliament :

For the purposes of this Act the boundaries of a burgh shall be the boundaries thereof at the passing of this Act for prison purposes, under the provisions of the Prisons (Scotland) Administration Act, 1860 :

23 & 24 Vict.  
c. 105.

“Magistrates” shall include the magistrates and town councils of burghs :

“Sheriff” shall include sheriff substitute :

“Prison authority” shall mean a county prison board appointed in terms of the Prisons (Scotland) Administration Act, 1860 :

“Prison” shall include all legal prisons in Scotland, and in respect to those existing at the commencement of this Act, whether the same have been administered by the Managers appointed in terms of the Prisons (Scotland) Administration Act, 1860, or by county prison boards appointed under that Act, but shall not include military prisons, or, except in so far as expressly provided, police cells or other places of detention : Provided always, that it shall include any land or building bought or contracted to be bought before the commencement of this Act by a prison authority for the purpose of enlarging or altering any prison, or adding to the appurtenances of any prison, subject to this proviso, that if the Secretary of State is of opinion that any portion of the lands so bought or contracted to be bought, whether included or not within the walls of the prison, was not at the time of the passing of this Act necessary for the then subsisting purposes of such prison, he shall either direct that such portion shall be re-conveyed to the prison authority, or retain such portion, or any part of such portion, on payment out of moneys provided by Parliament of such sum as may be agreed upon, or, in the event of difference, may be determined by arbitration in manner provided by this Act, on the transfer of any such prison to him, and the vesting thereof in him as by this Act provided :

“Ordinary prisons” shall include all legal prisons under this Act other than the general prison at Perth or any prison which may be hereafter declared by Her Majesty in Council to be a general prison :

“Civil prisoner” shall include all persons imprisoned for civil debts due to subjects ; prisoners for debts or taxes due to the Crown, not being fines or penalties inflicted on conviction of offences ; prisoners on meditatione fugæ warrants granted at the instance of creditors for performance of civil obligations ; prisoners *ad factum præstandum* ; prisoners under the Employers and Workmen Act, 1875 ; and prisoners until they find caution under writs of lawburrows :

38 & 39 Vict.  
c. 90.

“Criminal prisoner” shall include all prisoners who are not civil prisoners :

“Valuation” shall mean the total annual value of the lands and heritages within a county or burgh as appearing from the valuation roll thereof for the time being in force :

“Governor” shall mean the chief male officer of a prison :

“Matron” shall mean the chief female officer of a prison.

*Repeal of Acts.*

Repeal of Acts. **72.** The Acts specified in the schedule to this Act are hereby repealed, from and after the commencement of this Act, to the extent specified in the third column of the schedule.

Provided that the repeal enacted by this section shall not affect—

- (1.) Anything done or suffered, or any right, obligation, or liability acquired or incurred under any enactment hereby repealed; or
- (2.) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed; or
- (3.) Any investigation, legal proceeding, or remedy in respect of any such right, obligation, liability, penalty, forfeiture, or punishment as aforesaid; and any such investigation, legal proceeding, and remedy may be carried on as if this Act had not passed; or
- (4.) The execution, after the commencement of this Act, of any of the Acts repealed by this section, so far as necessary to give effect to any of the provisions of this Act.

**SCHEDULE.****ACTS REPEALED.**

Session and Chapter.	Title.	Extent of Repeal.
23 & 24 Vict. c. 105. -	The Prisons (Scotland) Administration Act, 1860.	The whole Act, except sections seventy-two to seventy-five, both inclusive.
26 & 27 Vict. c. 109. -	An Act for remedying certain defects in the law relating to the removal of prisoners in Scotland.	Section two.
27 & 28 Vict. c. 53. -	The Summary Procedure Act, 1864.	Sections thirty-six and thirty-seven.
28 & 29 Vict. c. 84. -	An Act to amend the Prisons (Scotland) Administration Act, 1860, and to explain the fifty-second and seventy-seventh sections of the said Act.	The whole Act.
32 & 33 Vict. c. 35. -	The Prisons (Scotland) Amendment Act, 1869.	The whole Act.

**CHAPTER 54.**

An Act to amend the Public Libraries Acts.

[14th August 1877.]

**W**HEREAS by the Public Libraries Acts, 18 & 19 Victoria, c. 40., for Ireland; 29 & 30 Victoria, c. 114., for England; and 30 & 31 Victoria, c. 37., for Scotland, the mode by which the Act is to be adopted is prescribed to be by public meeting, and it has been found that in many cases a public meeting is a most incorrect and unsatisfactory mode, and fails to indicate the general



opinion of the ratepayers, and it is desirable to ascertain these opinions more correctly :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. It shall be competent for the prescribed local authority in any place or community which has the power to adopt one of the above recited Acts, to ascertain the opinions of the majority of the ratepayers either by the prescribed public meeting or by the issue of a voting paper to each ratepayer, and the subsequent collection and scrutiny thereof, and any expense in connexion with such voting papers shall be borne in the same way as the expense of a public meeting would be borne, and the decision of the majority so ascertained shall be equally binding.

Ratepayers opinions may be ascertained by voting papers.

2. In addition to the simple vote "Yes" or "No" to the adoption of the Act, such voting paper may stipulate that its adoption shall be subject to a limitation to some lower rate of assessment than the maximum allowed by Act of Parliament in force at the time, and such lower limit, if once adopted, shall not be subsequently altered except by public vote similarly taken.

Ratepayers may stipulate for modified assessment.

3. "Ratepayer" shall mean every inhabitant who would have to pay the Free Library assessment in event of the Act being adopted.

Definition.

4. This Act may be cited as the Public Libraries Amendment Act, 1877.

Short title.

## CHAPTER 55.

An Act to amend the Public Record Office Act, 1838.

[14th August 1877.]

WHEREAS the Public Record Office was established in pursuance of the Public Record Office Act, 1838, and divers records and papers (in this Act referred to as documents) are deposited in or can be removed to that office and are there under the charge of the Master of the Rolls in England for the time being :

1 & 2 Vict. c. 94.

And whereas it is expedient to prevent the Public Record Office from being encumbered with documents of not sufficient public value to justify their preservation in the Public Record Office :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. The Master of the Rolls, with the approval of the Commissioners of Her Majesty's Treasury, and such further approval in the case of certain documents as is herein-after mentioned, may, if he sees fit, from time to time make, and when made, revoke, add to, and vary rules respecting the disposal by destruction or otherwise of documents which are deposited in or can be removed to the Public Record Office, and which are not of sufficient public value to justify their preservation in the Public Record Office.

Power to make rules as to disposal of valueless documents.

Such rules shall,—

- (1.) So far as they relate to documents of any court mentioned in section three of the Public Record Office Act, 1838, be made with the further approval of the Lord High Chancellor of Great Britain; and
- (2.) So far as they relate to documents removed or about to be removed to the Public Record Office from the office of one of Her Majesty's Principal Secretaries of State or other department of the Government (except the Treasury), be made with the further approval of such Secretary of State or head of such department.

Before the power of disposal given by this section shall be exercised as to any documents, the Master of the Rolls shall cause a schedule to be prepared of the documents for the time being proposed to be disposed of, containing a list of the documents, and such particulars as to their character and contents as may be calculated to enable the Houses of Parliament to judge of the expediency of disposing of such documents in the proposed manner; but where there shall be several documents of the same class or description, it shall be sufficient to classify them, as far as practicable, according to their nature and contents, instead of specifying each document separately, and the power of disposal given by this section shall not be exercised in respect of any documents until the schedule relating to such documents before required has been submitted to both Houses of Parliament for a period of not less than four weeks.

No rule made in pursuance of this section shall provide for the disposal of any document of older date than the year one thousand seven hundred and fifteen.

Every rule made in pursuance of this section shall be laid before both Houses of Parliament, and when the same has lain not less than sixty days before both Houses of Parliament it shall be lawful for Her Majesty, by Order in Council, to declare her approbation of the rule or any part of the rule, from which rule or part Her Majesty has not been prayed by an address of either House of Parliament to withhold her approbation.

Every such rule when approved by Order in Council shall be deemed to have been within the powers of this Act and duly made, and shall, while in force, have effect as if it were enacted by Parliament.

Disposal of documents of Masters Offices transferred by 23 & 24 Vict. c. 149.

2. Whereas by the ninth section of the Act of the session of the twenty-third and twenty-fourth years of the reign of Her present Majesty, chapter one hundred and forty-nine, intituled "An Act to make better provision for the relief of prisoners in contempt of the High Court of Chancery, and pauper defendants, and for the more efficient despatch of business in the said Court," it is enacted that the deeds, books, documents, and papers belonging to the suitors in the Court of Chancery which had been theretofore under the custody of the Masters in Ordinary of the said Court (and which are herein-after referred to as Chancery Masters Documents) should be transferred to the custody of the Clerks of Records and Writs of the said Court, and the Master of the Rolls is authorised to appoint a person to have the care of the said Chancery

Masters Documents, at a salary not exceeding the sum therein mentioned; and such documents have since remained at the offices in Southampton Buildings, Chancery Lane, where the same were deposited at the passing of the said Act:

And whereas it is expedient to make further provision with respect to the Chancery Masters Documents: Be it therefore enacted, that—

The Chancery Masters Documents shall, after the passing of this Act, be under the charge and superintendence of the Master of the Rolls for the time being under the Public Record Office Act, 1838, in like manner as if they were records within the meaning of that Act and this Act, subject as follows:

1 & 2 Vict.  
c. 94.

- (1.) No person shall be entitled to inspect the same without the consent of the Master of the Rolls and the Treasury; and
- (2.) The Master of the Rolls, with the approval of the Treasury, may take such measures as may seem best for ascertaining the lawful owners of any of such documents, and may cause the same to be delivered to such lawful owners.

Section nine of the Act above recited in this section shall be construed as if the words Master of the Rolls were substituted therein for the words Clerks of Records and Writs wherever used in the said section.

3. This Act shall be construed as one with the Act of the session of the first and second years of the reign of Her present Majesty, chapter ninety-four, intituled "An Act for keeping safely the "Public Records," which Act is in this Act referred to and may be cited as the Public Record Office Act, 1838, and that Act and this Act may be cited together as the Public Record Offices Acts, 1838 and 1877, and this Act may be cited as the Public Record Office Act, 1877.

Construction  
and short title.

## CHAPTER 56.

An Act to amend the Laws relating to County Officers and to Courts of Quarter Sessions and Civil Bill Courts in Ireland. [14th August 1877.]

WHEREAS it is expedient to amend the laws relating to the offices of Clerk of the Crown and Clerk of the Peace, and to the Courts of Quarter Sessions and Civil Bill Courts in Ireland, to provide for the union of such offices, and to extend the jurisdiction of 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:

### *Preliminary.*

1. This Act shall apply to Ireland only.
2. This Act may be cited as "The County Officers and Courts (Ireland) Act, 1877."
3. The chairmen, not being Recorders, shall, from and after the commencement of this Act, be styled "County Court Judges and Chairmen of Quarter Sessions."

Application of  
Act.  
Short title.

Title of the  
chairman.

Commence-  
ment of Act.

4. Parts I., III., and IV. of this Act shall come into operation upon the passing of this Act. Part II. of this Act shall come into operation upon the first day of January one thousand eight hundred and seventy-eight.

Short title of  
14 & 15 Vict.  
c. 57.

5. The Act passed in the session of Parliament held in the fourteenth and fifteenth years of the reign of Her present Majesty, chapter fifty-seven, may be cited as "The Civil Bill Courts (Ireland) Act, 1851."

Repeal of  
statutes.

6. The several enactments mentioned in Schedule (A.) to this Act shall be and the same are hereby repealed, but this repeal shall not affect—

- (a.) Anything heretofore duly done or suffered under any enactment hereby repealed ; or
- (b.) Any right or liability heretofore acquired, accrued, or incurred under any enactment hereby repealed ; or
- (c.) Any security heretofore given under any enactment hereby repealed ; or
- (d.) Any liability, penalty, forfeiture, or punishment incurred in respect of any offence heretofore committed against any enactment hereby repealed ; or
- (e.) Any proceeding heretofore duly instituted ; or
- (f.) Any investigation, legal proceeding, or remedy in respect of any such right, liability, security, penalty, forfeiture, or punishment as aforesaid ; and any such investigation, legal proceeding, or remedy may be instituted, carried on, and enforced as if this Act had not been passed.

Interpretation  
of terms.

7. In this Act—

The term "Lord Lieutenant" shall mean the Lord Lieutenant-General and General Governor of Ireland, and shall include the Lords Justices or other chief governors or governor of Ireland for the time being :

The term "Lord Chancellor" shall mean the Lord Chancellor of Ireland, and shall include the Lord Keeper or Lords Commissioners for the custody of the Great Seal in Ireland :

The term "Court of Chancery" shall mean the High Court of Chancery in Ireland :

The term "Treasury" shall mean the Lords Commissioners of Her Majesty's Treasury for the time being, or any two of them :

The term "county" shall include a county of a city, county of a town, county of a town and city, city and county, and riding of a county, and any county and borough in which a union of the offices of Clerk of the Crown and Clerk of the Peace shall have been made pursuant to this Act :

The term "grand jury" shall include any town council authorised to make presentments :

The term "borough" shall mean any borough, not being a county of a city or county of a town, to which a separate commission of the peace has been or shall be granted :

The term "chairman" shall mean the chairman of quarter sessions of any county or counties, and shall include each of the Records of the cities of Dublin, Cork, and Londonderry, and of the towns of Belfast and Galway respectively :

In Parts II., III., and IV. of this Act the term "Clerk of the Peace" shall include the Clerk of the Crown and Peace :

The term "Civil Bill Court" shall include any court for the transaction of civil business held before any chairman or recorder, and any land court, and any court of quarter sessions for the transaction of licensing business :

The term "Registrar of Civil Bills" or registrar shall include the registrar of any Civil Bill Court or Recorder's Court.

## PART I.

### *Officers.*

8. (1.) Whenever either of the offices of Clerk of the Crown or of Clerk of the Peace for any county or borough shall become or be vacant, if the person then holding the other of the said offices shall be willing to accept the vacant office, the Lord Lieutenant may order that the said offices be united, and may appoint to the united office such person as aforesaid. The said offices shall thenceforth remain united, and the person holding the same shall be called the Clerk of the Crown and Peace for the county or borough. If such person shall refuse to accept such appointment, or if the Lord Lieutenant shall not deem it expedient to appoint him, the Lord Lieutenant may appoint to the vacant office a fit and proper person to be temporary Clerk of the Crown or temporary Clerk of the Peace, as the case may be. The temporary clerk so appointed shall hold such office and perform all the duties of Clerk of the Crown or Clerk of the Peace, as the case may be, for the county or borough until he shall die, or resign, or be removed by the Lord Lieutenant, or until the other of the said offices shall become vacant, whichever shall first happen :
- (2.) Whenever both the said offices for any county or borough shall become or be vacant at the same time, the Lord Lieutenant shall order that the said offices be united, and shall appoint to the united office one fit and proper person, qualified as herein-after mentioned, and the said offices shall thenceforth remain united, and the person holding the same shall be called the Clerk of the Crown and Peace for the county or borough :
- (3.) Whenever both the said offices for any borough shall become or be vacant at the same time, and the Lord Lieutenant shall deem it expedient to unite the said offices with the office of Clerk of the Crown and Peace for any county surrounding or adjoining such borough, the Lord Lieutenant may order that the said offices be united with the office of Clerk of the Crown and Peace for such county, and may appoint to the office of Clerk of the Crown and Peace for the borough the Clerk of the Crown and Peace for such county, or if there shall be no such Clerk of the Crown and Peace, or if he shall refuse to accept such appointment, may appoint a fit and proper person to be temporary Clerk of the Crown and Peace for the borough ; and the

Union of offices of Clerk of the Crown and Clerk of the Peace.

temporary clerk so appointed shall hold such office and perform all the duties of Clerk of the Crown and Peace for the borough until he shall die, or resign, or be removed by the Lord Lieutenant, or until the Clerk of the Crown and Peace for any such county shall be appointed to the office of Clerk of the Crown and Peace for the borough, which-ever shall first happen; and upon the appointment of one person to the same, the offices of Clerk of the Crown and Peace for such borough and of Clerk of the Crown and Peace for such county shall be and thenceforth remain united, and the person holding the same shall be called Clerk of the Crown and Peace for the county and borough:

- (4.) Whenever the office of Clerk of the Peace for any borough for which the office of Clerk of the Crown does not exist shall become or be vacant, the Lord Lieutenant may order that it be united with the office of Clerk of the Crown and Peace for any county adjoining or surrounding such borough, and may appoint to the office of Clerk of the Peace for such borough the Clerk of the Crown and Peace for such county, or if there shall be no such Clerk of the Crown and Peace, or if he shall refuse to accept such appointment, may appoint a fit and proper person to be temporary Clerk of the Peace for the borough; and the temporary clerk so appointed shall hold such office and perform all the duties of Clerk of the Peace for the borough until he shall die, or resign, or be removed by the Lord Lieutenant, or until the Clerk of the Crown and Peace for any such county shall be appointed to the office of Clerk of the Peace for the borough, whichever shall first happen; and upon the appointment of one person to the same, the offices of Clerk of the Peace for such borough and of Clerk of the Crown and Peace for such county shall be and thenceforth remain united, and the person holding the same shall be called Clerk of the Crown and Peace for the county and borough:
- (5.) At any time after the passing of this Act, and from time to time until such union of offices as aforesaid, the Lord Chancellor may, with the consent of the Treasury, if he shall deem it necessary for the proper discharge of the duties of Registrar of the Civil Bill Court of any county or borough, appoint by order a fit and proper person to be temporary Registrar of such Civil Bill Court; and every person so appointed shall hold such office, and discharge such duties in relation to such court, as such order may direct, until he shall die, or resign, or be removed by the Lord Chancellor, or until the office of Clerk of the Peace for such county or borough shall become vacant, whichever shall first happen; and upon the occurrence of such vacancy, provision shall be made for the proper discharge of such duties by the appointment of a temporary Clerk of the Peace or of a Clerk of the Crown and Peace.

9. If at any time after the passing of this Act it shall appear to the Lord Chancellor and the Treasury that the staff of officers for the time being provided for any county or borough or Civil Bill Court is insufficient for the proper discharge of the duties of Clerk of the Crown and Clerk of the Peace, or of Clerk of the Crown and Peace, such additional clerk or clerks may be appointed to discharge such of the said duties during such periods and subject to such regulations as may from time to time be prescribed by rules or orders to be made as herein-after provided ; provided that every such appointment shall be made as follows :

Appointment of additional officers.

- (a.) Before the union of the offices of Clerk of the Crown and Clerk of the Peace the appointment shall be made and may be determined by the chairman :
- (b.) After the union of the offices of Clerk of the Crown and Peace the appointment shall be made and may be determined by the Clerk of the Crown and Peace :
- (c.) Every person appointed shall possess such qualifications and may be required to pass such examination as the Lord Chancellor may from time to time by order prescribe :
- (d.) Every such appointment shall be subject to the approval of the Lord Chancellor :
- (e.) Every person so appointed shall be removable by the Lord Chancellor.

10. A Registrar of the Civil Bill Court or courts held before each chairman shall be appointed to discharge such duties and to exercise such powers and authority in connexion with all or any part of the civil jurisdiction of the said chairman, and subject to such regulations and to such obligations and control, as may from time to time be prescribed by rules and orders to be made as herein-after provided: Provided that every such appointment shall be made subject to the following provisions :

Registrars to be appointed.

- (a.) The appointment shall be made by the chairman, subject to the approval of the Lord Chancellor :
- (b.) Every person so appointed shall be removable by the Lord Chancellor at his discretion, and shall hold his office until he shall die or resign, or be so removed, or until the chairman who shall have appointed him shall vacate his office :
- (c.) Every person appointed shall be an attorney or solicitor, or shall have held the office of Clerk, or temporary Clerk, or Deputy Clerk of the Crown, or of Clerk, or temporary Clerk, or Deputy Clerk of the Peace, or of Registrar or temporary Registrar of Civil Bills, or of additional clerk appointed under the last preceding section.

No Registrar shall, either by himself or his partner or agent, be directly or indirectly engaged or concerned as attorney or agent for any party to any proceeding in any Civil Bill Court to which he is attached ; and any Registrar offending against this enactment shall for every such offence forfeit and pay the sum of fifty pounds to any person who shall sue for the same in any of Her Majesty's superior courts at Dublin.

11. Every Clerk of the Crown and Peace appointed under the provisions of this Act shall hold such office and perform all the

Appointment of Clerks of

Crown and  
Peace.

duties of Clerk of the Crown and of Clerk of the Peace for the county or borough for which he shall be appointed, and such other duties as he may be directed to perform under the provisions of this Act until he shall die, or resign, or be removed for misconduct or incapacity by the Lord Chancellor; and whenever any such office shall become vacant, the Lord Lieutenant shall appoint one fit and proper person, qualified as herein-after mentioned, to the same.

Qualification  
of officers.

**12.** No person shall be appointed to be Clerk of the Crown and Peace unless he shall be a practising attorney or solicitor of six years standing, or unless he shall at the time of the passing of this Act hold, or shall have heretofore held, the office of Clerk of the Crown or Clerk of the Peace, or Deputy Clerk of the Crown or Deputy Clerk of the Peace, and the Lord Chancellor shall certify that he is competent to discharge the duties of Clerk of the Crown and Peace: Provided that any attorney or solicitor who may be appointed to the office of temporary Clerk of the Crown, or temporary Clerk of the Peace, or temporary Registrar or Registrar, or who shall act or have acted as deputy to any Clerk of the Crown or Clerk of the Peace, shall be deemed to have been a practising attorney or solicitor during such time as he shall have held such office or acted as such deputy.

Officers to dis-  
charge duties  
in person, and  
not to practise.

**13.** Every person appointed to any office under this part of this Act shall discharge the duties of his office in person, and not by deputy, except in case of illness or other temporary and exceptional circumstances; no person holding the office of Clerk of the Crown and Peace shall practise as an attorney or solicitor, nor shall he act in the commission of the peace; every Clerk of the Crown and Peace shall be deemed to be an officer serving in the permanent civil service of the State, and shall be bound to devote his whole time to the duties of his office.

Temporary  
officers and  
deputies not  
entitled to su-  
perannuation.

**14.** No officer, registrar, or clerk appointed to any temporary office under this Act, or deputy appointed after the passing of this Act, shall be entitled to any superannuation allowance or compensation upon his retirement or removal from, or upon the determination of, his office or appointment.

Office expenses.

**15.** The Treasury may from time to time direct that such annual or other allowance as they shall think proper shall be made to any existing officer or person appointed under this Act for defraying the expense of necessary clerical assistance, postage, books, stationery, and other requisites of his office.

Certain officers  
not entitled to  
superannua-  
tion.

**16.** If any Clerk of the Crown appointed for any county or borough after the first day of January one thousand eight hundred and sixty-seven, or any Clerk of the Peace appointed for any county or borough after the twelfth day of February one thousand eight hundred and seventy-seven, who on accepting his appointment stated that he did so without any reservation in regard to any future steps that Parliament or the Government might be pleased to adopt connected with it, shall refuse to accept any office of Clerk of the Crown and Peace of which the salary and emoluments shall not be less than those of his previous appointment, the Lord Lieutenant may direct that such person shall cease to hold the said office of Clerk of the Crown or of Clerk of the Peace without being entitled to any superannuation allowance or compensation whatsoever, and



his office shall thereupon be deemed vacant: Provided that any Clerk of the Crown or Clerk of the Peace, being an attorney or solicitor and holding office at the passing of this Act, may, on accepting any such office of Clerk of the Crown and Peace, elect to continue to practise as an attorney or solicitor, anything in this Act to the contrary notwithstanding; but in the event of his so electing, he shall not be entitled to any superannuation allowance or pension.

**17.** Every person who shall be appointed to the office of Clerk of the Crown and Peace for any county or borough shall, subject to such provisions as may be made relating to any registrar appointed under this Act, have and exercise all the powers, jurisdictions, and authorities belonging to or exercisable by virtue of each of the offices of Clerk of the Crown and Clerk of the Peace and Registrar of Civil Bills for such county or borough respectively, and every person appointed temporary Clerk of the Crown or temporary Clerk of the Peace or temporary Registrar, or otherwise temporarily employed to discharge any of the duties of the offices of Clerk of the Crown or Clerk of the Peace or Registrar of Civil Bills under this Act, shall have and exercise, while he shall be so employed and in respect of the duties which he shall be so employed to discharge, the like powers, jurisdictions, and authorities, and be subject to the like obligations and control, as if he were a permanent officer.

Powers and duties of officers.

**18.** No Clerk of the Crown or Clerk of the Peace shall after the passing of this Act discharge any of the duties of his office by any deputy who shall not have been approved of as a sufficient deputy by the Lord Chancellor; and any such Clerk of the Crown or Clerk of the Peace discharging any such duties by any deputy not so approved shall by so doing forfeit all right to any salary during the time of the discharge of his duties by a deputy not so approved, and shall, in case the Lord Chancellor so direct, cease to hold the office of Clerk of the Crown or Clerk of the Peace, as the case may be.

Discharge of duties by present Clerks of the Crown and of the Peace.

**19.** Every person appointed to the office of Clerk of the Crown and Peace, or temporary Clerk of the Crown or temporary Clerk of the Peace, or Registrar or temporary Registrar, shall, before entering upon the duties of such office, give security for the due discharge of the duties of such office in double the amount of his estimated annual salary or emoluments in such manner as the Lord Chancellor, with the consent of the Treasury, may by order from time to time prescribe.

Security to be given by officers.

**20.** (1.) Every salary and remuneration which at the time of the passing of this Act shall be presentable or payable to or for any Clerk of the Crown or Clerk of the Peace shall, so long as the office shall be held by the person who at the time of the passing of this Act shall hold the same, or by any temporary Clerk of the Crown or temporary Clerk of the Peace, be presented and paid at the same times and in the same manner as if this Act had not been passed; and so long as any person who at the time of the passing of this Act shall hold the office of Clerk of the Crown or of Clerk of the Peace, or his deputy heretofore appointed, shall be entitled to receive any special pension under this Act, such special pension shall be presented

Payment of salaries pending union of offices.

and paid at the same times and in the same manner as the salary of the office was presentable and payable at the time of the passing of this Act: Provided always, that the present Clerk of the Peace for the county of Wexford shall only be entitled to the salary and remuneration aforesaid until the death or resignation of the present Clerk of the Crown for the said county, whichever of said events shall first happen, whereupon the said clerk of the peace (unless appointed to the office of Clerk of the Crown and Peace) shall retire without any right to pension, superannuation, or compensation:

- (2.) Every temporary Clerk of the Crown and temporary Clerk of the Peace shall, so long as he holds such office, be entitled to take and receive all such presentments, payments, fees, and other emoluments as would be presentable or payable to him if he were Clerk of the Crown or Clerk of the Peace, as the case may be, and had been appointed before the passing of this Act:
- (3.) After the union of the offices of Clerk of the Crown and Clerk of the Peace for any county or borough no further moneys, except any special pensions payable under this Act, shall be presented or paid in such county or borough for or in respect of the salaries or remuneration of Clerk or temporary Clerk of the Crown, or of Clerk or temporary Clerk of the Peace; but notwithstanding the union of the offices of Clerk of the Crown and Clerk of the Peace, and both before and after such union, all sums now presentable or payable, other than such salaries or remuneration, shall continue to be presented and paid in the same manner as heretofore.

Fees to be paid to Treasury after union of offices.

**21.** The Lord Lieutenant, by and with the advice and consent of the Privy Council of Ireland, may from time to time after the passing of this Act make orders, and when made may revoke, alter, or amend the same, and may make new orders instead of any orders revoked, fixing a scale or scales according to which all or any expenses and remuneration heretofore presentable and payable to any Clerk of the Peace for carrying into effect the provisions of the Acts relating to the registration of voters, or otherwise in respect of such registration, shall be calculated, and <sup>2</sup>may, as well in respect of the matters aforesaid, as also in fixing any scale or scales of remuneration of Clerks of the Peace under the provisions of the Juries (Ireland) Acts, provide that any actual expenses shall be distinguished from any profits or remuneration presentable to and receivable by any Clerk of the Peace for his own use for or in respect of any duties imposed upon him by any Act relating to the registration of voters, or by the Juries (Ireland) Acts; and thereupon all such expenses and such profits and remuneration shall in each case be separately calculated, presented, and paid according to the scale or scales so fixed, and for the time being in force, and not otherwise, and the respective accounts thereof shall be audited and vouched as the Lord Lieutenant in Council may by order provide.

After the union of offices of Clerk of the Crown and Clerk of the

Peace for any county or borough, the amount of all profits and remuneration which, but for the passing of this Act, would have been presentable to and receivable by any Clerk of the Peace for his own use for or in respect of any duties imposed on him by any of the said Acts shall be presented to and receivable by Her Majesty's Exchequer; but notwithstanding such union the amount of all such actual expenses as aforesaid shall continue to be presented and paid in the same manner as theretofore.

From and after the union of the offices of Clerk of the Crown and Clerk of the Peace for any county or borough, all fees and emoluments (including the profits and remuneration presentable and payable under the next preceding provision) which, but for the passing of this Act, would be receivable by or payable to any Clerk of the Crown or Clerk of the Peace or Registrar of Civil Bills whose office shall have been included in such union, and all other fees and emoluments to be levied or paid under the provisions of this Act, shall be receivable by Her Majesty's Exchequer, and shall be collected and paid over in such manner as the Treasury from time to time shall direct; and the several provisions of any Act or Acts with respect to fixing and collecting fees taken in Civil Bill Courts, or by Clerks of the Crown or Clerks of the Peace or Registrars of Civil Bills, and to accounting for the same, and to paying the same into the receipt of Her Majesty's Exchequer, shall, so far as the same may be applicable, be applied to all fees and emoluments receivable by Her Majesty's Exchequer as aforesaid.

**22.** Every Clerk or temporary Clerk of the Crown, Clerk or temporary Clerk of the Peace, and Clerk of the Crown and Peace for any county or borough shall keep an office in the town in which the assizes for such county shall be holden, or in the said borough; and such office, unless the Lord Chancellor shall otherwise direct, shall be kept open by such officer, or, during his necessary absence, by a fit and competent clerk, to be employed by him at his own expense, between the hours of eleven and four o'clock in the day every day, except Sunday, Good Friday, Christmas Day, and such other days as the Lord Chancellor may prescribe; and if any such officer shall neglect to keep such office open on such days and during such time as aforesaid, he may be fined by any judge of assize at any assizes for such county, or by the chairman of the county, such sum, not exceeding ten pounds, as such judge or chairman shall think proper for every such neglect: The grand jury of any county or borough may provide and assign for such office any apartment or apartments in any public court house under the control of such grand jury in such town or borough as aforesaid.

Clerk of the Crown or Peace to keep an office in assize town.

**23.** If any Clerk or temporary Clerk of the Crown, or Clerk or temporary Clerk of the Peace, or Registrar of Civil Bills, or Clerk of the Crown and Peace, or deputy of any such Clerk, or any temporary Registrar, shall die or be necessarily absent or become incapacitated from discharging his duties during any assizes, the judges of assize, or one of them, may appoint a fit and proper person to discharge the duties of such officer during such assizes; and if such death, absence, or incapacity shall occur during the holding of any quarter sessions or Civil Bill Court, the chairman may appoint a fit and proper person to discharge the duties of such

Provision in case of death of officers.

officer during the holding of such sessions or court, and any person so appointed shall have for the purpose of discharging such duties all the power and authority, and while he shall hold such appointment shall be subject to all the liabilities which the officer so dying, or being absent, or becoming incapacitated would have had, or to which he would have been liable if continuing to act. Every person appointed under this section shall be paid such remuneration as the Lord Chancellor may from time to time by order direct, the same to be paid out of the salary or remuneration provided for the officer whose duties shall be performed by the person so appointed.

Special pensions to present holders of offices.

24. At any time after the passing of this Act, and notwithstanding the provisions of any other Act of Parliament regulating the grant of pensions or superannuation allowances, the Lord Lieutenant may, with the approval of the Treasury, grant to any Clerk of the Crown or Clerk of the Peace (except the Clerk of the Peace for the county of Wexford) who shall be in office at the passing of this Act, and shall retire from his office, such annual sum by way of special pension as, having regard to length of service and the other circumstances of each case, he may think fit, not exceeding two thirds of the entire yearly salary, fees, and emoluments of the office of such person, calculated upon the average of the five years next preceding such retirement, less by the amount of the annual sums (if any) paid by him to, and the emoluments (if any) received by, his deputy; and may also grant in like manner to any such deputy heretofore appointed such annual sum as, having regard to length of service and the other circumstances of each case, he may think fit, not exceeding two thirds of the entire yearly amount of the sums and emoluments (if any) so payable to or receivable by him, calculated upon the like average; and any sums granted in pursuance of this section shall be presented and paid in manner herein-before provided, and without any application to presentment sessions.

Registrars of Civil Bills.

25. The provisions of this Act as to special pensions shall apply to every person appointed before the twelfth day of February one thousand eight hundred and seventy-seven, and who at the time of the passing of this Act shall hold the office of Registrar of Civil Bills in any borough, and the special pension payable to every such person shall be paid by the Treasury out of such funds as may from time to time be provided by Parliament. Upon the occurrence of the next vacancy after the passing of this Act in each such office it shall cease and determine. At any time after the passing of this Act, and from time to time until the appointment of a Clerk of the Crown and Peace for such borough, it shall be lawful for the Lord Chancellor, with the consent of the Treasury, if he shall deem it necessary for the proper discharge of the duties of any such Registrar, to appoint by order a fit and proper person to be temporary Registrar, and every person so appointed shall hold such office and discharge such duties in relation to the Civil Bill Court or Recorder's Court of the borough as such order may direct, until he shall die, or resign, or be removed by the Lord Chancellor, or until the appointment of a Clerk of the Crown and Peace for the borough, whichever shall first happen. From and after the occurrence of the next vacancy

after the passing of this Act in each such office of Registrar of Civil Bills, all fees and emoluments which, but for the passing of this Act, would be receivable by or payable to such Registrar, and all other fees and emoluments to be levied or paid under the provisions of this Act in respect of the duties of such office heretofore performed by such Registrar, or hereafter to be performed by any officer appointed to perform the same, shall be receivable by Her Majesty's Exchequer, and shall be collected and paid over in such manner as the Treasury from time to time shall direct; and the several provisions of any Act or Acts with respect to the fixing and collecting of fees taken in any Civil Bill Court or Recorder's Court, and the paying of the same into the receipt of Her Majesty's Exchequer, shall, so far as the same may be applicable, be applied to the fees and emoluments in this section mentioned.

**26.** The Lord Lieutenant may, with the approval of the Treasury, grant to any Clerk of the Crown and Peace, or Registrar or additional Clerk, or other permanent officer appointed under this Act, upon his retirement from office, a pension, the amount whereof shall be ascertained and determined in respect of his service in such office according to the principles of the Superannuation Act, 1859, and which shall be subject to the conditions and provisions of that Act.

Pensions to officers appointed under this Act.

22 Vict. c. 26.

**27.** The Treasury shall, out of such funds as may from time to time be provided by Parliament, make the following payments to the persons, and in manner herein-after mentioned, in each and every year :

Payments by Treasury of salaries, &c. under this Act.

- (1.) To every person who at the time of the passing of this Act shall hold the office of Clerk of the Peace or Registrar of Civil Bills such salary, in addition to his other emoluments, as the Treasury, with the concurrence of the Lord Chancellor, shall from time to time direct, having regard to the additional duties which he may hereafter be obliged to discharge :
- (2.) To the several Clerks of the Crown and Peace the respective salaries in Schedule D. to this Act specified : Provided that the Lord Lieutenant and Council may from time to time, having regard to the duties of the several offices, by order vary the amount of any one or more of the said salaries, but not so as to diminish the salary of any officer during his tenure of office, nor so as to increase the total amount in the said schedule mentioned :
- (3.) To every temporary Registrar, Registrar, and additional Clerk appointed under this Act, such salary as the Treasury, with the concurrence of the Lord Chancellor, shall direct, having regard to the duties of the office :
- (4.) Such sums as may from time to time be allowed as herein-before provided for clerical assistance, or other office expenses, to be paid to such persons and in such manner as the Treasury, with the consent of the Lord Chancellor, shall from time to time direct :
- (5.) To the several Clerks of the Crown and Peace, Registrars, and additional Clerks, and other permanent officers appointed under this Act, to whom pensions may be granted

as herein-before provided, the amounts which shall from time to time be payable to them respectively :

- (6.) To the Process Officers of the Court such additional salary, if any, as the Treasury, with the concurrence of the chairman of each county, shall from time to time direct.

Provisions regarding the Clerk of the Peace of the city of Dublin continued pending consolidation.

**28.** Until the union of the offices of Clerk of the Crown and Clerk of the Peace for the city of Dublin, the provisions of the Act passed in the session of Parliament held in the twelfth and thirteenth years of the reign of Her present Majesty, chapter ninety-seven, in relation to the office of Clerk of the Peace for the county of the city of Dublin, shall continue in force and shall apply to the person who at the passing of this Act shall hold the said office, and also to any person who may be appointed temporary Clerk of the Peace for the city of Dublin under the provisions of this Act ; but from and after the union of the offices of Clerk of the Crown and of Clerk of the Peace for the county of the city of Dublin all the provisions of this Act shall apply to the office of Clerk of the Crown and Peace for the city of Dublin, and to the fees and emoluments of the several offices of Clerk of the Crown, Clerk of the Peace, and Registrar of Civil Bills for the city and borough of Dublin.

Chief and assistant clerks of Clerk of the Peace for Dublin.

**29.** Until the union of the offices of Clerk of the Crown and Clerk of the Peace for the city of Dublin, the town council of the borough of Dublin may, with the approval of the Lord Lieutenant, in lieu of and in the same manner as the salaries fixed by the twelfth section of the Act passed in the session of Parliament held in the twelfth and thirteenth years of the reign of Her present Majesty, chapter ninety-seven, present and pay to the chief clerk and assistant clerk of the Clerk of the Peace such salaries as, having regard to the duties of their respective offices and to their length of service, the said town council, with the concurrence of the Lord Lieutenant, shall think adequate.

Officers to make returns of official business.

**30.** Every Clerk or temporary Clerk of the Crown, Clerk or temporary Clerk of the Peace, Clerk of the Crown and Peace, Registrar of Civil Bills, temporary and other Registrar, Clerk, and officer herein-before mentioned shall, whenever required so to do, prepare, fill up, and transmit to the Chief or Under Secretary to the Lord Lieutenant, or to such other person as the Chief or Under Secretary shall appoint, such schedules, returns, and information relating to the business transacted in his office as shall from time to time be required by the said Chief or Under Secretary.

## PART II.

### *Equitable Jurisdiction.*

Annual value of lands, how ascertained.

**31.** Whenever for the purposes of any proceeding under the provisions of this Act it shall be necessary to ascertain the annual value of any lands, such annual value shall in all cases where there shall be a separate valuation of the whole or any part of the lands, under the Acts in force for the time being for the valuation of rateable property in Ireland, be established as to such lands or part thereof by proof of such valuation, and in all cases where there shall not be such a separate valuation of the whole or any part of the lands, then such annual value shall be estimated as to such lands or part thereof according to the principles of valuation prescribed

by the said Acts, and may be established by any legal evidence. The expression "annual value" in this Act shall, as to lands, mean the annual value established as herein-before provided. The expression "personalty" in this Act shall not include chattels real unless the contrary be expressed.

"Personalty" defined.

**32.** In addition to such copies or extracts as under any other statute in that behalf may be received and given in evidence as proof of the valuation of any lands, any copy or extract certified under the hand of the clerk of the union to be a true copy of the valuation of any lands as appearing in the rate book of the union, or any examined copy thereof, shall be deemed and taken for the purposes of any proceeding in any Civil Bill Court to be sufficient proof of the valuation of such lands until the contrary is shown.

Proof of valuation.

**33.** The several Civil Bill Courts in Ireland shall, in addition to the jurisdiction now possessed by them, have and exercise all the power and authority of the High Court of Chancery in the suits and matters herein-after mentioned; that is to say,

Civil Bill Courts to have the jurisdiction of the Court of Chancery in certain matters.

- (a.) In all suits by creditors, legatees, (whether specific, pecuniary, or residuary,) devisees (whether in trust or otherwise), heirs-at-law, or next-of-kin, in which the estate against or for an account or administration of which the demand may be made, so far as it is personalty, shall not exceed in amount or value the sum of five hundred pounds, and so far as it consists of lands shall not exceed the annual value of thirty pounds:
- (b.) In all suits for the execution of trusts in which the trust estate or fund, so far as it is personalty, shall not exceed in amount or value the sum of five hundred pounds, and so far as it consists of lands shall not exceed the annual value of thirty pounds:
- (c.) In all suits for foreclosure, sale, or redemption of, or for enforcing any mortgage charge or lien upon, lands where the mortgage charge or lien shall not exceed in amount five hundred pounds, and the annual value of the lands to which the suit relates shall not exceed thirty pounds:
- (d.) In all suits for the specific performance of any agreement for the sale, purchase, or letting of any property, or for the reforming, delivering up, or cancelling any such agreement, where in the case of a sale or purchase, the purchase money shall not exceed five hundred pounds, or in the case of a letting the annual value of the property to which the suit relates shall not exceed thirty pounds:
- (e.) In all proceedings under the Married Women's Property Act, 1870, where the property of the married woman shall not exceed in amount or value the sum of five hundred pounds:
- (f.) In all suits for the taking of any partnership account, or for the dissolution or winding up of any partnership, in which the whole property, stock, and credits of the partnership shall not exceed in amount or value the sum of five hundred pounds:
- (g.) In all proceedings for partition where the property to which the proceedings relate shall not exceed the annual value of thirty pounds:

33 & 34 Vict. c. 93.

- (h.) In all proceedings by a landlord against a tenant to stay waste, whether an account be prayed or not, where the annual value of the holding to which the proceedings relate shall not exceed thirty pounds:
- (i.) In all proceedings under the Trustee's Relief Acts, or under the Trustee Acts, or under any of such Acts, in which the trust property to which the proceedings relate, so far as it is personalty, shall not exceed in amount or value five hundred pounds, and so far as it consists of lands shall not exceed the annual value of thirty pounds:
- (k.) In all proceedings relating to the maintenance or advancement or for the protection of the property of an infant, where the property of the infant, so far as it is personalty, shall not exceed in amount or value the sum of five hundred pounds, and so far as it consists of lands shall not exceed the annual value of thirty pounds:
- (l.) In all proceedings for orders in the nature of injunctions, where the same are requisite for granting relief in any matter in which jurisdiction is given to the Civil Bill Courts, or for staying proceedings at law to recover any debt provable under a decree for the administration of an estate made, by the court to which the application for the order to stay proceedings is made.

Powers and duties of chairman and officers.

**34.** In all such suits and matters as aforesaid, every chairman, in addition to the powers and authorities at the passing of this Act possessed by him, shall for the purposes of this Act have all the powers and authorities of a judge of the High Court of Chancery; and in all matters in which the Civil Bill Court has jurisdiction, under this Act or otherwise, the Clerk of the Peace, Registrar, and every other officer of the Civil Bill Court shall discharge all such duties as may be prescribed by any rules or orders to be made as herein-after provided, and any other duties which an officer of the Court of Chancery might discharge, either under an order of a judge of such court, or under the practice thereof.

Power to transfer suits to the Court of Chancery.

**35.** The Lord Chancellor, on the application of any party to any suit or matter in which jurisdiction is by this part of this Act conferred pending in any Civil Bill Court, may then and there, or, if he shall think fit, after a summons shall have been served upon the other party or parties, transfer such suit or matter to the Court of Chancery, upon such terms (if any) as to security for costs or otherwise as he may think fit.

Power to transfer certain suits commenced in Chancery to the Civil Bill Court.

**36.** Where any suit or proceeding shall be pending in the High Court of Chancery which might have been commenced in a Civil Bill Court, any of the parties thereto may apply to the judge to whose court the said suit or proceeding shall be attached to transfer the same to any Civil Bill Court in which the same might have been commenced; and such judge may upon such application, or without such application, if he shall see fit, make an order for such transfer, and may make such order (if any) as to the costs incurred before such transfer, as he may think fit, and thereupon such suit or proceeding shall be carried on in the Civil Bill Court to which the same shall be ordered to be transferred, and the parties thereto shall have the same right of appeal which they would have had



if the suit or proceeding had been commenced in such Civil Bill Court.

**37.** If during the progress of any suit or matter pending in a Civil Bill Court under this part of this Act it shall be made to appear to the chairman that the subject matter exceeds the limit of amount or value to which the jurisdiction of the chairman is hereby limited, it shall not affect the validity of any order or decree theretofore made, but unless the parties shall, by a memorandum of consent signed by them or their respective attorneys, consent that the chairman shall proceed in and determine the said suit or matter, the chairman shall direct the said suit or matter to be transferred to the Lord Chancellor, who may regulate the whole of the further proceedings in the said suit or matter when so transferred, and may either retain the said cause within his own jurisdiction for his own decision, or if it shall appear to him for the interest of justice that the same should proceed in the Civil Bill Court where it was commenced may so direct, and such order or consent of the parties shall confer jurisdiction on such court to proceed in and determine such suit or matter, and the decree or order of the Civil Bill Court in any such suit or matter shall be subject to appeal, except in cases of consent in which the memorandum shall otherwise provide.

Transfer to the Court of Chancery of suits exceeding the jurisdiction of the Civil Bill Court.

**38.** Any legacy or sum of money to which any person who is an infant or absent beyond seas may be declared entitled by any chairman in any suit or matter may be ordered by the chairman to be paid to the Accountant General of the Court of Chancery, in accordance with the provisions of section thirty-three of an Act passed in the session of Parliament held in the fifty-fourth year of the reign of His late Majesty King George the Third, chapter ninety-two, and the person ordered to pay the same shall, within such time as the chairman shall direct, produce to the Clerk of the Peace of the county the certificate of the Accountant General of the payment of such money; and if default shall be made in such payment, the chairman may direct a warrant of execution to issue to the sheriff of the county, who, by such warrant, shall be empowered to levy or cause to be levied by distress and sale of the goods and chattels of such person a sum of money equal in amount to the sum which he was ordered to pay to the said Accountant General, with the costs incurred by reason of such default, and the sum so levied shall be paid to and be receivable by the said Accountant General under the direction of the chairman; and all amounts so paid or transferred into the Court of Chancery, with any dividends thereon, may be invested and may be paid out or transferred to the person or persons entitled thereto, or otherwise applied for his or their benefit, as the Lord Chancellor shall direct.

Payment into the Court of Chancery of legacies to infants or persons beyond seas.

**39.** The Lord Chancellor, with the concurrence of the chairman of each county, may from time to time order at what places and in what post office savings banks or other banks moneys paid into court in any equitable proceeding under this Act shall be deposited, and may make rules and regulations for such deposits; and every such deposit, if in a post office savings bank, may be made without restriction as to amount, and without the declaration required of a depositor; and no money when deposited under this Act shall be paid out except upon an order signed by the Lord

As to deposit of money paid into court in equitable proceedings.

Chancellor or by the chairman of the court by the order of which the money was deposited.

In what courts proceedings shall be taken.

**40.** Proceedings under the authority of this part of this Act shall be taken in the Civil Bill Courts herein-after mentioned; that is to say,

33 & 34 Vict. c. 93.

- (a.) Proceedings relating to the sale, redemption, or partition of any lands, or for enforcing any mortgage charge or lien upon any lands, or which pray an injunction to stay waste upon lands, shall be taken in the Civil Bill Court of the county in which the lands, or any part thereof, shall be situate :
- (b.) Proceedings under the Married Women's Property Act, 1870, shall be taken in the Civil Bill Court within the jurisdiction of which the person or persons making the application, or any of such persons, shall reside :
- (c.) Proceedings for the administration of the assets of a deceased person shall be taken in the Civil Bill Court within the jurisdiction of which the deceased person had his last place of abode or place of business in Ireland, or within the jurisdiction of which the executors or administrators, or any of them, shall reside :
- (d.) Proceedings in partnership cases shall be taken in the Civil Bill Court within the jurisdiction of which the partnership business shall be or have been carried on, or in which the defendants, or any of them, shall reside or carry on business :
- (e.) Proceedings for the specific performance, or for the reforming, cancelling, or delivering up of any agreement shall be taken in the Civil Bill Court within the jurisdiction of which the defendants, or any of them, shall reside, or have a place of business, or in which the property affected, or any part thereof, shall be situate :
- (f.) Proceedings under the Trustee's Relief Acts, or under the Trustee Acts, or any of such Acts, shall be taken in the Civil Bill Court within the jurisdiction of which the persons making the application, or any of them, shall reside :
- (g.) Proceedings relating to infants shall be taken in the Civil Bill Court within the jurisdiction of which the infants, or any of them, shall reside :
- (h.) Proceedings not otherwise provided for shall be taken or instituted in the Civil Bill Court within the jurisdiction of which the defendants, or any of them, shall reside or carry on business :

Provided that if during the progress of any such suit, matter, or proceeding it shall be made to appear to the chairman that the same may be more conveniently prosecuted in some other Civil Bill Court, the chairman may, with the consent of the Lord Chancellor, transfer the same to such other Civil Bill Court, and thereupon the suit, matter, or proceeding shall proceed in such other Civil Bill Court.

Partition of lands by the Civil Bill Court in suits for administration.

**41.** In administering the estate of a deceased person the chairman shall not be bound for the purpose of distribution of any landed property to sell and convert the same, but may partition

the same among the persons entitled to shares of such estate, and for equality of partition may make a personal decree against any one or more of such persons for any excess in the value of the part or parts allotted to him or them: Provided always, that no partition of any land held subject to any agreement or condition restraining or prohibiting assignment or subdivision, or forming part of an estate upon which the assignment or subdivision of holdings, without the consent of the landlord, is contrary to or not warranted by the practice prevalent upon such estate, shall be made without the consent in writing of the landlord or his agent duly authorised in writing. Nor shall any holding charged with any advance made by the Commissioners of Public Works in Ireland, in manner provided by the "Landlord and Tenant (Ireland) Act, 1870," or by any other statute authorising the advance of public money to tenants upon the security of their holdings, be partitioned without the consent of the said commissioners. An administration suit in the Civil Bill Court may be instituted at any time after the death of the testator or intestate.

33 & 34 Vict.  
c. 46.

**42.** Any decree or order in a proceeding under this part of this Act, against which no appeal shall be pending, may be affirmed, varied, or rescinded on a re-hearing in any case in which the chairman, upon special grounds, shall think such re-hearing necessary, and on such terms as to costs or otherwise as he shall think fit; but no such re-hearing shall be allowed after the expiration of three years from the making of the decree or order.

Power to re-hear, vary, or rescind decrees and orders.

**43.** If any party to a suit or matter in respect to which jurisdiction is by this part of this Act conferred shall be dissatisfied with any decree, dismiss, order, or direction made therein by a chairman, such party may, within two months after the same shall have been made, appeal therefrom to the Lord Chancellor; provided that such party shall, within one month after such decree, dismiss, order, or direction shall have been so made or given, give notice of appeal to the other party or his solicitor, and also deposit with the clerk of the peace the sum of ten pounds as security for the costs of such appeal, and the Lord Chancellor may upon such appeal make such decree or order as he shall think proper, or may remit the suit or matter to the chairman with such directions or declarations as to the Lord Chancellor shall seem proper, and may also make such order with respect to the costs of the said appeal as he shall think proper; and such decree or order of the Lord Chancellor shall be without further appeal: Provided that nothing herein contained shall authorise any party to appeal against the decision of a Civil Bill Court given upon any question as to the value of any land or personalty for the purpose of determining the question of the jurisdiction of the Court under this part of this Act, nor to appeal against the decision of a Civil Bill Court on the ground that the proceedings might or should have been taken in any other Civil Bill Court.

Appeals.

**44.** During the intervals between the sittings of the Civil Bill Court in any county any party to any suit or proceeding pending in the Civil Bill Court of such county may apply for an injunction to the Lord Chancellor, who shall have the same power to grant an injunction as he would have had if the suit had been

Power of Lord Chancellor to grant injunctions.

instituted in the Court of Chancery; and the granting of any such injunction shall not operate to remove such suit from the Civil Bill Court unless the Lord Chancellor shall otherwise direct.

Power of Lord Chancellor to distribute business.

**45.** The Lord Chancellor may, by general order or otherwise, provide for the distribution among the several judges of the Court of Chancery or of the Landed Estates Court of all appeals, suits, proceedings, and matters under the provisions of this part of this Act in or over which jurisdiction is by this part of this Act conferred upon him, and thereupon each of the aforesaid judges shall have the same jurisdiction, power, authority, and discretion, in reference to any such appeal, suit, proceeding, or matter which may be allotted to his court as is by this part of this Act conferred upon the Lord Chancellor.

Contentious probate jurisdiction extended.

**46.** When it shall be made to appear that any deceased person, in respect of whose estate a grant or revocation of a grant of probate or of letters of administration shall be applied for, had at the time of his death his fixed place of abode in any county, and that his personalty did not at the time of his decease exceed in value the sum of five hundred pounds, exclusive of what the deceased may have been entitled to as a trustee and not beneficially, but without deducting anything on account of the debts due and owing from the deceased, and that the annual value of the lands, if any, of which the deceased at the time of his death was beneficially seised or possessed did not exceed thirty pounds, the chairman of the Civil Bill Court of the county shall, in addition to the jurisdiction now possessed by him in every such case, have the contentious jurisdiction and authority of Her Majesty's Court of Probate in Ireland 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.

20 & 21 Vict. c. 79.

The Probates and Letters of Administration Act (Ireland), 1857, and any Acts amending the same, so far as they apply to the exercise of contentious testamentary jurisdiction by such Acts conferred on the Civil Bill Courts, and the provisions as to appeals in such cases, shall apply to the extended jurisdiction by this part of this Act conferred. In all cases of contentious testamentary jurisdiction the chairman shall have power to direct that any issue or issues in fact shall be tried before himself in the Civil Bill Court by a jury.

Power to grant limited administration.

**47.** The chairman on being satisfied of the death of any person concerning whose property any suit or proceeding shall be pending in the Civil Bill Court, and that there is no legal personal representative of such person, or no legal personal representative whose services are available for the purposes of such suit or proceeding, and that the personalty of such deceased person did not at the time of his decease exceed in value the sum of five hundred pounds, exclusive of what the deceased may have been entitled to as a trustee and not beneficially, but without deducting anything on account of the debts due and owing from the deceased, and that the annual value of the lands of which the deceased at the time of his death was beneficially seised or possessed did not exceed thirty pounds, and that it is necessary or expedient for the

purposes of such suit or proceeding that a legal personal representative should be raised to such deceased person may, by order in writing under his hand, appoint such person as such chairman shall consider proper to be the administrator of such deceased person, limited to the purposes of such suit or proceeding; and upon any such appointment the chairman may impose such terms on the person appointed as to paying or securing the probable amount of any duties payable in respect of the assets of the deceased person, or as to giving security, or as to any other matter relating to the administration of the assets, as to the chairman shall seem expedient, and the person so appointed shall for all such purposes represent such deceased person in the same manner as if such deceased person had died intestate, and administration had been duly granted to the person so appointed of all the personal estate and effects of such deceased person.

48. The jurisdiction conferred by this part of this Act shall be exercised at such times and in such place or places within each county as may be from time to time ordered by the Lord Lieutenant, with the advice and consent of the Privy Council in Ireland, and the provisions of "The Chairmen of Quarter Sessions (Ireland) Jurisdiction Act, 1876," may be applied to all business to be transacted under the provisions of this Act.

Places for exercise of equitable jurisdiction.

39 & 40 Vict. c. 71.

49. It shall be lawful for the Lord Lieutenant in Council, by Order in Council from time to time made after the passing of this Act, to declare that the Chairman of Limerick, and the Chairman of Waterford, and the Recorders of Londonderry and Galway, or any of them, shall have jurisdiction in Admiralty causes, and to assign to each such Chairman and Recorder as his district for Admiralty causes any area irrespectively of the districts in which such Chairman and Recorders respectively shall have (independently of this section) jurisdiction, and in any such case to prescribe the places and times at which local courts for Admiralty causes shall be holden, and to direct that such of the provisions of the Court of Admiralty (Ireland) Act, 1867, and the Court of Admiralty (Ireland) Amendment Act, 1876, as may by such order be prescribed shall apply to the said Chairman and Recorders, and to such local courts as aforesaid.

Admiralty jurisdiction in certain places.

30 & 31 Vict. c. 114.  
39 & 40 Vict. c. 28.

Each of the said local courts shall have jurisdiction to arrest and to hold to bail, notwithstanding that the amount sued for in the cause shall exceed the limit fixed by the Court of Admiralty (Ireland) Act, 1867, but in such cases the cause shall in other respects be subject to the provisions of the seventy-seventh section of the said Act, and until the appointment of a Clerk of the Crown and Peace the Clerk of the Peace, and after such appointment the Clerk of the Crown and Peace for the cities of Limerick, Waterford, Londonderry, and Galway respectively shall have the aforesaid jurisdiction to arrest and hold to bail at all times when the Civil Bill Courts of the said cities respectively shall not be sitting, and the Registrars of the said Chairmen and Recorders respectively shall also have the same powers within the jurisdiction in Admiralty causes of their respective courts as are conferred on Registrars by section forty-six of the Court of Admiralty (Ireland) Act, 1867.

30 & 31 Vict. c. 114.

30 & 31 Vict. c. 114.

## PART III.

*Extension of existing Jurisdiction.*

Jurisdiction at law of Civil Bill Courts extended.

14 & 15 Vict. c. 57.  
33 & 34 Vict. c. 109.

**50.** The thirty-fifth section of the Civil Bill Courts (Ireland) Act, 1851, and also the fifth section of the Common Law Procedure Amendment Act (Ireland), 1870, shall be read and construed as if the words fifty pounds were therein substituted for the words forty pounds wherever the words forty pounds occur therein, and the jurisdictions thereby conferred shall be extended accordingly. Where in any action the claim consists of a balance not exceeding the sum of fifty pounds, after an admitted set off of any debt or demand claimed or recoverable by the defendant from the plaintiff, the Civil Bill Court shall have jurisdiction to hear and determine such action.

Jurisdiction in remitted cases.

14 & 15 Vict. c. 57.  
33 & 34 Vict. c. 109.

**51.** The provisions of the one hundredth section of the Civil Bill Courts (Ireland) Act, 1851, shall apply to actions ordered to be tried or remitted for trial in any Civil Bill Court under any of the provisions of the Common Law Procedure Amendment Act (Ireland), 1870, and if the plaintiff in any such action shall have omitted or refused to lodge the order for trial and the summons and plaint as by the said last-mentioned Act prescribed, the defendant may, at any time during the sessions named in such order, lodge with the Clerk of the Peace certified copies of the said order and summons and plaint for the purpose of having such action dismissed by the chairman, and thereupon the said chairman shall have the same power, jurisdiction, and authority to dismiss the case, and to award costs to the defendant, as if the plaintiff had duly lodged with the Clerk of the Peace the said order and summons and plaint, and had failed to proceed thereon at the said sessions. The provisions of the sixth section of the Common Law Procedure Amendment Act (Ireland), 1870, shall apply to actions of detinue, and in any such action when remitted for trial in a Civil Bill Court such court shall have the same jurisdiction as to ordering a return of goods or giving other specific relief which might have been exercised by the superior court in which the action was commenced, if the action had not been so remitted. The provisions of the same section may be applied to any action for breach of contract or for any wrong or injury not disconnected with contract, if the plaintiff's claim in such action shall be for unliquidated damages.

33 & 34 Vict. c. 109.

Present jurisdiction in remitted cases extended.

33 & 34 Vict. c. 109.

**52.** Whenever any action shall be remitted to the Civil Bill Court, pursuant to the provisions of the sixth section of the Common Law Procedure Amendment Act, Ireland, 1870, the Civil Bill Court shall have the same jurisdiction as to the amount of damages to be awarded as might have been exercised by the court in which such action was originally brought.

Extension of jurisdiction in ejectment and questions of title to hereditaments.

14 & 15 Vict. c. 57.

**53.** The seventy-ninth section of the Civil Bill Courts (Ireland) Act, 1851, and the Act of the session of Parliament held in the thirty-seventh and thirty-eighth years of the reign of Her present Majesty, chapter sixty-six, shall respectively be read and construed as if the words "thirty pounds" were therein substituted for the words "twenty pounds" wherever the words "twenty pounds" occur therein, and the jurisdictions thereby conferred shall be extended accordingly.

**54.** In the Act of the session of Parliament held in the thirty-seventh and thirty-eighth years of the reign of Her present Majesty, chapter sixty-six, the words "action in which the title to any corporeal or incorporeal hereditaments shall come in question" shall include and may be applied to any action of ejection upon the title; and for the purposes of the said Act the annual value of any lands in question shall be estimated and may be established as provided by this Act.

Act of 37 & 38  
Vict. c. 66.  
explained and  
amended.

**55.** Any person dissatisfied with any order of dismissal on the merits, or with any order in an ejection case of dismissal without prejudice, or on the merits, or with any decree, whether adverse to him or in his favour, pronounced by any chairman in exercising the jurisdiction existing at the passing of this Act, or the jurisdiction conferred or extended by this part of this Act, or by the Landlord and Tenant Law Amendment Act (Ireland), 1860, may appeal therefrom within the time, and to the court, and in the manner, and subject to the several conditions prescribed by the Civil Bill Courts (Ireland) Act, 1851, for regulating appeals, provided that the recognizance thereby prescribed may from and after the passing of this Act be entered into before the Clerk of the Peace or before the chairman, and that the affidavit thereby required to be made by the party or the attorney for the party desiring to appeal shall be no longer necessary.

Appeals.

Upon the hearing of every such appeal the judge may award all or such of the costs and expenses of witnesses in the Court of Appeal, and also all or such of the costs and expenses of witnesses in the Civil Bill Court, to be paid by or to such of the parties to the action as to him shall seem just, and may order any money deposited by any such party with the Clerk of the Peace, or Acting Clerk of the Peace, or in the hands of the sheriff, to be applied in or towards payment of such costs or expenses, or to be returned to the party lodging the same, or to be otherwise disposed of in accordance with the decree or order made upon appeal, as to such judge shall seem just.

**56.** Costs shall be in the discretion of the chairman in every case in which the relief granted by him might at any time have been obtained by an order of petty sessions.

Costs to be  
discretionary in  
certain cases.

#### PART IV.

##### *General Provisions.*

**57.** Any action commenced in any Civil Bill Court for any matters hitherto cognisable in one of the superior courts of common law may be removed into the High Court of Justice in the following manner; that is to say,

Removal of  
proceeding to  
superior court.

If the claim made in such action does not exceed five pounds, by order of a Divisional Court of the High Court of Justice, or a judge of the High Court if such court or judge shall consider it desirable that the same shall be tried in the High Court, and if the party applying for such order shall give security to the satisfaction of one of the Masters of the High Court for the amount of the claim and the costs of the trial, not exceeding in all one hundred pounds, and shall further assent to such terms, if any, as the court or judge by whom the application is heard shall think fit to impose.

If the debt or damage claimed shall exceed five pounds, by order

of a judge of the High Court of Justice in any case which shall appear to the judge fit to be tried in the High Court, and upon such terms as to payment of costs and giving security for debt and costs, or such other terms as the judge to whom application for the order is made shall see fit, any order made under this section shall have the same effect as a writ of certiorari.

**58.** When any Divisional Court or judge of the High Court of Justice shall have refused to grant such order, no other Divisional Court or judge shall grant such order, but nothing herein contained shall affect the right of appealing from the decision of one judge to any Divisional Court.

**59.** In any action in a Civil Bill Court for a debt or liquidated money demand, the plaintiff, instead of issuing a process in the ordinary form, may (upon lodging with the Clerk of the Peace an affidavit to the effect set forth in the form in Schedule B. to this Act) issue a process to which shall be annexed a notice to the effect set forth in the form in Schedule C. to this Act; and if such last-mentioned process and notice be issued, they shall be personally served on the defendant fourteen days at the least before the sessions at which the defendant shall be by such process required to appear; and if the defendant shall not, within seven days after service of such process and notice, inclusive of the day of service, give to the Clerk of the Peace a notice in writing of his intention to defend, signed by himself or his attorney, the chairman may at such sessions, upon proof of the personal service of such process and notice, and upon reading the affidavit lodged as aforesaid, but without further evidence, make a decree against the defendant for the amount of the plaintiff's claim and costs. The defendant may appeal against any such decree in the manner and subject to the conditions and provisions as to payment or lodgment of costs, and as to giving security for the payment of the sum decreed, prescribed by the one hundred and twenty-eighth section of the Civil Bill Courts (Ireland) Act, 1851. Where the defendant shall give such notice of his intention to defend, the Clerk of the Peace shall, immediately upon the receipt of such notice, send a letter to the plaintiff or his attorney, by post, stating therein that the defendant has given such notice. Where the defendant shall neglect to give such notice of defence within the time limited, but shall appear at the sessions, and prove to the satisfaction of the chairman that he has just grounds of defence upon the merits, and satisfactorily explains his neglect, the chairman may, upon such terms as to him shall seem just, adjourn the hearing either to the next sessions or to any subsequent day during the same sessions, of which adjournment the Clerk of the Peace shall, in manner aforesaid, give notice to the plaintiff or to his attorney. Where the defendant shall have given notice of defence, or shall have obtained an adjournment as aforesaid, the process shall be entered, tried, and determined in the same manner as if the same had been issued in the ordinary form; and if a decree shall be made for the full amount of the plaintiff's claim (but not otherwise), the plaintiff shall, in addition to the ordinary costs, be entitled to such sum for the costs of the process and notice, and of the affidavit aforesaid, as shall be prescribed by order to be made as herein-after provided.

Appeal to  
Divisional  
Court.

Decree by  
default.

14 & 15 Vict.  
c. 57.



**60.** In any case in which it shall be shown to the satisfaction of the chairman by the defendant against whom any decree by default may have been obtained under the foregoing section that such decree was obtained by fraud, misrepresentation, surprise, or mistake, the defendant may, within such time, in such manner, and subject to such conditions and provisions as may be prescribed by orders to be made as herein-after provided, apply for and obtain a rehearing, and upon such rehearing any such decree may be affirmed, varied, or rescinded, as the justice of the case may require.

Rehearing in case of decree by default.

**61.** The judgments, decrees, and orders of the Civil Bill Courts shall be in such forms, and shall be entered, recorded, and issued in such manner, and shall be executed by such officers (including under that term sheriffs and under sheriffs), as shall by rules and orders to be made as herein-after provided be from time to time prescribed.

Form and execution of decrees.

**62.** Any moneys, the proceeds of the execution of any writ or decree belonging to any judgment creditor (including under that term the plaintiff in any civil bill), may, while in the hands of any sheriff, be seized and taken in execution under any writ of fieri facias or Civil Bill decree against the goods and chattels of such judgment creditor which may be delivered to such sheriff for execution: Provided that nothing herein contained shall affect the right of any person who may have previously obtained an order of any court of law or equity for the attachment or payment of such moneys; and provided further, that the sheriff shall be entitled to his poundage fees on every sum so seized and taken in execution.

Moneys in hands of Sheriff may be taken in execution.

**63.** If cross decrees of any Civil Bill Court shall be pronounced or made between the same parties, or shall be at the same time unexecuted or only partially executed, the chairman may, on the application of either party, order that such decrees shall be set off against each other, and if of unequal amount, that that decree only upon which the larger sum shall be due shall be issued or executed, as the case may be, and that the same shall be issued or executed only for such sum as shall remain after deducting the sum due upon the other decree.

Cross decrees may be set off.

**64.** The bankruptcy of the plaintiff after action brought shall not cause an abatement of any action or suit in a Civil Bill Court which the assignees might maintain for the benefit of the creditors, if the assignees shall elect to continue the same, and shall give such security for the costs thereof as the chairman may direct, or deposit with the Clerk of the Peace a sum sufficient to secure such costs within such reasonable time as the chairman shall order; but the hearing of the cause may be adjourned to enable the assignees to make such election, and if they shall not elect to continue the action, or shall not give such security or deposit such sum within the time limited by the order, the defendant may rely upon the bankruptcy of the plaintiff as a defence to the action or suit.

Power to assignees in bankruptcy to continue action brought.

**65.** Any acknowledgment to be made by any married woman of any deed under an Act passed in the session of Parliament held in the fourth and fifth years of the reign of His late Majesty King William the Fourth, chapter ninety-two, may be received by any chairman in the same manner in which such acknowledgment may be received by a judge of a superior court.

Acknowledgments of deeds by married women may be received by chairman.

Chairman may appoint next friend or guardian ad litem for infant.

**66.** Where any action or suit is brought in a Civil Bill Court on behalf of or against any infant it shall be lawful for the chairman, by any order in writing under his hand, to appoint a next friend or guardian ad litem to act for or on behalf of such infant, and to change any such next friend or guardian ad litem when appointed, and to appoint another in his place; and the chairman shall also be empowered to direct any money or other personal property to which such infant may be entitled to be secured or invested for the benefit of such infant, in such manner as the chairman shall consider advisable, and in accordance with the practice of the Court of Chancery in like cases.

Power to strike out cause, giving costs, where court has no jurisdiction.

**67.** Whenever an action or suit is brought in a Civil Bill Court which the court has not jurisdiction to try and determine, unless the parties shall by a memorandum signed by them or their respective attorneys, consent that the court shall have power to try and determine the same, the chairman shall order the cause to be struck out, and shall have power to award costs in such manner and to such extent, and recoverable by the same means as if the court had jurisdiction in such action or suit, and the plaintiff had not appeared, or had appeared, and failed to prove his demand; but this enactment shall not prejudice the other provisions of this Act as to any suit or matter pending in a Civil Bill Court under Part II. of this Act.

Parties may appear in person or by attorney or by counsel, &c.

**68.** It shall be lawful for the party to the suit or other proceeding in any Civil Bill Court, or for the father or husband of such party by leave of the chairman, or for an attorney of one of Her Majesty's superior courts at Dublin, being the attorney on record for such party, but not an attorney retained as an advocate by such first-mentioned attorney, or for a barrister retained by or on behalf of such party, and instructed by his or her attorney on record, but without any right of exclusive audience or pre-audience, to appear and address the court and conduct the case, but subject to such rules and regulations as may from time to time be prescribed for the orderly transaction of the business of the court.

Provisions of Civil Bill Acts as to jurors and witnesses extended to this Act.

**69.** The duties and obligations of and upon all jurors, suitors, and witnesses, and their liability to penalty and punishment, shall in any proceeding under this Act be the same as those created, authorised, and imposed by the several statutes for the time being in force relating to Civil Bill Courts.

Affidavits to be sworn before commissioner for taking affidavits, Clerk of Peace, or justice.

**70.** Any affidavit to be used in a Civil Bill Court may be sworn before a commissioner for taking affidavits in any superior court, or before any Clerk of the Peace, or any justice of the peace, and shall before being used be lodged with the Clerk of the Peace for the county in which such Civil Bill Court shall be held.

Appointment of temporary chairman in certain cases. 14 & 15 Vict. c. 57.

**71.** The oath first mentioned in the seventh section of the Civil Bill Courts (Ireland) Act, 1851, shall be no longer in any case required, and in the case of the death or resignation of any chairman a person may be appointed to do and execute the duty of such chairman during the vacancy of the office, in the same manner and subject to the like provisions as are in the said section provided in the case of sickness or absence of a chairman.

Whenever it shall appear that any chairman is personally interested in any proceeding pending before him, the Lord Chancellor

may, by order under his hand, direct that such proceeding shall be heard and determined by or before any other chairman, and the same may thereupon be so heard and determined.

**72.** In every appeal from an order of justices in any case of summary jurisdiction under the provisions of the twenty-fourth section of the Petty Sessions (Ireland) Act, 1851, the recognizance into which the appellant is thereby required to enter shall be conditioned to prosecute such appeal, and to abide and perform the judgment and order of the Court of Appeal thereon, and to pay such costs as may be awarded by the said court, and in the case of an order to imprison, not to abscond pending the execution of the original order, or of the judgment or order of the Court of Appeal, and save as aforesaid shall be in the form prescribed by the said Act. In addition to the powers, jurisdiction, and authority conferred by the Petty Sessions (Ireland) Act, 1851, with respect to appeals, the court before which any such appeal shall be pending shall have power to adjourn the hearing of such appeal, or to remit the matter to the justices at the petty sessions where the original order was made, with such declarations or directions as to the Court of Appeal shall seem proper, and such justices shall have power to determine the matter when so remitted, having regard to such declarations or directions. Whenever any such appeal shall not have been prosecuted, or the original order shall have been confirmed or varied upon appeal, or either party shall upon such appeal have been ordered to pay costs, the Court of Appeal shall have and may exercise the same powers, jurisdiction, and authority to issue all necessary and proper warrants for the execution of the original order, or of such varied order, and to enforce the payment of the said costs, as the court which made the original order had or might have exercised when making such order.

Form of recognizance in appeal from petty sessions.  
14 & 15 Vict.  
c. 57.

14 & 15 Vict.  
c. 57.

**73.** No justice who shall have taken part in the original hearing or decision of any case in which there shall be an appeal from any order of justices shall take part in the hearing or decision of the appeal.

Justices on appeal.

**74.** In case any justice or justices shall, after the passing of this Act, dismiss any complaint made under the provisions of the Act passed in the session of Parliament held in the fifth and sixth years of the reign of Her present Majesty, chapter one hundred and six, or of any Act altering or amending the same, either on the merits or without prejudice, if any person prosecuting shall feel aggrieved by such order of dismissal, such person may appeal against such order; and the several provisions of the twenty-fourth section of the Petty Sessions (Ireland) Act, 1851, as amended by this Act, shall extend and may be applied to such appeal: Provided that the amount of the recognizance to be entered into by such appellant shall be such as to the justice shall seem reasonable.

Appeals under the Fishery Acts.

14 & 15 Vict.  
c. 57.

**75.** So much of the twenty-fourth section of the Petty Sessions (Ireland) Act, 1851, as provides for the estreating of the recognizances of the party bound to prosecute an appeal shall be and the same is hereby repealed, and from and after the passing of this Act, whenever the party bound to prosecute an appeal against an order to imprison shall have absconded, either before or after the hearing of the said appeal, or before or after the time fixed for the hearing

Estreating of recognizances.  
14 & 15 Vict.  
c. 57.

thereof where the same shall not have been prosecuted, or whenever the party bound to prosecute any appeal shall not have abided and performed the order of the Court of Appeal made therein, or whenever the party bound to prosecute an appeal against any order for the payment of any penal or other sum shall not have performed the obligation of his recognizance and shall have no goods whereon to levy the amount of the same by distress, it shall be lawful for the justices at the petty sessions where the original order was made, and after like proof of notice to the parties as in estreating other recognizances in summary proceedings, to make an order for estreating the recognizance in any such case to such amount as they shall think fit, and for paying out of such amount such sum as shall have been directed to be paid to any party by such original order, or by any order duly made on appeal, as the case may be, and thereupon to issue a warrant in the form (E. a) in the schedule to the said Act annexed for the levy of the same upon the goods of any one or more of the several persons bound thereby. The powers conferred by this section upon justices at petty sessions as well as those conferred upon such justices by the thirty-fourth section of the Petty Sessions (Ireland) Act, 1851, may in the police district of Dublin metropolis be exercised by a divisional justice sitting at any of the police courts of the said district.

14 & 15 Vict.  
c. 57.

No conviction to be quashed on the ground of error in the complaint.

**76.** No conviction or order made by any justice or justices shall be held void, or shall be quashed by reason of any defect, omission, or variance in the summons, charge, or information upon which the same shall purport to have been made, provided that such defect, omission, or variance shall not have misled or prejudiced the defendant or have affected the merits of the case, and the justice or justices at the original hearing, or any court of appeal or superior court before whom the decision of any such justice or justices shall afterwards come, may, upon such terms as shall appear just, make any amendment in any summons, charge, or information which shall appear to be requisite for the purpose of making the conviction or order conformable with the same, or of raising the real question at issue and deciding the case as justice shall require.

Warrants of justices acting under Towns Improvement (Ireland) Act, 1854, 17 & 18 Vict. c. 103.

14 & 15 Vict.  
c. 57.

**77.** The provisions of the Petty Sessions (Ireland) Act, 1851, as to the execution of warrants, shall extend and may be applied to the execution of warrants issued by magistrates appointed under the Towns Improvement (Ireland) Act, 1854; and the term "county" in the Petty Sessions (Ireland) Act, 1851, shall for this purpose be construed to include any town within the boundaries of which any such magistrate shall have the jurisdiction of a justice of the peace.

Exceptions need not be negatived.

**78.** In all cases of summary jurisdiction any exception, exemption, proviso, qualification, or excuse, whether it does or does not accompany the description of the offence complained of, may be proved by the defendant, but need not be specified or negatived in the information or complaint, and if so specified or negatived no proof in relation to the matters so specified or negatived shall be required from the complainant, unless evidence shall be given by the defendant concerning the same.

**79.** For the purpose of carrying this Act into effect, the Lord Chancellor, with the concurrence of the chairmen, or any five of

Power to make rules and orders.

them, to be selected at a meeting of the chairmen convened for the purpose, or in default of such selection to be nominated by the Lord Chancellor, or the major part of such five, may at any time after the passing of this Act make rules and orders for regulating the practice of the Civil Bill Courts and prescribing the forms of proceedings therein, and for regulating appeals and rehearings, and prescribing the forms of proceedings thereon, and for defining the duties of the Clerks of the Crown and Peace, Registrars, and other officers of the Civil Bill Courts, and as to the several matters and things herein-before mentioned, and as to any other matter or thing, whether similar or not to those herein-before mentioned, in respect of which it may be expedient to make rules for regulating the proceedings in and practice of the Civil Bill Courts, and for adapting the same to the constitution, practice, and procedure for the time being of the superior courts, and otherwise for carrying the provisions of this Act into execution, and may from time to time amend such rules, orders, and forms; and every such rule, order, and form certified under the hands of the Lord Chancellor, and any five of the chairmen, shall take effect from and after such day as shall be therein named. The Lord Chancellor, with the concurrence of the recorder of any court, may at any time after the passing of this Act and from time to time make and amend like rules, orders, and forms concerning such recorder's court. The power of making rules and orders conferred by this section shall be in substitution for the power of making rules, orders, or regulations for the Civil Bill Courts under the provisions of the Civil Bill Courts (Ireland) Act, 1851.

14 & 15 Vict.  
c. 57.

**80.** All jurisdiction, powers, and authorities by this Act conferred upon any Civil Bill Court or chairman are hereby conferred upon and may be exercised by any court or judge engaged in hearing any appeal from any Civil Bill Court, or any special case stated in respect of any suit, matter, or proceeding pending in or of any appeal from any Civil Bill Court.

Jurisdiction  
extended to  
Courts of  
Appeal.

**81.** From and after the passing of this Act, in addition to the salaries heretofore payable to the several chairmen, the Treasury may, with the concurrence of the Lord Chancellor, fix and from time to time pay, to each chairman, out of such funds as Parliament may provide for that purpose, such amount as may appear to be reasonable for the purpose of defraying the travelling expenses incurred in and about the performance of the duties of his office; and from and after the passing of this Act, the additions to the salaries of the chairmen authorised by the Act of the session of the second and third years of the reign of His late Majesty William the Fourth, chapter eighty-eight, and by the sixty-third section of the Landlord and Tenant (Ireland) Act, 1870, shall be payable with and in the same manner as the salaries provided by the Civil Bill Courts (Ireland) Act, 1851, and shall be taken into account accordingly in computing the amount of pension payable to any chairman.

Salaries and  
travelling  
expenses of  
chairmen.

33 & 34 Vict.  
c. 46.

14 & 15 Vict.  
c. 57.

**82.** The pension which may be granted to the chairman of any county under the Act of the session of Parliament held in the twenty-first and twenty-second years of the reign of Her present Majesty, chapter eighty-eight, shall be calculated upon the salary

Pensions of  
chairmen.

payable to such chairman at the time of his resignation as chairman of such county, or as chairman of two or more counties united under the authority of this Act.

Fixing and  
collection of  
fees and stamp  
duties.

**83.** The Lord Chancellor, with the concurrence of the chairmen, or any five of them, to be selected or nominated as herein-before provided, or the major part of such five, and with the consent of the Treasury, may, by order, fix the fees to be taken in the Civil Bill Courts in respect of any business under this and any other Acts in force for the time being in such courts, and may, with the like concurrence and consent, alter, reduce, or increase the same from time to time; he may also, with the like concurrence and consent, alter the fees and stamp duties at present taken in those courts and substitute other fees for the same, and where no fees or stamp duties are at present imposed, he may, with the like concurrence and consent, declare and fix whether any and what fees shall be taken, and may from time to time alter, reduce, or increase any fees so fixed or substituted: Provided always, that, in fixing and substituting fees as aforesaid, regard shall be had, where practicable, to the ad valorem principle.

From and after the commencement of this Act all such fees shall be payable (save as otherwise directed by this Act or by such order as aforesaid) into the receipt of Her Majesty's Exchequer, and with respect thereto the following rules shall be observed:

- (1.) The fees shall, save as otherwise directed by such order, be taken by stamps, and if not taken by stamps shall be taken, applied, accounted for, and paid over in such manner as may be prescribed by the order:
- (2.) Such stamps shall be impressed or adhesive as the Treasury may from time to time direct:
- (3.) The Treasury, with the concurrence of the Lord Chancellor, may from time to time make such rules as may seem fit for publishing the amount of the fees and regulating the use of such stamps, and for prescribing the application thereof to documents from time to time in use or required to be used in the Civil Bill Courts, and for ensuring the proper cancellation of adhesive stamps and for keeping accounts of such stamps:
- (4.) Any document which ought to bear a stamp under this or any other Act, or under any such order, shall not be received, admitted, or used in any Civil Bill Court, or by any officer of any such court unless or until it is properly stamped, but if any such document shall through mistake or inadvertence be received, admitted, or used without being properly stamped, the court may, if it shall think fit, order that the same be properly stamped, and on such document being stamped accordingly the same and every proceeding relating thereto shall be as valid as if such document had been properly stamped in the first instance, provided that no document shall be stamped as aforesaid contrary to the provisions of any other Act of Parliament for the time being in force, nor without payment of any penalty prescribed by any such Act:
- (5.) Any person who forges or counterfeits any such stamp, or

uses any such stamp, knowing the same to be forged or counterfeit, or to have been previously cancelled or used, shall be guilty of forgery, and be liable on conviction to penal servitude for a term not exceeding seven years, or to imprisonment with or without hard labour for a term not exceeding two years :

- (6.) The Commissioners of Inland Revenue shall keep such separate accounts of all moneys annually received from or for stamps under this and any other Acts in force for the time being in the Civil Bill Courts as the Treasury may from time to time direct, and as shall be necessary to ascertain the total amount so received in each year :
- (7.) The Treasury shall keep such separate accounts of all moneys (including moneys received from or for stamps) annually received from fees and duties under this and any other Acts in force for the time being in the Civil Bill Courts, and of all other moneys by this Act made payable into or receivable by Her Majesty's Exchequer, as shall be necessary to ascertain the total amount so received in each year, and all the moneys received as aforesaid shall, after deducting any expenses incurred by the Commissioners of Inland Revenue in the execution of this Act, be carried to and form part of the Consolidated Fund :
- (8.) The Treasury shall keep such separate accounts of all moneys annually payable under the twenty-fifth section of this Act as shall be necessary to ascertain the total amount so paid in each year :
- (9.) The several accounts herein-before directed to be kept for each year shall be presented to Parliament within the year next following.

Subject to the provisions of any order to be made as herein-before provided, the existing fees and stamp duties shall, save so far as is by this Act otherwise expressly provided, continue to be taken, applied, and accounted for as if this Act had not been passed.

When and so soon as the said fees shall have been fixed as herein-before provided, all the provisions contained in the Civil Bill Courts (Ireland) Act, 1851, and the Acts altering, amending, or affecting the same, in reference to the stamps and fees thereby imposed and authorised to be taken, shall, so far as the same may be applicable, extend and be applied to the fees and stamp duties fixed as herein-before provided.

**84.** The Lord Chancellor, with the concurrence of the chairmen, or any five of them, to be selected or nominated as herein-before provided, may frame and from time to time amend a scale of fees, costs, and charges to be paid to counsel and attorneys in suits and proceedings in the Civil Bill Courts; and such scale or amended scale, certified under the hands of the Lord Chancellor, and any five of the chairmen, shall, from and after such day as shall be fixed thereby, be in force in every Civil Bill Court.

**85.** The number of chairmen (including the recorders) shall, so soon as practicable, be reduced to twenty-one, and for the purpose of making such reduction, the Lord Lieutenant may, whenever

14 & 15 Vict.  
c. 57.

Power to frame  
a scale of costs  
and charges.

Union of offices  
of chairman.

any office mentioned in Schedule E. to this Act shall become or be vacant, by order direct that such office shall be united with any other office or offices in the said schedule specified in that behalf, and the holder for the time being of any such other office or offices appointed after the first day of January one thousand eight hundred and seventy-four, or who shall consent thereto, may thereupon be appointed by the Lord Lieutenant to the united office, and if such appointment shall not be so made, then whenever such other office or offices shall become or be vacant, and whenever from time to time thereafter the united office shall become or be vacant, the Lord Lieutenant shall appoint one duly qualified person to hold the united office. From and after each such appointment the chairman or other person appointed to the united office shall have and perform all the jurisdiction and duties conferred or imposed by this or any other Act on the holder of each and every office included in the union, and all the provisions of this and any other Act relating to such jurisdiction or duties, or otherwise to the office of chairman of any county included in the union, shall extend and be applied to the united office, and to the jurisdiction and duties of the person for the time being holding the same. Whenever after the passing of this Act any office mentioned in the said schedule shall become or be vacant, and it shall not be deemed expedient or found practicable immediately to unite the office so vacant with any other office with which it is ultimately to be united, or then immediately to appoint one person to the offices so ultimately to be united, the Lord Lieutenant may appoint any chairman appointed after the first day of January one thousand eight hundred and seventy-four, or who shall consent thereto, to be temporary holder of such vacant office, but such appointment shall be determinable by order of the Lord Lieutenant whenever thereafter it shall be deemed expedient and found practicable to appoint one person to the offices so to be united, and the said offices shall from and after such appointment be and remain united. The Lord Lieutenant, by and with the advice and consent of the Privy Council, may for the purpose of equalising the duties of the several chairmen and recorders from time to time by order separate any offices theretofore united, or vary any union or unions in the said schedule specified, or form any other or different union or unions instead thereof, and may include in any such union any office of chairman or recorder, whether mentioned in the said schedule or not: Provided that the number of chairmen, including the recorders, shall not be reduced by the union of offices below twenty-one, and shall not after reduction be in any case again increased.

The annual salary payable to the holder of each such union of offices as aforesaid, and also to the chairman, not being a recorder, of each county not mentioned in the said Schedule E., shall be one thousand four hundred pounds per annum, and shall be paid out of the same funds and in the same manner as and in substitution for the salaries theretofore payable to the holders of the several offices included in such union and to the chairmen aforesaid respectively. No additional salary shall be payable to any chairman appointed after the first day of January one thousand eight hundred and seventy-four for or in respect of any jurisdiction or



duties conferred or imposed, or hereafter to be incurred or imposed, upon them in bankruptcy or Admiralty matters.

Until the number of chairmen shall have been reduced to twenty-one, whenever a vacancy shall occur in the office of chairman of any county, provision shall, if practicable, be made for the discharge of the duties of such office by moving thereto a chairman of some other county, or by means of the powers contained in this section.

**86.** The several provisions of the last preceding section shall extend and be applied to the existing and any future recorders of the cities of Dublin, Cork, and Londonderry, and of the towns of Belfast and Galway respectively, with the modifications following; (that is to say,)

Provision as to recorders.

- (1.) The office of recorder of the city of Dublin shall, upon the next vacancy in the office of chairman of the county of Dublin, be united with that office, and the holder of the united office shall be styled the Recorder of Dublin. From and after such union of offices the salary of the recorder of Dublin shall be two thousand five hundred pounds per annum, and shall be paid to him in substitution for all other emoluments of his office, out of the same fund and on the same days and times as the salaries of chairmen of counties; and the borough fund of the city of Dublin shall, upon such union of offices, cease to be chargeable with the payment of any sum to or in respect of the salary of the recorder, but all other emoluments of his office and any fees which shall be payable in respect of business transacted in the court of such recorder, shall, subject to the other provisions of this Act, be paid or credited to and receivable by Her Majesty's Exchequer, and shall be accounted for as the Treasury shall from time to time direct :
 

Recorders of Dublin.
- (2.) The office of recorder of the city of Cork shall, whenever practicable, be united with the office of chairman of the east riding, and the holder of the united office shall be styled the Recorder of Cork. From and after such union of offices the salary of the recorder of Cork shall be two thousand pounds per annum, and shall be paid to him in substitution for all other emoluments of his office, out of the same fund and on the same days and times as the salaries of chairmen of counties; and the borough fund of the city of Cork shall, upon such union of offices, cease to be chargeable with the payment of any sum to or in respect of the salary of the recorder, except any special pension which may become payable as herein-after provided; but all other emoluments of his office, and any fees which shall be payable in respect of business transacted in the court of such recorder, shall, subject to the other provisions of this Act, be paid or credited to and receivable by Her Majesty's Exchequer, and shall be accounted for as the Treasury shall from time to time direct :
 

Recorder of Cork.
- (3.) The office of recorder of the town of Belfast shall, whenever practicable, be united with the office of chairman of the

Recorder of Belfast.

county of Antrim, and the holder of the united office shall be styled the Recorder of Belfast and County Court Judge and Chairman of Antrim. From and after such union of offices the salary of the holder of the united office shall be two thousand pounds per annum, and shall be paid to him in substitution for all other emoluments of his office, out of the same fund and on the same days and times as the salaries of chairmen of counties; and the borough fund of the town of Belfast shall, upon such union of offices, cease to be chargeable with the payment of any sum to or in respect of the salary of the recorder, except any special pension which may become payable as herein-after provided; but all other emoluments of his office, and any fees which shall be payable in respect of business transacted in the court of such recorder shall, subject to the other provisions of this Act, be paid or credited to and receivable by Her Majesty's Exchequer, and shall be accounted for as the Treasury shall from time to time direct:

Recorder of Londonderry.

- (4.) The office of recorder of the city of Londonderry shall, whenever practicable, be united with the office of chairman of the county of Londonderry, and the holder of the united office shall be styled the Recorder of Londonderry. From and after such union of offices the salary of the recorder of Londonderry shall be one thousand five hundred pounds per annum, and shall be paid to him in substitution for all other emoluments of his office, out of the same fund and on the same days and times as the salaries of chairmen of counties; and the borough fund of the city of Londonderry shall, upon such union of offices, cease to be chargeable with the payment of any sum to or in respect of the salary of the recorder, except any special pension which may become payable as herein-after provided; but all other emoluments of his office, and any fees which shall be payable in respect of business transacted in the court of such recorder, shall, subject to the other provisions of this Act, be paid or credited to and receivable by Her Majesty's Exchequer, and shall be accounted for as the Treasury shall from time to time direct:

Recorder of Galway.

- (5.) The office of recorder of the town of Galway shall, whenever practicable, be united with the office of chairman of the county of Galway, and the holder of the united office shall be styled the Recorder of Galway. From and after such union of offices the salary of the holder of the united office shall be one thousand five hundred pounds per annum, and shall be paid to him in substitution for all other emoluments of his office, out of the same fund and on the same days and times as the salaries of chairmen of counties, and all the other emoluments of his office, and any fees which shall be payable in respect of business transacted in the court of such recorder, shall, subject to the other provisions of this Act, be paid or credited to and receivable by Her Majesty's Exchequer, and shall be accounted for as the Treasury shall from time to time direct:

Until each respective union of offices herein-before provided, the several recorders aforesaid shall be entitled to receive the same salaries, to be paid out of the same funds and in the same manner as if this Act had not been passed.

From and after each respective union of offices herein-before provided, the respective holders of the united offices shall hold the same upon the like conditions, and with the like rights as to pension and otherwise, and with the like powers, and in the same manner in all respects as chairmen of counties. No additional salary shall after such union be payable to any of the herein-before mentioned recorders for or in respect of any jurisdiction or duties conferred or imposed, or hereafter to be conferred or imposed, upon them in bankruptcy or Admiralty matters.

The Lord Lieutenant, by and with the advice and consent of the Privy Council, and with the concurrence of the Treasury, upon provision being made for the union of each of the offices of recorder of the city of Cork and of the town of Belfast and of the town of Galway and of the city of Londonderry respectively, with the office of chairman, may grant to each of the said several recorders who shall be in office at the passing of this Act, and who shall retire from his office, any annuity by way of special pension not exceeding, in the case of each of the recorders of Belfast, Cork, and Londonderry, the full amount of the salary theretofore payable to such recorder out of the borough fund, and such special pension shall thenceforth be paid to such recorder during his life out of the borough fund in the same manner as such salary would have been paid thereout if he had not retired from his office and this Act had not been passed; and not exceeding in the case of the recorder of Galway, the full amount of the salary theretofore payable to such recorder, and such special pension shall thenceforth be paid to such recorder during his life in the same manner and out of the like funds as such salary would have been paid if he had not retired from his office and this Act had not been passed.

Pensions to present Recorders.

**87.** The Lord Lieutenant, with the consent of the Treasury, may fix an additional salary to be paid to each temporary chairman in respect of his duties as such, and the additional salary so fixed shall be paid out of moneys to be provided by Parliament for such purpose in addition to any other salary to which such chairman may be entitled, notwithstanding the provisions of any Act of Parliament limiting the amount of the salary of a chairman, but so long only as his appointment as such temporary chairman shall continue.

Temporary allowances.

**88.** For the purpose of expediting the permanent union of counties, the Lord Lieutenant, with the concurrence of the Lord Chancellor and of the Treasury, may make to any chairman appointed before the first day of January one thousand eight hundred and seventy-four, who shall be willing to retire, a grant by way of special pension not exceeding two thirds of his salary, notwithstanding the conditions imposed by any other Act on the grant of a pension.

Special pensions.

Provided that at any time previous to the first day of January 1880, and until the number of chairmen shall have been reduced to

twenty-one, notwithstanding any such conditions as aforesaid, it shall be lawful for the Lord Lieutenant, with the concurrence of the Lord Chancellor and of the Treasury, to grant to any such chairman who shall have served as chairman for fifteen years or upwards, or who shall show to the satisfaction of the Lord Lieutenant and Treasury that the discharge of the additional duties imposed upon him by this Act would deprive him of professional emoluments, which if this Act had not been passed he would have received, such special pension not exceeding three fourths of his salary, as, having regard to the circumstances of each case, shall to the Lord Lieutenant and Treasury appear just and reasonable.

Rules, &c. to be submitted to Parliament.

**89.** Any rules, orders, and scales of fees made, framed, and issued in pursuance of any of the foregoing provisions of this Act shall be deemed to be within the powers conferred by this Act, and shall be of the same force as if enacted in this Act, and shall be judicially noticed, and the same shall be laid before Parliament within three weeks after they are made if Parliament be then sitting, and if Parliament be not then sitting, within three weeks after the beginning of the then next session of Parliament: Provided always, that if either of the Houses of Parliament shall, within the next subsequent one hundred days on which either of the said Houses shall have sat, resolve that the whole or any part of such rules, orders, or scales of fees ought not to continue in force, in such case the whole or such part thereof as shall be so included in such resolution shall thereupon become void and of no effect, but without prejudice to the validity of any proceedings which may in the meantime have been taken under the same.

Power to appoint times for holding sessions, &c. for union.  
14 & 15 Vict.  
c. 57.

**90.** Whenever two or more counties shall have been united under the provisions of this Act, the Lord Lieutenant, notwithstanding anything contained in the Civil Bill Court (Ireland) Act, 1851, or any other Act, or any previous appointment in that behalf, may, by and with the advice and consent of the Privy Council in Ireland, from time to time by order appoint the times and places at which and the districts or divisions for which the general or quarter sessions of the peace and Civil Bill Court or Civil Bill Court only shall be held in and for each county and division included in such union, and may by like order provide that any sessions or court may be held for any such county or division in any neighbouring and convenient court house or place not locally situate within the boundaries of such county or division, and may also upon any union of offices provide for the transfer to like employment in connexion with the united office of all or any officers theretofore employed in connexion with any office included in the union, and for the continuance to any existing officers, so long as they shall perform the same or like duties as theretofore, of the same fees and emoluments to which but for such union they would have been entitled.

Every such order shall be published in the "Dublin Gazette," and shall thereupon become and be as valid and effectual for all purposes as if the same were enacted in this Act; but any such order may be rescinded or varied by any subsequent order made and published in like manner.

91. The Lord Lieutenant, notwithstanding anything contained in the Civil Bill Court (Ireland) Act, 1851, or any other Act, or any previous appointment in that behalf, may, by and with the advice and consent of the Privy Council in Ireland, from time to time, by order to be made and published as herein-before provided, direct and appoint that the courts for the transaction of all or any part of the civil business, and for the exercise of all or any part of the civil jurisdiction, of the several chairmen shall be held such number of times in every year and in all or such of the towns or places now appointed, or which may hereafter be appointed, for holding the same, as by such order as aforesaid shall in each case be prescribed in that behalf; and in any town or place in which there may not be a suitable and convenient court-house, and in which any such court as aforesaid may at any time be directed or appointed to be held, provision may be made for the erection of a suitable and convenient court-house, or for the alteration, so as to make the same suitable and convenient, of any existing court-house; in such town or place, in the like manner and for such purpose, the like proceedings, directions, and presentments may be taken, given, and made as are prescribed by the seventieth section of an Act passed in the session of Parliament holden in the sixth and seventh years of the reign of His late Majesty King William the Fourth, chapter one hundred and sixteen, in respect of the sessions houses in the said section mentioned.

Holding of courts and providing court-houses.  
14 & 15 Vict c. 57.

92. No person who after the passing of this Act shall be appointed chairman of any county or of any permanent union of counties shall practise at the bar, or as a special pleader, or equity draftsman, or be directly or indirectly concerned as a conveyancer, notary public, solicitor, or attorney.

Certain chairmen not to practise.

## SCHEDULES.

### SCHEDULE A.

#### REPEAL OF STATUTES.

Act.	Extent of Repeal.
1 Geo. 4. c. 27. - - -	The whole Act.
6 & 7 Will. 4. c. 34. - - -	Sec. 11.
14 & 15 Vict. c. 57. - - -	Sec. 12.

### SCHEDULE B.

#### AFFIDAVIT TO OBTAIN A DECREE BY DEFAULT.

In the Civil Bill Court of the county of  
Division of  
Between

*A.B.*, plaintiff,  
and  
*C.D.*, defendant.

I, *A.B.*, of<sup>1</sup>, make oath and say that *C.D.*, of<sup>1</sup> [<sup>1</sup> here insert residence, occupation, and description], is indebted to me in the sum of £ for<sup>2</sup> [<sup>2</sup> here add the particulars of the debt in full, specifying the nature and date of each dealing from which

the debt arose, and if the action is brought upon any negotiable instrument or other document, make an exhibit thereof, and in every case state fully the consideration for the debt claimed. State whether any and what applications for payment have been made, and whether any and what payments have been made on account]. The full sum of £ is now due and payable by the said *C.D.* to me, over and above all just credits and allowances, and no part thereof has been in any manner paid, satisfied, or discharged.

NOTE.—[The affidavit may be made by a clerk or person other than the creditor, if the creditor is unable to make the same, and if the deponent has personal knowledge of the matters stated, but not otherwise; when the affidavit is not made by the creditor, alter the above form wherever necessary, and add an explanation to the effect following.]

I am in the employment of *A.B.* [state the relation between the deponent and the plaintiff, as the case may be, and the deponent's means of knowledge]. The said *A.B.* is unable to make this affidavit [state cause of inability], and I am duly authorised by him to make this affidavit, and it is within my own knowledge that the aforesaid debt was incurred at the time, and in the manner, and for the consideration above stated, and the full sum of £ , to the best of my knowledge and belief, is now due and payable to the said *A.B.* by the said *C.D.*, over and above all just credits and allowances, and no part thereof has been in any manner paid, satisfied, or discharged.

NOTE.—The address of the plaintiff or of his attorney to which notice of intention to defend may be sent by post shall be stated at foot of the affidavit.

### SCHEDULE C.

FORM of NOTICE to be served upon the Defendant with the CIVIL BILL PROCESS, where the Plaintiff seeks a decree by default.

“Between

*A.B.*, plaintiff,  
and  
*C.D.*, defendant.

“Take notice, that if you intend to defend this process, or if you dispute the whole or any part of the plaintiff's claim, you must, within seven days after the service of this process upon you, inclusive of the day of such service, give or send to the Clerk of the Peace at [place of office], a notice of your intention to defend, to the effect given below, dated, and signed by yourself or your attorney, and if you fail to give or send such notice, the plaintiff may, without giving any further proof in support of such claim than the affidavit lodged by him with the Clerk of the Peace, obtain a decree against you for the sum of £ and his costs. If you give or send such notice to the Clerk of the Peace within the time specified, you must also enter a defence to the process and appear in the ordinary way.

Dated this                      day of

To the defendant.

(See below.)

### NOTICE of INTENTION to DEFEND.

In the Civil Bill Court of the county of  
Division of  
Between

*A.B.*, plaintiff,  
and  
*C.D.*, defendant.

I intend to defend this process.

Dated this                      day of  
Signed by

*Defendant or his Attorney.*”

SCHEDULE D.  
SALARIES OF CLERKS OF THE CROWN AND PEACE.

—	County, &c.	Salary.	
Class i. -	1. Dublin city and county	£ 1,200	
	2. Cork city and county	1,100	
	3. Antrim (including Belfast and Carrickfergus)	1,100	
		3,400	
„ ii. -	4. Tyrone county	1,000	
	5. Mayo „	1,000	
	6. Kerry „	1,000	
	7. Tipperary „	1,000	
	8. Down „	1,000	
	9. Donegal „	1,000	
	10. Limerick county and city	1,000	
	11. Galway county and town	1,000	
			8,000
	„ iii. -	12. Londonderry county and city	900
		13. Armagh county	900
		1,800	
„ iv. -	14. Clare „	800	
	15. Leitrim „	800	
	16. Roscommon „	800	
	17. Sligo „	800	
	18. Cavan „	800	
	19. Monaghan „	800	
	20. Fermanagh „	800	
	21. Wexford „	800	
			6,400
	„ v. -	22. Waterford county and city	700
23. Kilkenny county and city		700	
		1,400	
„ vi. -	24. Queen's county	600	
	25. Longford „	600	
	26. King's „	600	
	27. Meath „	600	
	28. Louth and Drogheda	600	
	29. Kildare county	600	
			3,600
„ vii. -	30. Carlow „	500	
	31. Westmeath „	500	
	32. Wicklow „	500	
		1,500	
	Total amount of salaries of Clerks of the Crown and Peace	£26,100	

SCHEDULE E.

UNION OF OFFICES OF CHAIRMAN.

*Offices to be united.*

1. Chairman of Fermanagh and Chairman of Leitrim.
2. Chairman of Monaghan and Chairman of Cavan.
3. Chairman of Armagh and Chairman of Louth (including Drogheda).
4. Chairman of Sligo and Chairman of Roscommon.
5. Chairman of Longford, Chairman of Meath, Chairman of Westmeath, and Chairman of King's County.
6. Chairman of Queen's County, Chairman of Kilkenny (including the city of Kilkenny), and Chairman of Waterford (including the city of Waterford).
7. Chairman of Kildare, Chairman of Carlow, Chairman of Wicklow, and Chairman of Wexford.

## CHAPTER 57.

An Act for the constitution of a Supreme Court of Judicature, and for other purposes relating to the better Administration of Jutices, in Ireland.

[14th August 1877.]

WHEREAS it is expedient to constitute a Supreme Court of Judicature, and to make provision for the better administration of justice, in Ireland :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

*Preliminary.*

Short title.

1. This Act may be cited for all purposes as the "Supreme Court of Judicature Act (Ireland), 1877."

Commencement of Act.

2. This Act, except where otherwise expressly provided, shall commence and come into operation on the first day of January one thousand eight hundred and seventy-eight.

Interpretation of terms.

3. In the construction of this Act, unless there is anything in the subject or context repugnant thereto, the several expressions herein-after mentioned shall have, or include, the meanings following ; (that is to say)

"High Court of Chancery" and "Court of Chancery" respectively shall mean the High Court of Chancery in Ireland, and shall include the Lord Chancellor.

"Court of Queen's Bench" shall mean the Court of Queen's Bench in Ireland.

"Court of Common Pleas" shall mean the Court of Common Pleas in Ireland.

"Court of Exchequer" shall mean the Court of Exchequer in Ireland.

"High Court of Admiralty" shall mean the High Court of Admiralty of Ireland.

"Court of Probate" shall mean the Court of Probate in Ireland.

"Court for Matrimonial Causes and Matters" shall mean the Court for Matrimonial Causes and Matters in Ireland.

"Landed Estates Court" shall mean the Landed Estates Court, Ireland.

"Court of Bankruptcy" shall mean the Court of Bankruptcy in Ireland.

"Lord Lieutenant" shall mean the Lord Lieutenant or other Chief Governor or Governors of Ireland for the time being.

"Lord Chancellor" shall mean Lord Chancellor of Ireland, and shall include Lords Commissioners and Lord Keeper of the Great Seal of Ireland.

"The Lord Chief Justice" shall mean the Lord Chief Justice of Ireland.

"Master of the Rolls" shall mean the Master of the Rolls in Ireland.

"Lord Justice of Appeal" shall mean the Lord Justice of Appeal in Chancery in Ireland.



- “Vice-Chancellor” shall mean the Vice-Chancellor of Ireland.
- “High Court” shall mean Her Majesty’s High Court of Justice in Ireland established by this Act.
- “Court of Appeal” shall mean Her Majesty’s Court of Appeal in Ireland established by this Act.
- “The Treasury” shall mean the Commissioners of Her Majesty’s Treasury for the time being, or any two of them.
- “Rules of Court” shall include forms.
- “Cause” shall include any action, suit, or other original proceeding between a plaintiff and a defendant, and any criminal proceeding by the Crown.
- “Suit” shall include action.
- “Action” shall mean a civil proceeding commenced by writ, or in such other manner as may be prescribed by Rules of Court, and shall not include a criminal proceeding by or in the name of the Crown.
- “Plaintiff” shall include every person asking any relief (otherwise than by way of counter-claim as a defendant) against any other person by any form of proceeding, whether the same be taken by cause, action, suit, petition, motion, summons, or otherwise.
- “Petitioner” shall include every person making any application to the Court, either by petition, motion, or summons, otherwise than as against any defendant.
- “Defendant” shall include every person served with any writ of summons or process, or served with notice of, or entitled to attend any proceedings.
- “Party” shall include every person served with notice of, or attending any proceeding, although not named on the Record.
- “Matter” shall include every proceeding in the Court not in a cause.
- “Pleading” shall include any petition or summons, and also shall include the statements in writing of the claim or demand of any plaintiff, and of the defence of any defendant thereto, and of the reply of the plaintiff to any counter-claim of a defendant.
- “Judgment” shall include decree.
- “Order” shall include rule.
- “Oath” shall include solemn affirmation and statutory declaration.
- “Crown cases reserved” shall mean such questions of law reserved in criminal trials as are mentioned in the Act of the eleventh and twelfth years of Her Majesty’s reign, chapter seventy-eight.
- “Pension” shall include retirement and superannuation allowance.
- “Existing” shall mean existing at the time appointed for the commencement of this Act.
- “Registration of Voters Acts” shall mean the Act of the session of the thirteenth and fourteenth years of the reign of Her present Majesty, chapter sixty-nine, and all other Acts or parts of Acts relating to the registration or qualification of

persons entitled to vote at the election of members to serve in Parliament for Ireland.

“Land” shall have the same meaning as in the Act of the session of the twenty-first and twenty-second years of the reign of Her present Majesty, chapter seventy-two, intituled “An Act to facilitate the sale and transfer of land in Ireland.”

“Officers” shall include “clerks.”

## PART I.

### *Constitution and Judges of Court of Judicature.*

Union of existing Courts into one Supreme Court of Judicature.

4. From and after the time appointed for the commencement of this Act, the several Courts herein-after mentioned, (that is to say,) The High Court of Chancery, the Court of Queen’s Bench, the Court of Common Pleas, the Court of Exchequer, the Court of Probate, the Court for Matrimonial Causes and Matters, and the Landed Estates Court, shall be united and consolidated together, and shall constitute, under and subject to the provisions of this Act, one Supreme Court of Judicature in Ireland.

Division of Supreme Court into a Court of original and a Court of appellate jurisdiction.

5. The said Supreme Court shall consist of two permanent Divisions, one of which, under the name of “Her Majesty’s High Court of Justice in Ireland,” shall have and exercise original jurisdiction, with such appellate jurisdiction from inferior Courts as is herein-after mentioned, and the other of which under the name of “Her Majesty’s Court of Appeal in Ireland,” shall have and exercise appellate jurisdiction, with such original jurisdiction as herein-after mentioned as may be incident to the determination of any appeal.

Constitution of High Court of Justice in Ireland.

6. Her Majesty’s High Court of Justice in Ireland shall be constituted as follows:—The first Judges thereof shall be the Lord Chancellor, the Lord Chief Justice, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, the Lord Chief Baron of the Exchequer, the Vice-Chancellor, the several Puisne Justices of the Courts of Queen’s Bench and Common Pleas respectively, the several Junior Barons of the Court of Exchequer, the Judge of the Court of Probate and of the Court for Matrimonial Causes and Matters, and the Judges of the Landed Estates Court, except such, if any, of the aforesaid Judges as shall be appointed an ordinary Judge of the Court of Appeal.

The Lord Chancellor shall be appointed and shall hold his office in the same manner as heretofore.

Whenever the office of a Judge of the said High Court, other than the Lord Chancellor, shall become vacant, a new Judge may be appointed thereto by Her Majesty by Letters Patent.

All persons to be hereafter appointed to fill the places of the Lord Chief Justice, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, and the Lord Chief Baron, and their successors respectively, shall continue to be appointed to the same respective offices, with the same precedence, and by the same respective titles, and in the same manner respectively as heretofore. Every Judge, other than the Lord Chancellor and the Judges last mentioned, who shall be appointed to fill the place of any Judge of the High Court of Justice, shall be styled in his appointment “Judge of Her Majesty’s High Court of Justice in Ireland.”

The vacancy now existing in the office of Puisne Justice of the Court of Common Pleas, and any vacancy which may exist at the time of the passing of this Act in the office of Junior Baron of the Court of Exchequer, or in case there be no such vacancy at that time, then the first such vacancy which shall occur after the passing of this Act, shall not be filled up.

Provided always, that when first after the commencement of this Act one of the existing Judges of the Landed Estates Court shall die, resign, or otherwise vacate his office, the vacancy thus occasioned shall not be filled up until a Commission shall have been issued by Her Majesty under Her Royal Sign Manual to ascertain and report whether the business in connexion with the Division of the High Court of Justice (herein-after termed the Chancery Division) makes it requisite that such appointment should be made, nor until the expiration of a period of forty days after the date of such report, if Parliament be then sitting, and if Parliament be not then sitting, until the expiration of a period of forty days after the commencement of the then next Session of Parliament.

All the Judges of the Supreme Court shall be addressed in the manner which is now customary in addressing the Judges of the Superior Courts of Common Law in Ireland, and shall have in all respects, save as in this Act otherwise expressly provided, equal power, authority, and jurisdiction.

The Lord Chancellor for the time being, or in his absence the Lord Chief Justice for the time being, shall be President of the High Court of Justice.

7. The jurisdiction exercised by the Judges of the Landed Estates Court shall continue to be exercised by them, and by the Judges who may from time to time be appointed to succeed them, and, in the case of illness, absence, or other inability of them or either of them to discharge their duties, or of a vacancy in the office of the said Judges or either of them, by any other Judge of the Chancery Division of the High Court.

As to Judges  
of Landed  
Estates Court.

If the state of business in connexion with their peculiar jurisdiction shall permit, the said Judges shall in addition be bound from time to time to assist in the general business of the Chancery Division.

The existing Judges of the Landed Estates Court, and their successors, shall be Judges of the said Chancery Division, and shall be distinguished as the Land Judges of the said Division. The rules and orders and practice of the Landed Estates Court shall continue to be used in proceedings for the sale or partition of estates, declaration or record of titles, and all other proceedings which would have been within the exclusive cognizance of the Landed Estates Court if this Act had not passed, before the Land Judges, unless and until altered by the Lord Chancellor and the said Judges. The Lord Chancellor and the Land Judges, or either of them, may from time to time alter the rules and orders and practice in all proceedings before the Land Judges, and make new rules and orders for the regulation of such practice and proceedings, and for the distribution of business between the Land Judges. All rules made in pursuance of this section shall be laid before each House of Parliament within such time, and shall be subject to be

annulled in such manner, as is in the sixty-ninth section of this Act provided.

There shall be a separate seal for the Land Judges, and conveyances executed with this seal shall have the same force as those executed with the seal of the Landed Estates Court.

As to Judges  
of Court of  
Bankruptcy.

8. The existing Judges of the Court of Bankruptcy, and their successors in such offices respectively, shall be appointed in the same manner as heretofore, and shall, as to tenure of office, rank, title, patronage, rights, privileges, and powers of appointment and dismissal, salary, pension, jurisdiction, powers, and authority respectively, remain and be in the same condition and be liable to discharge the same duties respectively, and none other, as if this Act had not been passed.

The practice and procedure of the Court of Bankruptcy, and the powers to make rules and orders regulating the same, shall continue and be exercised in the same manner as if this Act had not been passed. The tenure, salaries, pensions, rights, privileges, and duties of the officers of the said Court shall also continue the same as if this Act had not been passed.

Appeals from orders of the Judges of the said Court shall lie to the Court of Appeal constituted by this Act in the same manner and in respect of the same proceedings as heretofore to the Court of Appeal in Chancery, save so far as the procedure on appeals may be altered by any rules or orders to be made in pursuance of this Act. Every order of the Judges of the said Court made on appeal from any order of a chairman may be appealed from to the Court of Appeal constituted by this Act in the same manner as appeals from other orders of the Judges of the said Court.

As to existing  
Judge of High  
Court of Admiralty.

9. The existing Judge of the High Court of Admiralty shall retain the same jurisdiction, authority, rights of patronage, and of dismissal, rank, and salary as if this Act had not been passed.

Appeals from his orders and decrees shall lie to the Court of Appeal constituted by this Act in the same manner and in respect of the same proceedings as heretofore to the Court of Appeal in Chancery, save so far as the procedure on appeals may be altered by any rules or orders to be made in pursuance of this Act.

When the existing Judge of the High Court of Admiralty shall die, resign, or otherwise vacate his office, no person shall be appointed to succeed him in his said office; and thereupon the High Court of Admiralty in Ireland shall be united and consolidated with the Supreme Court of Judicature in Ireland, and all the jurisdiction vested in and capable of being exercised by the Judge of the said Court of Admiralty, and all causes and proceedings then pending in the said Court, shall be transferred to the High Court of Justice. The jurisdiction theretofore vested in and capable of being exercised by the Judge of the said Court of Admiralty shall thenceforth, and until the vacancy next ensuing after the passing of this Act in the office of the Judge of the Probate and Matrimonial Division herein-after constituted shall be filled up by the appointment of a new Judge, be vested in and may be exercised by such Judge of the High Court appointed to be a Judge since the first day of January one thousand eight hundred and seventy-four, or such Judge of the High Court appointed before that day, and who shall

consent thereto, as the Lord Lieutenant shall by order under his hand nominate in that behalf.

The power of nomination conferred by this section upon the Lord Lieutenant may be exercised by him in the manner aforesaid at any time after the passing of this Act, and thereafter from time to time whenever any Judge so nominated by him shall die, or resign, or become incapable of executing the duties so imposed upon him.

In case any Judge appointed before the said first day of January one thousand eight hundred and seventy-four shall be so nominated, he shall be paid for the performance of the duty so imposed upon him such additional salary as the Lord Lieutenant, with the consent of the Treasury, shall appoint.

Upon the filling up of the vacancy next ensuing after the passing of this Act in the office of the Judge of the Probate and Matrimonial Division herein-after constituted by the appointment of a new Judge, all the jurisdiction then vested in any Judge nominated in that behalf by the Lord Lieutenant in pursuance of the preceding provisions of this section shall be transferred to and vested in and may be exercised by such new Judge, and the power of nomination conferred by this section upon the Lord Lieutenant shall thereupon cease; and all causes and proceedings in Admiralty, whether so transferred or afterwards commenced, shall proceed and be heard before the Judge in whom such Admiralty jurisdiction shall for the time being be vested under the preceding provisions of this section. Until such transfer of jurisdiction to the High Court of Justice as aforesaid the Lord Chancellor, with the concurrence of the Treasury, shall, on vacancy in the offices of the Admiralty Court, make provision for the temporary discharge of the duties of such offices.

**10.** Her Majesty's Court of Appeal in Ireland shall be constituted as follows:—There shall be five ex-officio Judges thereof, and two ordinary Judges, who shall from time to time be appointed by Her Majesty. The ex-officio Judges shall be the Lord Chancellor, the Lord Chief Justice, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, and the Lord Chief Baron of the Exchequer. The first ordinary Judges of the said Court shall be the existing Lord Justice of Appeal in Chancery, and such other person as Her Majesty may be pleased to appoint by Letters Patent; such appointment may be made either before or after the commencement of this Act, and if made before shall take effect from the commencement of this Act, and may be made upon the terms as to salary and otherwise, and subject to the conditions and in the manner provided by the "Chancery Appeal Court (Ireland) Act, 1856," in respect of the office thereby created.

Constitution  
of Court of  
Appeal.

19 & 20 Vict.  
c. 92.

Besides the said ex-officio Judges and ordinary Judges, it shall be lawful for Her Majesty (if she shall think fit) to appoint, under Her Royal Sign Manual, as additional Judges of the Court of Appeal, any persons who, having held the office of Lord Chancellor or of Chief Justice, Master of the Rolls, Chief Justice of the Common Pleas, or Chief Baron of the Exchequer in Ireland, shall signify in writing their willingness to serve as such additional Judges.

The ordinary and additional Judges of the Court of Appeal shall be styled Lords Justices of Appeal. All the Judges of the

said Court shall have in all respects, save as in this Act is otherwise expressly provided, equal power, authority, and jurisdiction.

Whenever the office of an ordinary Judge of the Court of Appeal becomes vacant, a new Judge may be appointed thereto by Her Majesty by Letters Patent, as provided by the "Chancery Appeal Court (Ireland) Act, 1856."

The Lord Chancellor for the time being shall be President of the Court of Appeal. Except in matters which are by this Act, or by some other Act, specially reserved to the Lord Chancellor, he shall not be bound or required to exercise any of the functions of a Judge of the High Court, or of the Chancery Division of the same, unless he shall, by special order, direct that any matter shall be disposed of by himself, but all such matters shall be disposed of by one of the other Judges of the Chancery Division, and the Lord Chancellor shall in relation to such matters exercise only the functions of a Judge of the Court of Appeal.

**11.** The office of any Judge of the Court of Appeal, or of any Judge of the High Court of Justice, may be vacated by resignation in writing under his hand addressed to the Lord Lieutenant, without any deed of surrender; and the office of any Judge of the said High Court shall be vacated by his being appointed to the office of ordinary Judge of the Court of Appeal. The said Courts respectively shall be deemed to be duly constituted during and notwithstanding any vacancy in the office of any Judge.

**12.** Any person who has practised for not less than ten years at the Bar of Ireland shall be qualified to be appointed a Judge of the said High Court of Justice; and any person who if this Act had not passed would have been qualified by law to be appointed Lord Justice of the Court of Appeal in Chancery in Ireland, or has been a Judge of the High Court of Justice of not less than one year's standing, shall be qualified to be appointed to the office of ordinary Judge of the said Court of Appeal.

**13.** Every Judge of the High Court of Justice other than the Lord Chancellor, and every ordinary Judge of the Court of Appeal, shall hold his office for life, subject to a power of removal by Her Majesty on an address presented to Her Majesty by both Houses of Parliament. No Judge of either of the said Courts shall be capable of being elected to or of sitting in the House of Commons. Every Judge of either of the said Courts (other than the Lord Chancellor) when he enters on the execution of his office, shall take, in the presence of the Lord Chancellor, the oath of allegiance, and judicial oath as defined by the Promissory Oaths Act, 1868. The oaths to be taken by the Lord Chancellor shall be the same as heretofore. No Judge of the High Court of Justice, while he continues such Judge, shall hereafter, unless otherwise provided by Parliament, be appointed to any place of profit under the Crown except on a transfer to another judicial appointment.

**14.** The ex-officio Judges of the Court of Appeal shall rank in the Supreme Court of Judicature in Ireland in the order of their present respective official precedence. The ordinary Judges of the Court of Appeal shall rank as provided by The Chancery and Common Law Officers (Ireland) Act (1867), and if not entitled to pre-

19 & 20 Vict.  
c. 92.

Vacancies by  
resignation of  
Judges, and  
effect of vacan-  
cies generally.

Qualifications  
of Judges.

Tenure of office  
of Judges, and  
oaths of office.

Precedence of  
Judges.

30 & 31 Vict.  
c. 129.

cedence as Peers or Privy Councillors, between themselves according to the priority of their respective appointments.

The Judges of the High Court of Justice, who are not also Judges of the Court of Appeal, shall rank next after the ordinary Judges of the Court of Appeal, and among themselves (subject to the provisions herein-after contained as to existing Judges) according to the priority of their respective appointments.

15. Every existing Judge who is by this Act made a Judge of the High Court of Justice or ordinary Judge of the Court of Appeal shall, as to tenure of office, rank between himself and the other existing Judges, title, patronage, and powers of appointment and dismissal, and all other privileges and disqualifications, and also as to salary and pension, save as is herein provided, remain in the same condition as if this Act had not passed; and, subject to the change effected in their jurisdiction and duties by or in pursuance of the provisions of this Act, every such existing Judge shall be capable of performing and liable to perform all duties which he would have been capable of performing or liable to perform in pursuance of any Act of Parliament, law, or custom, if this Act had not passed.

Saving of rights and obligations of existing Judges.

No Judge, whether of the High Court of Justice or of the Court of Appeal, who was appointed before the first of January one thousand eight hundred and seventy-five, except a Land Judge, shall be required, without his own consent, to act under any Commission of Assize, Nisi Prius, Oyer and Terminer, or Gaol Delivery, or for the trial of crimes and offences, unless he was so liable by usage or custom at the time of the passing of this Act; but every Judge, whether of the High Court of Justice or of the Court of Appeal, appointed after the said date shall from and after the passing of this Act be capable and bound to act in such Commission if named therein.

Service as a Judge in the High Court of Justice, or as an ordinary Judge in the Court of Appeal, shall, in the case of an existing Judge, for the purpose of determining the length of service entitling such Judge to a pension on his retirement, be deemed to be a continuation of his service in the Court of which he is a Judge at the time of the commencement of this Act.

The provisions of this section shall not apply to the Lord Chancellor.

16. If, in any case not expressly provided for by this Act, a liability to any duty, or any authority or power, not incident to the administration of justice in any Court whose jurisdiction is transferred by this Act to the High Court of Justice, shall have been imposed or conferred by any statute, law, or custom upon the Judges or any Judge of any of such Courts, every Judge of the said High Court, except where otherwise expressly directed by this Act, shall be capable of performing and exercising, and shall be liable to perform and empowered to exercise every such duty, authority, and power, in the same manner as if this Act had not passed, and as if he had been duly appointed the successor of a Judge liable to such duty, or possessing such authority or power, before the passing of this Act. Any such duty, authority, or power, imposed or conferred by any statute, law, or custom, in any such case as aforesaid

Provisions for extraordinary duties of Judges of the former Courts.

upon the Lord Chancellor, the Lord Chief Justice, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, or the Lord Chief Baron, shall continue to be performed and exercised by them respectively, and by their respective successors, in the same manner as if this Act had not passed.

Salaries of  
certain existing  
Judges.

**17.** From and after the time fixed for the commencement of this Act, there shall be paid to the existing Judges herein-after mentioned the following salaries; that is to say,

To the Master of the Rolls four thousand pounds a year.

To each of the Puisne Justices and Junior Barons three thousand eight hundred pounds a year.

To each of the Land Judges three thousand five hundred pounds a year.

Such salaries shall be instead of the salaries by law payable to such Judges immediately before such commencement, and such salaries shall be paid to such Judges respectively on the same days and in the same manner in every respect as their former salaries; the pension which may be granted to the existing Master of the Rolls shall be such as would be payable to him if this Act had not passed, and the pensions which may be granted to all other existing Judges shall be two thirds of the salaries which, after the commencement of this Act, shall be payable to them respectively.

Salaries of  
future Judges.

**18.** There shall be paid to Judges appointed after the commencement of this Act the following salaries, which shall in each case include any pension to which the Judge may be entitled in respect of any public office previously filled by him:

To the Lord Chief Justice five thousand pounds a year, and to the Lord Chief Justice of the Common Pleas, and the Lord Chief Baron of the Exchequer, each, four thousand six hundred pounds a year.

To the Master of the Rolls the salary herein-before directed to be paid to the existing Master of the Rolls.

To each ordinary Judge of the Court of Appeal such salary as, in pursuance of the "Chancery Appeal Court (Ireland) Act, 1856," might have been assigned for him if he had been appointed under the said Act.

To each of the other Judges of the High Court of Justice the sum of three thousand five hundred pounds a year.

The Chiefs of the Divisions termed in this Act the Queen's Bench, Common Pleas, and Exchequer Divisions, whether appointed before or after the commencement of this Act, and the other Judges of the same Divisions who were appointed before the commencement of this Act, shall not be entitled to any allowance in addition to their salaries in respect of circuit. Every other Judge of the High Court of Justice, or of the Court of Appeal, whether appointed before or after the commencement of this Act, who shall actually go circuit as a Judge, shall be entitled to receive in respect of such circuit one hundred and fifty pounds. This last provision shall apply, immediately on the passing of this Act, to any Judge who, not being a Judge of a Common Law Court, shall be named in the commission and shall actually go circuit.

Any Judge, whether appointed before or after the passing of this Act, who shall be sent as Judge for a winter assizes or special com-

19 & 20 Vict.  
c. 92.



mission, shall be entitled to receive in respect thereof such additional payment, not exceeding the amount allowed for a circuit, as the Lord Lieutenant shall determine; but no Judge shall receive any additional or extra payment in respect of an adjourned assizes: Provided always, that nothing herein contained shall affect such rights to remuneration in respect of any special commission or adjourned assizes as the existing Lord Chief Justice, Chief Justice of the Common Pleas, and Lord Chief Baron possessed before the passing of this Act.

No salary shall be payable to any additional Judge of the Court of Appeal, but nothing in this Act shall in any way prejudice the right of any such additional Judge to any pension to which he may be by law entitled.

19. Her Majesty may, by Letters Patent, grant to any Judge of the High Court of Justice other than the Lord Chancellor, and also to any ordinary Judge of the Court of Appeal appointed after the commencement of this Act who has served for fifteen years as a Judge in such Courts, or either of them, or who is disabled by permanent infirmity from the performance of the duties of his office, a pension, by way of annuity, to be continued during his life, of the amount following; (that is to say,)

Retiring pensions of future Judges of High Court of Justice, and ordinary Judges of Court of Appeal.

In the case of the ordinary Judges of the Court of Appeal, the same amount of pension which might have been granted to the Lord Justice of the Court of Appeal in Chancery in Ireland if this Act had not passed:

In the case of the Judges of the High Court of Justice, two thirds of their respective salaries.

20. The salaries, allowances, and pensions payable to the Judges of the High Court of Justice and the ordinary Judges of the Court of Appeal respectively under this Act shall be charged on and paid out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, or the growing produce thereof. Such salaries and pensions shall grow due from day to day, but shall be payable to the persons entitled thereto, or to their executors or administrators, on the usual quarterly days of payment, or at such other periods in every year as the Treasury may from time to time determine.

Salaries and pensions how to be paid.

## PART II.

### *Jurisdiction and Law.*

21. The High Court of Justice shall be a Superior Court of Record, and, subject as in this Act mentioned, there shall be transferred to and vested in the said High Court of Justice the jurisdiction which, at the commencement of this Act, was vested in, or capable of being exercised by, all or any of the Courts following; (that is to say,)

Jurisdiction of High Court of Justice.

(1.) The High Court of Chancery as a Common Law Court as well as a Court of Equity, including the jurisdiction of the Master of the Rolls as a Judge or Master of the Court of Chancery, and any jurisdiction exercised by him or the Lord Chancellor in relation to the Court of Chancery as a Common Law Court, and including any jurisdiction of the Masters in Chancery:

- (2.) The Court of Queen's Bench :
- (3.) The Court of Common Pleas :
- (4.) The Court of Exchequer as a Court of Revenue as well as a Common Law Court :
- (5.) The Court of Probate :
- (6.) The Court for Matrimonial Causes and Matters :
- (7.) The Landed Estates Court, including the control and direction of the Record of Title Office of the said Court, and all powers and authorities exercised by the Judges of the said Court, or any of them, under the Record of Title Act, 1865 :
- (8.) The Courts created by Commissions of Assize, of Oyer and Terminer, and of Gaol Delivery, or any of such commissions :

28 & 29 Vict.  
c. 88.

The jurisdiction by this Act transferred to the High Court of Justice shall include (subject to the exceptions herein-after contained) the jurisdiction which, at the commencement of this Act, was vested in or capable of being exercised by all or any one or more of the Judges of the said Courts, respectively, sitting in Court or Chambers, or elsewhere, or by any Master of the Court of Chancery, when acting as Judges or a Judge, in pursuance of any statute, law, or custom, and all powers given to any such Court, or to any such Judges or Judge, Masters or Master, by any statute; and also all ministerial powers, duties, and authorities, incident to any and every part of the jurisdictions so transferred.

Provided always, that nothing herein contained shall abridge or alter the jurisdiction conferred by any Act or Acts upon any Judge or Judges, Commissioner or Commissioners, of Assize.

Jurisdiction  
not transferred  
to High Court.

**22.** There shall not be transferred to or vested in the High Court of Justice, by virtue of this Act,—

- (1.) Any appellate jurisdiction of the Court of Appeal in Chancery, or of the same Court sitting as a Court of Appeal from the Court of Probate, the Court for Matrimonial Causes and Matters, the Landed Estates Court, the Court of Bankruptcy, or the High Court of Admiralty :
- (2.) Any jurisdiction usually vested in the Lord Chancellor in relation to the custody of the persons and estates of idiots, lunatics, and persons of unsound mind :
- (3.) Any jurisdiction vested in the Lord Chancellor in relation to grants of Letters Patent, or the issue of commissions or other writings, to be passed under the Great Seal of Ireland :
- (4.) Any jurisdiction exercised by the Lord Chancellor in right of or on behalf of Her Majesty as visitor of any College, or of any charitable or other foundation :
- (5.) Any jurisdiction of the Master of the Rolls in relation to records in Dublin or elsewhere in Ireland.

Jurisdiction  
transferred  
to Court of  
Appeal.

**23.** The Court of Appeal shall be a Superior Court of Record, and there shall be transferred to and vested in such Court all jurisdiction and powers of the Courts following; (that is to say,)

- (1.) All jurisdiction and powers of the Lord Chancellor and of the Court of Appeal in Chancery, in the exercise of his and its appellate jurisdiction, and of the same Court

sitting as a Court of Appeal from the Court of Probate, the Court for Matrimonial Causes and Matters, the Landed Estates Court, the High Court of Admiralty, or the Court of Bankruptcy :

- (2.) All jurisdiction and powers of the Court of Exchequer Chamber, including its appellate jurisdiction in appeals under the Registration of Voters Acts :
- (3.) All jurisdiction and powers of the Court for Land Cases Reserved at Dublin under the provisions of the "Landlord and Tenant, Ireland, Act, 1870 :"
- (4.) Jurisdiction on writs of error in criminal cases on appeal from the Queen's Bench Division of the High Court of Justice.

33 & 34 Vict.  
c. 46.

**24.** The Court of Appeal shall have jurisdiction and power to hear and determine appeals from any judgment or order, save as herein-after mentioned, of the High Court of Justice, or of any Judges or Judge thereof, subject to the provisions of this Act, and to such rules and orders of Court for regulating the terms and conditions on which such appeals shall be allowed as may be made pursuant to this Act.

Appeals from  
High Court.

For all the purposes of and incidental to the hearing and determination of any appeal within its jurisdiction, and the amendment, execution, and enforcement of any judgment or order made on any such appeal, and for the purpose of every other authority expressly given to the Court of Appeal by this Act, the said Court of Appeal shall have all the power, authority, and jurisdiction by this Act vested in the High Court of Justice.

**25.** From and after the commencement of this Act the several jurisdictions which by this Act are transferred to and vested in the High Court of Justice and the Court of Appeal respectively shall cease to be exercised, except by the High Court of Justice and the Court of Appeal respectively, as provided by this Act ; and no further or other appointment of any Judge to any Court whose jurisdiction is so transferred shall be made except as provided by this Act : Provided, that in all causes, matters, and proceedings whatsoever which shall have been fully heard, and in which judgment shall not have been given, or having been given shall not have been signed, drawn up, passed, entered, or otherwise perfected at the time appointed for the commencement of this Act, such judgment, decree, rule, or order may be given or made, signed, drawn up, passed, entered, or perfected respectively, after the commencement of this Act, in the name of the same Court, and by the same Judges and officers, and generally in the same manner, in all respects as if this Act had not passed ; and the same shall take effect, to all intents and purposes, as if the same had been duly perfected before the commencement of this Act ; and every judgment, decree, rule, or order of any Court whose jurisdiction is hereby transferred to the High Court of Justice or the Court of Appeal, which shall have been duly perfected at any time before the commencement of this Act, may be executed and enforced, and, if necessary, amended or discharged by the High Court of Justice and the Court of Appeal respectively in the same manner as if it had been a judgment, decree, rule, or order of the said High

Transfer of  
pending  
business.

Court or of the Court of Appeal; and all causes, matters, and proceedings whatsoever, whether civil or criminal, which shall be pending in any of the Courts whose jurisdiction is so transferred as aforesaid at the commencement of this Act, shall be continued as follows; (that is to say,) in the case of proceedings in Error or on Appeal, or of proceedings before the Court of Appeal in Chancery, or in the Court for Land Cases Reserved at Dublin, in and before the Court of Appeal; and as to all other proceedings, in and before the High Court of Justice. The said Courts respectively shall have the same jurisdiction in relation to all such causes, matters, and proceedings as if the same had been commenced in the High Court of Justice, and continued therein (or in the said Court of Appeal, as the case may be), down to the point at which the transfer takes place; and so far as relates to the form and manner of procedure, such causes, matters, and proceedings, or any of them, may be continued in and before the said Courts respectively, either in the same or the like manner as they would have been continued in the respective Courts from which they shall have been transferred as aforesaid, or according to the ordinary course of the High Court of Justice and the Court of Appeal respectively (so far as the same may be applicable thereto), as the said Courts respectively may think fit to direct.

Rules as to  
exercise of  
jurisdiction.

**26.** The jurisdiction by this Act transferred to the High Court of Justice and the Court of Appeal respectively shall be exercised (so far as regards procedure and practice) in the manner provided by this Act, or by such Rules and Orders of Court as may be made pursuant to this Act; and where no special provision is contained in this Act or in any such Rules or Orders of Court with reference thereto, it shall be exercised as nearly as may be in the same manner as the same might have been exercised by the respective Courts from which such jurisdiction shall have been transferred, or by any of such Courts.

Law and equity  
to be concur-  
rently adminis-  
tered.

**27.** In every civil cause or matter commenced in the High Court of Justice law and equity shall be administered by the High Court of Justice and the Court of Appeal respectively according to the rules following:

- (1.) If any plaintiff or petitioner claims to be entitled to any equitable estate or right, or to relief upon any equitable ground against any deed, instrument, or contract, or against any right, title, or claim whatsoever asserted by any defendant or respondent in such cause or matter, or to any relief founded upon a legal right, which heretofore could only have been given by a Court of Equity, the said Courts respectively, and every Judge thereof, shall give to such plaintiff or petitioner such and the same relief as ought to have been given by the Court of Chancery in a suit or proceeding for the same or the like purpose, properly instituted before the passing of this Act.
- (2.) If any defendant claims to be entitled to any equitable estate or right, or to relief upon any equitable ground against any deed, instrument, or contract, or against any right, title, or claim asserted by any plaintiff or petitioner in such cause or matter, or alleges any ground of equitable

defence to any claim of the plaintiff or petitioner in such cause or matter, the said Courts respectively, and every Judge thereof, shall give to every equitable estate, right, or ground of relief so claimed, and to every equitable defence so alleged, such and the same effect, by way of defence against the claim of such plaintiff or petitioner, as the Court of Chancery ought to have given if the same or the like matters had been relied on by way of defence in any suit or proceeding instituted in that Court for the same or the like purpose before the passing of this Act.

- (3.) The said Courts respectively, and every Judge thereof, shall also have power to grant to any defendant in respect of any equitable estate or right, or other matter of equity, and also in respect of any legal estate, right, or title claimed or asserted by him, all such relief against any plaintiff or petitioner as such defendant shall have properly claimed by his pleading, and as the said Courts respectively, or any Judge thereof, might have granted in any suit instituted for that purpose by the same defendant against the same plaintiff or petitioner; and also all such relief relating to or connected with the original subject of the cause or matter, and in like manner claimed against any other person, whether already a party to the same cause or matter or not, who shall have been duly served with notice in writing of such claim pursuant to any Rule of Court or any Order of the Court, as might properly have been granted against such person if he had been made a defendant to a cause duly instituted by the same defendant for the like purpose; and every person served with any such notice shall thenceforth be deemed a party to such cause or matter, with the same rights in respect of his defence against such claim as if he had been duly sued in the ordinary way by such defendant.
- (4.) The said Courts respectively, and every Judge thereof, shall recognise and take notice of all equitable estates, titles, and rights, and all equitable duties and liabilities appearing incidentally in the course of any cause or matter, in the same manner in which the Court of Chancery would have recognised and taken notice of the same in any suit or proceeding duly instituted therein before the passing of this Act.
- (5.) No cause or proceeding at any time pending in the High Court of Justice, or before the Court of Appeal, shall be restrained by prohibition or injunction; but every matter of equity on which an injunction against the prosecution of any such cause or proceeding might have been obtained if this Act had not passed, either unconditionally or on any terms or conditions, may be relied on by way of defence thereto: Provided always, that nothing in this Act contained shall disable either of the said Courts from directing a stay of proceedings in any cause or matter pending before it if it shall think fit; and any person, whether a party or not to any such cause or matter, who

would have been entitled, if this Act had not passed, to apply to any Court to restrain the prosecution thereof, or who may be entitled to enforce, by attachment or otherwise, any judgment, decree, rule, or order, contrary to which all or any part of the proceedings in such cause or matter may have been taken, shall be at liberty to apply to the said Courts respectively, by motion in a summary way, for a stay of proceedings in such cause or matter, either generally, or so far as may be necessary for the purposes of justice; and the Court shall thereupon make such order as shall be just.

- (6.) Subject to the aforesaid provisions for giving effect to equitable rights and other matters of equity in manner aforesaid, and to the other express provisions of this Act, the said Courts respectively, and every Judge thereof, shall recognise and give effect to all legal claims and demands, and all estates, titles, rights, duties, obligations, and liabilities existing by the Common Law or by any custom, or created by any Statute, in the same manner as the same would have been recognised and given effect to, if this Act had not passed, by any of the Courts whose jurisdiction is hereby transferred to the said High Court of Justice.
- (7.) The High Court of Justice and the Court of Appeal respectively, in the exercise of the jurisdiction vested in them by this Act, in every cause or matter pending before them respectively, shall have power to grant, and shall grant, either absolutely or on such reasonable terms and conditions as to them shall seem just, all such remedies whatsoever as any of the parties thereto may appear to be entitled to in respect of any and every legal or equitable claim properly brought forward by them respectively in such cause or matter, so that, as far as possible, all matters so in controversy between the said parties respectively may be completely and finally determined, and all multiplicity of legal proceedings concerning any of such matters avoided.

**28.** And whereas it is expedient to take occasion of the union of the several Courts whose jurisdiction is hereby transferred to the said High Court of Justice to amend and declare the law to be hereafter administered in Ireland as to the matters next herein-after mentioned: Be it enacted as follows:

- (1.) In the administration by the Court of the assets of any person who may die after the commencement of this Act, and whose estate may prove to be insufficient for the payment in full of his debts and liabilities, and in the winding up of any company under the Companies Acts, 1862 and 1867, whose assets may prove to be insufficient for the payment of its debts and liabilities and the costs of winding up, the same rules shall prevail and be observed as to the respective rights of secured and unsecured creditors, and as to debts and liabilities provable, and as to the valuation of annuities and future and contingent

Rules of law upon certain points.

Administration of assets of insolvent estates.

25 & 26 Vict.  
c. 89.  
30 & 31 Vict.  
c. 131.

liabilities respectively, as may be in force for the time being under the law of bankruptcy with respect to the estates of persons adjudged bankrupt in Ireland; and all persons who in any such case would be entitled to prove for and receive dividends out of the estate of any such deceased person, or out of the assets of any such company, may come in under the decree or order for the administration of such estate, or under the winding up of such company, and make such claims against the same as they may respectively be entitled to by virtue of this Act.

- (2.) No claim of a cestui que trust against his trustee for any property held on an express trust, or in respect of any breach of such trust, shall be held to be barred by any Statute of Limitations. This provision, however, is not to affect the enactments contained in the tenth section of the Real Property Limitation Act, 1874, when the same shall come into effect. Statutes of Limitation inapplicable to express trusts.
- (3.) An estate for life without impeachment of waste shall not confer or be deemed to have conferred upon the tenant for life any legal right to commit waste of the description known as equitable waste, unless an intention to confer such right shall expressly appear by the instrument creating such estate. 37 & 38 Vict. c. 57.  
Equitable waste.
- (4.) There shall not, after the commencement of this Act, be any merger by operation of law only of any estate the beneficial interest in which would not be deemed to be merged or extinguished in equity. Merger.
- (5.) A mortgagor entitled for the time being to the possession or receipt of the rents and profits of any land as to which no notice of his intention to take possession or to enter into the receipt of the rents and profits thereof shall have been given by the mortgagee, may sign and cause to be served notices to quit, determine tenancies, or accept surrenders thereof and sue for such possession, or for the recovery of such rents or profits, or to prevent or recover damages in respect of any trespass or other wrong relative thereto, in his own name only, unless the cause of action arises upon a lease or other contract made by him jointly with any other person; and such action, suit, or proceeding shall not be defeated by proof that the legal estate in the lands the possession of which is sought to be recovered, or in respect of which the rents or profits are sought to be recovered, or in respect to which the trespass or other wrong has been committed, is vested in such mortgagee: Provided always, that a mortgagor shall not be at liberty to exercise any of the powers hereby conferred if an express declaration that they shall not be exercised is contained in the mortgage. Suits for possession of land by mortgagors.
- (6.) Any absolute assignment, by writing under the hand of the assignor (not purporting to be by way of charge only), of any debt or other legal chose in action, of which express notice in writing shall have been given to the debtor, trustee, or other person from whom the assignor would Assignment of debts and choses in action.

have been entitled to receive or claim such debt or chose in action, shall be and be deemed to have been effectual in law (subject to all equities which would have been entitled to priority over the right of the assignee if this Act had not passed,) to pass and transfer the legal right to such debt or chose in action from the date of such notice, and all legal and other remedies for the same, and the power to give a good discharge for the same, without the concurrence of the assignor: Provided always, that if the debtor, trustee, or other person liable in respect of such debt or chose in action shall have had notice that such assignment is disputed by the assignor or any one claiming under him, or of any other opposing or conflicting claims to such debt or chose in action, he shall be entitled, if he think fit, to call upon the several persons making claim thereto to interplead concerning the same, or he may, if he think fit, pay the same into the High Court of Justice under and in conformity with the provisions of the Acts for the relief of trustees.

- Stipulations not of the essence of contracts.
- (7.) Stipulations in contracts, as to time or otherwise, which would not before the commencement of this Act have been deemed to be or to have become of the essence of such contracts in a Court of Equity, shall receive in all Courts the same construction and effect as they would have theretofore received in equity.
- Injunctions and receivers.
- (8.) A mandamus or an injunction may be granted or a receiver appointed by an interlocutory order of the Court in all cases in which it shall appear to the Court to be just or convenient that such order should be made, and any such order may be made either unconditionally or upon such terms and conditions as the Court shall think just; and if an injunction is asked, either before, or at, or after the hearing of any cause or matter, to prevent any threatened or apprehended waste or trespass, such injunction may be granted, if the Court shall think fit, whether the person against whom such injunction is sought is or is not in possession under any claim of title or otherwise, or (if out of possession) does or does not claim a right to do the act sought to be restrained under any colour of title, and whether the estates claimed by both or by either of the parties are legal or equitable.
- Damages by collisions at sea.
- (9.) In any cause or proceeding for damages arising out of a collision between two ships, if both ships shall be found to have been in fault, the rules hitherto in force in the High Court of Admiralty, so far as they have been at variance with the rules in force in the Courts of Common Law, shall prevail.
- Infants.
- (10.) In questions relating to the custody and education of infants the Rules of Equity shall prevail.
- Cases of conflict not enumerated.
- (11.) Generally, in all matters not herein-before particularly mentioned in which there is any conflict or variance between the Rules of Equity and the Rules of the Common Law with reference to the same matter, the Rules of Equity shall prevail.



## PART III.

*Sittings and Distribution of Business.*

**29.** The division of the legal year into terms shall be abolished so far as relates to the administration of justice, and there shall no longer be terms applicable to any sitting or business of the High Court of Justice, or of the Court of Appeal, or of any Commissioners to whom any jurisdiction may be assigned under this Act; but in all other cases in which, under the law now existing, the terms into which the legal year is divided are used as a measure for determining the time at or within which any act is required to be done, the same may continue to be referred to for the same or the like purpose, unless and until provision is otherwise made by any lawful authority. Subject to Rules of Court, the High Court of Justice, the Court of Appeal, and the Judges thereof respectively, or any such Commissioners as aforesaid, shall have power to sit and act, at any time, and at any place, for the transaction of any part of the business of such Courts respectively, or of such Judges or Commissioners, or for the discharge of any duty which by any Act of Parliament, or otherwise, is required to be discharged during or after term.

Abolition of terms.

**30.** The Lord Lieutenant, by and with the advice of the Privy Council in Ireland, may, before the commencement of this Act, upon any report or recommendation of the Judges by whose advice the Lord Lieutenant is herein-after authorised to make rules before the commencement of this Act, and after the commencement of this Act upon any report or recommendation of the Council of Judges of the Supreme Court herein-after mentioned, with the consent of the Lord Chancellor, from time to time make, revoke, or modify orders regulating the vacations to be observed by the High Court of Justice and the Court of Appeal, and in the offices of the said Courts respectively; and any Order in Council made pursuant to this section shall, so long as it continues in force, be of the same effect as if it were contained in this Act, and Rules of Court may be made for carrying the same into effect in the same manner as if such Order in Council were part of this Act. In the meantime, and subject thereto, the said vacations shall be fixed in the same manner, and by the same authority, as if this Act had not passed.

Vacation.

**31.** Provision shall be made by Rules of Court for the hearing, in Dublin, during vacation, by Judges of the High Court of Justice and the Judges of the Court of Appeal respectively, of all such applications as may require to be immediately or promptly heard.

Sittings in vacation.

**32.** Her Majesty, by commission of assize, or by any other commission, either general or special, may assign to any Judge or Judges of the High Court of Justice or other person or persons usually named in commissions of assize, the duty of trying and determining, within any place or district specially fixed for that purpose by such commission, any causes or matters, or any questions or issues of fact or of law, or partly of fact and partly of law, in any cause or matter depending in the said High Court, or the exercise of any civil or criminal jurisdiction capable of being exercised by the said High Court; and any commission so granted by Her Majesty shall be of the same validity as if it were enacted in the body of this Act; and any Commissioner or Commissioners

Jurisdiction of Judges of High Court on circuit.

appointed in pursuance of this section shall, when engaged in the exercise of any jurisdiction assigned to him or them in pursuance of this Act, be deemed to constitute a Court of the High Court of Justice; and, subject to any restrictions or conditions imposed by Rules of Court and to the power of transfer, any party to any cause or matter involving the trial of a question or issue of fact, or partly of fact and partly of law, may, with the leave of the Judge or Judges to whom or to whose Division the cause or matter is assigned, require the question or issue to be tried and determined by a Commissioner or Commissioners as aforesaid, or at sittings to be held in Dublin as herein-after in this Act mentioned, and such question or issue shall be tried and determined accordingly.

A cause or matter not involving any question or issue of fact may be tried and determined in like manner with the consent of all the parties thereto.

Sittings for  
trial by jury in  
Dublin.

**33.** Subject to Rules of Court, sittings for the trial by jury of causes and questions or issues of fact shall be held in Dublin, and such sittings shall, so far as is reasonably practicable, and subject to vacations, be held continuously throughout the year by as many Judges as the business to be disposed of may render necessary. Any Judge of the High Court of Justice sitting for the trial of causes and issues in Dublin, at any place heretofore accustomed, or to be hereafter determined by Rules of Court, shall be deemed to constitute a Court of the High Court of Justice. Subject to Rules of Court, the plaintiff shall, in the document by which each cause shall be commenced, name the county or place in which he proposes that the cause shall be tried or proceeding shall take place, but the Court or a Judge may, in their or his discretion, direct the same to be tried in any other county or place; and, so far as shall be reasonably consistent with the convenient and speedy discharge of the business, every issue and question of fact to be submitted to a jury shall be tried in the county or place where the cause of action shall have arisen. Any order of a Judge as to the place of trial of any such issue or question may be discharged or varied by a Divisional Court.

Whenever application shall be made for leave to serve any document by which a cause may be commenced upon a defendant resident out of the jurisdiction of the Supreme Court, whether by serving such defendant personally or by substituting service upon another person for him, the Court or Judge to whom such application shall be made shall have regard to the amount or value of the claim or property affected, and to the comparative cost and convenience of proceedings in Ireland, or in the place of the defendant's residence; and no such leave shall be granted without an affidavit stating the particulars necessary for enabling the Court or Judge to exercise a due discretion in the manner aforesaid.

Divisions of;  
the High Court  
of Justice.

**34.** For the more convenient despatch of business in the High Court of Justice (but not so as to prevent any Judge from sitting whenever required in any Divisional Court, or for any Judge of a different Division from his own), there shall be in the said High Court five Divisions consisting of such Judges respectively as herein-after mentioned. Such five Divisions shall respectively include,

immediately on the commencement of this Act, the several Judges following; (that is to say,)

- (1.) One Division shall consist of The Lord Chancellor, who shall be President thereof, The Master of the Rolls, The Vice-Chancellor and the Judges of the Landed Estates Court;
- (2.) One other Division shall consist of The Lord Chief Justice, who shall be President thereof, and the other Judges of the Court of Queen's Bench;
- (3.) One other Division shall consist of The Lord Chief Justice of the Common Pleas, who shall be President thereof, and the other Judges of the Court of Common Pleas;
- (4.) One other Division shall consist of The Lord Chief Baron of the Exchequer, who shall be President thereof, and the other Barons of the Court of Exchequer;
- (5.) One other Division shall consist of the Judge of the Courts of Probate and for Matrimonial Causes and Matters.

The said five Divisions shall be called respectively the Chancery Division, the Queen's Bench Division, the Common Pleas Division, the Exchequer Division, and the Probate and Matrimonial Division; after the Admiralty jurisdiction shall, under the provisions in that behalf herein-before contained, have become vested in the Judge of the Probate and Matrimonial Division, such Division shall be called "the Probate, Matrimonial, and Admiralty Division."

The Queen's Bench, Common Pleas, and Exchequer Divisions shall consist of the number of Judges following and no more, viz.:

The Queen's Bench Division of four Judges;

The Common Pleas Division of three Judges;

The Exchequer Division (from and after the next vacancy in the office of one of the Junior Barons) of three Judges; and

The Probate and Matrimonial Division shall have one Judge.

Any vacancy at the time of the commencement of this Act in the office of Judge of any Court the jurisdiction of which is by this Act transferred to the High Court of Justice or the Court of Appeal, if such office be continued by this Act, may be supplied by the appointment of a new Judge in his place in the same manner as if a vacancy in such office had occurred after the commencement of this Act.

Save as by this Act expressly provided, any Judge of any of the said Divisions may be transferred by Her Majesty, under Her Royal Sign Manual, from one to another of the said Divisions; provided, that in the case of an existing Judge, such transfer shall not be without his own consent.

Upon any vacancy happening among the Judges of the said High Court, the Judge appointed to fill such vacancy shall, subject to the provisions of this Act, and to any Rules of Court which may be made pursuant thereto, become a member of the Division to which the Judge whose place has become vacant belonged, and shall succeed to the duties of such Judge.

**35.** All causes and matters which may be commenced in, or which shall be transferred by this Act to, the High Court of Justice, shall be distributed among the several Divisions and Judges of the said High Court in such manner as may from time

Rules of Court to provide for distribution of business.

to time be determined by any Rules of Court, or Orders of Transfer, to be made under the authority of this Act; and in the meantime, and subject thereto, all such causes and matters shall be assigned to the said Divisions respectively in the manner herein-after provided. In distributing the general business between the Queen's Bench, Common Pleas, and Exchequer Divisions, regard shall be had to any special jurisdiction vested in them respectively so as to apportion the business fairly between them.

Assignment of certain business to particular Divisions of High Court, subject to rules.

**36.** There shall be assigned (subject as aforesaid) to the Chancery Division of the said Court:

- (1.) All causes and matters pending in the Court of Chancery at the commencement of this Act:
- (2.) All causes and matters to be commenced after the commencement of this Act under any Act of Parliament by which exclusive jurisdiction in respect to such causes or matters has been given to the Court of Chancery, or to any Judges or Judge thereof respectively:
- (3.) All matters pending in the Landed Estates Court at the commencement of this Act:
- (4.) All matters which would have been within the exclusive cognizance of the Landed Estates Court, or of any Judge or Judges thereof, if this Act had not passed:
- (5.) All causes and matters for any of the following purposes:
  - The administration of the estates of deceased persons;
  - The dissolution of partnerships, or the taking of partnership or other accounts;
  - The redemption or foreclosure of mortgages;
  - The raising of portions, or other charges on land;
  - The sale and distribution of the proceeds of property subject to any lien or charge;
  - The execution of trusts, charitable or private;
  - The rectification, or setting aside, or cancellation of deeds or other written instruments;
  - The specific performance of contracts between vendors and purchasers of land, including contracts for leases, and also the specific performance of any other contracts in respect of which a Court of Equity decrees performance;
  - The partition or sale of real estates, including chattels real;
  - The wardship of infants and the care of infants estates.

All causes and matters included under the heads above numbered (3) and (4) shall be assigned to the Land Judges of the Chancery Division.

There shall be assigned (subject as aforesaid) to the Queen's Bench Division of the said Court:

- (1.) All causes and matters, civil and criminal, pending in the Court of Queen's Bench at the commencement of this Act:
- (2.) All causes and matters, civil and criminal, which would have been within the exclusive cognizance of the Court of Queen's Bench in the exercise of its original jurisdiction if this Act had not passed.

There shall be assigned (subject as aforesaid) to the Common Pleas Division of the said Court :

- (1.) All causes and matters pending in the Court of Common Pleas at the commencement of this Act :
- (2.) All causes and matters which would have been within the exclusive cognizance of the Court of Common Pleas if this Act had not passed.

Provided always, that if and whenever the said Division shall be engaged in the hearing or despatch of any business relating to a parliamentary election which would have been within the exclusive cognizance of the Court of Common Pleas, but only so long as there shall be but three Judges of the Common Pleas Division, the junior Puisne Judge for the time being of the Queen's Bench Division shall be empowered and bound to attend and take part in the hearing and despatch by the Common Pleas Division of such business, and shall, for all the purposes of such business, be a fourth member of the Common Pleas Division.

There shall be assigned (subject as aforesaid) to the Exchequer Division of the said Court :

- (1.) All causes and matters pending in the Court of Exchequer at the commencement of this Act :
- (2.) All causes and matters which would have been within the exclusive cognizance of the Court of Exchequer, either as a Court of Revenue or as a Common Law Court, if this Act had not passed.

There shall be assigned (subject as aforesaid) to the Probate and Matrimonial Division of the said Court :

- (1.) All causes and matters pending in the Court of Probate, or in the Court for Matrimonial Causes and Matters, at the commencement of this Act :
- (2.) All causes and matters which would have been within the exclusive cognizance of the Court of Probate, or of the Court for Matrimonial Causes and Matters, if this Act had not passed.

**37.** Subject to any Rules of Court, and to the provisions herein-before contained, and to the power of transfer, every person by whom any cause or matter may be commenced in the said High Court of Justice shall assign such cause or matter to one of the Divisions of the said High Court as he may think fit by marking the document by which the same is commenced with the name of such Division, and giving notice thereof to the proper officer of the Court: Provided that—

- (1.) All interlocutory and other steps and proceedings in or before the said High Court, in any cause or matter subsequent to the commencement thereof, shall be taken (subject to any Rules of Court and to the power of transfer) in the Division of the said High Court to which such cause or matter is for the time being attached ; and
- (2.) If any plaintiff or petitioner shall at any time assign his cause or matter to any Division of the said High Court to which according to the Rules of Court or the provisions herein-before contained the same ought not to be assigned, the Court, or any Judge of such Division, upon being

Provision as to option for any Plaintiff (subject to rules) to choose in what Division he will sue.

informed thereof, may, on a summary application, at any stage of the cause or matter, direct the same to be transferred to the Division of the said Court to which according to such rules or provisions the same ought to have been assigned, or he may, if he think it expedient so to do, retain the same in the Division in which the same was commenced; and all steps and proceedings whatsoever taken by the plaintiff or petitioner, or by any other party in any such cause or matter, and all orders made therein by the Court or any Judge thereof before any such transfer, shall be valid and effectual to all intents and purposes in the same manner as if the same respectively had been taken and made in the proper Division of the said Court to which such cause or matter ought to have been assigned; and

- (3.) Every testamentary or matrimonial proceeding shall be commenced in the Probate and Matrimonial Division, and addressed to the Judge of that Division for the time being:
- (4.) Every proceeding in any other matter within the exclusive jurisdiction of the Landed Estates Court before the passing or under the provisions of this Act shall be commenced in the Chancery Division and addressed to the Land Judges of that Division.

Power of transfer.

**38.** Any cause or matter may at any time, and at any stage thereof, and either with or without application from any of the parties thereto, be transferred, by such authority and in such manner as Rules of Court may direct, from one Division or Judge of the High Court of Justice to any other Division or Judge thereof, or may by the like authority be retained in the Division in which the same was commenced, although such may not be the proper Division to which the same cause or matter ought in the first instance to have been assigned.

Directions as to procedure before Land Judges.

**39.** Every application to appoint a receiver over land, when such land is the subject of a proceeding before the Land Judges, shall be made to the Land Judge to whom such proceeding is attached. In any proceeding before a Land Judge, the Judge shall decide all controversies and questions as to the validity or effect of any deed, instrument, or contract affecting land, or any charge or incumbrance thereon, or as to the construction or effect of any devise or bequest of any estate or interest in or of any charge or incumbrance upon land, which it may be necessary to decide for the purpose of such proceeding, including the validity or effect of any lease or instrument of tenancy affecting land requisite to be ascertained for the due settlement of a rental; and shall take accounts of and administer the assets of any deceased person whenever it may be necessary for a distribution of the purchase money of any land sold before him, provided there shall not be then depending before any of the Judges of the High Court a suit for the administration of such assets; and it shall not be necessary to institute any other cause or matter for any of such purposes. The procedure in such cases shall be settled by Rules of Court, to be made by the Lord Chancellor, with the Land Judges, or either of them, and any

person, whether already a party to the proceeding or not, who shall have been duly served with notice in writing pursuant to any Rule of Court or order of the Court shall thenceforth be deemed a party to such cause or matter with the same rights in respect of his claim or defence as if he had duly sued or been sued in a suit instituted for the purpose of deciding any such question or controversy.

**40.** When a receiver is appointed over land, either by a Land Judge or by any other Judge of the High Court of Justice having power to appoint the same, it shall not be necessary for any party claiming to be entitled to or interested in the rents of the lands over which the receiver shall have been appointed to file any bill or institute any other cause or proceedings to have the receiver extended to his claim, but such party may apply, by summary motion, to a Land Judge to have the receiver extended to his claim; and, on the hearing of such application, the Judge may either grant the application or order a bill to be filed, or other proceeding to be instituted for the purpose of ascertaining the rights of the party applying, and the costs of a suit, cause, or other proceeding, the object of which shall be the taking an account on foot of any mortgage or other security affecting land, and the extension of a receiver already appointed to the matter of said suit, cause, or other proceeding, shall not be allowed, unless such suit, cause, or other proceeding shall have been commenced by direction of one of the Land Judges.

Application to extend receiver shall be made by summary motion to a Land Judge, unless otherwise ordered by Judge.

**41.** Subject to any arrangements which may be from time to time made by agreement between the Judges of the said High Court, the sittings for trials by jury in Dublin, and the sittings of Judges of the said High Court under Commissions of Assize, Oyer and Terminer, and Gaol Delivery, shall be held by or before Judges of the Queen's Bench, Common Pleas, or Exchequer Division of the said High Court; provided that it shall be lawful for Her Majesty, if she shall think fit, to include in any such commission any Ordinary Judge of the Court of Appeal, or any Judge of the Chancery Division appointed after the first of January one thousand eight hundred and seventy-five, or any of Her Majesty's Serjeants-at-Law, or Counsel learned in the law, who, for the purposes of such Commission, shall have all the power, authority, and jurisdiction of a Judge of the said High Court. And any person not a Judge of the High Court who shall be sent as a Commissary shall be paid the same amount and in the same manner as such person would have been paid if before the passing of this Act he had been sent as a Commissary, and if he shall be sent in place of a Judge, who, under the provisions of this Act, was bound to go circuit without payment in respect thereof in addition to his salary, then one hundred and fifty pounds shall be deducted from the salary of such Judge: Provided also, that, any law or custom to the contrary, it shall not be necessary in any commission for the trial of crimes and offences in the county of the city and county of Dublin to nominate more than one Judge to preside, nor for more than one Judge to preside under any commission existing at the commencement of this Act.

Sittings in Dublin and on circuits.

**42.** All the provisions with reference to the assessment of the amount of damages, or the trial of questions of fact, by or before the High Court of Chancery in Ireland, which are contained in

Provisions of 21 & 22 Vict. c. 27., and of

25 & 26 Vict.  
c. 46., to apply  
to this Act.

Rota of Judges  
for election  
petitions.

31 & 32 Vict.  
c. 49.

Powers of one  
or more Judges  
not constituting  
a Divisional  
Court.

Divisional  
Courts for busi-  
ness of Queen's  
High Court of  
Justice.

Divisional  
Courts for busi-  
ness of Queen's  
Bench, Com-  
mon Pleas, and  
Exchequer  
Divisions.

“The Chancery Amendment Act, 1858,” or “The Chancery Regulation (Ireland) Act, 1862,” shall apply to the assessment of damages and the determination of questions of fact by or before the Chancery Division of the High Court as constituted by this Act, or any Judge thereof, anything in this Act to the contrary notwithstanding.

**43.** The Judges to be placed on the rota for the trial of election petitions for Ireland in each year, under the provisions of the “Parliamentary Elections Act, 1868,” shall be selected out of the Judges of the Queen’s Bench, Common Pleas, and Exchequer Divisions of the High Court of Justice in such manner as may be provided by any Rules of Court to be made for that purpose; and in the meantime, and subject thereto, shall be selected out of the Judges of the said Queen’s Bench, Common Pleas, and Exchequer Divisions of the said High Court, by the Judges of such Divisions respectively, as if such Divisions had been named instead of the Courts of Queen’s Bench, Common Pleas, and Exchequer respectively, in such last-mentioned Act: Provided that the Judges who, at the commencement of this Act, shall be the Judges upon the rota for the trial of such petitions during the then current year shall continue upon such rota for the same period, and in the same manner, as if this Act had not passed.

**44.** Any Judge of the High Court of Justice may, subject to any Rules of Court, exercise in Court or in Chambers all or any part of the jurisdiction by this Act vested in the said High Court in all such causes and matters, and in all such proceedings in any causes or matters, as before the passing of this Act might have been heard in Court or in Chambers respectively by a single Judge of any of the Courts whose jurisdiction is hereby transferred to the said High Court, or as may be directed or authorised to be so heard by any Rules of Court to be hereafter made. In all such cases, any Judge sitting in Court shall be deemed to constitute a Court.

**45.** Such causes and matters as are not proper to be heard by a single Judge shall be heard by Divisional Courts of the said High Court of Justice, which shall for that purpose exercise all or any part of the jurisdiction of the said High Court. Any number of such Divisional Courts may sit at the same time. A Divisional Court of the said High Court of Justice shall be constituted by two or more of the Judges thereof. Every Judge of the said High Court shall be qualified and empowered to sit in any of such Divisional Courts. The President of every such Divisional Court of the High Court of Justice shall be the senior Judge of those present, according to the order of their precedence under this Act.

**46.** Subject to any Rules of Court, and in the meantime until such Rules shall be made, all such business belonging to the Queen’s Bench, Common Pleas, and Exchequer Divisions respectively of the said High Court, as, according to the practice now existing in the Superior Courts of Common Law in Ireland, would have been proper to be transacted or disposed of by the Court sitting in Banco if this Act had not passed, may be transacted and disposed of by Divisional Courts, which shall, as far as may be found practicable and convenient, include one or more Judge or Judges attached to the particular Division of the said Court to which the cause or matter out of which such business arises has been assigned; and it



shall be the duty of every Judge of such last-mentioned Division, and also of every other Judge of the High Court who shall not for the time being be occupied in the transaction of any business specially assigned to him, or in the business of any other Divisional Court, to take part, if required, in the sittings of such Divisional Courts as may from time to time be necessary for the transaction of the business assigned to the said Queen's Bench, Common Pleas, and Exchequer Divisions respectively; and all such arrangements as may be necessary or proper for that purpose, or for constituting or holding any Divisional Courts of the said High Court of Justice for any other purpose authorised by this Act, and also for the proper transaction of that part of the business of the said Queen's Bench, Common Pleas, and Exchequer Divisions respectively, which ought to be transacted by one or more Judges not sitting in a Divisional Court, shall be made from time to time under the direction and superintendence of the Judges of the said High Court of Justice, and in case of difference among them, in such manner as the majority of the said Judges, with the concurrence of either the Lord Chancellor or the Lord Chief Justice, shall determine.

**47.** Subject to any Rules of Court, and in the meantime until such Rules shall be made, all business arising out of any cause or matter assigned to the Chancery Division of the said High Court, or out of any testamentary or matrimonial cause or proceeding assigned to the Probate and Matrimonial Division, shall be transacted and disposed of in the first instance by one Judge only, as has been heretofore accustomed in the Court of Chancery, the Court of Probate, and the Court for Matrimonial Causes and Matters respectively; and every cause or matter which, at the commencement of this Act, may be depending in the Court of Chancery, the Court of Probate, the Court for Matrimonial Causes and Matters, and the Landed Estates Court respectively, shall (subject to the power of transfer) be assigned to the same Judge in or to whose Court the same may have been depending or attached at the commencement of this Act; and every cause or matter which, after the commencement of this Act, may be commenced in the Chancery Division of the said High Court shall be assigned to one of the Judges thereof in the same manner as heretofore: Provided that (subject to any Rules of Court, and to the power of transfer) all causes and matters which, if this Act had not passed, would have been within the exclusive cognizance of the Court of Probate or the Court for Matrimonial Causes and Matters shall be assigned to the Judge of the Probate and Matrimonial Division for the time being, and all matters within the exclusive jurisdiction of the Landed Estates Court shall be assigned to the Land Judges.

**48.** Subject to any Rules of Court, any Judge of the said High Court, sitting in the exercise of its jurisdiction elsewhere than in a Divisional Court, may reserve any case, or any point in a case, for the consideration of a Divisional Court, or may direct any case, or point in a case, to be argued before any such Court; and any such Court shall have power to hear and determine any such case or point so reserved or so directed to be argued:

Provided that nothing in this Act, or in any rule made under its provisions, shall take away or prejudice the right of any party to

Distribution of business among the Judges of the Chancery and Probate Divisions of the High Court.

Cases and points may be reserved for or directed to be argued before Divisional Courts or Courts of Appeal.

any action to have questions of fact tried by a jury in such cases as he might heretofore of right have so required, nor upon any trial before a jury to have the issues for trial by jury submitted and left by the Judge to the jury before whom the same shall come for trial, with a proper and complete direction to the jury upon the law and as to the evidence applicable to such issues: Provided also, that such right may be enforced by motion in the High Court of Justice, or by motion in the Court of Appeal founded upon an exception entered upon or annexed to the record.

Land cases reserved.

33 & 34 Vict. c. 46.

49. From and after the commencement of this Act, any person aggrieved by any decision or order upon any question of law, made by any Judge or Judges of Assize under the Landlord and Tenant (Ireland) Act, 1870, or, in the case of the county or the county of the city of Dublin, made by the Judges mentioned in that Act in that behalf, may require the Judge or Judges making such decision or order to reserve such question of law by way of case stated for the consideration of the Court of Appeal; and the same shall thereupon be reserved accordingly in such manner and form as shall be prescribed by rules made in pursuance of the thirty-first section of the said Act.

Provision for Crown cases reserved.

50. The jurisdiction and authorities in relation to questions of law arising in criminal trials which are now vested in the Justices of either Bench and the Barons of the Exchequer by the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter seventy-eight, intituled "An Act for the further amendment of the administration of the Criminal Law," or any Act amending the same, shall and may be exercised after the commencement of this Act by the Judges of the High Court of Justice, or five of them at the least, of whom the Lord Chief Justice, the Lord Chief Justice of the Common Pleas, and the Lord Chief Baron of the Exchequer, or one of such Chiefs at least, shall be part. The determination of any such question by the Judges of the said High Court in manner aforesaid shall be final and without appeal; and no appeal shall lie from any judgment of the said High Court in any criminal cause or matter, save for some error of law apparent upon the record, as to which no question shall have been reserved for the consideration of the said Judges under the said Act of the eleventh and twelfth years of Her Majesty's reign.

Motions for new trials to be heard by Divisional Courts.

51. In proceedings in the Queen's Bench, Common Pleas, and Exchequer Divisions respectively, every motion for a new trial of any cause or matter on which a verdict has been found by a jury, or by a Judge without a jury, and every motion in arrest of judgment, or to enter judgment non obstante veredicto, or to enter a verdict for plaintiff or defendant, or to enter a nonsuit, or to reduce damages, shall be heard before a Divisional Court; and no appeal shall lie from any judgment founded upon and applying any verdict unless a motion has been made or other proceeding taken before a Divisional Court to set aside or reverse such verdict, or the judgment, if any, founded thereon, in which case an appeal shall lie to the Court of Appeal from the decision of the Divisional Court upon such motion or other proceeding.

What orders shall not be

52. No order made by the High Court of Justice or any Judge thereof, by the consent of parties, or as to costs only, being costs

which by law are left to the discretion of the Court, shall be subject to any appeal, unless by leave of the Court or Judge making such order. subject to appeal.

**53.** Subject to the provisions of this Act and of Rules of Court, the costs of and incident to every proceeding in the High Court of Justice and Court of Appeal respectively shall be in the discretion of the Court, but nothing herein contained shall deprive a trustee, mortgagee, or other person of any right to costs out of a particular estate or fund to which he would be entitled according to the rules hitherto acted on in Courts of Equity: Provided, that (subject to all existing enactments limiting, regulating, or affecting the costs payable in any action by reference to the amount recovered therein), the costs of every action, question, and issue tried by a jury shall follow the event, unless, upon application made, the Judge, at the trial or the Court shall for special cause shown and mentioned in the order otherwise direct; and any order of a Judge as to such costs may be discharged or varied by a Divisional Court: And provided also, that in all actions for libel where the jury shall give damages under forty shillings, the plaintiff shall not be entitled to more costs than damages.

Costs.

Where in any proceeding in the High Court of Justice or Court of Appeal the costs of any party to the proceeding are ordered to be paid or borne by another party to the proceeding, or by a fund or estate, those costs shall, if the Court so directs, include, in addition to the costs now allowed on taxation as between party and party, all or any other costs, charges, and expenses reasonably incurred for the purposes of the proceeding; but this enactment shall not apply to any proceeding for the recovery of a penalty.

**54.** Every order made by a Judge of the said High Court in Chambers, except orders made in the exercise of his discretion as to costs in cases where under the provisions of the next preceding section a right of appeal is not expressly given, may be set aside or discharged upon notice by any Divisional Court, or by the Judge sitting in Court, according to the course and practice of the Division of the High Court to which the particular cause or matter in which such order is made may be assigned; and no appeal shall lie from any such order, to set aside or discharge which no such motion has been made, unless by special leave of the Judge by whom such order was made, or of the Court of Appeal.

As to discharging orders made in Chambers.

**55.** In case in the Chancery Division of the High Court of Justice from the amount of business, or in any Division of the said Court from the absence of a Judge or Judges through illness, it shall be found expedient that some or one of the Ordinary Judges of the Court of Appeal appointed after the passing of this Act should assist in transacting the business of such Division, it shall be lawful for them and him so to do; and while so sitting and acting such Judge or Judges shall have all the power, jurisdiction, and authority of a Judge or Judges of the said High Court of Justice.

Provision for absence or vacancy in the office of a Judge.

**56.** Every appeal to the Court of Appeal shall, where the subject-matter of the appeal is a final order, decree, or judgment, be heard before not less than three Judges of the said Court sitting together, and shall, when the subject-matter of the appeal is an interlocutory order, decree, or judgment, be heard before not less than two Judges of the said Court sitting together.

Power of a single Judge in Court of Appeal.

Any doubt which may arise as to what decrees, orders, or judgments are final, and what are interlocutory, shall be determined by the Court of Appeal.

Any direction incidental to a proceeding in appeal, not involving the hearing of such decrees, judgments, or orders, final or interlocutory, as aforesaid, may be given by a single Judge of the Court of Appeal, and a single Judge of the Court of Appeal may at any time during vacation make any interim order to prevent prejudice to the claims of any parties pending an appeal as he may think fit; but every such order made by a single Judge may be discharged or varied by the Court of Appeal.

Constitution of Court of Appeal when hearing appeals.

**57.** No Judge of the said Court of Appeal shall sit as a Judge on the hearing of an appeal from any judgment or order made in a cause or matter heard by himself either sitting alone or with other Judges.

Arrangements for business of Court of Appeal.

**58.** All such arrangements as may be necessary or proper for the transaction of the business from time to time pending before the Court of Appeal shall be made by and under the direction of the President and the other Judges of the said Court of Appeal.

#### PART IV.

##### *Trial and Procedure.*

Assessors.

**59.** Subject to any Rules of Court and to such right as may now exist to have particular cases submitted to the verdict of a jury, the High Court or the Court of Appeal may, in any civil cause or matter as aforesaid in which it may think expedient so to do, call in the aid of one or more assessors specially qualified, and try and hear such cause or matter wholly or partially with the assistance of such assessors. The remuneration, if any, to be paid to such assessors shall be determined by the Court.

Provisions as to arbitration, &c.  
19 & 20 Vict.  
c. 102.

**60.** The provisions contained in the sections of "The Common Law Procedure Act (Ireland), 1856," in reference to arbitration, shall apply to the High Court of Justice and the several Divisions thereof, and the Judges of the same respectively, in the same manner as formerly to the Superior Courts of Common Law and the Judges of the same respectively. The powers conferred by the fifth and sixth sections of "The Common Law Procedure Act (Ireland), 1870," upon the Superior Courts of Common Law and the Judges of the same respectively shall apply to the High Court of Justice, the Divisions of the same, and the Judges of such Divisions respectively, in the same manner as formerly to the Superior Courts of Common Law and the Judges of the same respectively.

33 & 34 Vict.  
c. 109.

The provisions contained in the said last-mentioned sections, enabling actions to be remitted to the Civil Bill Courts, shall apply to ejectments for non-payment of rent commenced or pending in the High Court of Justice where the same shall be within the jurisdiction of the Civil Bill Courts. Such powers to be exercised upon such application and in such manner as shall be provided by general Rules of Court.

Provision as to making of Rules of Court before or after the commence-

**61.** The Lord Lieutenant may at any time after the passing and before the commencement of this Act, by Order in Council, made upon the recommendation of the Lord Chancellor, the Lord Justice of Appeal, the Chief Justice, the Master of the Rolls, the Chief

Justice of the Common Pleas, and the Chief Baron, or any three of them, and of the other Judges of the several Courts intended to be united and consolidated by this Act, or of a majority of such other Judges, make rules, to be styled Rules of Court, for carrying this Act into effect, and in particular for all or any of the following matters; that is to say,

- (1.) For regulating the sittings of the High Court of Justice and the Court of Appeal, and of any Divisional or other Courts thereof respectively, and of the Judges of the said High Court sitting in Chambers; and
- (2.) For regulating the pleading, practice, and procedure in the High Court of Justice and Court of Appeal, including all matters connected with writs, forms of actions, parties to actions, evidence, and mode and place of trial, and for the reporting by a competent shorthand writer of the evidence in all cases of trials by jury whenever it may be expedient or desirable to do so; and
- (3.) Generally, for regulating any matters relating to the practice and procedure of the said Courts respectively, or to the duties of the officers thereof, or of the Supreme Court, or to the costs of proceedings therein (including the costs to be allowed to solicitors of the Supreme Court in respect of business transacted in or before any of such Courts or the offices thereof, or the fees, remuneration, and expenses to be allowed to witnesses, or the fees to be payable to or receivable by sheriffs for the discharge of any duties under this Act or in obedience to the order of the Supreme Court, or any Division or Master thereof), or relating to the conduct of civil or criminal business coming within the cognizance of the said Courts respectively, for which provision is not expressly made by this Act; and
- (4.) For regulating the sittings of Judges in Chambers, the issuing and hearing of summonses, and the allowance or disallowance of the expense of the attendance of counsel upon such hearings, and, generally, for the efficient despatch of Chamber business under the provisions of this Act; and
- (5.) For prescribing, regulating, or doing anything which under this Act may be prescribed, regulated, or done by Rules of Court.

From and after the commencement of this Act, the Lord Lieutenant may at any time, with the concurrence of a majority of the Judges of the Supreme Court present at any meeting for that purpose held (of which majority the Lord Chancellor shall be one), by Order in Council alter and annul any Rules of Court for the time being in force, and have and exercise the same power of making Rules of Court as is by this section vested in the Lord Lieutenant, on the recommendation of the Judges hereinbefore specified, before the commencement of this Act.

In making, altering, or annulling Rules of Court in pursuance of this Act, regard shall be had to the Rules of Court for the time being in force under the provisions of the Supreme Court of

ment of the Act.

38 & 39 Vict.  
c. 77.

Judicature Acts, 1873 and 1875, so as that the pleading, practice, and procedure in the High Court of Justice and Court of Appeal respectively constituted by this Act shall, so far as may be practicable and convenient, having regard to the difference of the laws and circumstances of the two countries, be the same as the pleading, practice, and procedure in the High Court of Justice and Court of Appeal respectively constituted by the said Acts.

All Rules of Court made in pursuance of this part of this Act shall be laid before each House of Parliament within such time and shall be subject to be annulled in such manner as is in this Act provided.

All Rules of Court made in pursuance of this part of this Act, if made before the commencement of this Act, shall, from and after the commencement of this Act, and if made after the commencement of this Act, shall, from and after the time when they come into operation, regulate all matters to which they extend, until annulled or altered in pursuance of this Act.

The powers to make Rules of Court contained in this section are not to affect special provisions in this Act enabling rules to be made in particular instances.

The Rules contained in the schedule to this Act (which shall be read and taken as part of this Act) shall come into operation immediately on the commencement of this Act, and as to all matters to which they extend shall thenceforth regulate the proceedings in the High Court of Justice and the Court of Appeal respectively, unless and until, by the authority herein provided in that behalf, any of them may be altered or varied; but such Rules, and also all Rules to be made before the commencement of this Act as herein mentioned, shall, for all the purposes of this Act, be Rules of Court capable of being annulled or altered by the same authority by which any other Rules of Court may be made, altered, or annulled after the commencement of this Act.

Circuits and  
assizes.

**62.** The Lord Lieutenant may from time to time, after the commencement of this Act, by Order in Council, re-arrange the circuits or reduce their number, and direct what counties and towns shall be upon each circuit. All Orders in Council made in pursuance of this section shall be laid before each House of Parliament within such time and shall be subject to be annulled in such manner as is in this Act provided.

Winter assizes.  
39 & 40 Vict.  
c. 57.

**63.** "The Winter Assizes Act, 1876," (excepting section 5,) shall from and after the passing of this Act extend to Ireland, and all the powers thereby vested as to England in Her Majesty shall as to Ireland be vested in and may be exercised by the Lord Lieutenant, by and with the advice and consent of the Privy Council in Ireland, and every Order of the Lord Lieutenant in Council made in pursuance of the said Act, and published in the Dublin Gazette, shall have the like effect in Ireland as an Order in Council made in pursuance of the said Act would have in England, and provision may be made by such Order for the hearing and despatch at any winter assizes as well of criminal business as also of such civil business as may be by such Order prescribed.

Rules of Courts  
of Probate and

**64.** All Rules and Orders of Court which shall be in force in the Court of Probate and the Court for Matrimonial Causes and

Matters respectively at the time of the commencement of this Act, except so far as they shall by Rules of Court be expressly varied, shall remain and be in force in the High Court of Justice and in the Court of Appeal respectively in the same manner in all respects as if they had been Rules of Court under this Act.

for Matrimonial Causes to be Rules of the High Court.

**65.** Subject to any Rules of Court to be made under and by virtue of this Act, the practice and procedure in all criminal causes and matters whatsoever in the High Court of Justice, including the practice and procedure with respect to Crown cases reserved, shall be the same as the practice and procedure in similar causes and matters before the passing of this Act.

Criminal procedure, subject to future rules, to remain unaltered.

In cases on the Crown side of the Queen's Bench Division a writ of error to the House of Lords may issue in like manner, and subject to like conditions and permission, and in respect of like proceedings, as such writ would have issued from the Court of Queen's Bench if this Act had not been passed.

**66.** Nothing in this Act, or in any Rules of Court to be made by virtue hereof, save so far as relates to the power of the Court for special reasons to allow depositions or affidavits to be read, shall affect the mode of giving evidence by the oral examination of witnesses in trials by jury, or the rules of evidence, or the law relating to jurymen or juries.

Act not to affect rules of evidence.

**67.** Save as by this Act or by any Rules of Court may be otherwise provided, all forms and methods of procedure which at the commencement of this Act were in force in any of the Courts whose jurisdiction is hereby transferred to the said High Court, and to the said Court of Appeal, respectively, under or by virtue of any law, custom, general orders, or rules whatsoever, and which are not inconsistent with this Act or any Rules of Court, may continue to be used and practised in the said High Court of Justice, and the said Court of Appeal, respectively, in such and the like cases, and for such and the like purposes, as those to which they would have been applicable in the respective Courts of which the jurisdiction is so transferred if this Act had not passed.

Saving of existing procedure of Courts when not inconsistent with this Act or rules.

**68.** Where any provisions in respect of the practice or procedure of any Courts, the jurisdiction of which is transferred by this Act to the High Court of Justice or the Court of Appeal, are contained in any Act of Parliament, Rules of Court may be made for modifying such provisions to any extent that may be deemed necessary for adapting the same to the High Court of Justice and the Court of Appeal.

Additional power as to regulation of practice and procedure by Rules of Court.

Any provisions relating to the payment, transfer, or deposit into, or in, or out of any Court of any money or property, or to the dealing therewith, shall, for the purposes of this section, be deemed to be provisions relating to practice and procedure.

**69.** Every general rule, Order in Council, rule of Court, and general order required by this Act to be laid before each House of Parliament, shall be so laid within forty days next after it is made, if Parliament is then sitting, or if not, within forty days after the commencement of the then next ensuing session ; and if an address is presented to Her Majesty by either House of Parliament, within the next subsequent one hundred days on which the said House shall have sat, praying that any such rule or order may be annulled,

Orders and rules to be laid before Parliament, and may be annulled on address from either House.

Her Majesty may thereupon by Order in Council annul the same, and the rule or order so annulled shall thenceforth become void and of no effect, but without prejudice to the validity of any proceedings which may in the meantime have been taken under the same.

Councils of Judges to consider procedure and administration of justice.

**70.** A Council of the Judges of the Supreme Court, of which due notice shall be given to all the said Judges, shall assemble once at least in every year, on such day or days as shall be fixed by the Lord Chancellor, with the concurrence of the Lord Chief Justice, for the purpose of considering the operation of this Act and of the Rules of Court for the time being in force, and also the working of the several offices and the arrangements relative to the duties of the officers of the said Courts respectively, and of inquiring and examining into any defects which may appear to exist in the system of procedure or the administration of the law in the High Court of Justice or the said Court of Appeal, or in any other Court from which any appeal lies to the said High Court or any Judge thereof, or to the Court of Appeal; and they shall report annually to the Chief Secretary to the Lord Lieutenant of Ireland what (if any) amendments or alterations it would in their judgment be expedient to make in this Act, or otherwise relating to the administration of justice, and what other provisions, (if any,) which cannot be carried into effect without the authority of Parliament, it would be expedient to make for the better administration of justice. An Extraordinary Council of the said Judges may also at any time be convened by the Lord Chancellor.

Acts of Parliament relating to former Courts to be read as applying to Courts under this Act.

**71.** All Acts of Parliament relating to the several Courts and Judges whose jurisdiction is hereby transferred to the High Court of Justice and the Court of Appeal respectively, or wherein any of such Courts or Judges are mentioned or referred to, shall be construed and take effect, so far as relates to anything done or to be done after the commencement of this Act, as if the High Court of Justice or the Court of Appeal, and the Judges thereof, respectively, as the case may be, had been named therein instead of such Courts or Judges whose jurisdiction is so transferred respectively; and in all cases not hereby expressly provided for in which, under any such Act, the concurrence or the advice or consent of the Judge or any Judges, or of any number of the Judges, of any one or more of the Courts whose jurisdiction is hereby transferred to the High Court of Justice is made necessary to the exercise of any power or authority capable of being exercised after the commencement of this Act, such power or authority may be exercised by and with the concurrence, advice, or consent of the same or a like number of Judges of the High Court of Justice: Provided always, that any provisions of such Acts inconsistent with the provisions of this Act shall be and the same are hereby repealed.

## PART V.

### *Officers and Offices.*

Transfer of existing staff of officers to Court of Judicature.

**72.** The Receiver Master and the Accountant-General in Chancery, and the Masters in the Courts of Common Law, the Clerk of the Crown and Hanaper, the Clerk of the Crown of the Court of Queen's Bench, and the Taxing Masters, Secretaries, Registrars,



Clerk of Records and Writs, Examiner in the Court of Chancery, Registrar of the consolidated Nisi Prius Court, Clerks of the Rules and Pleadings and Record Assistants, Chief and other Clerks, Commissioners to take oaths or affidavits, or the acknowledgment of deeds by married women, Stamp Distributors, Messengers, Court and Office Keepers, Hall Porters, Tipstaves, Criers, and other officers and assistants at the time of the commencement of this Act attached to any Court or Judge whose jurisdiction is hereby transferred to the High Court, or to the Court of Appeal, and also all Registrars, Clerks, officers, and other persons at the time of the commencement of this Act engaged in the preparation of commissions or writs, or in the registration of judgments or any other ministerial duties in aid of or connected with any Court the jurisdiction of which is hereby transferred to the said Courts respectively, also all persons who were officers of or connected with the late Masters of the Court of Chancery, or their offices, shall, from and after the commencement of this Act, be attached to the Supreme Court of Judicature consisting of the High Court of Justice and the Court of Appeal.

The officers so attached shall have the same rank and hold their offices by the same tenure and upon the same terms and conditions, and receive the same salaries, and, if entitled to pensions, be entitled to the same pensions, as if this Act had not passed; any such officer who is removable by the Court to which he is now attached shall be removable by the Court or Division to which he shall be attached under this Act, or by the majority of the Judges thereof, for the same causes as heretofore.

Provided, however, that the existing Third Assistant in the Writ and Seal Office and the existing Clerk of Errors shall not be entitled to the benefit of this provision, and shall cease to be officers of the High Court upon an order of the Lord Chancellor to that effect without being entitled to compensation.

The existing Registrars, Assistant Registrars, and Clerks to the Registrars in the Chancery Registrars office, and also the existing officers of the three law courts, shall, so long as they continue officers of the Courts, retain any right of succession secured to them by Act of Parliament, so as to entitle those who are thus secured in their respective offices, or in any substituted offices, to the succession to appointments with similar or analogous duties and with equivalent salaries.

All officers who at the time of the commencement of this Act shall be attached to the Court of Chancery, or any Judge or Master thereof, shall be attached to the Chancery Division of the High Court of Justice; all officers who at the time of the commencement of this Act shall be attached to the Landed Estates Court, or the Judges thereof, shall be attached to the Land Judges of the Chancery Division; all officers who at the time of the commencement of this Act shall be attached to the Court of Queen's Bench shall be attached to the Queen's Bench Division of the said High Court; and all officers who at the time of the commencement of this Act shall be attached to the Court of Common Pleas shall be attached to the Common Pleas Division of the said High Court; and all officers who at the time of the commencement of this Act shall be attached to the Court of Exchequer shall be attached to the Exchequer

Division of the said High Court; and all officers who at the time of the commencement of this Act shall be attached to the Court of Probate and the Court for Matrimonial Causes and Matters shall be attached to the Probate and Matrimonial Division of the said High Court.

All clerks and other officers attached to any existing Judge who under the provisions of this Act shall become a Judge of the High Court of Justice or of the Court of Appeal shall continue attached to such Judge, and shall perform the same duties as those which they have hitherto performed, or duties analogous thereto, and shall have the same rank, and hold their offices by the same tenure and upon the same terms and conditions, and receive the same salaries, and, if entitled to pensions, be entitled to the same pensions, as if this Act had not passed.

The distribution of business among the officers so attached to the said respective Divisions, the duties to be discharged by them, and any re-arrangement connected therewith, shall be regulated, controlled, and directed by Rules of Court.

If the services of any existing officer attached in manner aforesaid to a Division shall not be required in the Division to which he is attached, it shall be lawful for the Lord Chancellor, with the concurrence of the other Presidents of Divisions, or two of them, by order, to transfer such officer to some other office of the High Court of Justice, or some Division thereof, subject, however, to the conditions herein-after imposed as to the nature of the duties he is to perform.

The following offices shall at dates to be fixed by the Lord Chancellor, with the concurrence of the Treasury, but within two years from the commencement of this Act, be consolidated in manner following: the Taxing Offices of the Common Law Courts and of the Landed Estates Court with the Taxing Office of the Court of Chancery, so as to have but one Taxing Office for the Supreme Court and the several Courts and Divisions thereof; the Office of Accountant in the Landed Estates Court with the Office of Accountant-General in the Court of Chancery, so as to have but one accounting department for the Supreme Court and all Courts and Divisions thereof; the Writ and Seal Office of the Law Courts with the Record and Writ Office in Chancery, so as to have but one office out of which all writs and summonses to commence proceedings in the High Court or any Division thereof may issue, and in which the records of all proceedings therein may be preserved; and the Notice Office of the Landed Estates Court with the Notice Office of the Court of Chancery.

Subject to the provisions in this Act as to tenure and salary of existing officers, and as to the discharge by them of analogous duties only, the Lord Chancellor, the Chief Justice, the Chief Justice of the Common Pleas, and the Chief Baron, or any two of them, of whom the Lord Chancellor shall be one, with the concurrence of the Treasury, may, by order, consolidate any other offices of the Courts whose jurisdiction is hereby transferred to the Supreme Court in any cases where the union of the existing Courts into one Supreme Court shall render it no longer necessary or expedient to retain such offices separate.

The distribution of business in the offices so united and consolidated, and the duties to be discharged by the officers thereof, shall be regulated and directed by Rules of Court.

All other officers and persons (if any) hereby attached to the Supreme Court, for the regulation of whose duties provision has not been herein-before made, shall have their duties defined by the Lord Chancellor.

An existing officer hereby attached to the Supreme Court or any Court or Division thereof shall not be required to discharge any duties which are not either the same as or similar or analogous to those which he performed immediately before the commencement of this Act; and in case of question as to the duties proposed to be imposed upon an officer being similar or analogous, the Lord Chancellor shall decide, having regard to the rank and position previously held by such officer.

The Lord Chancellor may, with the consent of the Treasury, increase the salary of any officer who is by this Act attached to the Supreme Court, or any Court, Division, or Judge thereof, and whose duties are increased by reason of the passing of this Act.

In case it shall appear to the Lord Chancellor that, by reason of the consolidation or abolition of offices under the provisions of this Act, the continuance of the services of any officer holding during good behaviour, or during good behaviour subject to removal for cause by some Court or Judge, is unnecessary, the Lord Chancellor may, with the concurrence of the Treasury, make arrangements for the release of such officer from his duties, and thereupon it shall be in the power of the Treasury to award to such officer such compensation as, having regard to his period of service, to the tenure of the office held by him, the Treasury shall consider just and reasonable: Provided always, where such officer shall have served for any period not exceeding fifteen years, the annual amount so to be awarded shall not be more than one half of the salary and emoluments of the office held by him, and for each year of completed service exceeding fifteen years there shall be awarded in addition one thirtieth part of the salary and emoluments of the office, but in no case shall the sum awarded exceed three fourth parts of the salary and emoluments of such office: Provided also, that in addition to any compensation to be awarded under the foregoing provisions the Lord Chancellor, with the concurrence of the Treasury, may award to any officer having by statute any right of succession to a position of higher rank and emolument such further compensation in respect of such right as, having regard to the circumstances of the case and to the amount awarded under the foregoing provisions, shall appear just and reasonable: Provided also, that no such officer appointed before the passing of this Act shall be so released without his consent.

In every case in which the compensation awarded under such special circumstances affecting the tenure or position of an officer as are above referred to shall exceed the amount which might be awarded under the provisions of the seventh section of the Superannuation Act, 1859, without a special minute being laid before Parliament, the compensation shall be awarded by special minute of the Treasury, stating the reasons for it, and a copy of the minute

shall be laid before Parliament within fourteen days of the date of the minute, if Parliament be then sitting, or if not, then within fourteen days of its next meeting.

Any existing officer attached to any existing Court or Judge whose jurisdiction is abolished or transferred by this Act, and whose emoluments or statutory rights of promotion or succession are affected by the passing of this Act, shall be entitled to prefer a claim to the Treasury; and the Treasury, if it shall consider his claim to be established, shall have power to award to him such sum, either by way of compensation or as an addition to his salary, as it thinks just, having regard to the tenure of office by such officer and to the other circumstances of the case.

Appointment  
of future offi-  
cers of Supreme  
Court.

**73.** Subject to the provisions in this Act contained as to existing officers of the Courts whose jurisdiction is hereby transferred to the Supreme Court, the Lord Chancellor, the Chief Justice, the Chief Justice of the Common Pleas, and the Chief Baron, or any two of them, of whom the Lord Chancellor shall be one, with the concurrence of the Treasury, shall, within two years from the commencement of the Act, determine what officers, clerks, or other persons holding subordinate positions, requisite for the permanent organisation of the official staff of the Supreme Court, and every Court and Division thereof, shall be retained or employed; and may, with the like concurrence, abolish any unnecessary office, or reduce, or in case of additional duties increase, the salary of an office, or alter the designation or duties thereof, notwithstanding that the patronage thereof may be vested in an existing Judge: Provided always, that if and when under the provisions of this Act any office shall be abolished to which any junior officer shall have by statute a direct or qualified right of succession, such compensation shall be given to such last-mentioned officer in respect of the loss of such right of succession as to the Lord Chancellor, with the concurrence of the Treasury, shall seem just.

When a vacancy occurs in any office after the passing of this Act, an appointment shall not be made thereto for the period of one month without the assent of the Lord Chancellor given with the concurrence of the Treasury; and further the Lord Chancellor may, with the concurrence of the Treasury, suspend the making any appointment to such office for any period not later than the first day of December one thousand eight hundred and seventy-nine, and may, if it be necessary, make provision in such manner as he thinks fit for the temporary discharge in the meantime of the duties of such office.

Subject to the provisions of this Act preserving their patronage to existing Judges, all offices which may not be abolished in manner aforesaid shall continue, and shall when vacant be filled up in manner following:

All junior clerkships in the High Court of Justice shall be filled up by open competition, but this provision shall not apply to any person holding any office or clerkship at the time of the passing of this Act.

The Lord Chancellor shall, with the concurrence of the Civil Service Commissioners, make regulations as to the qualification of candidates, and the subjects of examination.

All officers attached to the High Court, or the Chancery Division thereof, who have been heretofore appointed by the Master of the Rolls or Vice-Chancellor, save those appointed by competition as aforesaid, shall continue, while so attached, to be appointed by the Master of the Rolls and Vice-Chancellor and their successors respectively in the same manner and on the same conditions and occasions as heretofore.

All officers of the Chancery Division attached to the Land Judges, heretofore appointed by such Judges, or who under the provisions of this Act shall be attached to the Land Judges, save those appointed by competition as aforesaid, shall be appointed by them with such approval as heretofore.

All other officers attached to the Divisions of the High Court shall, save those appointed by competition as aforesaid, be appointed for each such Division by the President thereof.

All officers attached to any Judge shall be appointed by the Judge to whom they are attached.

Subject to these provisions, all officers assigned to perform duties with respect to the Supreme Court of Judicature generally, or attached to the High Court of Justice generally, or the Court of Appeal, and all Commissioners to take oaths or affidavits in the Supreme Court, and all officers for whose appointment other provision is not expressly made in this section, shall be appointed by the Lord Chancellor.

Provided, however, that all officers attached to the Supreme Court of Judicature, or to the High Court, or to any Division or Judge thereof, who have been heretofore appointed by the Lord Lieutenant, shall not be appointed without the approval of the Lord Lieutenant.

Any statutable power existing at the passing of this Act to enable any officer or officers of any Court to appoint to any office, or to employ any persons in duties appertaining to any office, is hereby repealed, and the right of appointing to such offices, if they shall be continued, shall vest, in the case of offices attached to Divisions, in the Presidents of the Divisions, and in all other cases in the Lord Chancellor, but no vacancy in any of such offices shall be filled without the concurrence of the Treasury. Nothing herein contained shall affect or be taken as affecting the right of appointment at present vested in the district registrars of the Court of Probate, under the Act twentieth and twenty-first Victoria, chapter seventy-nine, section one hundred and fourteen.

Any qualification required for appointment to any office by any statute in force at the commencement of this Act shall continue.

Any officer of the Supreme Court of Judicature, or of the Court of Appeal, or of the High Court, or of any Division or Judge thereof (other than such officers attached to the person of a Judge as are removable by him at his pleasure) may be removed by the person having the right of appointment to the office held by him, with the approval of the Lord Chancellor, for reasons to be assigned in the order of removal.

The authority of the Supreme Court of Judicature, and of the Court of Appeal and of the High Court of Justice, over all or any of the officers attached to the said Courts, or any of them generally,

with respect to any duties to be discharged by such officers respectively, may be exercised by the Lord Chancellor, and over the officers attached to any Division of the High Court by the President of such Division, with respect to any duties to be discharged by them respectively.

Powers of commissioners to administer oaths.

**74.** Every person who is or shall be authorised to administer oaths in any of the Courts whose jurisdiction is hereby transferred to the High Court of Justice shall be a commissioner to administer oaths in all causes and matters whatsoever which may from time to time be depending in the said High Court or in the Court of Appeal; and every such commissioner, if a solicitor, is hereby authorised to exercise his functions as such commissioner in any part of Ireland without regard to any limit of place specified in his commission. And all answers, disclaimers, examinations, and affidavits in causes or matters depending in any of the Courts whose jurisdiction is hereby transferred to the High Court of Justice or Court of Appeal, or in the said High Court of Justice or Court of Appeal, and also acknowledgments required for the purpose of enrolling any deed in any of the said Courts, or affidavits to memorials for the purpose of registering deeds in Ireland, shall and may be sworn and taken in England or Scotland, or the Isle of Man, or the Channel Islands, or in any colony, island, plantation, or place under the dominion of Her Majesty in foreign parts, before any judge, court, notary public, or person lawfully authorised to administer oaths in such country, colony, island, plantation, or place respectively, or before any of Her Majesty's consuls or vice consuls in any foreign parts out of Her Majesty's dominions; and the Judges and other officers of the several Divisions of the said High Court or Court of Appeal, and also the Registrar and other officers of the Office for the Registry of Deeds in Ireland shall take judicial notice of the seal or signature, as the case may be, of any such court, judge, notary public, person, consul, or vice consul attached, appended, or subscribed to any such answers, disclaimers, examinations, and affidavits, acknowledgments, memorials, or other documents to be used in the said High Court, or in any of the Divisions thereof, or in the Court of Appeal, or in the Office for the Registry of Deeds in Ireland.

Receiver Master.

**75.** After the passing of this Act no successor to the existing Receiver Master shall be appointed; and it shall be lawful for the Lord Lieutenant, with the consent of the Lord Chancellor, to release the existing Receiver Master from the further discharge of his duties in the same manner, and upon the same terms, as the Lord Chancellor was empowered to release the other Masters by the Chancery (Ireland) Act, 1867; and upon the death, resignation, or release of such existing Receiver Master, the powers and duties in Lunacy matters vested in and performed by the Receiver Master, other than those connected with the management of land, shall be exercised and performed by the Lord Chancellor and the officers attached to him according to the course of procedure in the Chancellor's court and offices; and the powers and duties vested in and performed by such Receiver Master in reference to the management of landed estates, and the supervision and control of receivers over the same, shall be exercised by the Land Judges, and all matters and business

30 & 31 Vict.  
c. 44.

which shall be then pending in the office of such Receiver Master in reference to receivers appointed over any estate by or in pursuance of any order of the Court of Chancery, or any of the Judges or Masters thereof, or of the Lord Chancellor entrusted by the Queen's Sign Manual with jurisdiction in Lunacy, and the accounting of such receivers, and the letting and management of the estates over which any such receiver shall have been appointed, shall be thereupon transferred to the said Land Judges, and shall thenceforth, subject to any Rules of Court to be made by the Lord Chancellor, with the concurrence of the Land Judges or either of them, be prosecuted and conducted before such Judges or one of them in the same manner as the same would have been prosecuted or conducted before the Receiver Master if this Act had not been passed; and all matters and business, other than as aforesaid and other than the audit of public accounts, which shall be then pending in the office of such Receiver Master shall, subject to Rules of Court and to the power of transfer, be distributed among the Judges of the Chancery Division of the said High Court as the Lord Chancellor, with the concurrence of any two of the Judges of the said Division, shall direct.

Any references to appoint receivers over land which may be made by any Judge of the High Court of Justice, including the Lord Chancellor entrusted in Lunacy as aforesaid, after the death, resignation, or release of said Receiver Master, shall be made to the said Land Judges, or one of them, and the accounting of the receivers appointed either under such references or by the Land Judges themselves, or by any other Judge, and the control of such receivers, and the management of the estates over which they shall be appointed, shall be exercised by the Land Judges.

Provided always, that nothing herein contained shall prevent any Judge, or the Lord Chancellor intrusted in Lunacy as aforesaid, from himself appointing a receiver over land, or over personal estate other than land, in any case in which he shall think it expedient to do so; and in any such case the Judge may, if he shall think it expedient, and in all cases in which he shall appoint a receiver over personal estate other than land he shall, by order direct that all subsequent proceedings with regard to such receiver shall be taken in his own Court, and thereupon all such proceedings shall be taken before such Judge or his officers.

Appeals from any orders made by the said Land Judges with regard to any matters connected with receivers or the management of land shall lie to the Court of Appeal and not to the Court or Judge by whom reference to them to appoint or take the accounts of a receiver shall have been made, and no order so made shall require to be confirmed by such last-mentioned Court or Judge.

Subject to any Rules of Court, and unless the Court or Judge by whom any such reference shall be made shall otherwise order, all sums of money received by any receiver shall, after payment of or providing for the necessary outgoings of and allowances in respect of the estate over which he shall be so appointed, be lodged to the credit of the cause or matter in which the reference to the Land Judges shall have been made, or shall be paid by

said receiver according to the orders of the Judge to whom such cause or matter is attached.

The jurisdiction to audit certain public accounts (including accounts of the Commissioners of Charitable Donations and Bequests in Ireland), and every other jurisdiction (if any) not in reference to causes, matters, or proceedings in Chancery, now vested in the Receiver Master, shall (unless the Lord Lieutenant in Council shall otherwise direct), after the death, resignation, or release of the existing Receiver Master, vest in and be exercised by the Local Government Board for Ireland. It shall be lawful for the Lord Lieutenant in Council at any time and from time to time after the passing of this Act to make such rules and regulations as to the Lord Lieutenant in Council shall seem fit for providing for the complete, proper, and efficient exercise by the Local Government Board, or by such other authority or authorities, or person or persons as by the Lord Lieutenant in Council may be appointed in that behalf, of the jurisdiction or jurisdictions aforesaid.

The officers connected with the office of the Receiver Master shall (subject to the provisions herein-after contained) be transferred and attached to the Land Judges, and the said officers shall be employed in duties similar or analogous to those which they at present discharge, and they shall hold their offices by the same tenure and upon the same terms and conditions, and receive the same salaries, and, if entitled to pensions, be entitled to the same pensions, and such salaries and pensions shall be chargeable upon and payable out of the same funds, as if this Act had not been passed.

Notwithstanding anything herein-before provided, it shall be lawful for the Lord Lieutenant in Council to transfer and attach to the Local Government Board, or to any other authority or person appointed to exercise any jurisdiction now vested in the Receiver Master, any of the said officers heretofore engaged in the performance of duties connected with any jurisdiction which shall, under or in pursuance of this Act, be vested in such Board, authority, or person, and to require any of the said officers to perform such duties connected with the said jurisdiction, and similar or analogous to those which they at present perform, in such manner, and subject to such authority and control, as the Lord Lieutenant in Council may prescribe, and also to require any of the officers hereby transferred and attached to the Land Judges to give assistance, by the discharge of any duties similar or analogous to those which they at present discharge, to the Local Government Board, or any other authority or person exercising any jurisdiction which shall under or in pursuance of this Act be vested in such Board, authority, or person, at such times, in such manner, and subject to such control and conditions as the Lord Lieutenant in Council may prescribe.

Provided also, that all the powers relating to existing officers of the Courts, and to the reorganization and new arrangement of offices herein contained, shall also apply to the officers of the Receiver Master.

General orders shall be made by the Lord Chancellor with the concurrence of the Land Judges, or either of them, to regulate the practice and procedure connected with the matters the subject of this section.



The duties imposed upon the Land Judges by this section (so long as there shall be two such Judges) shall be discharged by the junior Judge for the time being; and in distributing the other business of the Land Judges between them, regard shall be had to this provision.

The Lord Lieutenant, with the consent of the Lord Chancellor, may, if he shall think fit, before the commencement of this Act, exercise the powers by this section conferred with respect to the release of the Receiver Master from the further discharge of his duties, and in such case, or in case of vacancy in the office before the commencement of this Act, the several provisions in this section contained shall take effect, and such of the same as relate to the Land Judges shall be applicable and shall apply to the Judges of the Landed Estates Court, and such as relate to the Judges of the Chancery Division shall be applicable and shall apply to the Judges of the Court of Chancery. †

**76.** There shall be paid to every salaried officer appointed in pursuance of this Act such salary out of moneys provided by Parliament as may be determined by the Treasury with the concurrence of the Lord Chancellor.

Salaries and pensions of officers.

An officer attached to the person of a Judge shall not be entitled to any pension or compensation in respect of his retirement from or the abolition of his office except so far as he may be entitled thereto independently of this Act; but every other officer to be hereafter appointed in pursuance of this part of this Act, and whose whole time shall be devoted to the duties of his office, shall be deemed to be employed in the permanent Civil Service of Her Majesty, and shall be entitled as such to a pension or compensation in the same manner, and upon the same terms and conditions, as the other permanent civil servants of Her Majesty are entitled to pension or compensation.

**77.** Clerks of Assize and Nisi Prius on circuit and at winter assizes may be appointed and paid in the same manner as heretofore. Clerks of Nisi Prius in Dublin may be appointed by the existing Chief Judges of the Queen's Bench, Common Pleas, and Exchequer Divisions, and shall be paid as heretofore; but such right of appointment shall not be continued to their successors, and other provisions shall be made for the discharge of the duties now discharged by such clerks under the provisions of this Act relating to future offices of the High Court.

Clerks of Assize and Nisi Prius.

**78.** From and after the commencement of this Act, all persons admitted as solicitors, attorneys, or proctors of or by law empowered to practise in any Court, the jurisdiction of which is hereby transferred to the High Court of Justice or the Court of Appeal, shall be called Solicitors of the Court of Judicature, and shall be entitled to the same privileges and be subject to the same obligations, so far as circumstances will permit, as if this Act had not passed; and all persons who from time to time, if this Act had not passed, would have been entitled to be admitted as solicitors, attorneys, or proctors of or been by law empowered to practise in any such Courts, shall be entitled to be admitted and to be called Solicitors of the Court of Judicature and shall be admitted by the Lord Chancellor, and shall, so far as circumstances will permit, be entitled as such

Solicitors and attorneys.

solicitors to the same privileges and be subject to the same obligations as if this Act had not passed.

Any solicitors, attorneys, or proctors to whom this section applies shall be deemed to be officers of the Court of Judicature; and that Court, and the High Court of Justice, and the Court of Appeal respectively, or any Division or Judge thereof, may exercise the same jurisdiction in respect of such solicitors or attorneys as any one of Her Majesty's superior courts of law or equity might previously to the passing of this Act have exercised in respect of any solicitor or attorney admitted to practise therein.

## PART VI.

### *Jurisdiction of Inferior Courts.*

Rules of law to apply to inferior courts.

**79.** The several rules of law enacted and declared by this Act shall be in force and receive effect in all Courts whatsoever in Ireland, so far as the matters to which such Rules relate shall be respectively cognizable by such Courts. And Rules of Court as to pleading, practice, and procedure, empowered to be made by Order in Council as herein-before provided, shall be applicable to Recorders Local Courts of Record in Ireland, or to such one or more of them, and to such extent and in such manner only as the said Order may direct.

## PART VII.

### *Miscellaneous Provisions.*

Transfer of books and papers to Court of Judicature.

**80.** All books, documents, papers, and chattels in the possession of any Court, the jurisdiction of which is hereby transferred to the High Court of Justice or to the Court of Appeal, or of any officer or person attached to any such Court, as such officer, or by reason of his being so attached, shall be transferred to the Supreme Court of Judicature, and shall be dealt with by such officer or person in such manner as the High Court of Justice or the Court of Appeal may by order direct; and any person failing to comply with any order made for the purpose of giving effect to this section shall be guilty of a contempt of the Court making such order.

Saving as to circuits, &c.

**81.** This Act, except as herein is expressly directed, shall not, unless or until other commissions are issued in pursuance thereof, affect the circuits of the Judges or the issue of any Commissions of Assize, Nisi Prius, Oyer and Terminer, Gaol Delivery, or other commissions for the discharge of civil or criminal business on circuit or otherwise, or any patronage vested in any Judges going circuit, or the position, salaries, or duties of any officers transferred to the Court of Judicature who are now officers of the Courts of Common Law in Ireland, and who perform duties in relation to either the civil or criminal business transacted on circuit.

Saving as to Lord Chancellor.

**82.** This Act, except so far as herein is expressly directed, shall not affect the office of Lord Chancellor, nor the rank, salary, or pension attached to such office; and the officers in the Lunacy Department, and the officers personally attached to or connected with the Lord Chancellor, shall continue attached to him in the same manner as if this Act had not passed; and all duties which any officer of the Court of Chancery may now be required to perform in aid of any duty whatsoever of the Lord Chancellor may in like

manner be required to be performed by such officer when transferred to the Court of Judicature, and by his successors. It shall be in the power of the Lord Chancellor, with the concurrence of the Treasury, to abolish or alter the duties and designation of any offices whether in the Lunacy Department or attached to himself, and to fix the salaries of such as shall be retained, but so that no existing officer holding office during good behaviour shall receive a less salary than heretofore, or hold office otherwise than he did before.

Provisions as to Great Seal being in commission.

83. When the Great Seal of Ireland is in commission, the Lords Commissioners shall represent the Lord Chancellor for the purposes of this Act, save that as to the Presidency of the Court of Appeal, and the appointment or approval of officers, or the sanction to any order for the removal of officers, or any other act to which the concurrence or presence of the Lord Chancellor is hereby made necessary, the powers given to the Lord Chancellor by this Act may be exercised by the Senior Lord Commissioner for the time being.

## PART VIII.

### *Court Fees.*

84. The Lord Chancellor, with the advice and consent of the other Presidents of the Divisions of the High Court, or any one of them, and with the concurrence of the Treasury, may, either before or after the commencement of this Act, by order, fix the fees and per-centages to be taken in the High Court of Justice or in the Court of Appeal, or any office connected therewith, or by any officer of those Courts or the Lord Chancellor or other Judge of those Courts, which officer is paid wholly or partly out of public moneys, and may from time to time by order increase, reduce, or abolish all or any of such fees and per-centages, and appoint new fees and per-centages to be taken in the said Courts or offices or any of them, or by any such officer as aforesaid.

Fixing and collection of fees in High Court and Court of Appeal.

All such fees and per-centages shall (save as otherwise directed by the order) be paid into the receipt of Her Majesty's Exchequer and be carried to the Consolidated Fund, and with respect thereto the following rules shall be observed :

- (1.) The fees and per-centages shall (except so far as the order may otherwise direct) be taken by stamps, and if not taken by stamps shall be taken, applied, accounted for, and paid over in such manner as may be directed by this order :
- (2.) Such stamps shall be impressed or adhesive, as the Treasury may from time to time direct :
- (3.) The Treasury, with the concurrence of the Lord Chancellor, may from time to time make such rules as may seem fit for publishing the amount of the fees and regulating the use of such stamps, and for prescribing the application thereof to documents from time to time in use or required to be used for the purposes of such stamps, and for ensuring the proper cancellation of adhesive stamps, and for keeping accounts of such stamps :
- (4.) Any document which ought to bear a stamp in pursuance of this Act, or any order made thereunder, shall not be received, filed, used, or admitted in evidence unless and

until it is properly stamped within the time prescribed by the rules under this section regulating the use of stamps, but if any such document shall, through mistake or inadvertence, be received, filed, or used without being properly stamped, the Lord Chancellor or the court may, if he or it shall think fit, order that the same be stamped as in such order may be directed; and on such document being stamped accordingly, the same, and every proceeding relating thereto, shall be as valid as if such document had been properly stamped in the first instance; provided that no document shall be stamped as aforesaid contrary to the provisions of any other Act of Parliament for the time being in force, nor without payment of any penalty prescribed by any such Act:

- (5.) The Commissioners of Inland Revenue shall keep such separate accounts of all money received in respect of stamps under this Act, and under any orders made in pursuance thereof, as the Treasury may from time to time direct, and, subject to the deduction of any expenses incurred by those Commissioners in the execution of this section, the money so received shall, under the direction of the Treasury, be carried to and form part of the Consolidated Fund:
- (6.) Any person who forges or counterfeits any such stamp, or uses any such stamp knowing the same to be forged or counterfeit, or to have been previously cancelled or used, shall be guilty of forgery, and be liable on conviction to penal servitude for a term not exceeding seven years, or to imprisonment with or without hard labour for a term not exceeding two years.

An order under this section may abolish any existing fees and per-centages which may be taken in the said courts or offices or any of them, or by the said officers or any of them, but subject to the provisions of any order made in pursuance of this section, the existing fees and per-centages shall continue to be taken and accounted for in the existing manner. All orders made in pursuance of this section shall be laid before each House of Parliament within such time and shall be subject to be annulled in such manner as is in this Act provided.

## PART IX.

### *Unclaimed Dividends in Bankruptcy.*

Amendment of the Irish Bankrupt and Insolvent Act, 1857, with respect to the unclaimed dividend account.

20 & 21 Vict.  
c. 60.

**85.** From and after the passing of this Act, sections eighty-four and two hundred and ninety-seven of the Irish Bankrupt and Insolvent Act, 1857, shall be and the same are hereby repealed, and the following provisions shall thereupon be in force and have effect:

As soon as may be after the passing of this Act, the Governor and Company of the Bank of Ireland shall, upon an order of the Lord Chancellor to be made in that behalf, transfer to the account of the Commissioners for the Reduction of the National Debt at the Bank of England all Government securities standing in the books of the Bank of Ireland at the time of the passing of this Act to the credit of an account called "the Unclaimed Dividend Account" under the Irish Bankruptcy and Insolvent Act, 1857.

As soon as the said Government securities have been so transferred, the Treasury shall by warrant direct the Governor and Company of the Bank of England to cancel such securities in their books.

The cash standing in the books of the Bank of Ireland at the time of the passing of this Act to the credit of an account called "the Unclaimed Dividend Account" under the Irish Bankrupt and Insolvent Act, 1857, or so much of the same as shall be determined by the Treasury, and all dividends and all moneys the produce of any bankrupt, arranging debtors, or insolvent estate, which shall from time to time after the passing of this Act be paid into or transferred to the credit of the "Unclaimed Dividend Account" under the provisions of section two hundred and ninety-five of the Irish Bankrupt and Insolvent Act, 1857, and which have remained unclaimed for a period of not less than five years from the time on which the same have been respectively paid into or transferred to the said account, shall be from time to time paid to the account of the Commissioners for the Reduction of the National Debt in such manner as the Treasury may direct. The Commissioners for the Reduction of the National Debt shall apply all cash transferred to their account in pursuance of this section in reduction of the National Debt in the same manner as the moneys issued to them under the Sinking Fund Act, 1875.

38 & 39 Vict.  
c. 45.

Where any Court having jurisdiction in the matter of Bankruptcy is satisfied that any person claiming is entitled to any dividend or other payment out of the moneys carried to the account of the said Commissioners under the provisions of this section, such Court may order payment of the same in like manner as it might have done if the same had not been carried to the said last-mentioned account. In case the moneys standing to the credit of the said Unclaimed Dividend Account shall at any time be insufficient to meet the payments to be made out of the same, the Treasury shall issue out of the Consolidated Fund, or out of the growing produce thereof, such sum as may appear to them to be necessary to provide for the said payments.

All salaries, allowances, damages, costs, and expenses before the passing of this Act charged on and payable out of the said Unclaimed Dividend Account, or the interest and profit arising therefrom, shall, from and after the passing of this Act, be paid out of moneys to be provided by Parliament for such purpose.

## PART X.

### *Final Appeal.*

**86.** All decisions, judgments, decrees, or orders of the Court of Appeal shall be subject to appeal to the House of Lords in the cases and under the conditions in and under which the like decisions, decrees, judgments, or orders of the Court of Appeal in Chancery in Ireland, or of the Court of Exchequer Chamber in Ireland, would have been subject to appeal to the House of Lords or to the Queen in Council if this Act had not been passed, or as may be directed by any Act of Parliament affecting the appellate jurisdiction of the House of Lords, or any powers therein contained.

Final appeal  
to the House  
of Lords.

Except as herein-before provided with respect to error in certain cases on the Crown side of the Queen's Bench Division, error or appeal from any judgment, decree, or order, subsequent to the commencement of this Act, of the High Court of Justice, or any Division or Judge thereof, or of the Courts of Admiralty or Bankruptcy, or any Judge of the same respectively, may be brought only to the Court of Appeal constituted by this Act, and not directly to the House of Lords or Queen in Council, any previous law or usage to the contrary notwithstanding.

Nothing in this Act shall prejudice any right existing at the commencement of this Act to prosecute any pending writ of error or appeal, or to bring error or appeal to the House of Lords, or to the Queen in Council, from any prior judgment or order of any Court whose jurisdiction is hereby transferred to the High Court of Justice or to the Court of Appeal.

## SCHEDULE.

The following are the rules referred to in the sixty-first section of this Act:—

### *Form of Action and Summons.*

(Form of action in High Court.)

1. All actions which have hitherto been commenced by writ of summons and plaint in the Superior Courts of Common Law in Ireland, and all suits which have hitherto been commenced by bill or information in the High Court of Chancery, shall be instituted in the High Court of Justice by a proceeding to be called an action.

All other proceedings in and applications to the High Court may, subject to Rules of Court, be taken and made in the same manner as they would have been taken and made in any Court in which any proceeding or application of the like kind could have been taken or made if this Act had not passed.

### *Writ of Summons.*

(Actions to be commenced by writ.)

2. Every action in the High Court shall be commenced by a writ of summons which shall be indorsed with a statement of the nature of the claim made, or of the relief or remedy required in the action, and which shall specify the Division of the High Court to which it is intended that the action should be assigned.

3. Every writ of summons and the indorsement thereon may be in one of the forms herein-after referred to, and any costs incurred by the use of any more prolix or other forms of writs or of indorsements thereon than the forms herein-after referred to shall be borne by the party using the same unless the court shall otherwise prescribe.

4. Every writ of summons and also every other writ shall bear date on the day on which the same shall be issued, and shall be tested in the name of the Lord Chancellor, or, if the office of Lord Chancellor shall be vacant, in the name of the Lord Chief Justice of Ireland.

5. The indorsement of claim shall be made on every writ of summons before it is issued.

6. In the indorsement it shall not be essential to set forth the precise ground of complaint, or the precise remedy or relief to which the plaintiff considers himself entitled. The plaintiff may, by leave of the Court or Judge, amend such indorsement so as to extend it to any other cause of action or any additional remedy or relief. If none of the forms herein-after referred to shall be applicable to the case, such other similarly concise form may be used as the nature of the case may require.

7. Writs of summons shall be prepared by the plaintiff or his solicitor in such manner as shall be directed by rules, and shall be sealed by the proper officer, and shall thereupon be deemed to be issued.

8. The plaintiff or his solicitor shall, on presenting any writ of summons for sealing, leave with the officer a copy of such writ, and all the indorsements thereon, and such copy shall be signed by or for the solicitor leaving the same, or by the plaintiff himself if he sues in person.

9. The officer receiving such copy shall file the same, and an entry of the filing thereof shall be made in a book to be called the Cause Book, in such manner as shall be directed by rules.

10. Except as otherwise provided by this Act, all writs of summons shall be served in the same manner respectively as process from the Court whose jurisdiction is transferred to the High Court might have been served if this Act had not been passed, and the High Court shall have the same power of directing substitution of service, or that any service already made should be deemed good, or that notice should be substituted for service, as might have been exercised by the said Courts respectively if this Act had not been passed.

11. Service of a writ of summons to recover possession of land may be made in the same manner as a summons and plaint in ejectment might have been served if this Act had not been passed.

#### *Interpleader.*

12. The procedure and practice used before the passing of this Act with respect to interpleader by Courts of Common Law in Ireland shall apply to all the Divisions of the High Court of Justice, and the application by a defendant shall be made at any time after being served with a writ of summons and before delivering a defence.

#### *Appearance.*

13. The defendant shall be bound to appear to the writ of summons at such time and in such manner as may be directed by rules.

14. It shall not be necessary for the defendant on entering an appearance to any writ of summons to file any defence or answer thereto. He shall enter an appearance by delivering to the proper officer a memorandum in writing, dated on the day of delivering the same, and containing the name of the defendant's solicitor, or stating that the defendant defends in person.

The solicitor of a defendant appearing by a solicitor shall state in such memorandum his registered residence.

A defendant appearing in person shall state in such memorandum his address, and a place to be called his address for service, which shall be in Ireland.

15. If the memorandum does not contain such address it shall not be received; and if any such address shall be illusory or fictitious, the appearance may be set aside by the Court or a Judge, on the application of the plaintiff.

16. Upon receipt of a memorandum of appearance, the officer shall forthwith enter the appearance in the Cause Book.

17. Any person not named as a defendant in a writ of summons for the recovery of land may, by leave of the Court or Judge, appear and defend, on filing an affidavit showing that he is in possession of the land either by himself or his tenant.

18. Any person appearing to defend an action for the recovery of land as landlord, in respect of property whereof he is in possession only by his tenant, shall state in his appearance that he appears as landlord.

#### *Parties.*

19. No action shall be defeated by reason of the misjoinder of parties, and the Court may in every action deal with the matter in controversy so far as regards the rights and interests of the parties actually before it. The Court or Judge may, at any stage of the proceedings, either upon or without the application of either party, in the manner prescribed by rules, and on such terms as may appear to the Court or a Judge to be just, order that the name or names of any party or parties, whether as plaintiffs or as defendants, improperly joined be struck out, and that the name or names of any party or parties, whether plaintiffs or defendants, who ought to have been joined, or whose presence before the Court may be necessary in order to enable the Court effectually and completely to adjudicate upon and settle all the questions involved in the action, be added. No person shall be added as a plaintiff suing without a next friend, or as the next friend of a plaintiff under any disability, without his own consent thereto. All parties

whose names are so added as defendants shall be served with a summons or notice in such manner as may be prescribed by rules or by any special order, and the proceedings against them shall be deemed to have begun only on the service of such summons or notice.

20. When there are numerous parties having the same interest in one action, one or more of such parties may sue or be sued, or may be authorised by the Court to defend in such action, on behalf or for the benefit of all parties so interested.

### *Pleading.*

21. Unless the defendant in an action at the time of his appearance shall state that he does not require the delivery of a statement of complaint, the plaintiff shall, within such time and in such manner as may be directed by rules, deliver to the defendant after his appearance a statement of his complaint and of the relief or remedy to which he claims to be entitled. The defendant shall, within such time and in such manner as may be directed as aforesaid, deliver to the plaintiff a statement of his defence, set-off, or counter-claim (if any), and the plaintiff shall in like manner deliver a statement of his reply (if any) to such defence, set-off, or counter-claim. Such statements shall be as brief as the nature of the case will admit, and the Court in adjusting the costs of the action shall inquire at the instance of any party into any unnecessary prolixity, and order the costs occasioned by such prolixity to be borne by the party chargeable with the same.

22. A defendant in an action may set off or set up by way of counter-claim against the claims of the plaintiff any right or claim, whether such set-off or counter-claim sound in damages or not, and such set-off or counter-claim shall have the same effect as a statement of claim in a cross action, so as to enable the Court to pronounce a final judgment in the same action, both on the original and on the cross claim. But the Court or Judge may, on the application of the plaintiff before trial, if in the opinion of the Court or Judge such set-off or counter-claim cannot be conveniently disposed of in the pending action, or ought not to be allowed, refuse permission to the defendant to avail himself thereof.

23. Every pleading shall, unless when otherwise provided by rules, contain as concisely as may be, a statement of the material facts on which the party pleading relies, but not the evidence by which they are to be proved, such statement being divided into paragraphs numbered consecutively, and each paragraph containing, as nearly as may be, a separate allegation. Dates, sums, and numbers shall be expressed in figures, and not in words. Signature of counsel shall not be necessary.

24. Every statement of claim shall state specifically the relief which the plaintiff claims, either simply or in the alternative, and may also ask for general relief; and the same rule shall apply to any counter-claim made or relief claimed by the defendant in his statement of defence. If the plaintiff's claim be for discovery only, the plaintiff's claim shall show it.

25. It shall not be sufficient for a defendant, unless where otherwise provided by rules, in his defence to deny generally the facts alleged by the statement of claim, or for a plaintiff in his reply to deny generally the facts alleged in a defence by a way of counter-claim, but each party must deal specifically with each allegation of fact of which he does not admit the truth.

26. When a contract is alleged in any pleading, a bare denial of the contract by the opposite party shall be construed only as a denial of the making of the contract in fact, and not of its legality or its sufficiency in law, whether with reference to the Statute of Frauds, or otherwise.

27. Where in any action it appears to a Judge that the statement of claim or defence or reply does not sufficiently define the issues of fact in dispute between the parties, he may direct the parties to prepare issues, and such issues shall, if the parties differ, be settled by the Judge.

28. The Court or a Judge may, at any stage of the proceedings, allow either party to alter his statement of claim or defence or reply, or may order to be struck out or amended any matter in such statements respectively which may be scandalous or which may tend to prejudice, embarrass, or delay the fair trial of the action, and all such amendments shall be made as may be necessary for the purpose of determining the real questions or question in controversy between the parties; and all parties shall have also such further powers of amendment as may be prescribed by rules.



29. A demurrer to any statement may be filed in such manner and form as may be prescribed by rules.

30. Where any action is brought to recover a debt or damages, any defendant may, at any time after service of the writ, and before or at the time of delivering his defence, or by leave of the Court or a Judge at any later time, pay into Court a sum of money by way of satisfaction or amends. Payment into Court shall be pleaded in the defence, and the claim or cause of action in respect of which such payment shall be made shall be specified therein.

31. The parties may, as may be directed by rules, after the writ of summons has been issued, concur in stating the questions of law arising in the action in the form of a special case for the opinion of the Court.

### *New Trial Motions.*

32. A new trial shall not be granted on the ground of misdirection or of the improper admission or rejection of evidence unless, in the opinion of the Court to which the application is made, some substantial wrong or miscarriage has been thereby occasioned in the trial of the action; and if it appear to such Court that such wrong or miscarriage affects part only of the matter in controversy, the Court may give final judgment as to part thereof, and direct a new trial as to the other part only, and a new trial may be ordered on any question in an action, whatever be the grounds for the new trial, without interfering with the finding or decision upon any other question.

### *Appeals.*

33. All appeals to the Court of Appeal shall be by way of re-hearing, and shall be brought by notice of motion in a summary way, and no petition, case, or other formal proceeding other than such notice of motion shall be necessary. The appellant may by such notice of motion appeal from the whole or any part of any judgment or order, and the notice of motion shall state whether the whole or part only of such judgment or order is complained of, and in the latter case shall specify such part.

34. The notice of appeal shall be served upon all parties directly affected by the appeal, and it shall not be necessary to serve parties not so affected; but the Court of Appeal may direct notice of the appeal to be served on all or any parties to the action or other proceeding, or upon any person not a party, and in the meantime may postpone or adjourn the hearing of the appeal upon such terms as may seem just, and may give such judgment and make such order as might have been given or made if the persons served with such notice had been originally parties. Any notice of appeal may be amended at any time as to the Court of Appeal may seem fit.

35. The Court of Appeal shall have all the powers and duties as to amendment and otherwise of the Court of First Instance, together with full discretionary power to receive further evidence upon questions of fact, such evidence to be either by oral examination in Court, by affidavit, or by deposition taken before an examiner or commissioner. Such further evidence may be given without special leave upon interlocutory applications, or in any case as to matters which have occurred after the date of the decision from which the appeal is brought. Upon appeals from a judgment after trial or hearing of any cause or matter upon the merits, such further evidence (save as to matters subsequent as aforesaid) shall be admitted on special grounds only, and not without special leave of the Court. The Court of Appeal shall have power to give any judgment and make any order which ought to have been made, and to make such further or other order as the case may require. The powers aforesaid may be exercised by the said Court, notwithstanding that the notice of appeal may be that part only of the decision may be reversed or varied, and such powers may also be exercised in favour of all or any of the respondents or parties, although such respondents or parties may not have appealed from or complained of the decision. The Court of Appeal shall have power to make such order as to the whole or any part of the costs of the appeal as may seem just.

36. It shall not under any circumstances be necessary for a respondent to give notice of motion by way of cross appeal, but if a respondent intends upon the hearing of the appeal to contend that the decision of the court below should be varied, he shall, within such time as may be prescribed by rules, give notice of such intention to any parties who may be affected by such contention. The omission to give such notice shall not diminish

the powers conferred by the Act upon the Court of Appeal, but may in the discretion of the Court be ground for an adjournment of the appeal, or for a special order as to costs.

37. The forms of writs and pleadings referred to in these rules are the forms prescribed in the several appendices to "The Supreme Court of Judicature Act, 1875."

*Exceptions from the Rules.*

38. Nothing in these rules shall affect the practice or procedure in any of the following causes or matters :

Criminal proceedings.

Proceedings on the Crown side of the Queen's Bench Division.

Proceedings on the Revenue side of the Exchequer Division.

Proceedings in the Probate and Matrimonial Division.

Proceedings before the Land Judges of the Chancery Division.

## CHAPTER 58.

An Act to continue for one year the Police (Expenses) Act, 1875. [14th August 1877.]

38 & 39 Vict.  
c. 48.

**W**HEREAS by the Police (Expenses) Act, 1875, it is enacted that so much of any Act as limits the amount authorised to be contributed by the Commissioners of Her Majesty's Treasury out of moneys provided by Parliament towards the expenses of any police force in Great Britain to a particular amount, or a particular proportion of any annual sum or charge specified in such Act, shall, during the continuance of that Act, be repealed, and it was further enacted that that Act should continue in force until the first day of September one thousand eight hundred and seventy-six :

39 & 40 Vict.  
c. 64.

And whereas by the Police (Expenses) Continuance Act, 1876, the said Act was continued in force until the first day of September one thousand eight hundred and seventy-seven :

And whereas it is expedient that the said Act should be further continued for a period of one year :

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,)

Short title.

**1.** This Act may be cited as The Police (Expenses) Continuance Act, 1877.

Continuance of  
Act till 1st  
Sept. 1878.

**2.** The Police (Expenses) Act, 1875, shall continue in force till the first day of September one thousand eight hundred and seventy-eight.

## CHAPTER 59.

An Act to amend the Law with respect to the Transfer of Stock forming part of the Public Debt of any Colony, and the Stamp Duty on such Transfer.

[14th August 1877.]

**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 :

*Application of Act.*

1. Where provision has been made by the legislature of a colony and otherwise for the inscription and transfer in a register kept in the United Kingdom by some bank, colonial officer, or person (which bank, officer, or person is in this Act referred to as the registrar) of any stock forming the whole or part of the public debt of such colony, and the government of such colony cause a declaration under the seal of such colony, or by some person in that behalf authorised under that seal, stating such provision, and identifying the stock with respect to which it has been made, to be left with the Commissioners of Inland Revenue, those Commissioners, upon payment of the proper fee, shall record the same; and such record and declaration shall be open to inspection at all reasonable times, in manner directed by the said Commissioners, upon payment of the proper fee.

Registration by colony with Commissioners of Inland Revenue of colonial stock to which this Act applies.

Upon such declaration being recorded, this Act shall apply to the stock specified in the declaration, and this Act shall not apply to any colonial stock not specified in a declaration recorded as provided by this section.

The proper fee for the purposes of this section shall be such fee not exceeding, in the case of recording a declaration, five pounds, and in the case of inspection five shillings, as the Commissioners of Her Majesty's Treasury from time to time fix, and shall be paid into the Exchequer.

*Stamp Duty on Colonial Stock to which this Act applies.*

2. On the transfer in the register, whether on sale or otherwise, of colonial stock to which this Act applies, there shall be charged in lieu of any other stamp duty, a stamp duty of two shillings and sixpence for every full sum of one hundred pounds, and also for every fraction less than one hundred pounds, or over and above one hundred pounds or a multiple of one hundred pounds, of the nominal amount of stock transferred:

Stamp duty on stock to which this Act applies.

Provided that a transfer made for effecting the appointment of a new trustee shall not be charged with any higher duty than ten shillings.

3. Upon payment to the Commissioners of Inland Revenue by the government of a colony by way of composition for the stamp duty on the transfer of the stock of that colony to which this Act applies, of seven shillings and sixpence for every full sum of one hundred pounds and for every fraction less than one hundred pounds, or over and above one hundred pounds or a multiple of one hundred pounds, of the nominal amount of such stock inscribed in the name of each and every stockholder, transfers of the stock in respect of which such composition has been paid shall be exempt from stamp duty.

Composition for stamp duty on transfer of stock to which this Act applies.

The registrar shall from time to time give to the Commissioners of Inland Revenue such information as they may require respecting the stock of any colony inscribed in the register kept by him.

*Transfers and Dividends.*

4. Colonial stock to which this Act applies, while inscribed in a register kept in the United Kingdom, shall be transferred as follows:

Transfer of colonial stock to which this Act applies.

- (1.) The transfer shall be made only in the register, and shall be signed by the transferor,—or, if he is absent, by his attorney thereunto lawfully authorised by some writing executed under his hand and seal and attested :
- (2.) The transferee may, if he thinks fit, underwrite his acceptance of the transfer :
- (3.) The executors or administrators of a deceased stockholder shall alone be recognised by the registrar as having any title to the stock or any dividend thereon :
- (4.) The person becoming entitled to any stock or dividend thereon in consequence of the death, bankruptcy, or marriage of the stockholder, or of any devolution in law from the stockholder, or otherwise than by transfer of the stock, shall produce such evidence of his title as may be reasonably required by the registrar, but the person so becoming entitled to any stock may transfer such stock to another person without being registered himself.

Closing of register for dividend.

5. The registrar may, for such period not exceeding fourteen days as he may from time to time fix previous to each payment of dividend on any colonial stock to which this Act applies, close the register of that stock as regards transfers, upon giving not less than seven days notice of such closing by advertisement in some newspaper circulating generally in the place where the register is kept.

The persons who on the day of such closing are inscribed as stockholders shall as between them and their transferees of colonial stock be entitled to the dividend then next payable thereon.

Dividends in case of infancy, &c. of a joint stockholder.

6. Where colonial stock to which this Act applies is standing in the name of an infant or person of unsound mind jointly with any person not under legal disability, a letter of attorney for the receipt of the dividends on the stock shall be sufficient authority in that behalf, if given under the hand and seal of the person not under disability, and attested.

5 & 6 Will. 4. c. 62.

The registrar, before acting on the letter of attorney, may require proof to his satisfaction of the alleged infancy or unsoundness of mind, by the declaration of competent persons made under the Statutory Declarations Act, 1835, or in such other manner as he may reasonably require.

#### *Stock Certificates to Bearer.*

Stock certificate to bearer.

7. The registrar, if so authorised by the government of a colony issuing stock to which this Act applies, shall on application and payment of the fees and stamp duty, if any, chargeable in respect of the certificate, grant to a stockholder a certificate (in this Act called a stock certificate to bearer) which shall entitle the bearer to the stock therein described, and shall be transferable by delivery.

There shall be attached to such certificate coupons entitling the bearer or person named in the coupons to the dividends on the stock for a limited period.

Any stock in respect of which a stock certificate to bearer has been so issued shall, so long as such certificate is outstanding, cease to be dealt with through the medium of the register.

A coupon so issued shall be deemed to be a cheque on a banker within the meaning of any law or enactment for the time being in force relating to cheques other than any enactment relating to stamp duties.

8. Where a composition has not been paid in respect of the stamp duty chargeable on the transfer of any stock to which this Act applies, a stock certificate to bearer issued in respect of that stock shall be charged with a stamp duty of two shillings and sixpence for every full sum of one hundred pounds, and also for every fraction less than one hundred pounds, or over and above one hundred pounds or a multiple of one hundred pounds, of the nominal amount of stock described in such certificate.

Stamp duty on stock certificate to bearer.

9. On the expiration of the period for which the coupons attached to a stock certificate to bearer have been issued under this Act, the certificate may be exchanged for another certificate with coupons for a further period: Provided, that the certificate issued in exchange, if the stamp duty has not been compounded, shall be duly stamped, but in such case the Commissioners of Inland Revenue shall, on production to them of both certificates duly stamped, and subject to such regulations as they may from time to time make, grant allowance for the stamp on the former certificate.

Renewal of coupons or certificate.

10. On delivery to the registrar of a stock certificate to bearer issued under this Act and of all unpaid coupons belonging thereto, the registrar shall enter the bearer in the register as proprietor of the stock described in the certificate, and thereupon that stock shall become transferable and the dividends thereon payable as if no stock certificate to bearer had been issued in respect of that stock.

Conversion into nominal stock of stock in certificate to bearer.

11. If the bearer of a stock certificate to bearer issued under this Act insert therein the name, address, and quality of some person, such certificate shall cease to be transferable, and the person so named, or some person deriving title from him by devolution in law, shall alone be recognised by the registrar as entitled to the stock described in the certificate, and shall be entitled to be entered in the register as proprietor of that stock in like manner as if he were the bearer of a stock certificate to bearer, but if deriving his title by devolution in law he shall produce such evidence of his title as the registrar may reasonably require.

Conversion of stock certificate to bearer into nominal certificate.

12. A trustee shall not apply for or hold a stock certificate to bearer issued under this Act, unless expressly authorised to do so by the terms of his trust. But this provision shall not impose on the registrar an obligation to inquire whether a person applying for a stock certificate to bearer is or is not a trustee, or subject the registrar to any liability in the event of his issuing a stock certificate to bearer to a trustee, or invalidate any stock certificate to bearer issued.

Trustee not to apply for stock certificate to bearer.

13. If any stock certificate to bearer issued under this Act is lost, mislaid, or destroyed, the registrar shall, on such indemnity being given as he may reasonably require, and on payment of the expense of the issue, issue a fresh stock certificate to bearer in the place of the certificate so lost, mislaid, or destroyed.

Loss of stock certificate to bearer.

14. Stock described in a stock certificate to bearer issued under this Act shall, save as relates to the mode of transfer and payment

Stock in certificate to bearer to have incidents

of other stock,  
except as to  
transfer, &c.

of dividends, be subject to the same incidents in all respects as if it had continued to be transferable in the register.

*Register.*

Notice of trust.

**15.** No notice of any trust in respect of any colonial stock, or of any certificate thereof, or of any coupon annexed to such certificate, shall be entered in the register or receivable by the registrar or by the government of the colony.

Entry in re-  
gister of con-  
ditions and  
regulations.

**16.** The registrar may, before the inscription of any stock, make with respect to the transfer of such stock, or otherwise in relation to such stock, reasonable regulations not inconsistent with the provisions of this Act.

A printed copy of the documents containing the authority for and conditions of the issue of stock to which this Act applies, and of all regulations with respect to the transfer of such stock or otherwise in relation to such stock, shall be entered in the register of the stock.

Register to be  
evidence.

**17.** The register kept in pursuance of this Act shall on its mere production from the custody of the registrar be evidence of all matters entered therein, and, as regards persons entered therein as proprietors of colonial stock to which this Act applies, of the title of those persons to that stock.

Information to  
be given re-  
specting regis-  
ter.

**18.** The registrar shall keep in a separate book a list of the stockholders on whose stock the dividends have been unclaimed for ten years, together with their registered addresses and description, and such list shall be open for inspection at the usual hours of transfer upon payment of such fee, not exceeding two shillings and sixpence, as may be fixed by the regulations.

The registrar shall give within a reasonable time after application a certificate stating the following particulars in relation to any colonial stock of which he is registrar, or any part of such stock, or such of those particulars as may be required by the applicant, namely,—

- (a.) The total amount issued by the colony, and the total inscribed in the register; and
- (b.) The total number of the persons in whose names the stock or part is originally inscribed, or after the register of such stock or part has been once closed as regards transfers, the total number of the stockholders at the last preceding date at which the transfer books were closed; and
- (c.) The total number of each class of persons in whose names the stock or part is originally inscribed, or after the register of the stock or part has been once closed as regards transfers of each class of stockholders at the last preceding date at which the transfer books were closed, the classification being according to the amount held, omitting fractions of two hundred pounds; and
- (d.) A copy or extract certified by the registrar or by some officer appointed for the purpose to be a true copy or extract of any conditions or regulations required by this Act to be entered in the register.

— Provided that the registrar shall not be required to give any such certificate in relation to any colonial stock, or part of such stock,

until after the expiration of one month after the stock or part of the stock to which the certificate relates has been inscribed.

Within a reasonable time after the application of any person who is a stockholder of any colonial stock to which this Act applies, the registrar shall give him a list of the registered names and addresses of the stockholders of such stock at the last preceding date at which the register was closed as regards transfers.

The registrar before giving a certificate or list under this section may require payment of such fee not exceeding five shillings and a further sum of twopence for every folio of seventy-two words, or in the case of a list of names and addresses of sixpence for each name and address, as the registrar may from time to time fix.

Any certificate or list given under this section shall be admissible in evidence.

#### *Miscellaneous.*

19. The declaration respecting colonial stock to which this Act applies, recorded with the Commissioners of Inland Revenue, and the document containing the conditions of the issue of the stock, and every prospectus and notice inviting persons to subscribe for or take the stock, and every stock certificate to bearer, and every coupon and dividend warrant and every other certificate and document issued to a stockholder in relation to stock held by him, shall state that the revenues of the colony alone are liable in respect of the stock and the dividends thereon, and that the Consolidated Fund of the United Kingdom and the Commissioners of Her Majesty's Treasury are not directly or indirectly liable or responsible for the payment of the stock or of the dividends thereon, or for any matter relating thereto, and if the Commissioners of Her Majesty's Treasury require the statement to be made in any particular terms, those terms shall be adopted.

Particulars to be contained in prospectus, certificates, &c.

A declaration not in conformity with this section shall not be recorded, and every person publishing or issuing or entering in the register any such document, prospectus, notice, stock certificate, coupon, warrant, certificate or document as aforesaid not in conformity with this section shall be liable to a penalty not exceeding fifty pounds.

20. In any legal proceeding in a court in the United Kingdom in relation to the register of colonial stock to which this Act applies, or to an entry in or omission from such register, or to a right or title to or interest in any such colonial stock, or any dividend thereon, the jurisdiction of such court shall not be objected to on the ground only that the registrar is the agent of a colonial government, and the registrar, whether a party or not to such proceeding, shall comply with any order made by such court in relation to the matters aforesaid.

Jurisdiction of courts as to colonial stock.

Any person claiming to be interested in colonial stock to which this Act applies, or in any dividend thereon, may present a petition of right in England in relation to such stock or dividend, and the like proceedings may be had upon such petition as in the case of any other petition of right, subject to this qualification, that the certificate of the judgment, decree, rule, or order of the court may be left with the registrar instead of with the Commissioners of Her

Majesty's Treasury, and such judgment, decree, rule, or order shall be complied with by the registrar or other agent of the colonial government having possession in England of moneys of such government instead of by the Commissioners of Her Majesty's Treasury.

Forgery of transfers of stock and of stock certificates, and personation of owners of stock, &c.  
33 & 34 Vict. c. 58.

**21.** For the purposes of the Act of the session of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, chapter ninety-eight, intituled "An Act to consolidate and amend the Statute Law of England relating to indictable offences by forgery," colonial stock to which this Act applies shall be deemed to be capital stock of a body corporate.

The Forgery Act, 1870, shall apply to a stock certificate and a coupon issued in pursuance of this Act, and to colonial stock to which this Act applies, in like manner as if the same were a stock certificate, coupon, or stock mentioned in that Act.

Stock to which Act applies to be personal estate.  
Fees.

**22.** Colonial stock to which this Act applies shall be personal estate, and shall not be liable to any foreign attachment by the custom of London or otherwise.

**23.** The registrar may charge such fees (if any) in respect of any certificate issued under this Act with reference to colonial stock and in respect of any transfer thereof in the register, and otherwise in respect of any act done by the registrar with respect to such stock, as may be fixed by the government issuing the stock, not exceeding in any case five shillings.

All fees charged by the registrar in pursuance of this Act may be retained by him for his own use.

Control of discretion of registrar.

**24.** Any discretion or power vested by this Act in the registrar shall, subject to any agreement between the registrar and the government of the colony issuing the stock inscribed in the register kept by such registrar, be exercised subject to and in accordance with the directions of that government.

Saving for transfer of stock to colony.

**25.** Nothing in this Act shall prevent any colonial stock inscribed in the register being transferred upon the application of the stockholder to a register in the colony or elsewhere.

Definitions.

**26.** In this Act, unless the context otherwise requires, The expression "colony" means any dominion, colony, island, territory, province, or settlement situate within Her Majesty's dominions, but not within the United Kingdom, the Channel Islands, or Isle of Man, and not forming part of India as defined for the purposes of the Acts for the time being in force relating to the Government of India; and for the purposes of this Act the whole of the dominion, colonies, islands, territories, provinces, and settlements under one central legislature, and also such part of the said dominion and such of the said colonies, islands, territories, provinces, and settlements as is under a local legislature is deemed to be a colony:

The expression "legislature" means any bodies or body of persons or person who can exercise legislative authority in a colony, and where there are local legislatures as well as a central legislature, includes both each of the local legislatures and the central legislature:

The expression "colonial stock" includes any share or interest in colonial stock:



The expression "register" includes any books kept by the registrar for the purpose of colonial stock in which the names and addresses of the several persons for the time being entitled to such stock, and the amounts to which they are entitled, and the transfers thereof, are entered :

The expression "stockholder" means a person holding colonial stock, being entered as proprietor thereof in the register kept under this Act :

The expression "person" includes a corporation :

The Act of the session of the fifth and sixth years of the reign of Her present Majesty, chapter sixty-two, intituled "An Act to repeal an Act of the present session of Parliament, intituled "An Act for the more effectual abolition of oaths and affirmations taken and made in various departments of the State, and to substitute declarations in lieu thereof, and for the more entire suppression of voluntary and extra-judicial oaths and affidavits"; and to make other provisions for the abolition of unnecessary oaths," is in this Act referred to, and may be cited in any declaration made thereunder for the purposes of this Act, as The Statutory Declarations Act, 1835.

27. This Act may be cited as The Colonial Stock Act, 1877.

Statutory Declarations Act, 1835.  
Short title.

## CHAPTER 60.

An Act to provide for the Registration and Regulation of Canal Boats used as Dwellings. [14th August 1877.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. After the expiration of twelve months after the commencement of this Act, or if the regulations of the Local Government Board herein-after mentioned have not at that time come into force, then after the expiration of six months from the date at which they have come into force, a canal boat shall not be used as a dwelling unless it has been registered in accordance with this Act.

Registration of use of canal boat as dwelling.

The owner of a canal boat may register that boat with the registration authority herein-after mentioned as a dwelling for such number of persons of the specified age and sex as may be allowed under the provisions of this Act; and the boat shall be used as a dwelling only for the number of persons of the age and sex for which it is registered.

If a canal boat is used as a dwelling in contravention of this Act, the master of the boat, and also the owner of the boat, if he is in fault, shall each be liable to a fine not exceeding twenty shillings for each occasion on which the boat is so used.

2. The Local Government Board shall make regulations, and may from time to time revoke and vary such regulations—

Local Government Board to make regulations for registration, fixing number of persons, promoting cleanliness, and preventing infectious disease.

(1.) For the registration of canal boats under this Act, including certificates of registration, and the fees in connexion with such registration; and

(2.) For the lettering, marking, and numbering of such boats; and

- (3.) For fixing the number, age, and sex of the persons who may be allowed to dwell in a canal boat, having regard to the cubic space, ventilation, provision for the separation of the sexes, general healthiness, and convenience of accommodation of the boat; and
- (4.) For promoting cleanliness in and providing for the habitable condition of canal boats; and
- (5.) For preventing the spread of infectious disease by canal boats.

The registration authority shall register every canal boat which conforms to the conditions of registration provided by the said regulations for the number of persons allowed by those regulations to dwell therein.

Certificate of registry and lettering and numbering of boat.

3. Upon the registry of a boat under this Act, the registration authority shall give to the owner thereof two certificates of registry, identifying the owner and the boat, and stating the place to which the boat is registered as belonging, and the number, age, and sex of the persons allowed to dwell in the boat, and such other particulars as may be provided by regulations under this Act, or may seem fit to the registration authority, and the master shall have the care of one of such certificates.

Every canal boat when registered shall be lettered, marked, and numbered in some conspicuous manner (as directed by the regulations made under this Act), and such lettering, marking, and numbering shall include the word "registered," and the name of the place to which the boat is registered as belonging, and the registered number.

Any boat not lettered, marked, and numbered in conformity with this section, or having the letter, mark, or number altered, defaced, or obliterated, shall be deemed, for the purposes of this Act, to be an unregistered canal boat.

Power of sanitary authority for prevention of infectious disease in canal boats.

4. Where any sanitary authority within whose district a canal or any part of a canal is situate is informed by the master of a canal boat or otherwise that a person on a canal boat is suffering from an infectious disorder, the authority shall cause such steps to be taken as may by the certificate of their medical officer of health, or of any other legally qualified practitioner, appear requisite for preventing the said disorder from spreading, and for that purpose may exercise the power of removing a person suffering as aforesaid, and all other powers in relation to provisions against infection conferred by the Public Health Act, 1875, and may also, if need be, detain the boat; but such boat shall not be detained a longer time than is necessary for cleansing and disinfecting the same.

38 & 39 Vict. c. 55.

Authorised person may enter boat, &c.

5. Where any person duly authorised by a registration or sanitary authority, or by a justice of the peace, has reasonable cause to suppose, either that there is any contravention of this Act on board a canal boat, or that there is on board a canal boat any person suffering from an infectious disorder, he may, on producing (if demanded) either a copy of his authorisation, purporting to be certified by the clerk or a member of the sanitary authority, or some other sufficient evidence of his being authorised as aforesaid enter by day such canal boat and examine the same and every

part thereof, in order to ascertain whether on board such boat there is any contravention of this Act, or a person suffering from an infectious disorder, and may, if need be, detain the boat for the purpose, but for no longer time than is necessary.

The master of the boat shall, if required by such person, produce to him the certificate of registry (if any) of the boat, and permit him to examine and copy the same, and shall furnish him with such assistance and means as such person may require for the purpose of his entry and examination of and departure from the boat in pursuance of this section.

A refusal to comply with the requisition of such person under this section shall be deemed to be an obstruction of such person.

If such person is obstructed in the performance of his duty under this Act in the case of any boat, the person so obstructing shall be liable to a fine not exceeding forty shillings.

6. A child in a canal boat registered in pursuance of this Act, and his parent, shall for the purposes of the Elementary Education Acts, 1870, 1873, and 1876, be deemed, subject as herein-after mentioned, to be resident in the place to which the boat is registered as belonging, and shall be subject accordingly to any byelaw in force under the said Acts in that place.

Provided that if the parent satisfies the school board or school attendance committee having authority in that place, that the child is actually attending school, or is under efficient instruction in accordance with the said Acts, in some other school district, the said board or committee shall grant him without charge a certificate to that effect, and thereupon he and his child shall be deemed for the purposes aforesaid to be resident in the school district in which the child is so attending school, or under efficient instruction, and shall be subject to any byelaw in force therein.

The said certificate may on application by the parent be rescinded or varied by the school board or school attendance committee for the place to which the boat is registered as belonging, and may be rescinded without application by any such board or committee, if they are satisfied, after due notice to the parent, that his child is not properly attending school or under efficient instruction in the school district mentioned in the certificate.

7. For the purpose of the registration of canal boats the registration authority shall be such one or more of the sanitary authorities having districts abutting on a canal as may from time to time be prescribed by regulation of the Local Government Board.

A canal boat shall be registered with some registration authority having a district abutting on the canal on which such boat is accustomed or intended to ply.

With a view of determining the place to which a canal boat belongs, for the purpose of the Elementary Education Acts, 1870, 1873, and 1876, the registration authority shall register any canal boat in respect of which an application is made for registration as belonging to some place which is either a school district or is part of a school district, and is situate wholly or partly within the jurisdiction of the registration authority with which it is registered.

Education of children dwelling on board canal boats.

33 & 34 Vict. c. 75.

36 & 37 Vict. c. 86.

39 & 40 Vict. c. 79.

Registration authority.

33 & 34 Vict. c. 75.

36 & 37 Vict. c. 86.

39 & 40 Vict. c. 79.

Expenses of sanitary authority.

**8.** The expenses incurred in the execution of this Act by a local authority shall be defrayed as follows :

- (1.) When they are incurred by an urban sanitary authority, a rural sanitary authority, or a port sanitary authority, they shall be defrayed out of the fund or rate out of which the expenses of such authority, as a sanitary authority under the Public Health Act, 1875, are defrayed ; provided that when they are incurred by a rural sanitary authority they shall be deemed to be general expenses ; and
- (2.) When they are incurred by a vestry or district board in the metropolis they shall be defrayed as expenses incurred by such vestry or board in the execution of the Metropolis Management Act, 1855, and the Acts amending the same.

38 & 39 Vict. c. 55.

18 & 19 Vict. c. 120.

Regulations to be laid before Parliament.

**9.** An order of the Local Government Board making, revoking, or varying any regulation in pursuance of this Act shall not come into force until it has lain in a complete form as settled and approved by the Board for forty days before both Houses of Parliament during the session of Parliament.

The Local Government Board shall take steps for enabling all persons interested in any regulations made by that Board in pursuance of this Act to obtain copies thereof at such places in the neighbourhood of canals as the Local Government Board may prescribe, on payment of such sum not exceeding sixpence as may be prescribed by that Board.

Illegal detention of certificate of registry

**10.** If the master of any canal boat illegally detains the certificate of registry of such boat, he may, on summary conviction before two justices, be directed by order of such justices to deliver up such certificate, and shall, in addition thereto, be liable to a fine not exceeding forty shillings, and the justices may direct any part of such fine to be paid to the person injured by the detention of such certificate.

Application of fees under this Act.

**11.** All fees paid in respect of registration under this Act shall be carried to the fund or rate out of which the expenses incurred in the execution of this Act by the authority making such registration are by this Act declared to be payable.

Power of canal company, &c. to establish schools.

**12.** Any company or association, corporate or unincorporate, being the owners of any canal boats, or being the owners, lessees, or undertakers of any canal, may, with the assent of a special resolution of their members, and notwithstanding any Act of Parliament, charter, or document regulating the funds of the company or association, appropriate any portion of their funds to the establishment and maintenance, or establishment or maintenance, of a school or schools wherein the children of the persons employed in canal boats may be lodged, maintained, and educated, or educated only ; with this restriction, that the children shall not be maintained gratuitously, but the lodging or education may be wholly or partially gratuitous.

A "special resolution" shall for the purposes of this Act mean a resolution passed in manner provided by the fifty-first section of the Companies Act, 1862.

25 & 26 Vict. c. 89.

Recovery of penalties.

**13.** Offences under this Act may be prosecuted, and fines under this Act may be recovered on summary conviction before two

justices having jurisdiction, either in the place to which the boat in respect of which the offence was committed is registered as belonging, or in the place where the offence is committed, or in the place where the alleged offender for the time being is, in manner provided by the Act of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled, "An Act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders," and the Acts amending the same.

**14.** In this Act, unless the context otherwise requires—

Definitions.

The expression "sanitary authority" means an urban sanitary authority, a rural sanitary authority, or a port sanitary authority; provided that in the case of the parishes mentioned in Schedule A. and the districts mentioned in Schedule B. to the Metropolis Management Act, 1855, so far as they are not within the jurisdiction of a port sanitary authority, the vestry of any such parish and the district board of any such district elected under the Metropolis Management Act, 1855, and the Acts amending the same, shall be deemed to be sanitary authorities, and where other sanitary authorities are by this Act empowered to exercise powers conferred by the Public Health Act, 1875, may exercise similar powers conferred by any Act of Parliament extending to such parishes or districts:

18 & 19 Vict.  
c. 120.

The expression "parent" includes guardian, and every person who is liable to maintain or has the actual custody of any child:

The expressions "urban sanitary authority" and "rural sanitary authority" and "port sanitary authority" have the same meaning as in the Public Health Act, 1875:

38 & 39 Vict.  
c. 55.

The expression "canal" includes any river, inland navigation, lake, or water being within the body of a county, whether it is or not within the ebb and flow of the tide:

The expression "canal boat" means any vessel, however propelled, which is used for the conveyance of goods along a canal as above defined, and which is not a ship duly registered under the Merchant Shipping Act, 1854, and the Acts amending the same:

17 & 18 Vict.  
c. 104.

The expression "owner" includes a person who, though only the hirer of a canal boat, appoints the master and other persons working such boat:

The expression "master" in relation to a canal boat means the person having for the time being command or charge of the boat.

**15.** This Act shall come into operation on the first day of January one thousand eight hundred and seventy-eight, which day is in this Act referred to as the commencement of this Act.

Commencement  
of Act.

**16.** This Act shall not extend to Scotland or Ireland.

Extent of Act.

**17.** This Act may be cited as the Canal Boats Act, 1877.

Short title.

**CHAPTER 61.**

An Act to apply a sum out of the Consolidated Fund to the service of the year ending the thirty-first day of March one thousand eight hundred and seventy-eight, and to appropriate the Supplies granted in this Session of Parliament. [14th August 1877.]

Most Gracious Sovereign,

**W**E, 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 sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

*Grant out of Consolidated Fund.*

Issue of  
14,938,668*l.*  
out of the  
Consolidated  
Fund.

**1.** The Commissioners of Her Majesty's Treasury for the time being may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to Her Majesty for the service of the year ending on the thirty-first day of March one thousand eight hundred and seventy-eight, the sum of fourteen million nine hundred and thirty-eight thousand six hundred and sixty-eight pounds.

Power for the  
Treasury to  
borrow.

**2.** The Commissioners of Her Majesty's Treasury may borrow from time to time on the credit of the said sum of fourteen million nine hundred and thirty-eight thousand six hundred and sixty-eight pounds, any sum or sums of equal or less amount in the whole, and shall repay the moneys so borrowed, with interest not exceeding five pounds per centum per annum, out of the growing produce of the Consolidated Fund at any period not later than the next succeeding quarter to that in which the said moneys were borrowed.

Any moneys so borrowed shall be placed to the credit of the account of Her Majesty's Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such fund is available.

*Appropriation of Grants.*

Appropriation  
of sums voted  
for supply  
services.

**3.** All sums granted by this Act and the other Acts mentioned in Schedule (A.) annexed to this Act out of the said Consolidated Fund towards making good the supply granted to Her Majesty, amounting, as appears by the said Schedule, in the aggregate to the sum of fifty million eight hundred and thirty thousand six hundred and twenty-eight pounds six shillings and ninepence, are appropriated and shall be deemed to have been appropriated as from the date of the passing of the first of the Acts mentioned in the said Schedule (A.) for the purposes and services expressed in Schedule (B.) annexed hereto.

The abstract of schedules and schedules annexed hereto, with the notes (if any) to such schedules, shall be deemed to be part of this Act in the same manner as if they had been contained in the body thereof.

4. If a necessity arise for incurring expenditure not provided for in the sums appropriated to naval and military services by this Act, and which it may be detrimental to the public service to postpone until provision can be made for it by Parliament in the usual course, each of the departments entrusted with the control over the said services shall forthwith make application in writing to the Commissioners of Her Majesty's Treasury for their authority to defray temporarily such expenditure out of any surpluses which may have been or which may be effected by the saving of expenditure upon votes within the same department, and in such application the department shall represent to the Commissioners of the Treasury the circumstances which may render such additional expenditure necessary, and thereupon the said Commissioners may authorise the expenditure unprovided for as aforesaid to be temporarily defrayed out of any surpluses which may have been or which may be effected as aforesaid upon votes within the same department; and a statement showing all cases in which the naval and military departments have obtained the sanction of the said Commissioners to any expenditure not provided for in the respective votes aforesaid, accompanied by copies of the representations made to them by the said departments, shall be laid before the House of Commons with the appropriation accounts of navy and army services for the year, in order that such proceedings may be submitted for the sanction of Parliament, and that provision may be made for the deficiencies upon the several votes for the said services in such manner as Parliament may determine.

Treasury may, in certain cases of exigency, authorise expenditure unprovided for; provided that the aggregate grants for the navy services and for the army services respectively be not exceeded.

The Commissioners of the Treasury shall not authorise any expenditure which may cause an excess upon the aggregate sums appropriated by this Act for naval services and for army services respectively.

5. Whereas the Commissioners of the Treasury, under the powers vested in them by the Act of the session held in the thirty-eighth and thirty-ninth years of the reign of Her present Majesty, chapter seventy-eight, have authorised expenditure not provided for in the sums appropriated by the said Act to certain votes for naval and military services for the year ended on the thirty-first day of March one thousand eight hundred and seventy-six, to be in part temporarily defrayed out of the balances unexpended in respect of the sums appropriated to certain other votes for naval and military services for the said year; viz.,

Sanction for navy and army expenditure for 1875-76 unprovided for.

- 1st. Expenditure for certain navy services unprovided for, temporarily defrayed to the extent of eighty-two thousand eight hundred and eighty-eight pounds and eightpence out of the unexpended balances of certain other votes for navy services:
- 2d. Expenditure for certain army services unprovided for, temporarily defrayed to the extent of one hundred and eighty-one thousand one hundred and ninety-nine pounds seventeen shillings, out of the unexpended balances of certain other votes for army services, and out of the sum realised in excess of the estimated appropriations in aid:

It is enacted, that the application of the said sums is hereby sanctioned.

Declaration required in certain cases before receipt of sums appropriated.

6. A person shall not receive any part of a grant which may be made in pursuance of this Act for half pay or army, navy, or civil non-effective services until he has subscribed such declaration as may from time to time be prescribed by a warrant of the Commissioners of Her Majesty's Treasury before one of the persons prescribed by such warrant.

Provided that, whenever any such payment is made at more frequent intervals than once in a quarter, the Commissioners of Her Majesty's Treasury may dispense with the production of more than one declaration in respect of each quarter.

Any person who makes a declaration for the purpose of this section, knowing the same to be untrue in any material particular, shall be guilty of a misdemeanor.

33 & 34 Vict. c. 96.  
35 & 36 Vict. c. 87.

Section seven of the Appropriation Act, 1870, and section six of the Appropriation Act, 1872, are hereby repealed as from the date at which the first warrant made by the Treasury in pursuance of this section comes into force, without prejudice to any declaration previously made, or anything previously done or suffered in pursuance of those sections.

Short title of Act.

7. This Act may be cited for all purposes as "The Appropriation Act, 1877."

## ABSTRACT

OF

SCHEDULES (A.) and (B.) to which this Act refers.

### SCHEDULE (A.)

	£	s.	d.
Grants out of the Consolidated Fund -	50,830,628	6	9

### SCHEDULE (B.)—APPROPRIATION OF GRANTS.

	£	s.	d.
Part 1. Deficiencies, 1875-76 -	119,902	6	9
„ 2. Supplementary, 1876-77 -	743,600	-	-
„ 3. Exchequer Bonds, 1876-77 -	700,000	-	-
	1,563,502	6	9
1877-78:—			
„ 4. Navy -	10,971,829	-	-
„ 5. Army -	14,598,700	-	-
„ 6. Army (Indian Home Charges)	1,000,000	-	-
„ 7. Army Purchase Commission -	505,000	-	-
„ 8. Civil Services, Class I.	1,439,873		
„ 9. Ditto, Class II.	2,625,067		
„ 10. Ditto, Class III.	5,044,724		
„ 11. Ditto, Class IV.	3,552,830		
„ 12. Ditto, Class V.	650,280		
„ 13. Ditto, Class VI.	678,507		
„ 14. Ditto, Class VII.	28,614		
TOTAL CIVIL SERVICES	14,019,895	-	-
„ 15. Revenue departments, &c.	8,029,317	-	-
„ 16. Advances for Greenwich Hospital and School	142,385	-	-
	£ 50,830,628	6	9





		£	£	
CLASS I.	Houses of Parliament - - - -	3,440		
	New Home and Colonial Offices - - - -	3,524		
	National Gallery, Enlargement - - - -	1,490		
	Harbours, &c. under the Board of Trade - - - -	1,800		
	New Courts of Justice and Offices - - - -	40,975		
	Public Offices Site - - - -	69,400		
	Purchase of Winchester House - - - -	47,000		
CLASS II.	Lighthouses Abroad - - - -	3,000		
	Embassy Houses and Legation and Consular Buildings - - - -	21,180		
	Treasury - - - -	700		
	Foreign Office - - - -	10,810		
	Colonial Office - - - -	826		
	Board of Trade - - - -	15,796		
	Civil Service Commission - - - -	850		
	Registry of Friendly Societies - - - -	872		
	Local Government Board - - - -	10,000		
	Mint - - - -	8,700		
CLASS III.	Law Charges, England - - - -	11,400		
	Queen's Bench, Common Pleas, and Exchequer Divisions of the High Court of Justice - - - -	4,900		
	Admiralty Registry of the High Court of Justice - - - -	800		
	Wreck Commissioner's Office - - - -	1,790		
	County Courts - - - -	26,252		
	Police : Counties and Boroughs - - - -	18,492		
	Reformatories and Industrial Schools, Great Britain - - - -	1,850		
	Register House Departments, Edinburgh - - - -	1,800		
	CLASS IV.	Science and Art Department - - - -	2,000	
		Arctic Expedition - - - -	550	
Paris International Exhibition - - - -		800		
CLASS V.	Diplomatic Services - - - -	31,350		
	Grants in aid of expenditure of certain colonies - - - -	46,500		
	Commissions for suppression of the slave trade - - - -	30,240		
CLASS VI.	Tonnage bounties, &c.- - - -	21,200		
	Mr. Cave's mission to Egypt - - - -	1,000		
CLASS VII.	Superannuations and Retired Allowances - - - -	13,000		
	Miscellaneous expenses - - - -	1,550		
	Mediterranean Extension Telegraph Company - - - -	6,498		
	Ashantee Expedition, gratuities and prize pay - - - -	1,820		
	Repayments to the Civil Contingencies Fund - - - -	10,908		
		491,600		
REVENUE DEPARTMENTS.				
Inland Revenue	- - - - -		54,000	
			£743,600	

## SCHEDULE (B).—PART 3.

## EXCHEQUER BONDS.

To pay off and discharge Exchequer Bonds which became due and payable during the year ending on the 31st day of March 1877 - - - - - £ 700,000

## SCHEDULE (B).—PART 4.

## NAVY.

SCHEDULE of SUMS granted to defray the charges of the NAVY SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1878 ; viz. :—

No.	£	Sums not exceeding
1. For wages, &c. to 60,000 seamen and marines - - - -	2,684,048	
2. For victuals and clothing for seamen and marines - - - -	1,178,610	
3. For the expenses of the Admiralty Office - - - -	193,890	

No.		Sums not exceeding
		£
4.	For the expense of the coast guard service, the royal naval reserve, and seamen and marine pensioners reserve, and royal naval artillery volunteers - -	207,900
5.	For the expense of the several scientific departments of the navy - -	109,002
6.	For the expense of the dockyards and naval yards at home and abroad - -	1,341,680
7.	For the expense of the victualling yards at home and abroad - -	76,930
8.	For the expense of the medical establishments at home and abroad - -	66,150
9.	For the expense of the Marine Divisions - -	21,316
{ 10.	Sect. 1. For naval stores for the building, repairing, and outfitting the fleet and coast guard - -	1,207,300
10.	Sect. 11. For steam machinery, and ships built by contract - -	1,042,000
11.	For new works, buildings, machinery, and repairs in the naval establishments - -	537,715
12.	For medicines, medical stores, &c. - -	78,010
13.	For martial law and law charges - -	8,147
14.	For the expense of various miscellaneous services - -	130,134
15.	For half pay, reserved half pay, and retirement to officers of the navy and royal marines - -	880,796
{ 16.	Sect. 1. For military pensions and allowances - -	759,940
16.	Sect. 11. For civil pensions and allowances - -	279,981
17.	For freight of ships, for the victualling and conveyance of troops, on account of the army department - -	168,280
<b>TOTAL NAVY SERVICES -</b>		<b>£ 10,971,829</b>

## SCHEDULE (B.)—PART 5.

## ARMY.

SCHEDULE of SUMS granted to defray the charges of the ARMY SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1878; viz. :—

No.		Sums not exceeding
		£
1.	For the general staff and regimental pay, allowances, and charges of Her Majesty's land forces at home and abroad, exclusive of charges on India - -	4,565,800
2.	For divine service - -	48,600
3.	For administration of martial law - -	27,500
4.	For medical establishments and services - -	243,300
5.	For militia pay and allowances - -	534,000
6.	For the yeomanry cavalry pay and allowances - -	74,400
7.	For the volunteer corps pay and allowances - -	468,700
8.	For the army reserve force pay and allowances, including enrolled pensioners - -	132,000
9.	For commissariat and ordnance store establishments, wages, &c. - -	374,800
10.	For provisions, forage, fuel, transport and other services - -	2,986,000
11.	For clothing establishments, services, and supplies - -	805,600
12.	For the supply, manufacture, and repair of warlike and other stores - -	1,120,000
13.	For superintending establishment of, and expenditure for, works, buildings, and repairs at home and abroad - -	828,700
14.	For establishments for military education - -	154,400
15.	For miscellaneous services - -	31,000
16.	For the administration of the army - -	249,100
17.	For rewards for distinguished services, &c., exclusive of charges on India - -	33,500
18.	For pay of general officers, exclusive of charges on India - -	78,600
19.	For full pay of reduced and retired officers and half pay, exclusive of charges on India - -	455,200
20.	For widows pensions, &c., exclusive of charges on India - -	123,500
21.	For pensions for wounds - -	16,700
22.	For Chelsea and Kilmainham hospitals, and the in-pensioners thereof - -	35,000
23.	For the out-pensioners of Chelsea hospital, &c., exclusive of charges on India - -	1,005,200
24.	For superannuation allowances - -	165,000
25.	For the non-effective services of the militia, yeomanry cavalry, and volunteer corps - -	42,100
<b>TOTAL ARMY SERVICES -</b>		<b>£ 14,598,700</b>

## SCHEDULE (B).—PART 6.

## ARMY (INDIAN HOME CHARGES).

For the sum to be transferred in aid of Army Grants to meet the charge incurred in recruiting and training officers and men, and in defraying the non-effective expenditure for the regular forces serving in India, which will come in course of payment during the year ending on the 31st day of March 1878 - - - £

1,000,000

## SCHEDULE (B).—PART 7.

## ARMY PURCHASE COMMISSION.

For the establishment of, and expenditure to be incurred by, the Army Purchase Commissioners, which will come in course of payment during the year ending on the 31st March 1878 - - - - - £

505,000

## SCHEDULE (B).—PART 8.

## CIVIL SERVICES.—CLASS I.

SCHEDULE of SUMS granted to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1878; viz.:—

No.		Sums not exceeding
		£
1.	For the maintenance and repair of the royal palaces - - - - -	34,105
2.	For the royal parks and pleasure gardens - - - - -	117,645
3.	For the maintenance and repair of public buildings in Great Britain; for providing the necessary supply of water; for rents of houses for the temporary accommodation of public departments, and charges attendant thereon - - -	127,437
4.	For the supply and repair of furniture in the public departments in Great Britain - - -	16,290
5.	For the buildings of the Houses of Parliament - - - - -	34,275
6.	For erecting offices in Downing Street for the Secretaries of State for the Home and Colonial Departments, and Local Government Board - - -	2,250
7.	For one half of the expense of erecting or improving court houses or offices for the sheriff courts in Scotland, and the expense of maintaining the courts erected or improved - - - - -	8,438
8.	For charges for the Customs, Inland Revenue, Post Office, and Post Office Telegraph buildings in Great Britain - - - - -	195,741
9.	For maintenance and repair of the British Museum buildings, for rents of premises, supply of furniture, and other charges attendant thereon - - -	9,337
10.	For new buildings for county courts, maintenance and repair of courts, supply of furniture, fuel, &c., and other charges attendant thereon - - - - -	48,305
11.	For erecting and maintaining new buildings, including rents, &c., for the Department of Science and Art - - - - -	12,664
12.	For the survey of the United Kingdom, including the revision of the survey of Ireland, maps for Landed Estates Court, Ireland, publication of maps, and engraving the geological survey - - - - -	133,500
13.	For maintaining certain harbours, &c. under the Board of Trade - - - - -	15,459
14.	For contribution to the funds for the establishment and maintenance of a fire brigade in the metropolis - - - - -	10,000
15.	For rates and contributions in lieu of rates in respect of Government property, and for salaries and expenses of the rating of Government property department - - -	203,991
16.	For the Wellington monument - - - - -	1,000
17.	For the erection of a Natural History Museum - - - - -	70,000
18.	For new buildings, maintenance and repair of buildings, and other expenses connected therewith, of the Metropolitan Police Courts - - - - -	10,825
19.	For the purchase of a site, erection of building, and other expenses for new courts of justice and offices - - - - -	120,325
20.	For the acquisition of lands for the purpose of the New Palace at Westminster, and for the further embankment of the river Thames - - - - -	1,082
20A.	For the acquisition of land and houses as a site for public offices - - - - -	16,000
20B.	For the purchase of the Clockmill Estate, Edinburgh - - - - -	15,000

No.		Sums not exceeding
		£
21.	For erection, repairs, and maintenance of the several public buildings in the department of the Commissioners of Public Works in Ireland - - -	177,637
22.	For erecting and maintaining certain lighthouses abroad - - -	11,660
23.	For the British embassy houses, and legation and consular buildings, including rents and furniture - - -	46,907
TOTAL CIVIL SERVICES, CLASS I. - - -		£ 1,439,873

## SCHEDULE (B.)—PART 9.

## CIVIL SERVICES.—CLASS II.

SCHEDULE of SUMS granted to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1878; viz. :—

No.		Sums not exceeding
		£
1.	For salaries and expenses in the offices of the House of Lords - - -	45,553
2.	For salaries and expenses in the offices of the House of Commons - - -	49,687
3.	For salaries and expenses of the department of Her Majesty's Treasury - - -	59,352
4.	For salaries and expenses of the office of Her Majesty's Secretary of State for the Home Department and subordinate offices - - -	89,583
5.	For salaries and expenses of the department of Her Majesty's Secretary of State for Foreign Affairs - - -	73,102
6.	For salaries and expenses of the department of Her Majesty's Secretary of State for the Colonies - - -	36,210
7.	For salaries and expenses of the department of Her Majesty's Most Honourable Privy Council and subordinate departments - - -	46,719
8.	For salaries and expenses of the office of the Committee of Privy Council for Trade, and subordinate departments - - -	178,506
9.	For salaries and expenses of the office of the Lord Privy Seal - - -	2,745
10.	For salaries and expenses of the Charity Commission for England and Wales - - -	33,255
11.	For salaries and expenses of the Civil Service Commission - - -	24,780
12.	For salaries and expenses of the office of the Copyhold, Inclosure, and Tithe Commission - - -	18,082
13.	For imprest expenses under the Inclosure and Drainage Acts - - -	8,630
14.	For salaries and expenses of the department of the Comptroller and Auditor General - - -	50,319
15.	For salaries and expenses of the Registry of Friendly Societies - - -	5,910
16.	For salaries and expenses of the Local Government Board, including various grants in aid of local taxation - - -	714,986
17.	For salaries and expenses of the office of the Commissioners in Lunacy in England - - -	15,094
18.	For salaries and expenses of the Mint, including expenses of the coinage - - -	50,200
19.	For salaries and expenses of the National Debt Office - - -	16,657
20.	For charges connected with the Patent Law Amendment Act, the Registration of Trade Marks Act, and the Registration of Designs Act - - -	24,569
21.	For salaries and expenses of the department of Her Majesty's Paymaster General in London and Dublin - - -	23,258
22.	For salaries and expenses of the Public Record Office in England - - -	22,519
23.	For salaries and expenses of the establishments under the Public Works Loan Commissioners, and the West India Islands Relief Commissioners - - -	9,836
24.	For salaries and expenses of the department of the Registrar General of Births, &c. in England - - -	46,611
25.	For stationery, printing, binding, and printed books for the two Houses of Parliament, the several departments of Government in England, Scotland, and Ireland, and some dependencies, including the salaries and expenses of the Stationery Office - - -	457,729

No.		Sums not exceeding
	£	
26.	For salaries and expenses of the office of Woods, Forests, and Land Revenues, and of the office of Land Revenue Records and Inrolments - - -	25,093
27.	For salaries and expenses of the office of the Commissioners of Her Majesty's Works and Public Buildings - - -	37,895
28.	For Her Majesty's foreign and other secret services - - -	24,000
29.	For salaries and expenses of the department of the Queen's and Lord Treasurer's Remembrancer in Exchequer, Scotland, of certain officers in Scotland, and other charges formerly on the hereditary revenue - - -	6,307
30.	For salaries and expenses of the Fishery Board in Scotland - - -	12,713
31.	For salaries and expenses of the Board of Lunacy in Scotland - - -	5,625
32.	For salaries and expenses of the department of the Registrar General of Births, &c. in Scotland - - -	6,601
33.	For salaries and expenses of the Board of Supervision for Relief of the Poor, and for Public Health and Vaccination Act, including certain grants in aid of local taxation in Scotland - - -	83,828
34.	For salaries of the officers and attendants of the household of the Lord Lieutenant of Ireland and other expenses - - -	6,998
35.	For salaries and expenses of the offices of the Chief Secretary to the Lord Lieutenant of Ireland in Dublin and London, and subordinate departments - - -	26,728
36.	For salaries and expenses connected with the boundary survey, Ireland - - -	460
37.	For salaries and expenses of the office of the Commissioners of Charitable Donations and Bequests for Ireland - - -	2,085
38.	For salaries and expenses of the Local Government Board in Ireland, including certain grants in aid of local taxation - - -	128,184
39.	For salaries and expenses of the Public Record Office, and of the Keeper of the State Papers in Ireland - - -	6,076
40.	For salaries and expenses of the office of Public Works in Ireland - - -	29,495
41.	For salaries and expenses of the department of the Registrar General of Births, &c., and for expenses of the collection of agricultural and emigration statistics in Ireland - - -	16,779
42.	For salaries and expenses of the general valuation of Ireland - - -	21,208
43.	For charge in aid of the local cost of maintenance of Pauper Lunatics in Ireland - - -	81,100
<b>TOTAL CIVIL SERVICES, CLASS II.</b> - - -		<b>£ 2,625,067</b>

## SCHEDULE (B.)—PART 10.

## CIVIL SERVICES.—CLASS III.

SCHEDULE of SUMS granted to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1878; viz.:—

No.		Sums not exceeding
	£	
1.	For the salaries of the law officers of the Crown, and the law charges, salaries, allowances, and incidental expenses, including prosecutions relating to coin, in the department of the solicitor for the affairs of Her Majesty's Treasury and of the Queen's Proctor - - -	61,487
2.	For criminal prosecutions at assizes and quarter sessions in England, including adjudications under the Criminal Justice and the Juvenile Offenders Acts, sheriffs expenses, salaries to clerks of assize and other officers, and for compensation to clerks of the peace and others, and for expenses incurred under Extradition Treaties - - -	177,710
3.	For salaries and expenses of the Chancery Division of the High Court of Justice, of the Court of Appeal, and of the Supreme Court of Judicature - - -	177,530
4.	For salaries and expenses of the Queen's Bench, Common Pleas, and Exchequer Divisions of the High Court of Justice, and for salaries and expenses of the District Registrars of the High Court, and certain circuit expenses - - -	62,660

No.	Sums not exceeding.
	£
5. For salaries and expenses of the Registries of Probate and Divorce and Matrimonial Causes, &c., in the Probate, Divorce, and Admiralty Division of the High Court of Justice	93,957
6. For salaries and expenses of the offices of the Admiralty Registrar and Marshal of the Probate, Divorce, and Admiralty Division of the High Court of Justice	13,331
6A. For salaries and expenses of the office of the Wreck Commissioner	12,292
7. For salaries and expenses of the London Bankruptcy Court	49,340
8. For salaries and expenses connected with the County Courts	421,643
9. For salaries and expenses of the Office of Land Registry	5,418
10. For salaries and expenses of the police courts of London and Sheerness	14,445
11. For salaries and expenses of the metropolitan police, including the salaries of the Commissioner, Assistant Commissioners, and Receiver, the mounted police, river police, and police van service	431,892
12. For certain expenses connected with the police in counties and boroughs in England and Wales, and with the police in Scotland	860,098
13. For the superintendence of convict establishments and for the maintenance of convicts in convict establishments in England and the Colonies	445,085
14. For the maintenance of prisoners in county and borough prisons, and of criminal lunatics in private asylums in Great Britain	99,187
15. For the maintenance of juvenile offenders in reformatory and industrial schools in Great Britain, and of the Inspectors of Reformatories	234,263
16. For the maintenance of criminal lunatics in Broadmoor Criminal Lunatic Asylum, England	28,844
17. For miscellaneous legal charges in England	18,690
17A. For salaries and expenses of the Commissioners and other Officers appointed under the 6th and 7th sections of the Prison Act, 1877	5,450
18. For salaries and expenses of the Lord Advocate's department and others connected with criminal proceedings in Scotland, including certain allowances under the Act 15 & 16 Vict. c. 83	69,608
19. For salaries and expenses of the Courts of Law and Justice in Scotland and other legal charges	61,898
20. For salaries and expenses of the offices in Her Majesty's General Register House, Edinburgh	34,614
21. For the joint departments of prisons and judicial statistics in Scotland, and for the maintenance of the General Prison at Perth (including establishment for criminal lunatics)	21,171
22. For the expense of criminal prosecutions and other law charges in Ireland, including certain allowances under the Act 15 & 16 Vict. c. 83.	85,428
23. For salaries and expenses of the Court of Chancery in Ireland	40,879
24. For salaries and expenses of the Superior Courts of Common Law in Ireland	28,626
25. For salaries and incidental expenses of the Court of Bankruptcy in Ireland	9,768
26. For salaries and expenses of the Landed Estates Court in Ireland	11,488
27. For salaries and expenses of the Court of Probate and of the District Registries in Ireland	11,548
28. For salaries and expenses of the Admiralty Court Registry in Ireland	1,700
29. For salaries and expenses of the Office for the Registration of Deeds in Ireland	19,128
30. For salaries and expenses in the Office for the Registration of Judgments in Ireland	2,800
31. For salaries and expenses of the Commissioners of Police, of the Police Courts, and of the metropolitan police establishment of Dublin	137,391
32. For the constabulary force in Ireland	1,086,930
33. For the superintendence and inspection of Government prisons, for the Office of Registrar of Habitual Criminals, and for the maintenance of convicts in Government prisons in Ireland	40,300
34. For the maintenance of prisoners in county and borough prisons, and the expenses of reformatories and industrial schools in Ireland	93,132
35. For the maintenance of criminal lunatics in Dundrum Criminal Lunatic Asylum, Ireland	6,227
36. For certain miscellaneous legal expenses in Ireland	69,666
TOTAL CIVIL SERVICES, CLASS III. - - - £	5,044,724

## SCHEDULE (B).—PART 11.

## CIVIL SERVICES.—CLASS IV.

SCHEDULE of SUMS granted to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1878; viz. :—

No.	Sums not exceeding
	£
1. For public education in England and Wales, including the expenses of the Education Office in London - - - - -	1,910,829
2. For salaries and expenses of the Department of Science and Art, and of the establishments connected therewith - - - - -	299,689
3. For salaries and expenses of the British Museum, including the amount required for furniture, fittings, &c. - - - - -	109,990
4. For salaries and expenses of the National Gallery - - - - -	6,976
5. For salaries and expenses connected with the National Portrait Gallery - - - - -	2,000
6. For grants in aid of the expenditure of certain learned societies in Great Britain and Ireland - - - - -	15,550
7. For salaries and expenses of the University of London - - - - -	10,670
8. For preparing an account of the scientific results of the expedition of Her Majesty's ship "Challenger" in 1873, 1874, 1875, 1876, to investigate the physical and biological conditions of the great ocean basins, and of arranging the collections made during the expedition - - - - -	4,000
9. For salaries and expenses of the Royal Commission appointed in connexion with the International Exhibition at Paris, 1878 - - - - -	12,500
9A. Towards defraying the expenses of the Arctic Expedition - - - - -	315
10. For public education in Scotland - - - - -	488,782
11. For salaries and expenses of the Board of Education for Scotland - - - - -	5,402
12. For grants to Scottish universities - - - - -	18,564
13. For the annuity to the Board of Trustees of manufactures in Scotland, in discharge of equivalents under the Treaty of Union, to be applied in maintenance of the National Gallery, School of Art and Antiquarian Museum, Scotland, and for the exhibition of the Torrie Collection of Works of Art, and for other purposes - - - - -	2,100
14. For public education under the Commissioners of National Education in Ireland - - - - -	645,236
15. For the salary and expenses of the Office of the Commissioners of National Education in Ireland (Endowed Schools) - - - - -	640
16. For salaries and expenses of the National Gallery of Ireland, and for the purchase of pictures - - - - -	2,389
17. For expenses of the Queen's University in Ireland - - - - -	4,694
18. In aid of the expenses of the Queen's Colleges in Ireland - - - - -	12,504
TOTAL CIVIL SERVICES, CLASS IV. - - - - -	£ 3,552,830

## SCHEDULE (B).—PART 12.

## CIVIL SERVICES.—CLASS V.

SCHEDULE of SUMS granted to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1878; viz. :—

No.	Sums not exceeding
	£
1. For expenses of Her Majesty's embassies and missions abroad - - - - -	200,725
2. For consular establishments abroad, and for expenditure under the Act 6 Geo. 4. c. 87 - - - - -	247,894
3. In aid of colonial local revenue and for the salaries and allowances of governors, &c., and for other expenses in certain colonies, including a grant in aid of the Transvaal Territory - - - - -	171,176



No.		Sums not exceeding
		£
4.	For the charge of the Orange River Territory (Cape of Good Hope) and the island of St. Helena - - - - -	2,794
5.	For expenses of the mixed commissions established under the treaties with foreign powers for suppressing the traffic in slaves, and of other establishments in connexion with that object, including the Muscat subsidy - - - - -	7,542
6.	For tonnage bounties, bounties on slaves, and expenses of the Liberated African Department - - - - -	16,037
7.	For the Emigration Board, and for certain other expenses connected with emigration from this country - - - - -	2,492
8.	For salaries and expenses of the three representatives of Her Majesty's Government on the Council of Administration of the Suez Canal Company - - - - -	1,620
TOTAL CIVIL SERVICES, CLASS V. - - - - -		£ 650,280

## SCHEDULE (B.)—PART 13.

## CIVIL SERVICES.—CLASS VI.

SCHEDULE of SUMS granted to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1878; viz. :—

No.		Sums not exceeding
		£
1.	For superannuation and retired allowances to persons formerly employed in the public service, and for compassionate or other special allowances and gratuities awarded by the Commissioners of Her Majesty's Treasury - - - - -	454,011
2.	For pensions to masters and seamen of the merchant service, and to their widows and children - - - - -	33,100
3.	For the relief of distressed British seamen abroad - - - - -	30,000
4.	For the support of certain hospitals and infirmaries in Ireland - - - - -	18,004
5.	For miscellaneous, charitable, and other allowances in Great Britain - - - - -	4,341
6.	For certain miscellaneous, charitable, and other allowances in Ireland - - - - -	4,362
7.	For the amount required to enable the Commissioners of Her Majesty's Treasury to commute annuities charged in perpetuity on the Exchequer - - - - -	8,000
8.	For making good the sum required to meet the deficiency in savings banks and friendly societies - - - - -	126,689
TOTAL CIVIL SERVICES, CLASS VI. - - - - -		£ 678,507

## SCHEDULE (B.)—PART 14.

## CIVIL SERVICES.—CLASS VII.

SCHEDULE of SUMS granted to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1878; viz. :—

No.		Sums not exceeding
		£
1.	For salaries and incidental expenses of temporary commissions - - - - -	20,069
2.	For certain miscellaneous expenses - - - - -	8,545
TOTAL CIVIL SERVICES, CLASS VII. - - - - -		£ 28,614

SCHEDULE (B.)—PART 15.

REVENUE DEPARTMENTS, &c.

SCHEDULE of SUMS granted to defray the charges of the several REVENUE DEPARTMENTS, &c. herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1878; viz. :—

No.		Sums not exceeding
		£
1.	For salaries and expenses of the Customs Department - - - -	978,315
2.	For salaries and expenses of the Inland Revenue Department - - - -	1,788,850
3.	For salaries and expenses of the Post Office services, the expenses of Post Office savings banks, and Government annuities and insurances, and the collection of the Post Office revenue (including a supplementary sum of 30,272 <i>l.</i> required for the conveyance of Correspondence) - - - -	3,261,461
4.	For the Post Office packet service - - - -	767,877
5.	For salaries and expenses of the Post Office telegraph service - - - -	1,232,814
TOTAL REVENUE DEPARTMENTS -		£ 8,029,317

SCHEDULE (B.)—PART 16.

GREENWICH HOSPITAL AND SCHOOL.

Advances during the year ending on the 31st March 1878 for defraying the expenses of Greenwich Hospital and School - - - -	£ 142,385
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CHAPTER 62.

An Act to amend the Law relating to Legal Practitioners. [14th August 1877.]

WHEREAS it is expedient to amend the law relating to legal practitioners :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title.

1. This Act may be cited as "The Legal Practitioners Act, 1877."

Surrogates or persons other than qualified practitioners not to act as such in preparing papers for obtaining or opposing grants of probate or letters of administration. 37 & 38 Vict. c. 68.

2. Any surrogate or other person not being a qualified practitioner who for or in expectation of any fee, gain, or reward, either directly or as the agent of any other person whether a qualified practitioner or not, takes instructions for or draws or prepares any papers on which to found or oppose a grant of probate or of letters of administration, shall be guilty of an offence within the meaning of the twelfth section of the Attorneys and Solicitors Act, 1874; but nothing in this section contained shall be construed to affect any remedy against any such person under any other Act or Acts whatsoever.

Interpretation clause.

3. The term "qualified practitioner" in this Act means and includes any serjeant-at-law, barrister-at-law, certificated solicitor, proctor, notary public, certificated conveyancer, special pleader, or draughtsman in equity.

Extent of Act.

4. This Act shall not extend to Scotland or Ireland.

**CHAPTER 63.**

An Act to amend the Building Societies Act, 1874.

[14th August 1877.]

**W**HEREAS it is expedient to amend the laws relating to Building Societies :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act shall be construed as one with "The Building Societies Act, 1874" (herein termed "the principal Act"), and "The Building Societies Act, 1875," and may be cited as "The Building Societies Act, 1877," or, together with the said Acts, as "The Building Societies Acts."

Short title, &c.  
37 & 38 Vict.  
c. 42.  
38 & 39 Vict.  
c. 9.

2. Any Society under the principal Act may change its chief office in the manner its rules direct, or, if there be no such direction, then at a general meeting specially called for the purpose, in the manner set forth in the rules of the Society ; and no alteration of rule shall be necessary upon such change, nor shall the provisions of section eighteen of the principal Act apply to such change. Notice of every such change shall be given by the secretary of the Society to the Registrar within seven days after such change, and shall be registered by him, and he shall give a certificate of such registration.

Societies may  
change their  
chief offices.

3. Section twenty-seven of the principal Act shall be read as if the word "now" were omitted therefrom.

Notice of such  
change to be  
sent to Regis-  
trar.

4. All rights of action and other rights and interests in real and personal estate whatsoever held in trust for any Society heretofore incorporated under the principal Act shall, on the passing of this Act, vest in the Society without any conveyance or assignment whatsoever, except in the case of stocks and securities in the public funds of Great Britain and Ireland, and estates in copyhold or customary hereditaments the title to which cannot be transferred without admittance.

Amendment of  
37 & 38 Vict.  
c. 42. s. 27.

Rights held in  
trust to vest in  
societies.

5. The registration by the Registrar of the notice of the union of any Societies, or of the transfer of the engagements of any Society to another Society, in terms of and subject to the provisions of section thirty-three of the principal Act, shall operate as an effectual conveyance, transfer, and assignment, as at the date of the said registration, of the funds, property, and assets of the Societies so uniting to the united Society, or of the Society transferring its engagements to the Society to which such engagements may be transferred, as may be set forth in the instrument of union or transfer of engagements, without any conveyance, transfer, or assignment whatsoever, save and except in the case of stocks and securities in the public funds of Great Britain and Ireland, and estates in copyhold or customary hereditaments the title to which cannot be transferred without admittance: Provided always, that such union or transfer of engagements shall not affect the rights of any creditor of either or any Society uniting or transferring its engagements.

Registration of  
union of socie-  
ties or of trans-  
fer of engage-  
ments to operate  
as effectual  
conveyance of  
funds and prop-  
erty of uniting  
societies to the  
united society  
and to society  
to which en-  
gagements are  
transferred.

6. The forms in the schedule to this Act shall henceforth be used under the Building Societies Acts.

Forms in sche-  
dule to be used.

## SCHEDULE.

## CERTIFICATE OF INCORPORATION.

The Registrar of Building Societies in [England, Scotland, or Ireland] hereby certifies that the \_\_\_\_\_ Building Society, established at \_\_\_\_\_, in the county of \_\_\_\_\_, is incorporated under "The Building Societies Act, 1874."

This \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_\_.

[Seal of Central Office, or signature of Assistant Registrar of Friendly Societies.]

## CERTIFICATE OF REGISTRATION OF ALTERATION OF RULES.

The Registrar of Building Societies in [England, Scotland, or Ireland] hereby certifies that the foregoing alterations of [or addition to] the rules of the \_\_\_\_\_ Building Society, established at \_\_\_\_\_, in the county of \_\_\_\_\_, are registered under "The Building Societies Act, 1874."

This \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_\_.

[Seal of Central Office, or signature of Assistant Registrar of Friendly Societies.]

## CERTIFICATE OF REGISTRATION OF CHANGE OF NAME.

The Registrar of Building Societies in [England, Scotland, or Ireland] hereby certifies that the registered name of the \_\_\_\_\_ Building Society, established at \_\_\_\_\_, in the county of \_\_\_\_\_, is changed from the date hereof to the name following :

This \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_\_.

[Seal of Central Office, or signature of Assistant Registrar of Friendly Societies.]

## CERTIFICATE OF ALTERATION OF CHIEF OFFICE.

The Registrar of Building Societies in [England, Scotland, or Ireland] hereby certifies that the registered chief office of the \_\_\_\_\_ Building Society, established at \_\_\_\_\_, in the county of \_\_\_\_\_, is changed from the date hereof to the office or place following :

This \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_\_.

[Seal of Central Office, or signature of Assistant Registrar of Friendly Societies.]

## CHAPTER 64.

An Act to continue certain Turnpike Acts in Great Britain, and to repeal certain other Turnpike Acts; and for other purposes connected therewith. [14th August 1877.]

**W**HEREAS it is expedient to continue for limited times some of the Acts herein-after specified, and to repeal others, and to make further provisions concerning turnpike roads :

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 :

Schedule 1.

1. The Acts specified in the first schedule annexed hereto shall be repealed on and after the dates specified in each instance.

Schedule 2.  
39 & 40 Vict.  
c. 39.

2. The Acts specified in the second schedule annexed hereto shall expire at the time in that behalf mentioned in "The Annual Turnpike Acts Continuance Act, 1876."

Schedule 3.

3. The Acts specified in the third schedule annexed hereto shall continue in force until the dates specified in each instance, and no longer.

4. The Acts specified in the first and second columns of the fourth schedule annexed hereto shall, to the extent specified in the third column thereof, as from the dates specified in the fourth column thereof, be subject to the modifications specified in the fifth column thereof, and shall to the same extent, as so modified, continue in force until the dates specified in the sixth column thereof, and no longer. Schedule 4.

Where specified in the seventh column thereof the arrears of interest due on the thirty-first day of December one thousand eight hundred and seventy-six, and remaining unpaid at the time of the passing of this Act, in respect of the roads subject to the trusts comprised in so much of the Acts as is specified in the third column thereof, are hereby extinguished.

5. The Acts specified in the first and second columns of the fifth schedule annexed hereto shall, to the extent specified in the third column thereof, as from the dates specified in the fourth column thereof, be subject to the modifications specified in the fifth column thereof, and shall, to the same extent, as so modified, continue in force until the dates specified in the sixth column thereof, unless Parliament in the meantime otherwise provides. Schedule 5.

6. The Acts specified in the sixth schedule annexed hereto shall continue in force until the first day of November one thousand eight hundred and seventy-eight, and no longer, unless Parliament in the meantime otherwise provides. Schedule 6.

7. The Acts specified in the seventh schedule annexed hereto shall be repealed on and after the first day of November one thousand eight hundred and seventy-eight, unless Parliament in the meantime otherwise provides, due regard being had in every case to local requirements and to the special circumstances of the trust. Schedule 7.

8. Such provisions, if any, of the said Acts mentioned in the said schedules as are not affected by the preceding sections, and all other Acts now in force for regulating, making, amending, or repairing any turnpike road in Great Britain which will expire at or before the end of the next session of Parliament, shall continue in force until the first day of November one thousand eight hundred and seventy-eight, and to the end of the then next session of Parliament, unless Parliament in the meantime otherwise provides; but this section shall not affect any Act continued to a specified date and no longer. Continuance of  
all other Turn-  
pike Acts.

9. In addition to the notice required by the nineteenth section of "The Annual Turnpike Acts Continuance Act, 1871," to be published in certain newspapers, the trustees of a turnpike trust about to expire shall cause a copy of such notice to be sent by post to each of the creditors at his last known place of abode: Provided that, notwithstanding anything in the said section contained, it shall be lawful for the trustees of any turnpike trust to pay or satisfy the claim of any creditor of such trust whose debt has been acknowledged by them at any time within five years immediately preceding the expiration of such trust, although such creditor may have omitted to give notice of his claim; and this provision shall be deemed to apply to and include any trust the affairs of which have not been completely wound up at the time of the passing of this Act. Amendment  
of s. 19 of  
34 & 35 Vict.  
c. 115.

10. This Act may be cited for all purposes as "The Annual Turnpike Acts Continuance Act, 1877." Short title.



County.	Name of Trust.	No. of Schedule.	No. of Act.
Surrey - -	Reigate - - - - -	4	47
Sussex - -	Brighton, Shoreham, and Lancing	3	38, 41
	Cowfold and Henfield, Old	2	17
	Mayfield and Wadhurst - - -	2	16
	Tunbridge Wells and Maresfield - - -	2	18
Worcester - -	Droitwich - - - - -	1	4
	Stourbridge, United - - - - -	2	21
York - - -	Balby and Worksop - - - - -	1	3
	Beverley and Kexby Bridge, and Beverley, Molescroft, &c., United.	4	58, 61
	Doncaster and Selby - - - - -	2	20
	Dunford District - - - - -	4	72
	Hedon and Hull - - - - -	4	77
	Holme Lane End and Heckmondwike - - -	2	13
	Holmfirth District - - - - -	2	22
	Hull and Hedon, New - - - - -	4	59
	Keighley and Kendal, Yorkshire District - - -	2	33
	Leeds and Collingham - - - - -	4	51
	Wakefield and Austerlands - - - - -	3	46
	York to Oswaldkirk Bank - - - - -	4	54
Carnarvon - -	Carnarvonshire, Old - - - - -	4	42
Flint - - -	Mold and Broughton, and Branch - - - - -	3	37

## FIRST SCHEDULE.

Acts which are to be repealed on and after the dates specified in each instance.

Date of Act.	Title of Act.
24 G. 2. c. xxv. - <i>Term unlimited.</i>	1. An Act for laying out, making, and keeping in repair a road proper for the passage of troops and carriages from the city of Carlisle to the town of Newcastle-upon-Tyne; <i>which shall be repealed on and after the 1st of November 1877.</i>
51 G. 3. c. xiv. - <i>Term unlimited.</i>	2. An Act for altering and enlarging the powers of so much of an Act of His late Majesty, for making a road for the passage of troops and carriages from the city of Carlisle to the town of Newcastle-upon-Tyne, as relates to the county of Cumberland; <i>which shall be repealed on and after the 1st of November 1877.</i>
21 & 22 Vict. c. lxxi. - <i>Limited to expire at end of session after July 1879.</i>	3. An Act to repeal an Act for amending and maintaining the turnpike road from the northern end of the village of Balby in the county of York to Worksop in the county of Nottingham, and to make other provisions in lieu thereof, so far as regards a portion of the said turnpike road; <i>which shall be repealed on and after the 31st of December 1877.</i>
22 & 23 Vict. c. lxxvi. - <i>Limited to expire at end of session after August 1880.</i>	4. An Act to repeal an Act passed in the fifth year of the reign of His Majesty King George the Fourth, intitled an Act for widening, improving, and maintaining the turnpike road leading from the city of Worcester through Droitwich to Spadesbourne Bridge within the parish of Bromsgrove in the county of Worcester, and other roads therein mentioned; and for granting more effectual powers in lieu thereof; <i>which shall be repealed on and after the 31st of December 1877.</i>
25 & 26 Vict. c. lxxv. - <i>Limited to expire at end of session after 29 October 1883.</i>	5. An Act for repairing and maintaining the road from the borough of Bolton to the borough of Blackburn, and a branch road connected therewith, in the county palatine of Lancaster; <i>which shall be repealed on and after the 1st of November 1877.</i>
29 Vict. c. xxii. - <i>Limited to expire on 1 August 1881.</i>	6. An Act to extend the term and amend the provisions of the Act for more effectually repairing and improving the road from Butterton Moor End to the turnpike road leading from Buxton to Ashbourne, and other roads therein mentioned, in the counties of Stafford and Derby, and for making several diversions or new lines of road to communicate therewith; <i>which shall be repealed on and after the 1st of November 1877.</i>

## SECOND SCHEDULE.

Acts which are to expire at the date (1st November 1877) mentioned in  
39 & 40 Vict. c. 39.

Date of Act.	Title of Act.
3 G. 4. c. xvi.	7. An Act for continuing the term and altering the powers of three Acts for repairing the roads leading from the Ryeway in the parish of Yarpole in the county of Hereford, to Presteigne, in the county of Radnor, and several other roads therein mentioned, in the said county of Radnor, and in the counties of Hereford and Salop.
3 G. 4. c. xl. -	8. An Act for continuing the term and altering and enlarging the powers of an Act of the forty-second year of the reign of His late Majesty King George the Third for repairing and improving the road from the city of Canterbury to the town and port of Sandwich in the county of Kent.
3 G. 4. c. lxii.	9. An Act for amending and keeping in repair the road from the turnpike gate at the bottom of White Street Hill, in the parish of Donhead Saint Andrew in the county of Wilts, through the towns of Shaftesbury, Milborne Port, and Sherborne, in the counties of Dorset and Somerset, to the half-way house in the parish of Nether, otherwise Lower Compton, in the said county of Dorset, and several other roads communicating therewith; <i>so far as the same relates to the Sherborne Division of the Roads.</i>
3 G. 4. c. lxiii.	10. An Act to enlarge the term and powers of several Acts for repairing and widening the road from the market house in Tetbury, to the turnpike road on Minchin Hampton Common, and several other roads therein mentioned, all in the county of Gloucester, so far as the same Acts relate to the second district of roads therein mentioned.
3 G. 4. c. xcix.	11. An Act for amending and repairing the roads from Minehead in the county of Somerset to Batham Bridge in the town of Bampton in the county of Devon; and for making a new branch of road to communicate therewith.
4 G. 4. c. lxxxi.	12. An Act for amending and keeping in repair the roads from Dover to Barham Downs, and from Dover to the town of Folkestone, and from thence through the parish of Folkestone to Sandgate in the county of Kent; <i>so far as the same relates to the Dover to Sandgate, or Second District of Road.</i>
5 G. 4. c. xc. -	13. An Act for making and maintaining a turnpike road from the turnpike road leading from Bradford to Wakefield in the west riding of the county of York, near Holme Lane End in the parish of Birstal in the said riding, to the turnpike road leading from Birstal to Huddersfield in the said riding, at the township of Heckmondwike in the parish of Birstal aforesaid, with a branch road therefrom.
9 G. 4. c. xxiii.	14. An Act for more effectually repairing, widening, and otherwise improving the road from the south end of Milton Street, in the town of Nottingham, to the west end of Blind Lane, in the town of Mansfield, in the county of Nottingham.
9 G. 4. c. lxxxiv.	15. 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 roads, or some of them.
10 G. 4. c. lvii.	16. An Act for more effectually repairing and improving the roads leading from Tunbridge Wells in the county of Kent to Swiftsden, and from Frant to Possingworth Great Wood in the county of Sussex, and a certain piece of road communicating with the said roads.
11 G. 4. c. civ.	17. An Act for more effectually repairing the roads from Hand Cross, through Cowfold, to Corner House, and from thence to the turnpike road from Horsham to Steyning, and from Corner House aforesaid to the Maypole in the town of Henfield, and certain branches therefrom, all in the county of Sussex.



Date of Act.	Title of Act.
1 W. 4. c. lxx.	18. An Act for more effectually repairing and improving the roads from Tunbridge Wells in the county of Kent to the cross ways at or near Maresfield Street, and from Florence Farm to Forest Row in the county of Sussex.
2 W. 4. c. lxxiv.	19. An Act for more effectually repairing and improving certain roads leading to and through the town of Goudhurst in the county of Kent.
2 W. 4. c. lxxxvi.	20. An Act for making and maintaining a turnpike road from the town of Doncaster to the town and port of Selby in the west riding of the county of York.
5 & 6 Vict. c. xciv.	21. An Act for repairing the several roads leading to and from the Market House in Stourbridge in the county of Worcester, and several other roads connected with the said roads in the counties of Worcester, Stafford, and Salop.
7 & 8 Vict. c. lxxii.	22. An Act for repairing, maintaining, and improving the road from Flint Lane to Holmfirth, and thence to the Huddersfield and Woodhead turnpike road, and for making and maintaining a new line of road from the said road at a place called Bents to or near Dunford Bridge, all in the west riding of the county of York; <i>so far as the same relates to the Holmfirth District.</i>
18 Vict. c. lxi.	23. An Act to repeal the Act relating to the Leominster and Ledbury Turnpike Trust, and to make other provisions in lieu thereof.
18 & 19 Vict. c. lxxxiii.	24. An Act to repeal so much of the Act relating to the Wigan and Preston roads as relates to the district of the said roads north of Yarrow, and to make other provisions in lieu thereof.
18 & 19 Vict. c. lxxxv.	25. An Act to renew the term and continue the powers of an Act passed in the first year of the reign of His Majesty King George the Fourth, intituled An Act to continue the term and alter and enlarge the powers of an Act of the fortieth year of His late Majesty's reign, for repairing the road leading from the turnpike road in Witney to the road on Swerford Heath, and the road leading from the road from Woodstock to Birmingham through Charlbury to the road from Chipping Norton to Burford, all in the county of Oxford.
18 & 19 Vict. c. lxxxvii.	26. An Act for repairing, widening, and maintaining several roads in the counties of Dorset and Devon leading to and from the borough of Lyme Regis, and from the turnpike road on Raymond's Hill to the turnpike road at the Three Ashes in the parish of Crewkerne in the county of Somerset.
18 & 19 Vict. c. xcii.	27. An Act for continuing the term of the Nottingham and Newhaven Turnpike Road and Districts Act, and for other purposes; <i>so far as the same relates to the Nottingham and Newhaven, or First District of Road, and the Oakerthorpe and Ashborne, or Second District of Road.</i>
18 & 19 Vict. c. civ.	28. An Act to repeal certain Acts relating to the Basingstoke, Stockbridge, and Lobcomb Corner turnpike roads, and to make other provisions in lieu thereof.
18 & 19 Vict. c. cvi.	29. An Act to repeal the Acts relating to the road from Lightpill to Birdlip, and make other provisions in lieu thereof.
18 & 19 Vict. c. cviii.	30. An Act to repeal the Act for making and maintaining a turnpike road from Cainscross through Stroud over Rodborough and Minchinhampton Commons to the town of Minchinhampton, with some branches therefrom, all in the county of Gloucester, and to make other provisions in lieu thereof.
18 & 19 Vict. c. cix.	31. An Act to repeal an Act for making and maintaining certain roads from the town of Stroud and several other places therein mentioned, all in the county of Gloucester, and to make other provisions in lieu thereof.
18 & 19 Vict. c. cxi.	32. An Act for continuing the term and amending and extending the provisions of the Act relating to the first district of the Bridport turnpike roads in the county of Dorset.
18 & 19 Vict. c. cliv.	33. An Act for maintaining the Yorkshire district of the road from Keighley in the west riding of the county of York to Kirkby-in-Kendal in the county of Westmoreland.

Date of Act.	Title of Act.
18 & 19 Vict. c. clvi. -	34. An Act to renew the term and continue the powers of an Act passed in the ninth year of the reign of His Majesty King George the Fourth, intituled An Act for more effectually repairing and improving the road from Wadhurst to the turnpike road on Lamberhurst Down, both in the county of Sussex, and from the turnpike road on Pullen's Hill to West Farleigh Street, both in the county of Kent.
18 & 19 Vict. c. clxi. -	35. An Act to repeal the Act relating to the Bolton and Nightingale's turnpike road, and to make other provisions in lieu thereof.
18 & 19 Vict. c. clxiv.	36. An Act to repeal an Act for making, widening, repairing, and maintaining certain roads leading to and from the town of Honiton in the county of Devon, and to make other provisions in lieu thereof.

### THIRD SCHEDULE.

Acts which are to continue in force until the dates specified in each instance, and no longer.

Date of Act.	Title of Act.
3 G. 4. c. l. -	37. 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; <i>which shall continue in force until the 1st of November 1879, and no longer.</i>
11 G. 4. c. lxiii.	38. An Act for more effectually repairing and improving the road from Brighton to Shoreham, for building a bridge over the River Adur at New Shoreham, and for making a road to Lancing and a branch road therefrom, all in the county of Sussex; <i>which, so far as the same relates to the roads mentioned therein, shall continue in force until the 1st of November 1878, and no longer.</i>
1 & 2 W. 4. c. xxv. -	39. An Act for repairing and improving certain roads in the counties of Stafford and Salop, leading to and from the town of Wolverhampton in the county of Stafford; <i>which, so far as the same relates to the Old District of Roads, shall continue in force until the 1st of November 1880, and no longer.</i>
1 & 2 W. 4. c. xxxvii.	40. An Act for maintaining the road from Wakefield to Austerlands in the west riding of the county of York; <i>which shall continue in force until the 1st of November 1882, and no longer.</i>
4 & 5 Vict. c. cv. -	41. An Act to amend an Act passed in the eleventh year of the reign of King George the Fourth for repairing and improving the road from Brighton to Shoreham and Lancing in the county of Sussex, and for other purposes connected therewith; <i>which, so far as the same relates to the roads mentioned therein, shall continue in force until the 1st of November 1878, and no longer.</i>
18 & 19 Vict. c. lxxxii.	42. An Act to renew the term and continue the powers of an Act passed in the eighth year of the reign of His Majesty King George the Fourth, intituled An Act for repairing the road from Alford to Boston, and from thence to Cowbridge in the township of Frithville, in the county of Lincoln; <i>which, so far as the same relates to the Burton's Corner District, shall continue in force until the 1st of November 1878, and no longer.</i>
28 Vict. c. x. -	43. An Act to repeal an Act for making, repairing, and improving certain roads leading to and from Helston in the county of Cornwall, and to make other provisions in lieu thereof, and for other purposes; <i>which shall continue in force until the 1st of November 1880, and no longer.</i>

## FOURTH SCHEDULE.

Acts which are to continue in force until the dates specified in each instance, and no longer, subject to modifications.

1. Date of Act.	2. Title of Act.	3. Extent to which Act is modified and continued.	4. Dates from which Modifications are to commence.	5. Modifications.	6. Dates up to which Continuation is enacted.	7. Arrears of Interest extinguished.
33 G. 3. c. clixii.	44. An Act for amending, improving, and keeping in repair the road from the north end of Marsh Lane in Ashford, in the county of Kent, to the end of the parish of Orlestone, near Stockbridge, in Romney Marsh in the said county.	The entire Act	1 November 1877.	No interest payable	1st of November 1879, and no longer.	—
53 G. 3. c. cxxxv.	45. An Act for continuing and amending two Acts of His present Majesty for repairing the road from Shelton to Blakeley Lane Head, and from Bucknall to Weston Coyney, in the county of Stafford; and also for altering and repairing the road from Adderley Green to Lane End, in the same county.	The entire Act	1 November 1877.	No money to be expended in repair of roads. No interest payable.	1st of May 1878, and no longer.	—
54 G. 3. c. xxvii.	46. An Act for enlarging the term and powers of an Act of His present Majesty, for repairing the road from the north end of Marsh Lane in Ashford in the county of Kent to the end of the parish of Orlestone, near Stockbridge, in Romney Marsh, in the said county.	The entire Act	1 November 1877.	No interest payable	1st of November 1879, and no longer.	—
55 G. 3. c. xlviij.	47. An Act for repairing the road from Sutton in the county of Surrey, through the borough of Reigate, by Sidlow Mill, to Povey Cross, and several other roads therein mentioned, in the same county.	The entire Act	1 November 1877.	Amount expended in repair of roads to be not less than 800 <i>l.</i> per annum. No interest payable.	1st of November 1881, and no longer.	—

1. Date of Act.	2. Title of Act.	3. Extent to which Act is modified and continued.	4. Dates from which Modifications are to commence.	5. Modifications.	6. Dates up to which Continuation is enacted.	7. Arrears of Interest extinguished.
59 G. 3. c. xcvi.	48. An Act for continuing the term and enlarging the powers of three Acts of His present Majesty, for repairing the road from the town of Tenterton to the town of Ashford, in the county of Kent; and for making a new branch of road therefrom, to communicate with the town of Biddenden, in the said county.	The entire Act	1 November 1877.	Parish aid not to exceed 70 <i>l.</i> per annum. No interest payable.	1st of November 1880, and no longer.	—
3 G. 4. c. xlix.	49. An Act for more effectually repairing and improving the roads leading from Bishops Castle, and from Montgomery to the road at Westbury, and from Brockton to the road at Minsterley, and other roads therein mentioned, in the counties of Salop, Radnor, and Montgomery; and for amending, widening, and improving several other roads therein mentioned, in the said county of Salop.	So far as the same relates to the Bishop's Castle or First District of Roads.	1 November 1877.	No money to be expended in repair of roads. No interest payable.	1st of May 1878, and no longer.	—
4 G. 4. c. lvii.	50. An Act for more effectually repairing the road from the city of Canterbury to the Dover turnpike road, in the parish of Barham in the county of Kent; and for lighting, watering, and watching part of the said road leading into the said city of Canterbury.	The entire Act	1 November 1877.	No interest payable	1st of November 1878, and no longer.	—
5 G. 4. c. lxxxii.	51. An Act for making and maintaining a turnpike road from Roundhay Bridge to Collingham in the county of York.	The entire Act	1 November 1877.	Amount expended in repair of roads to be not less than 300 <i>l.</i> , and limited to 350 <i>l.</i> No interest payable.	1st of November 1878, and no longer.	—

1. Date of Act.	2. Title of Act.	3. Extent to which Act is modified and continued.	4. Dates from which Modifications are to commence.	5. Modifications.	6. Dates up to which Continuation is enacted.	7. Arrears of Interest extinguished.
6 G. 4. c. xxv.	52. An Act for making and maintaining a turnpike road from the present turnpike road, between Maidstone and Wrotham in the county of Kent, to Strood in the said county.	The entire Act	1 November 1877.	No interest payable	1st of November 1878, and no longer.	Arrears of interest extinguished.
6 G. 4. c. ci.	53. An Act for more effectually repairing the road from Greenhill Moor to Herston Lane Head Road, near Stony Middleton, and other roads therein mentioned, in the county of Derby and in the west riding of the county of York; and for making an extension and branch of road therefrom.	The entire Act	1 November 1877.	The toll for every horse or other beast drawing any waggon, wain, cart, or other such like carriage, or any taxable conveyance with not more than two wheels, to be reduced to 3d.	1st of November 1880, and no longer.	—
6 G. 4. c. cli.	54. An Act for repairing the road from the city of York to the top of Oswaldkirk Bank, in the county of York.	The entire Act	1 November 1877.	Amount expended in repair of roads to be not less than 200 <i>l.</i> , and limited to 220 <i>l.</i> per annum. Rate of interest not to exceed 2 <i>l.</i> per cent. per annum.	1st of November 1881, and no longer.	—
6 G. 4. c. clix.	55. An Act for repairing several roads leading to and from the town of Crewkerne in the county of Somerset, and other roads in the same county.	The entire Act	1 November 1877.	Amount expended in repair of roads to be not less than 500 <i>l.</i> per annum. No interest payable. No money to be expended on repair of roads.	1st of November 1879, and no longer.	—
7 G. 4. c. ix.	56. An Act for making and maintaining a turnpike road from Cannock, in the county of Stafford, to Penkridge, in the same county.	The entire Act	1 November 1877.	Amount expended in repair of roads to be not less than 100 <i>l.</i> per annum.	1st of November 1880, and no longer.	—

1. Date of Act.	2. Title of Act.	3. Extent to which Act is modified and continued.	4. Dates from which Modifications are to commence.	5. Modifications.	6. Dates up to which Continuance is enacted.	7. Arrears of Interest extinguished.
9 G. 4. c. xlix.	57. An Act for more effectually repairing, widening, and improving the roads from Gosport, through Farsham and Wickham, to Bishop's Waltham, and from Wickham aforesaid to Chawton Pond in the parish of Chawton, all in the county of Southampton.	The entire Act	1 November 1877.	No interest payable	1st of November 1878, and no longer.	—
9 G. 4. c. lxxxviii.	58. An Act for more effectually repairing and otherwise improving the road from Beverley to Kexby Bridge in the county of York.	The entire Act	1 November 1877.	Amount expended in repair of roads to be not less than 1,000 <i>l.</i> per annum. No interest payable.	1st of November 1881, and no longer.	—
11 G. 4. c. xcvi.	59. An Act for making and maintaining a new turnpike road from the town of Kingston-upon-Hull in the county of the said town to Hedon in the county of York.	The entire Act	1 November 1877.	Amount expended in repair of roads to be not less than 100 <i>l.</i> , and limited to 120 <i>l.</i> per annum. No interest payable.	1st of November 1881, and no longer.	—
11 G. 4. c. ciii.	60. An Act for more effectually repairing and improving the roads from Saltfleet to the town of Horncastle, and other roads therein mentioned, all in the county of Lincoln.	The entire Act	1 November 1877.	No money to be expended in repair of roads. No interest payable.	1st of November 1878, and no longer.	—
11 G. 4. c. cxxxi.	61. An Act for repairing and otherwise improving the road from Beverley, by Molescroft, to Kendell House, and the road from Molescroft to Bamton Balk, in the county of York.	The entire Act	1 November 1877.	Amount expended in repair of roads to be not less than 1,000 <i>l.</i> per annum. No interest payable.	1st of November 1881, and no longer.	—
1 W. 4. c. xxxix.	62. An Act for more effectually repairing the road from Burton-upon-Trent in the county of Stafford to Abbott's Bromley, otherwise Bagot's Bromley, in the said county.	The entire Act	1 November 1877.	No interest payable	1st of November 1882, and no longer.	—

1. Date of Act.	2. Title of Act.	3. Extent to which Act is modified and continued.	4. Dates from which Modifications are to commence.	5. Modifications.	6. Dates up to which Continuation.	7. Arrears of Interest extinguished.
1 W. 4. c. xlvii.	63. An Act for making a turnpike road from the north side of the Quarry House, in the township of Perry Barr, in the county of Stafford, to the brook which divides the parishes of Aston juxta Birmingham and Birmingham, in the county of Warwick.	The entire Act	1 November 1877.	Amount expended in repair of roads to be not less than 500 <i>l.</i> per annum.	1st of November 1879, and no longer.	—
1 W. 4. c. lxi.	64. An Act for maintaining and improving the road from Titchfield to Cosham in the county of Southampton.	The entire Act	1 November 1877.	No interest payable	1st of November 1878, and no longer.	—
1 & 2 W. 4. c. xxiv.	65. An Act for more effectually maintaining and improving the road from Soho Hill in the parish of Handsworth to the Walsall Road on the northern side of Hamstead Bridge, and another road from Brown's Green to the Friary in the county of Stafford.	The entire Act	1 November 1877.	Amount expended in repair of roads to be not less than 500 <i>l.</i> per annum.	1st of November 1879, and no longer.	—
2 W. 4. c. xxxii.	66. An Act for more effectually repairing and improving the road leading from the Alfreton turnpike road, near Mansfield, through Tibshelf and Morston, to the Nottingham turnpike road, near Tansley, and other roads connected therewith, in the counties of Nottingham and Derby.	The entire Act	1 November 1877.	No interest payable	1st of November 1880, and no longer.	—
2 W. 4. c. lx.	67. An Act for more effectually repairing and improving the road from Coningway to Pwllhel; and other roads therein mentioned, in the counties of Carnarvon and Denbigh.	The entire Act	1 November 1877.	Amount expended in repair of roads to be not less than 1,500 <i>l.</i> per annum. Rate of interest not to exceed 2 <i>l.</i> per cent. per annum.	1st of November 1882, and no longer.	—
4 W. 4. c. xi.	68. An Act for making a turnpike road from Minsterley in the county of Salop to the turnpike road leading from Bishop's Castle, in the said county of Salop, to Churchstoke in the county of Montgomery.	The entire Act	1 November 1877.	Amount expended in repair of roads to be not less than 250 <i>l.</i> per annum.	1st of November 1879, and no longer.	—

1. Date of Act.	2. Title of Act.	3. Extent to which Act is modified and continued.	4. Dates from which Modifications are to commence.	5. Modifications.	6. Dates up to which Continuance is enacted.	7. Arrears of Interest extinguished.
4 W. 4. c. xxviii.	69. An Act for repairing and improving the Second District of the Road from Coleshill, through the city of Lichfield and the town of Stone, to the end of the county of Stafford in the road leading towards Chester, and making a new branch thereto, and also to annex to and consolidate therewith the turnpike road from Rugeley through Armitage to Alrewas, in the county of Stafford.	The entire Act	1 November 1877.	No interest payable	1st of November 1882, and no longer.	—
5 & 6 W. 4. c. ciii.	70. An Act for repairing and otherwise improving the roads from Oxford, over Botley Causeway, to Ffield in the county of Berks and Witney in the county of Oxford.	The entire Act	1 November 1877.	Amount expended in repair of roads to be not less than 350 <i>l.</i> per annum. No interest payable. The Botley toll gate to be removed beyond Elm's Farm.	1st of November 1880, and no longer.	—
6 Vict. c. xxvi.	71. An Act for repairing and improving certain roads in the neighbourhood of Trentham and Stone, in the county of Stafford, and for making and maintaining a new road from Trentham Inn to the Newcastle-under-Lyme and Market Drayton turnpike road in the same county, and another new piece of road in the parish of Trentham aforesaid.	So far as the same relates to the Stone, Lane End, and Trentham, or First District of Roads.	1 November 1877.	Amount expended in repair of roads to be not less than 350 <i>l.</i> per annum. No interest payable.	1st of November 1879, and no longer.	—
7 & 8 Vict. c. lxxii.	72. An Act for repairing, maintaining, and improving the road from Flint Lane to Holmfirth, and thence to the Huddersfield and Woodhead turnpike road, and for making and maintaining a new line of road from the said road at a place called Bents to or near Dunford Bridge, all in the west riding of the county of York.	So far as the same relates to the Dunford District.	1 November 1877.	No interest payable	1st of November 1879, and no longer.	—



1. Date of Act.	2. Title of Act.	3. Extent to which Act is modified and continued.	4. Dates from which Modifications are to commence.	5. Modifications.	6. Dates up to which Continuation is enacted.	7. Arrears of Interest extinguished.
8 & 9 Vict. c. xxx.	73. An Act for repairing certain roads between Stokenchurch and the borough of New Woodstock in the county of Oxford, and several other roads communicating therewith.	The entire Act	1 November 1877.	No money to be expended in repair of roads. No interest payable.	1st of November 1878, and no longer.	—
14 & 15 Vict. c. lx.	74. An Act for managing and repairing the roads leading from Uttoxeter to Stoke, near Stone, and from Millwich to Sandon, in the county of Stafford.	The entire Act	1 November 1877.	Amount expended in repair of roads to be not less than 70 <i>l.</i> per annum. No interest payable.	1st of November 1880, and no longer.	—
18 Vict. c. lxxi.	75. An Act to repeal the Act relating to the Nottingham and Loughborough turnpike road, and to make other provisions in lieu thereof.	The entire Act	1 November 1877.	Amount expended in repair of roads to be not less than 200 <i>l.</i> per annum. No interest payable.	1st of November 1880, and no longer.	—
18 & 19 Vict. c. lxxxii.	76. An Act to renew the term and continue the powers of an Act passed in the eighth year of the reign of His Majesty King George the Fourth, intitled An Act for repairing the road from Alford to Boston, and from thence to Cowbridge in the township of Frithville, in the county of Lincoln.	<i>So far as the same relates to the Main Road.</i>	1 November 1877.	No money to be expended in repair of roads. No interest payable.	1st of November 1878, and no longer.	—
18 & 19 Vict. c. cxxxvi.	77. An Act to repeal the Acts passed for repairing the road from Hedon through Preston and Bilton to Hull, and other roads in the county of York, and to make other provisions in lieu thereof.	<i>So far as the same relates to the Hedon and Hull, or "First District" of Roads.</i>	1 November 1877.	Amount expended in repair of roads to be not less than 300 <i>l.</i> , and limited to 320 <i>l.</i> No interest payable.	1st of November 1878, and no longer.	—
18 & 19 Vict. c. clixviii.	78. An Act for more effectually repairing the Cavendish Bridge and Brasington Road, and for making a branch line of road in connexion with the same, all in the county of Derby.	The entire Act	1 November 1877.	No interest payable	1st of November 1879, and no longer.	—

## FIFTH SCHEDULE.

Acts which are to continue in force until the dates specified in each instance, unless Parliament in the meantime otherwise provides, subject to modifications.

1. Date of Act.	2. Title of Act.	3. Extent to which Act is modified and continued.	4. Dates from which Modifications are to commence.	5. Modifications.	6. Dates up to which Continuance is enacted.
1 & 2 G. 4. c. xciii.	79. An Act to continue the term and alter and amend the powers of two Acts for repairing the road from Elsdon High Cross, near the town of Elsdon, in the county of Northumberland, to the Red Swyre, upon the Mid-Boarder betwixt England and Scotland.	The entire Act -	1 November 1877	No interest payable	1st of November 1880.
4 G. 4. c. xv.	80. An Act for repairing and improving the roads from the town of Stockbridge to the city of Winchester, and from the said city of Winchester to the top of Stephen's Castle Down, near the town of Bishop's Waltham, in the county of Southampton, and from the said city of Winchester through Otterborne to Bar Gate, in the town and county of the town of Southampton, and certain roads adjoining thereto.	<i>So far as the same relates to the Second District of the Southampton Road.</i>	1 November 1877	-	1st of November 1880.
18 & 19 Vict. c. xcii.	81. An Act for continuing the term of the Nottingham and Newhaven Turnpike Road and Districts Act, and for other purposes.	<i>So far as the same relates to the Third District of Road.</i>	1 November 1877	-	1st of November 1878.

## SIXTH SCHEDULE.

Acts which are to continue in force until the 1st November 1878, and no longer, unless Parliament in the meantime otherwise provides.

County.	Name of Trust.	No. of Act.
PART I.		
Chester -	Cranage and Warrington, and Macclesfield to Nether Tabley, United -	1, 6
Derby -	Nottingham, Third District -	11
Gloucester -	Over and Maisemore, United -	8
Lancaster -	Rochdale and Manchester -	9
Stafford -	Lichfield -	7
Sussex -	Brighton and Newhaven -	2
Warwick -	Hinckley and Coventry -	3
Denbigh -	Denbigh and Pentre Voelas -	4
PART II.		
Beds -	Luton District -	28
Chester -	Macclesfield and Chapel en le Frith -	32
	Stockport and Warrington, and Washway, United -	5, 22
Cumberland -	Penrith and Cockermouth -	21
Devon -	Honiton and Sidmouth -	20
Gloucester -	Cleeve and Evesham -	31
Leicester -	Leicester and Welford -	12
Monmouth -	Monmouth -	25
Northampton -	Crowland and Eye -	13
	Kettering and Newport Pagnell -	14
Oxford -	Woodstock and Rollright Lane -	10
Salop -	Clebury Mortimer District -	} 27
	Clebury North and Ditton Priors -	
Stafford -	Uttoxeter and Blyth Marsh -	29
Sussex -	Lewes to Eastbourne and Hailsham -	26
Westmoreland -	Brough and Eamont Bridge -	23
York -	Barnsdale and Leeds and Branch -	16
	Bawtry and Tinsley -	24
	Knaresbrough and Green Hammerton -	17
	Knaresbrough and Pateley Bridge -	18
	Leeds and Elland -	30
	Rotherham and Barnby Moor -	19
	Stockton and Middlesbrough -	15

Date of Act.	Title of Act.
1 G. 4. c. xxv. -	1. An Act to continue the term, and to alter, amend, and enlarge the powers of the several Acts for repairing the roads from Henshall's Smithy, upon Cranage Green, through Nether Knutsford to Altrincham, and other roads therein mentioned, all in the county palatine of Chester.
5 G. 4. c. xci. -	2. An Act for making and maintaining a road from Brighthelmstone to Newhaven in the county of Sussex.
6 G. 4. c. x. -	3. An Act for repairing the road from Hinckley in the county of Leicester to Nuneaton in the county of Warwick, and from thence to Bishop's Gate in the city of Coventry.
6 G. 4. c. cxlviii. -	4. An Act for making and maintaining a turnpike road from the town of Denbigh in the county of Denbigh to Pentre Voelas in the said county, and from thence to Fynnon Eidda in the county of Carnarvon; so far as the same relates to the Denbigh and Pentre Voelas Road, or First District.

Date of Act.	Title of Act.
7 & 8 G. 4. c. xc. -	5. An Act for more effectually repairing and otherwise improving the road from Crossford Bridge in the county palatine of Lancaster to Altrincham in the county palatine of Chester.
1 W. 4. c. xv. -	6. An Act for repairing the road from the Broken Cross in Macclesfield to Nether Tabley in the county of Chester.
2 W. 4. c. lxxi. -	7. An Act for more effectually repairing the first district of the road from Coleshill, through the city of Lichfield and the town of Stone, to the end of the county of Stafford in the road leading towards Chester, and several other roads in the counties of Warwick and Stafford, and city and county of the city of Lichfield.
3 W. 4. c. lv. -	8. An Act for more effectually repairing the roads leading from the city of Gloucester towards the city of Hereford, and also towards Newent and Newnham in the county of Gloucester, Ledbury in the county of Hereford, and Upton-upon-Severn in the county of Worcester.
6 & 7 Vict. c. xci. -	9. An Act for more effectually repairing the road from the new wall on the parade in Castleton in the parish of Rochdale through Middleton to the Mere Stone in Great Heaton and to the town of Manchester, all in the county palatine of Lancaster; and for making a diversion in the line of such road.
9 Vict. c. vii. -	10. An Act for repairing, improving, and maintaining certain roads leading from the borough of New Woodstock to Rollright Lane and other roads connected therewith in the county of Oxford.
18 & 19 Vict. c. xcii. -	11. An Act for continuing the term of the Nottingham and Newhaven Turnpike Road and Districts Act, and for other purposes; <i>so far as the same relates to the Third District of Road.</i>
19 Vict. c. xxv. -	12. An Act for continuing the term and amending and extending the provisions of the Act relating to the Leicester and Welford turnpike road in the counties of Leicester and Northampton.
19 & 20 Vict. c. xxxi.]	13. An Act for continuing the term and amending the provisions of the Act for making and maintaining a turnpike road from the town of Crowland in the county of Lincoln to the town of Eye in the county of Northampton.
19 & 20 Vict. c. xxxvii.	14. An Act for the continuance and regulation of the Kettering and Newport Pagnell Turnpike Road Trust.
19 & 20 Vict. c. xxxix.	15. An Act to authorize the making of a turnpike road from the township of Thornaby to Middlesbrough in the north riding of the county of York, with a bridge over a creek or arm of the river Tees, and for other purposes.
19 & 20 Vict. c. xliii. -	16. An Act to amend an Act passed in the seventh and eighth years of the reign of His late Majesty King George the Fourth, intituled An Act to alter, amend, and enlarge the powers and provisions of an Act relating to the road from Barnsdale through Pontefract to Thwaite Gate near Leeds in the west riding of the county of York, and to continue the term thereby granted.
19 & 20 Vict. c. xlix. -	17. An Act to amend and extend the provisions of the several Acts relating to the Knaresbrough and Green Hammerton Turnpike Road in the county of York, and to create a further term therein, and for other purposes.
19 & 20 Vict. c. l. -	18. An Act to amend and extend the provisions of the Act relating to the Knaresbrough and Pateley Bridge Turnpike Road, and to create a further term therein, and for other purposes.
19 & 20 Vict. c. lv. -	19. An Act for more effectually repairing the road from Barnby Moor in the county of Nottingham to Maltby in the county of York, and from Whiston to Rotherham in the said county of York.
19 & 20 Vict. c. lx. -	20. An Act to continue the Honiton and Sidmouth Turnpike Trust, and for other purposes.
19 & 20 Vict. c. lxiv. -	21. An Act for more effectually repairing the road from Penrith to Cockermouth and other roads connected therewith, and for making and maintaining several new roads, all in the county of Cumberland.
19 & 20 Vict. c. lxvi. -	22. An Act for more effectually repairing certain roads in the county of Chester, of which the short title is "Stockport and Warrington Road" Act, 1856."

Date of Act.	Title of Act.
19 & 20 Vict. c. lxxii.	23. An Act to repeal the Acts relating to the Brough and Eamont Bridge Turnpike Road, and to make other provisions in lieu thereof.
19 & 20 Vict. c. lxxxii.	24. An Act to repeal an Act for amending and maintaining the turnpike road from Bawtry, through the town of Tinsley, to the road from Rotherham to Sheffield, in the west riding of the county of York, and to make other provisions in lieu thereof.
19 & 20 Vict. c. lxxxix.	25. An Act for more effectually repairing several roads leading to and from the town of Monmouth, and for making several lines of road to communicate therewith, in the counties of Monmouth, Gloucester, and Hereford.
19 & 20 Vict. c. xevi.	26. An Act to repeal the Act for more effectually making, straightening, repairing, and improving the roads from near the town of Lewes to Polegate in the parish of Hailsham and from thence to Eastbourne, and from Polegate to Hailsham Common, in the county of Sussex, and to make other provisions in lieu thereof.
19 & 20 Vict. c. civ. -	27. An Act for continuing the term and amending and extending the provisions of the Act relating to the Cleobury North and Ditton Priors District and the Cleobury Mortimer District of turnpike roads, in the counties of Salop and Worcester.
19 & 20 Vict. c. cviii. -	28. An Act to amend certain Acts relating to the Luton District turnpike road, and make other provisions in lieu thereof.
19 & 20 Vict. c. cxvii.	29. An Act to repeal an Act passed in the fourth year of the reign of His late Majesty King George the Fourth, intituled An Act for more effectually amending and keeping in repair the roads from the town of Uttoxeter to the town of Newcastle-under-Lyme in the county of Stafford, so far as relates to the Uttoxeter District of the said roads, and for making certain new pieces of road to communicate therewith, all in the said county of Stafford, and to confer larger and additional powers and provisions in lieu of those therein contained, and for other purposes.
24 & 25 Vict. c. lxxxviii.	30. An Act to repeal an Act passed in the seventh and eighth years of the reign of His Majesty King George the Fourth, intituled An Act for repairing the road leading from Ealand to the town of Leeds in the west riding of the county of York, and granting more effectual powers in lieu thereof.
26 Vict. c. xxviii. -	31. An Act to continue the Cleeve and Evesham turnpike trust in the county of Gloucester, and for other purposes.
29 Vict. c. lxxiv. -	32. An Act to repeal an Act passed in the third and fourth years of the reign of His Majesty King William the Fourth "for more effectually repairing the road from the canal bridge in Hurdfield in the county of Chester to the turnpike road at Randle Carr Lane Head in Fernilee in the county of Derby, leading to Chapel-in-the-Frith in the same county," and another Act passed in the same year "to rectify a mistake in the above-mentioned Act, and to make more effectual provisions in lieu thereof."

## SEVENTH SCHEDULE.

Acts which are to be repealed on and after the 1st November 1878, unless Parliament in the meantime otherwise provides, due regard being had in every case to local requirements and to the special circumstances of the trust.

County.	Name of Trust.	No. of Act.
Berks - -	Besselsleigh - - - - -	3
Chester - -	Manchester, Hyde, and Mottram - - - - -	2
	Stockport and Ashton - - - - -	18
Derby - -	Chesterfield and Hernstone Lane Head - - - - -	16
	Chesterfield, Newbold, and Dunstone - - - - -	19

County.	Name of Trust.	No. of Act.
Gloucester	Cheltenham-	11
	Pucklechurch	14
Lancaster	Bolton and St. Helens	7, 17
Leicester	Hinckley and Melbourne	4
	Market Harborough and Loughborough	10
	Tamworth and Harrington Bridge	13
Monmouth	Newport	15
Northumberland	Newcastle-on-Tyne to Carlisle	12
Stafford	Cheadle, Consolidated	9
	Lawton, Burslem, and Newcastle-under-Lyme	5
	Stafford District	20
Warwick	Finford Bridge and Banbury	6
York	Otley and Skipton	1
	Red House and Crofton	8
	Wakefield and Weeland	

Date of Act.	Title of Act.
20 & 21 Vict. c. cxxxi. <i>Limited to expire at end of session after 1 November 1878.</i>	1. An Act for continuing the term and amending and extending the provisions of the Act relating to the Otley and Skipton turnpike road, and to create a further term therein, and for other purposes.
21 Vict. c. xxxvii. - <i>Limited to expire at end of session after 28 June 1879.</i>	2. An Act for the more effectual management and repair of the road from Manchester in the county palatine of Lancaster through Hyde to Mottram-in-Longdendale in the county palatine of Chester.
21 Vict. c. xlii. - <i>Limited to expire at end of session after 21 July 1881.</i>	3. An Act to repeal the Acts relating to the Besselsleigh turnpike road in the county of Berks, and to make other provisions in lieu thereof.
22 & 23 Vict. c. lxxvii. <i>Limited to expire at end of session after 29 August 1880.</i>	4. An Act to repeal an Act passed in the tenth year of the reign of His Majesty King George the Fourth, intituled An Act for repairing the road from Hinckley to Melbourne Common, and other roads communicating therewith, in the counties of Leicester and Derby, and granting more effectual powers in lieu thereof.
22 & 23 Vict. c. lxxxvii. <i>Limited to expire at end of session after 1 November 1880.</i>	5. An Act to repeal the Acts relating to the Lawton, Burslem, and Newcastle-under-Lyme turnpike roads, and to consolidate and amend the provisions thereof.
22 & 23 Vict. c. xcii. - <i>Limited to expire at end of session after 8 August 1880.</i>	6. An Act to renew the term, and continue, amend, and enlarge the powers of an Act passed in the third year of the reign of His Majesty King George the Fourth, intituled An Act for more effectually repairing the road leading from the Cross-of-Hand, near Finford Bridge, in the county of Warwick, through the town of Southam in the same county, to the borough of Banbury in the county of Oxford, and to make other provisions in lieu thereof, and for other purposes.
23 & 24 Vict. c. cxliii. <i>Limited to expire at end of session after 1 January 1882.</i>	7. An Act for the Bolton and St. Helen's Road in the county palatine of Lancaster.
25 & 26 Vict. c. cv. - <i>Limited to expire at end of session after 1 October 1883.</i>	8. An Act for the Red House and Weeland Roads in the west riding of the county of York.
25 & 26 Vict. c. cl. - <i>Limited to expire at end of session after 31 December 1883.</i>	9. An Act to repeal an Act of the first year of the reign of King William the Fourth, "for consolidating the trusts of the several turnpike roads " in the neighbourhood of Cheadle, in the county of Stafford, and for " making deviations and new branches to and from the same," and to make other provisions in lieu thereof.

Date of Act.	Title of Act.
26 Vict. c. iv. - <i>Limited to expire at end of session after 1 November 1884.</i>	10. An Act for repairing the road from Market Harborough to Loughborough in the county of Leicester, and for other purposes.
26 Vict. c. li. - <i>Limited to expire at end of session after 30 June 1884.</i>	11. An Act to continue the Cheltenham Turnpike Trust in the county of Gloucester, and for other purposes.
26 & 27 Vict. c. cxxv. - <i>Limited to expire at end of session after 1 November 1884.</i>	12. An Act to create a further term in so much of the Newcastle-upon-Tyne and Carlisle turnpike road as is withip the county of Northumberland; to repeal, amend, and extend the powers of the Act relating to the said road, and for other purposes.
26 & 27 Vict. c. clv. - <i>Limited to expire at end of session after 15 September 1884.</i>	13. An Act to repeal an Act passed in the fourth year of the reign of His Majesty King George the Fourth, intituled An Act for repairing the roads from the borough of Tamworth in the counties of Stafford and Warwick to the town of Ashby-de-la-Zouch in the county of Leicester, and from Harrington Bridge (heretofore Sawley Ferry) in the said county of Leicester to a turnpike gate at or near the end of Swarcliffe Lane, leading to Ashby-de-la-Zouch aforesaid, and for granting more effectual powers in lieu thereof.
27 & 28 Vict. c. l. - <i>Limited to expire at end of session after 30 September 1885.</i>	14. An Act for continuing the term of and otherwise amending the Act relating to "the Pucklechurch or lower district of roads" in the counties of Gloucester and Wilts.
27 & 28 Vict. c. liii. - <i>Limited to expire at end of session after 20 July 1885.</i>	15. An Act to repeal the Acts relating to the Newport (Monmouthshire) Turnpike Trust, and the Caerleon Turnpike Trust, and to amalgamate those trusts, and for other purposes.
27 & 28 Vict. c. lxxiv. - <i>Limited to expire at end of session after 1 January 1885.</i>	16. An Act for continuing the term of the turnpike road from Chesterfield to Hernstone Lane Head with its branches, all in the county of Derby, and for other purposes.
27 & 28 Vict. c. cxxxviii. - <i>Limited to expire at end of session after 1 January 1882.</i>	17. An Act for the amendment of the Bolton and St. Helen's Turnpike Roads Act, 1860.
27 & 28 Vict. c. clxxix. - <i>Limited to expire at end of session after 1 September 1885.</i>	18. An Act for the Stockport and Ashton Turnpike Roads, in the counties palatine of Chester and Lancaster, and the county of York.
28 & 29 Vict. c. ccxv. - <i>Limited to expire at end of session after 1 November 1886.</i>	19. An Act for continuing the term of the turnpike roads from Brimington and Chesterfield in the county of Derby to the High Moors in the parish of Brampton in the said county, and for other purposes.
29 Vict. c. l. - <i>Limited to expire at end of session after 1 January 1882.</i>	20. An Act to amalgamate the trusts of the Stafford, Sandon, and Eccleshall Roads, the Stone, Stafford, and Penkrudge Roads, and the Stafford, Churchbridge, Uttoxeter, and Newport Roads, to authorize the construction of a new road, and for other purposes.

## CHAPTER 65.

An Act to prohibit the use of Dynamite or other Explosives for the purpose of catching or destroying Fish in Public Fisheries.  
[14th August 1877.]

**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 :

Short title.

Prohibition of the use of dynamite in public fisheries.

Offences committed on sea coast, where to be tried.

Definition of "summary conviction."  
27 & 28 Vict. c. 53.  
14 & 15 Vict. c. 93.

1. This Act may be cited as the Fisheries (Dynamite) Act, 1877.

2. Any person who uses dynamite or other explosive substance to catch or destroy fish in a public fishery shall be liable on summary conviction either to a fine not exceeding twenty pounds, or, in the discretion of the Court, to be imprisoned, with or without hard labour, for a term not exceeding two months.

3. Any offence committed under this Act, on the sea coast or at sea, within one marine league of the coast, shall be deemed to be committed in a public fishery, and if beyond the ordinary jurisdiction of any court of summary jurisdiction, shall be deemed either to have been committed on the land abutting on such sea coast or adjoining such sea, or to have been committed in any place where the offender is found, and may be tried and punished accordingly.

4. "Summary conviction" in this Act means, as to England, "a conviction before two justices in petty sessions;" as to Scotland, a conviction under "The Summary Procedure (Scotland) Act, 1864;" as to Ireland, a conviction under "The Petty Sessions (Ireland) Act, 1851," or any Acts in force for the like purpose in the police district of Dublin Metropolis, or any Acts amending such Acts.

## CHAPTER 66.

An Act to amend the Law with respect to the Annual Returns of Local Taxation in England, and for other purposes relating to such Taxation.

[14th August 1877.]

23 & 24 Vict. c. 51.

**W**HEREAS by the Local Taxation Returns Act, 1860, and other Acts, local authorities or their officers are required to make annually to one of Her Majesty's Principal Secretaries of State, or to the Local Government Board, returns of their receipts and expenditure, and of any rates, taxes, tolls, or dues levied by them, and it is expedient to make further provision respecting such returns:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The annual return required by law to be made of any receipts or expenditure of a local authority, or of any rates, taxes, tolls, or dues, shall be made for the financial year ending on the twenty-fifth day of March, or on such other day as the Local Government Board may from time to time prescribe, upon the application of any particular authority in respect of their receipts and expenditure, or of any rates, taxes, tolls, or dues levied by them, or in respect of the receipts and expenditure and of the rates, taxes, tolls, or dues levied by any class of authorities.

Every such return shall be sent to the Local Government Board and not to one of Her Majesty's Principal Secretaries of State, and shall be so sent within one month after the audit of the receipts and expenditure to which the return relates is completed, or if the audit is not completed within six months after the end of the finan-

Date for annual return of local taxation.



cial year for which the return is to be made, then on the expiration of such six months, or if there is no audit, then within one month after the end of the said financial year.

For the purpose of any such return the date to which the accounts of any local authority are required by law to be made up, and the date at which such accounts are required by law to be audited, and auditors are required to be elected or appointed, may be altered by the local authority, with the approval of the Local Government Board: Provided that nothing in this section shall prevent any accounts being made up and audited at shorter periods than twelve months, so that one of such shorter periods ends on the last day of the financial year for which the return of such accounts is to be made.

2. Every return to which this Act applies shall be made by the clerk of the local authority, or where no clerk is appointed or acting, by the treasurer or other officer keeping the accounts of the receipts and expenditure, rates, taxes, tolls, or dues, to which the return relates, and any such clerk, treasurer, or other officer who makes default in making any such return shall be liable to a penalty not exceeding twenty pounds for each offence, to be recovered by action on behalf of Her Majesty in the High Court of Justice.

Obligation of clerk of local authority to send return.

3. The expression "local authority" in this Act means any justices, municipal or other corporation, board, guardians, sanitary authority, vestry, commissioners, inspectors, trustees, or other body of persons required by law to make to one of Her Majesty's Principal Secretaries of State, or to the Local Government Board, a return of their receipts and expenditure, or of any rates, taxes, tolls, or dues levied by them or under their direction.

Definition of "local authority."

4. The first return under this Act shall be made for the financial year ending in the year one thousand eight hundred and seventy-eight, and the Local Government Board shall make such provision as may seem to them necessary for any change of the date of the accounts and audit of the accounts of any local authority which may be rendered necessary by the provisions of this Act, so as to cause as little inconvenience as possible to the local authority.

First return under Act.

5. This Act may be cited as the Local Taxation Returns Act, 1877.

Short title.

The Act of the session of the twenty-third and twenty-fourth years of the reign of Her present Majesty, chapter fifty-one, intituled "An Act to provide for an annual return of rates, taxes, tolls, and dues levied for local purposes in England," may be cited as the Local Taxation Returns Act, 1860, and that Act and this Act may be cited as the Local Taxation Returns Acts, 1860 and 1877.

## CHAPTER 67.

An Act to continue various expiring Laws.

[14th August 1877.]

WHEREAS the several Acts mentioned in column one of the schedule to this Act are, to the extent specified in column two of that schedule, limited to expire on the thirty-first day of December one thousand eight hundred and seventy-seven:

And whereas it is expedient to provide for the continuance as in this Act mentioned of such Acts, and of the enactments amending 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 :

1. This Act may be cited as the Expiring Laws Continuance Act, 1877.

2. The Acts mentioned in column one of the schedule to this Act, in so far as they are temporary in their duration, shall, to the extent in column two of the said schedule mentioned, be continued until the thirty-first day of December one thousand eight hundred and seventy-eight, and any enactments amending or affecting the enactments continued by this Act shall, in so far as they are temporary in their duration, be continued in like manner.

### SCHEDULE.

1. Original Acts.	2. How far continued.	3. Amending Acts.
(1) 5 & 6 Will. 4. c. 27. Linen, Hempen, Cotton, and other Manufactures (Ireland).	The whole Act so far as it is not repealed.	3 & 4 Vict. c. 91. (except ss. 18 and 23). 5 & 6 Vict. c. 68. 7 & 8 Vict. c. 47. 30 & 31 Vict. c. 60.
(2) 3 & 4 Vict. c. 89. Poor Rates, Stock in Trade Exemption.	The whole Act.	—
(3) 4 & 5 Vict. c. 35. Copyhold, Inclosure, and Tithe Commissioners.	So much as relates to the appointment of and the period for holding office by Commissioners and other officers.	14 & 15 Vict. c. 53. 25 & 26 Vict. c. 73.
(4) 4 & 5 Vict. c. 59. Application of Highway Rates to Turnpike Roads.	The whole Act.	—
(5) 10 & 11 Vict. c. 32. Landed Property Improvement (Ireland).	As to powers of Commissioners -	12 & 13 Vict. c. 59. 13 & 14 Vict. c. 31. 25 & 26 Vict. c. 29. 29 & 30 Vict. c. 40.
(6) 10 & 11 Vict. c. 98. Ecclesiastical Jurisdiction.	As to provisions continued by 21 & 22 Vict. c. 50.	—
(7) 11 & 12 Vict. c. 32. County Cess (Ireland).	The whole Act - - -	20 & 21 Vict. c. 7.

1. Original Acts.	2. How far continued.	3. Amending Acts.
(8) 11 & 12 Vict. c. 107. Sheep and Cattle Diseases.	The whole Act as to Ireland	16 & 17 Vict. c. 62. 29 & 30 Vict. c. 4. 33 & 34 Vict. c. 36. 35 & 36 Vict. c. 16. 37 & 38 Vict. c. 6.
(9) 14 & 15 Vict. c. 104. Episcopal and Capitular Estates Management.	The whole Act so far as it is not repealed.	17 & 18 Vict. c. 116. 22 & 23 Vict. c. 46. 23 & 24 Vict. c. 124. 31 & 32 Vict. c. 114. s. 10.
(10) 17 & 18 Vict. c. 102. Corrupt Practices Prevention.	The whole Act so far as it is not repealed.	21 & 22 Vict. c. 87. 26 & 27 Vict. c. 29. 31 & 32 Vict. c. 125.
(11) 23 & 24 Vict. c. 19. Dwellings for Labouring Classes (Ireland).	The whole Act.	—
(12) 24 & 25 Vict. c. 109. Salmon Fishery (England) Act.	As to appointment of inspectors, s. 31.	—
(13) 25 & 26 Vict. c. 97. Salmon Fisheries (Scotland).	As to the powers of Commissioners, &c.	26 & 27 Vict. c. 50. 27 & 28 Vict. c. 118.
(14) 26 & 27 Vict. c. 105. Promissory Notes.	The whole Act.	—
(15) 27 & 28 Vict. c. 9. Malt for Animals.	The whole Act.	—
(16) 27 & 28 Vict. c. 20. Promissory Notes and Bills of Exchange (Ireland).	The whole Act.	—
(17) 28 & 29 Vict. c. 46. Militia Ballots Suspension.	The whole Act.	—
(18) 28 & 29 Vict. c. 66. Charging of Malt Duty by Weight.	The whole Act so far as it is not repealed.	29 & 30 Vict. c. 64.
(19) 28 & 29 Vict. c. 83. Locomotives on Roads.	The whole Act.	—
(20) 29 & 30 Vict. c. 52. Prosecution Expenses.	The whole Act.	—

1. Original Acts.	2. How far continued.	3. Amending Acts.
(21) 31 & 32 Vict. c. 125. Election Petitions and Corrupt Practices.	The whole Act.	—
(22) 32 & 33 Vict. c. 21. Election Commissioners Expenses.	The whole Act - - -	34 & 35 Vict. c. 61.
(23) 34 & 35 Vict. c. 87. Sunday Observance Prosecutions.	The whole Act.	—
(24) 34 & 35 Vict. c. 105. Petroleum -	The whole Act.	—

## CHAPTER 68.

An Act for preventing the introduction and spreading of  
Insects destructive to Crops. [14th August 1877.]

**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:

### *Great Britain.*

Power to Privy Council to make Orders for preventing introduction of destructive insects.

**1.** The Lords and others of Her Majesty's Most Honourable Privy Council (in this Act referred to as the Privy Council) may from time to time make such Orders as they think expedient for preventing the introduction into Great Britain of the insect designated as *Doryphora decemlineata*, and commonly called the Colorado beetle.

Any such Order, if the Privy Council think fit, may prohibit or regulate the landing in Great Britain of potatoes, or of the stalks and leaves of potatoes, or other vegetable substance, or other article, brought from any place out of Great Britain, the landing whereof may appear to the Privy Council likely to introduce the said insect into Great Britain, and may direct or authorise the destruction of any such article, if landed.

If any person lands or attempts to land any article in contravention of any Order under this Act, such article shall be liable to be forfeited in like manner as goods the importation whereof is prohibited by the Acts relating to the Customs are liable to be forfeited; and the person so offending shall be liable, according to those Acts, to such penalties as are imposed on persons importing or attempting to import goods the importation whereof is prohibited by those Acts.

Power to Privy Council to make Orders for preventing

**2.** The Privy Council may from time to time make such Orders as they think expedient for preventing the spreading in Great Britain of the said insect.

Any such Order may, if the Privy Council think fit, direct or authorise the removal or destruction of any crop of potatoes or other crop or substance on which the said insect in any stage of existence is found, or to or by means of which the said insect may appear to the Privy Council likely to spread, and the entering on any lands for the purpose of such removal or destruction, or for the purpose of any examination or inquiry authorised by the Order, or for any other purpose of the Order.

spreading of  
destructive  
insects.

Any such Order may, if the Privy Council think fit, prohibit the keeping, selling, or exposing or offering for sale, or the keeping of living specimens of the said insect, in any stage of existence, or the distribution in any manner of such specimens.

Any such Order may impose penalties for offences against the Order, not exceeding ten pounds for any offence; and those penalties shall by virtue of this Act be recoverable, with costs, on summary conviction before two justices of the peace, and shall be applied as penalties recovered under the Contagious Diseases (Animals) Act, 1869, are applicable.

32 & 33 Vict.  
c. 96.

3. Where by any Order under this Act the Privy Council direct or authorise the removal or destruction of any crop, they may direct or authorise the payment by the Local Authority of compensation for the crop; and the Local Authority shall pay the same, subject and according to the following provisions:

Compensation  
for crops.

(1.) In the case of a crop on which the said insect, in any stage of existence, is found, the compensation shall not exceed one half of the value of the crop.

(2.) In every other case the compensation shall not exceed three fourths of the value of the crop.

(3.) The value of the crop shall in each case be taken to be the value which, in ordinary circumstances, the crop would have had at the time of its removal or destruction.

(4.) The Local Authority may, if they think fit, require the value of the crop to be ascertained by their officers or by arbitration.

(5.) The Local Authority may, if they think fit, withhold compensation if, in relation to the crop, the owner or the person having charge thereof, has, in their judgment, done anything in contravention of, or failed to do anything in compliance with, any Order under this Act.

4. The Local Authorities under the Contagious Diseases (Animals) Act, 1869, with their respective districts, local rates, clerks, and committees, shall be in like manner Local Authorities for the purposes of this Act.

Local Authorities and execution of Orders of Council.

The Privy Council may, if they think fit, require a Local Authority to carry into effect any Order of the Privy Council under this Act.

The expenses incurred and compensation paid by a Local Authority in pursuance of any Order under this Act shall be paid by them out of the local rate.

Every local authority shall keep, in such manner and form as the Privy Council from time to time by Order direct, a record relative to proceedings in pursuance of any Order under this Act, stating the date of the removal or destruction of any crop or substance,

and other proper particulars, which record shall be admitted in evidence.

Publication  
of Orders of  
Council.

5. Every Order of the Privy Council under this Act shall be published, if it relates to England, in the London Gazette, and, if it relates to Scotland, in the Edinburgh Gazette; save that, where the Order affects only specified lands, the insertion in the London or Edinburgh Gazette (as the case may require) of a notice of the making of the Order shall be sufficient.

Any Order of the Privy Council under this Act shall be published by any Local Authority, to whom it is sent by the Privy Council for publication, in such manner as the Privy Council direct, and, subject to, or in the absence of, any such direction, in such manner as the Local Authority think sufficient and proper to insure publicity.

Exercise of  
powers of Act  
by Privy  
Council.

6. The powers by this Act conferred on the Privy Council may be exercised by any two or more of the Lords and others of the Privy Council, and, as regards the making of Orders affecting only specified lands, may be exercised by the Lord President or one of Her Majesty's Principal Secretaries of State.

#### *Ireland.*

Application of  
Act to Ireland.

7. The foregoing provisions of this Act shall apply to Ireland, as if Ireland were named therein instead of Great Britain, but subject to the provisions of this section:

(1.) The powers conferred on the Privy Council shall be vested in the Lord Lieutenant, or other chief governor or governors, of Ireland, acting by the advice of Her Majesty's Privy Council in Ireland.

(2.) The Local Authorities shall be the boards of guardians of the several poor law unions.

(3.) The expenses incurred and compensation paid by a Local Authority shall be paid by the treasurer of the union out of union funds, that is to say, out of any money in his hands to the credit of the guardians of the union, and if there is not sufficient money in his hands, then out of the money next received by him and placed to their credit.

14 & 15 Vict.  
c. 90.

(4.) Penalties (other than penalties recoverable under the Acts relating to the Customs) shall be recovered in a summary manner, and shall be applied according to the provisions of the Fines Act (Ireland), 1851, and any Act amending the same.

(5.) Orders shall be published in the Dublin Gazette.

#### *General.*

Orders to be  
laid before  
Houses of  
Parliament.

8. Every Order under this Act shall be laid before both Houses of Parliament within ten days after the making thereof, if Parliament is then sitting, and if not, then within ten days after the next meeting of Parliament.

Expenses of  
Act.

9. The expenses of the execution of this Act, other than expenses and compensation paid by Local Authorities, shall be paid out of money to be provided by Parliament.

Short title.

10. This Act may be cited as The Destructive Insects Act, 1877.

## CHAPTER 69.

An Act to amend the Law with respect to the Grant of  
Municipal Charters. [14th August 1877.]

**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:

1. This Act may be cited as "The Municipal Corporations (New Charters) Act, 1877." Short title.

2. In this Act the expression "Municipal Corporation Acts" means the Acts mentioned in the First Schedule to this Act, so far as they are unrepealed, and any Act hereafter to be passed amending those Acts, or any of them, and each of the Acts in the said schedule may be cited by the short title in that schedule mentioned. Definition of "Municipal Corporation Acts," and short titles.

3. If on the petition to Her Majesty of the inhabitant householders of any town or towns or district in England, or of any of those inhabitants, praying for the grant of a charter of incorporation, Her Majesty, by the advice of Her Privy Council, thinks fit by charter to create such town, towns, or district, or any part thereof specified in the charter, with or without any adjoining place, a municipal borough, and to incorporate the inhabitants thereof, it shall be lawful for Her Majesty by the charter to extend to that municipal borough and the inhabitants thereof so incorporated the provisions of the Municipal Corporation Acts. Power to Crown in granting charter to borough to extend to it the provisions of the Municipal Corporation Acts.

4. Every petition for a charter under this Act shall be referred to a Committee of the Lords of Her Majesty's Privy Council (in this Act referred to as the Committee of Council). Reference to Committee of Council and notice of petition for charter.

One month at least before the petition is taken into consideration by the Committee of Council, notice thereof and of the time when the same will be taken into consideration by the Committee of Council shall be published in the London Gazette, and otherwise in such manner as may be directed by the Committee of Council for the purpose of making the same known to all persons interested.

5. Where Her Majesty by a charter extends the Municipal Corporation Acts to a municipal borough it shall be lawful for Her Majesty, by the charter, to do all or any of the following things: Power by charter to settle wards and by fixing dates and otherwise to adapt the Municipal Corporation Act to first constitution of new borough.

- (1.) To fix the number of councillors, and to fix the number and boundaries of the wards (if any), and to assign the number of councillors to each ward; and
- (2.) To fix the years, days, and times for the retirement of the first aldermen and councillors; and
- (3.) To fix such days, times, and places, and nominate such persons to perform such duties, and make such other temporary modifications of the Municipal Corporation Acts, as may appear to Her Majesty to be necessary or proper for making those Acts applicable in the case of the first constitution of a municipal borough.

The years, days, times, and places fixed by the charter, and the persons nominated therein to perform any duties, shall, as regards the borough named in the charter, be respectively substituted in

the Municipal Corporation Acts for the years, days, times, places, officers, and persons therein mentioned, and the persons so nominated shall have the like powers and be subject to the like obligations and penalties, as the officers and persons mentioned in the said Acts for whom they are respectively substituted.

Subject to the provisions of the charter authorised by this section, the Municipal Corporation Acts shall, upon the charter coming into effect, apply to the municipal borough to which they are extended by the charter, in like manner as if it were a borough named in Schedule B. to the Municipal Corporation Act, 1835, and as if the date of the charter were substituted in the last-mentioned Act for the time of the passing of that Act and for the fifth day of June one thousand eight hundred and thirty-five, and where the first mayor, aldermen, and councillors, or any of them, are named in the charter shall apply as if they were elected under the said Acts, and where they are not so named shall apply to their first election.

6. Where a petition for a charter is referred to the Committee of Council, and it is proposed by the charter to extend the Municipal Corporation Acts to the municipal borough to be created by the charter, the Committee of Council may settle a scheme for the adjustment of the powers, rights, privileges, duties, property, and liabilities of any then existing local authority whose district comprises the whole or part of the area of that borough, either with or without any adjoining or other place, and also of any officer of that authority.

The scheme, so far as it appears to the Committee of Council to be necessary or proper for carrying into effect the said adjustment as regards any local authority existing at the time of the making of the scheme, may contain provisions for the continuance of that authority, or for the abolition, total or partial, of that authority, or for the creation of another authority or authorities, and the alteration of the district of the existing local authority, and the union or other relation of the existing local authority and the authority or authorities so created, and for the continuance, modification, transfer, vesting, and extension to the whole of the borough of all or any of the powers, rights, privileges, franchises, duties, property, and liabilities of the existing local authority, and may contain such provisions as appear to the Committee of Council to be necessary or proper for fully carrying into effect any such adjustment and provisions as aforesaid.

The scheme, when settled by the Committee of Council, shall be published in the London Gazette, and otherwise, as provided by the Second Schedule to this Act, and shall not be of any effect unless confirmed as herein-after mentioned.

Where, within one month after the publication of the scheme in the London Gazette, a petition against the scheme by any local authority affected thereby, or by not less than one twentieth of the owners and ratepayers of the borough (such twentieth to be one twentieth in number of the owners and ratepayers of the borough taken together, or the owners and ratepayers in respect of one twentieth of the rateable property in the borough) has been received by the Committee of Council, and is not withdrawn, the scheme shall require the confirmation of Parliament, and the Committee of

5 & 6 W. 4.  
c. 76.

Scheme for  
continuance or  
abolition of  
and adjustment  
of rights of  
existing local  
authority.



Council may, if they think fit, submit it to Parliament for confirmation, but otherwise at any time after the expiration of the said month, or after the withdrawal of any petition that has been presented, the Committee of Council may, if they think fit, submit the scheme for confirmation, either to Parliament or to Her Majesty in Council, and in the latter case it shall be lawful for Her Majesty to confirm the scheme by Order in Council.

A scheme, when confirmed by Parliament or by Order in Council, shall have full operation, with, in the former case, such modifications, if any, as are made therein by Parliament, as if it were part of this Act.

A local authority for the purposes of this Act means a sanitary authority, (not being the mayor, aldermen, and burgesses of a borough subject to the Municipal Corporation Acts,) also the corporation of a borough, not subject to the Municipal Corporation Acts, a burial board, trustees, commissioners, or other persons who, as a public body and not for their own profit, act under any Act for paving, lighting, supplying with water or gas, cleaning, watching, regulating, or improving any town or place, or for providing or maintaining a cemetery or market in or for any town or place, and any commissioners, trustees, or other persons (not being justices of the peace) maintaining any police force, and any other authority not above excepted, and not being a school board, and having powers of local government and of rating for public purposes.

The district of a local authority for the purposes of this Act means the area within which such authority can exercise any powers or rights.

**7.** A scheme under this Act shall, before being settled by the Committee of Council, be referred for consideration to a Secretary of State and the Local Government Board, and so far as it is intended to affect any authority which is a harbour authority within the meaning of the Harbours and Passing Tolls, &c. Act, 1861, to the Board of Trade.

Supplemental provisions as to scheme.

24 & 25 Vict. c. 47. s. 2.

A scheme shall in every case provide for placing the new borough within the jurisdiction of the council as the sanitary authority.

The provisions contained in the Second Schedule to this Act, with respect to schemes under this Act, shall have effect as if they were enacted in the body of this Act, and that schedule shall be deemed to be part of this Act.

If the Committee of Council are satisfied that a local authority or other petitioners have properly promoted or properly opposed a scheme before them, and that for special reasons it is right that the reasonable costs incurred by the authority or other petitioners in such promotion or opposition should be paid as expenses properly incurred by the local authority in the execution of their duties, the Committee of Council may order such costs to be so paid, and these costs shall be paid accordingly.

**8.** Nothing in any scheme or in the Municipal Corporation Acts shall authorise the establishment in a borough to which a charter is granted under this Act of a new separate police force not consolidated with the county police force, unless the district incorporated by such charter contained not fewer than twenty thousand inhabitants, according to the census taken next before the date of such incorporation.

Provision as to police force in new borough.

Validity of charters.

**9.** A charter creating a municipal borough which purports to be granted in pursuance of the royal prerogative, and in pursuance of or in accordance with this Act, shall after acceptance be deemed to be valid and within the powers of this Act and of Her Majesty's prerogative, and shall not be questioned in any legal proceeding whatever.

Every such charter shall be laid before both Houses of Parliament within one month after it is granted, if Parliament be then sitting, or if not, within one month after the beginning of the then next sitting of Parliament.

Saving for other enactments and royal prerogative.

**10.** The provisions of this Act shall be deemed to be in addition to, and not in derogation of, the powers and provisions contained in any enactment not repealed by this Act, and the powers exercisable by Her Majesty by virtue of her royal prerogative.

Repeal of Acts.

**11.** The Acts mentioned in the Third Schedule to this Act are hereby repealed to the extent in the third column of that schedule mentioned: Provided that—

- (1.) This repeal shall not affect any charter granted, or anything done or suffered under any enactment hereby repealed; or
- (2.) Any right acquired or accrued under any enactment hereby repealed; or
- (3.) Any legal proceeding or remedy in respect of any such charter, thing, right, or liability.

Pending petitions.

**12.** Where a petition for a charter of incorporation presented to Her Majesty is pending at the passing of this Act, the same shall be proceeded with as if such petition had been presented after the passing of this Act, and this Act shall apply accordingly; but where an Order in Council has before the passing of this Act been made directing the grant of a charter, the petition for that charter shall not be deemed to be a pending petition within the meaning of this section, and the charter granted in pursuance of such order shall for the purposes of this Act be deemed to have been granted at the date of the order, in pursuance of the enactments repealed by this Act, as if they had not been repealed.

Application of Act to past charters.

**13.** All charters purporting to have been granted in pursuance of the royal prerogative and in pursuance of or in accordance with any enactment repealed by this Act, shall, except so far as before the passing of this Act they have been declared by the judgment of a competent court to be invalid, be as valid as if they had been granted in pursuance of this Act.

Where any such charter has been granted to a borough within seven years before the passing of this Act, the Committee of Council, on the petition to Her Majesty of the mayor, aldermen, and burgesses of such borough acting by the council, or of any existing local authority whose district comprises the whole or any part of the area of that borough, either with or without any adjoining or other place, may settle a scheme under this Act in like manner as if the petition for the grant of a charter to such borough had been referred to the Committee of Council after the passing of this Act, and the provisions of this Act with respect to a scheme shall apply accordingly, with the necessary modifications; and if within one month after the publication of the scheme in the London Gazette a petition against the scheme from the council of the borough has been received by the Committee of Council and is not withdrawn, the scheme shall require the confirmation of Parliament.

## FIRST SCHEDULE.

*Municipal Corporation Acts.*

Session and Chapter.	Title of Act.	Short Title.
5 & 6 Will. 4. c. 76. -	An Act to provide for the regulation of municipal corporations in England and Wales.	The Municipal Corporation Act, 1835.
6 & 7 Will. 4. c. 103.	An Act to make temporary provision for the boundaries of certain boroughs.	The Municipal Corporation (Boundaries) Act, 1836.
6 & 7 Will. 4. c. 104.	An Act for the better administration of the borough fund in certain boroughs.	The Municipal Corporation (Borough Fund) Act, 1836.
6 & 7 Will. 4. c. 105.	An Act for the better administration of justice in certain boroughs.	The Municipal Corporation (Justices, &c.) Act, 1836.
7 Will. 4. & 1 Vict. c. 78.	An Act to amend an Act for the regulation of municipal corporations in England and Wales.	The Municipal Corporation (General) Act, 1837.
7 Will. 4. & 1 Vict. c. 81.	An Act to provide for the levying of rates in boroughs and towns having municipal corporations in England and Wales.	The Municipal Corporation (Watch Rate) Act, 1837.
1 & 2 Vict. c. 31. -	An Act for facilitating the sale of church patronage belonging to municipal corporations in certain cases.	The Municipal Corporation (Benefices) Act, 1838.
2 & 3 Vict. c. 27. -	An Act for regulating the proceedings in the borough courts of England and Wales.	The Municipal Corporation (Borough Courts) Act, 1839.
2 & 3 Vict. c. 25. -	An Act for the more equally assessing and levying watch rates in certain boroughs.	The Municipal Corporation (Watch Rate) Act, 1839.
3 & 4 Vict. c. 28. -	An Act to explain and amend an Act of the second and third years of Her present Majesty for more equally assessing and levying watch rates in certain boroughs.	The Municipal Corporation (Watch Rate) Act, 1840.
t. 5 & 6 Vi <sup>c</sup> c. 104. -	An Act to explain and amend certain enactments contained respectively in the Acts for the regulation of municipal corporations in England and Wales and in Ireland.	The Municipal Corporation Act, 1842.
6 & 7 Vict. c. 89. -	An Act to amend the Act for the regulation of municipal corporations in England and Wales.	The Municipal Corporation Act, 1843.
8 & 9 Vict. c. 110. -	An Act for the better collecting borough and watch rates in certain places.	The Municipal Corporation (Rates) Act, 1845.
13 & 14 Vict. c. 42. -	An Act to confirm the incorporation of certain boroughs, and to provide for the payment of the expenses of the incorporation of new boroughs.	The Municipal Corporation (Incorporation) Act, 1850.
13 & 14 Vict. c. 64. -	An Act to provide for more effectually maintaining, repairing, improving, and rebuilding bridges in cities and boroughs.	The Municipal Corporations (Bridges) Act, 1850.
13 & 14 Vict. c. 91. -	An Act to authorise justices of any borough having a separate gaol to commit assize prisoners to such gaol, and to extend the jurisdiction of borough justices to all offences and matters arising within the borough for which they act.	The Municipal Corporation (Justices) Act, 1850.
15 & 16 Vict. c. 5. -	An Act further to explain and amend the Acts for the regulation of municipal corporations in England and Wales and in Ireland.	The Municipal Corporation Act, 1852.
16 & 17 Vict. c. 79. -	An Act for making sundry provisions with respect to municipal corporations in England.	The Municipal Corporation Act, 1853.

Session and Chapter.	Title of Act.	Short Title.
20 & 21 Vict. c. 50. -	An Act to amend the Acts concerning municipal corporations in England.	The Municipal Corporation Act, 1857.
22 Vict. c. 35. -	An Act to amend the law relating to municipal elections.	The Municipal Corporation Act, 1859.
23 & 24 Vict. c. 16. -	An Act to make further provision concerning mortgages and other dispositions of property belonging to municipal corporations in England and Ireland.	The Municipal Corporation (Mortgages, &c.) Act, 1860.
24 & 25 Vict. c. 75. -	An Act for amending the Municipal Corporations Act.	The Municipal Corporations Act Amendment Act, 1861.
32 & 33 Vict. c. 23. -	An Act to extend the power of recorders to appoint deputies in certain cases.	The Municipal Corporation (Recorders) Act, 1869.
32 & 33 Vict. c. 55. -	An Act to shorten the term of residence required as a qualification for the municipal franchise, and to make provision for other purposes.	The Municipal Corporation (Elections) Act, 1869.

### SECOND SCHEDULE.

#### *Procedure for Schemes under the Act.*

1. The Committee of Council may, if they think fit, require the draft of a proposed scheme to be submitted to them; either together with the petition for a charter, or at any subsequent period.

2. The draft of a proposed scheme, and also the scheme when settled, shall be published by advertisement or placards or handbills, or otherwise, as the Committee of Council think best calculated for giving notice thereof to all persons interested.

3. Before settling the scheme the Committee of Council shall consider any objections which may be made thereto by any local authority or persons affected thereby.

4. Where a scheme is submitted to Parliament for confirmation, the Committee of Council may introduce a Bill for the confirmation of the scheme, which Bill shall be a Public Bill.

5. Before such Bill is introduced into Parliament the Committee of Council may alter the scheme in such manner as they think proper.

6. If while the Bill confirming a scheme is pending in either House of Parliament a petition is presented against the scheme, the Bill, so far as it relates to such scheme, may be referred to a select committee, and the petitioner shall be allowed to appear and oppose as in the case of a Private Bill.

7. A scheme shall come into operation at the date of its confirmation or any later date mentioned in the scheme.

8. The confirmation of a scheme shall be conclusive evidence that all the requirements of this Act with respect to proceedings required to be taken previously to the making of the scheme have been complied with, and that the scheme has been duly made, and is within the powers of this Act.

### THIRD SCHEDULE.

#### *Enactments repealed.*

Session and Chapter.	Title of Act.	Extent of Repeal.
5 & 6 Will. 4. c. 76. -	An Act to provide for the regulation of municipal corporations in England and Wales.	Section one hundred and forty-one.
7 Will 4. & 1 Vict. c. 78.	An Act to amend an Act for the regulation of municipal corporations in England and Wales.	Section forty-nine.

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**APPENDIX AND INDEX.**

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## C O N T E N T S.

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1. TABLE OF THE TITLES OF THE LOCAL AND PRIVATE ACTS PASSED DURING THE SESSION.
  2. LIST OF THE LOCAL AND PRIVATE ACTS, ARRANGED IN CLASSES.
  3. TABLES SHOWING THE EFFECT OF THE YEAR'S LEGISLATION.
  4. INDEX TO THE PUBLIC GENERAL STATUTES.
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# T A B L E

OF

The TITLES of the LOCAL and PRIVATE ACTS passed during  
the Session.

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## LOCAL ACTS.

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*The Titles to which the letter P. is prefixed are Public Acts of a Local Character.*

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- i. **A**N Act for giving effect to an Arrangement between the Local Board of Bromley in the county of Kent and the Owners of a Gravel Pit in the Great Page Heath Field at Bromley; and for other purposes.
- ii. An Act for confirming, so far as the same may be necessary, certain Awards made with reference to the provisions of the Mersey Dock (Liverpool Dock Extension) Act, 1873, and an Agreement made between the Mersey Docks and Harbour Board, the Birkenhead Improvement Commissioners, and the Great Western Railway Company; and for other purposes.
- iii. An Act for amending the Law relating to the Vicar's Rate in Halifax in Yorkshire.
- iv. An Act for empowering the Highland Railway Company to provide and use Steam and other Vessels; and for other purposes.
- v. An Act for granting further Powers to the Falmouth Waterworks Company.
- vi. An Act to enable the General Steam Navigation Company to raise further Capital.
- vii. An Act to amend the Metage on Grain (Port of London) Act, 1872, and the Gaslight and Coke Company Act, 1876; and for other purposes.
- viii. An Act to enlarge the Powers of the Metropolitan Board of Works with respect to the making of certain Byelaws, to authorise them to contribute towards the Cost of a public Recreation Ground for the districts of Sydenham and Forest Hill, and to confer Powers upon the Board of Works for the Lewisham District with reference to such Recreation Ground.
- ix. An Act to confirm three Provisional Orders under "The Drainage and Improvement of Lands (Ireland) Act, 1863," and the Acts amending the same.
- x. An Act to confer further powers upon the Louth and East Coast Railway Company; and for other purposes.
- xi. An Act for the Abandonment of the Railways authorised by the Leeds, Roundhay Park, and Osmondthorpe Junction Railway Act, 1874; and for other purposes.
- xii. An Act for incorporating the Trustees of the Educational Institution in Glasgow founded under the Will of Professor John Anderson; for altering the Name of that Institution, and the Powers and Duties of the Trustees and Managers thereof; and for other purposes.
- xiii. An Act to empower the Girvan and Portpatrick Junction Railway Company to acquire certain Lands in the Counties of Wigtown and Ayr; to borrow further Money; and for other purposes.

- xiv.** An Act to authorise the Commissioners for executing and carrying into effect "The Glasgow Market and Slaughterhouses Act, 1865," to enlarge the Markets and Slaughterhouses; to raise a further sum of Money; and for other purposes.
- xv.** An Act to provide for the Application of Moneys arising from the Sale of Land of the Van Diemen's Land Company, and for other purposes relating to that Company.
- xvi.** An Act to authorise the Trustees of the River Weaver Navigation to raise a further Sum of Money for the Improvement of their Navigation, and to extend the Period for the Repayment of the Debt; and for other purposes relating to the said Navigation.
- xvii.** An Act to vest in the Kelvin Valley Railway Company the Undertaking of the Kilsyth Railway Company; and for other purposes.
- xviii.** An Act for conferring further Powers on the Shotts Iron Company.
- xix.** An Act for rendering valid certain Letters Patent granted to William Harper for Improvements in Machinery or Apparatus for suspending Fabrics in Drying Stoves.
- xx.** An Act for making further provision with respect to the Investment of the Moneys of the Law Life Assurance Society.
- xxi.** An Act to authorise the North British Railway Company to enlarge their Queen Street Station in Glasgow; to make certain railways in the counties of Lanark and Stirling; to divert the road leading to Kilbowie from the Glasgow and Dumbarton Turnpike Road; to acquire additional lands; to stop up certain streets in Glasgow and part of the said road; to subscribe to the Kelvin Valley Railway Company; and for other purposes.
- P. xxii.** An Act to confirm certain Provisional Orders of the Local Government Board relating to the Local Government Districts of Horbury, Hyde, Luton, and Skipton.
- xxiii.** An Act to extend the Time for the Purchase of Lands for, and for the Construction of, the North British, Arbroath, and Montrose Railway.
- xxiv.** An Act to extend the Time for completing the Dalton Reservoir and Works in connexion therewith; to authorise the Corporation of Rotherham to purchase certain Premises in Rotherham; to amend the Acts relating to the said Corporation; and for other purposes.
- xxv.** An Act to enable the Dock Company at Kingston-upon-Hull to extend their Works, and to raise additional Capital; and for other purposes.
- xxvi.** An Act to enable the Edinburgh and District Water Trustees to abandon their authorised Alnwick Hill Service Reservoir, and to construct the same on another site, with relative works, and to divert certain conduits; and for other purposes.
- xxvii.** An Act to authorise the Cork and Macroom (Direct) Railway Company to extend their Railway into the City of Cork; to raise further Capital; and for other purposes.
- xxviii.** An Act to confer further Powers on the London, Brighton, and South Coast Railway Company.
- xxix.** An Act to authorise the transfer of the Undertaking of the Longton Gas Company to the Corporation of Longton.
- xxx.** An Act for extending the Powers of the Corporation of the Municipal Borough of Middlesbrough in the North Riding of the County of York with respect to Works for the storage of Gas, Markets and Ferries, and the Local Government and Improvement of the said Borough; and for other purposes.
- xxxxi.** An Act for extending the Boundaries of the Borough and County of the Town of Nottingham, and for providing for the execution of the Nottingham



and Leen District Sewerage Act, 1872, by the Corporation; and for other purposes.

**xxxii.** An Act for incorporating the Sittingbourne District Gas Company, and authorising them to supply with Gas the Town of Sittingbourne and certain neighbouring Parishes and Places in the County of Kent; and for other purposes.

**xxxiii.** An Act for enabling the Mayor, Aldermen, and Burgesses of the borough of Warrington in the counties of Lancaster and Chester to purchase the Undertaking of the Warrington Gaslight and Coke Company; to consolidate their Mortgage Debt; and for other purposes.

**xxxiv.** An Act to provide for a constant supply of Water within the Town and Borough of Stamford; and for other purposes.

**xxxv.** An Act to amend and consolidate in one Act certain Provisions of Local Acts relating to the Port and Harbour of Sligo.

**xxxvi.** An Act for the more effectual Drainage of Lands in the County of Somerset, and for other purposes.

**xxxvii.** An Act to enable the Alliance and Dublin Consumers Gas Company to acquire additional Lands at Bray, and for other purposes connected therewith.

**xxxviii.** An Act to give effect to the Purchase by the Trustees of the District and Harbour of Maryport, in the county of Cumberland, of the Undertaking of the Maryport Town and Harbour Gas Company; to enable the said Trustees to borrow Money and to levy Rates; and for other purposes.

**xxxix.** An Act to authorise the Newport (Monmouthshire) Gas Company to construct further Works; and for other purposes.

**xl.** An Act to extend and enlarge the Powers of the River Wear Commissioners; to amend the Acts relating to the said Commissioners; and for other purposes.

**xli.** An Act for the Abandonment of the Fareham Railway.

**xlii.** An Act for the Abandonment of the Railways authorised to be made by the Sheffield and Midland Railway Companies Committee Act, 1873.

**xliii.** An Act to authorise the Dundee Gas Commissioners to construct further Works and to borrow additional Money; and for other purposes.

**xliv.** An Act for empowering the London and North-western Railway Company to construct Railways in the counties of Warwick, Worcester, Stafford, Chester, and Lancaster; and for other purposes.

**xlv.** An Act for empowering the London and North-western Railway Company to make new Roads and other Works, and to acquire additional Lands; and for other purposes.

**xlvi.** An Act to enable the Manchester, Sheffield, and Lincolnshire Railway Company to execute certain works and acquire additional lands, and for conferring upon them further powers in relation to their undertaking.

**xlvii.** An Act for vesting in the London and North-western Railway Company the undertaking of the Whitehaven, Cleator, and Egremont Railway Company; and for other purposes.

**xlviii.** An Act to authorise the working of the Cleator and Workington Junction Railway by the Furness Railway Company.

**xliv.** An Act for enabling the Clergy Mutual Assurance Society to sue and be sued in the name of a Public Officer, and for more effectually vesting in their Trustees for the time being the Property and Securities of the Society; and for other purposes.

**l.** An Act for extending the time for the completion of the Coleford Railway; and for other purposes.

- li. An Act to authorise the construction by the Wigtownshire Railway Company of a Branch Railway to the Harbour of Garliestown, and the abandonment of their authorised Tramway to the said Harbour; and for other purposes.
- lii. An Act for enabling the Midland Railway Company to construct a new Railway, an Aqueduct, and other Works, to acquire additional Lands and two Branch Railways, and to raise additional Capital; and for conferring additional powers upon them with relation to their own Undertaking, and upon them and the London and North-western Railway Company with relation to their Ashby and Nuneaton Joint Line; and for other purposes.
- liii. An Act to authorise the Abandonment of the Claremorris Extension of the Athenry and Tuam Railway Company; and for other purposes.
- liiv. An Act for vesting in the Cornwall Minerals Railway Company the powers conferred by "The Fal Valley Railway Act, 1874," with respect to a portion of the Fal Valley Railway, and for the abandonment of the remainder of that Railway; and for other purposes.
- liv. An Act for the abandonment of the Railway authorised by "The Temple Mineral Railway Act, 1874;" and for other purposes.
- lvi. An Act for conferring further powers upon the Cheshire Lines Committee, and upon the three Companies represented upon that Committee; and for other purposes.
- lvii. An Act for empowering the Lancashire Union Railways Company to connect their Railway with the North Union Railway, and to raise additional Capital; and for other purposes.
- lviii. An Act to authorise the North British Railway Company to make certain Railways in connexion with their Stirling and Dunfermline Railway and North Leith Branch; to divert a Road at Galashiels; to acquire additional Lands for station purposes; to abandon part of the Capeldrae Deviation; to make provision with respect to the construction of the Tay Bridge Railway, in the town of Dundee, and a New Street in lieu of Physic Gardens Street, in Edinburgh, and the Harbour at Inverkeithing, and a further Loan to the Magistrates and Town Council of Burntisland; to authorise the Company to subscribe to the Arbroath and Newport Railway Companies; and to establish Savings Banks; and for other purposes.
- lix. An Act for conferring further Powers on the Lancashire and Yorkshire Railway Company with relation to their undertaking; and for other purposes.
- lx. An Act to authorise the Portpatrick Railway Company to acquire the East Pier at the Harbour of Stranraer; and for other purposes.
- lxi. An Act to amalgamate the Saint Andrews Railway Company, the Leven and East of Fife Railway Company, the Edinburgh, Loanhead, and Roslin Railway Company, and the Dunfermline and Queensferry Railway Company with the North British Railway Company; and for other purposes.
- lxii. An Act to amend the Glasgow Juvenile Delinquency Repression Acts Amendment Act, 1870.
- lxiii. An Act to authorise the London and Blackwall Railway Company to extend their Railway in the parish of Saint Anne Limehouse; and for other purposes.
- lxiv. An Act to incorporate a Company for making a Subway under the River Thames between Millwall and Greenwich.
- lxv. An Act for authorising the Bristol Port and Channel Dock Company to construct a Graving Dock and other Works, and to raise further Money; and for other purposes.
- lxvi. An Act for the rebuilding of the Bridge of Ayr, with approaches thereto, in the county of Ayr; and for other purposes.

**lxvii.** An Act for conferring further Powers on the Great North of Scotland Railway Company with relation to their Undertaking.

**lxviii.** An Act for authorising the West Kent Main Sewerage Board to construct a new Sewer, and for amending the West Kent Main Sewerage Act, 1875; and for other purposes.

**lxix.** An Act to incorporate a Company for establishing and holding Markets and Fairs and building a Town Hall in the town of Pontypridd and parish of Llanwonno, in the County of Glamorgan; and for other purposes.

**lxx.** An Act to confirm the amalgamation of the Dublin and Drogheda, Dublin and Belfast Junction, Irish North-western, and Ulster Railway Companies into one Company under the name of "Great Northern Railway Company (Ireland)," and to define and extend the powers of that Company; and for other purposes.

**lxxi.** An Act to transfer to the "Great Northern Railway Company (Ireland)" the Banbridge Junction Railway, the Banbridge, Lisburn, and Belfast Railway, the Banbridge Extension Railway, and the powers of the Dungannon and Cookstown Railway Company, and to grant further powers with respect to the two last-named undertakings; and for other purposes.

**P. lxxii.** An Act to render valid Marriages heretofore solemnized in the Chapel of Ease called Saint Peter's Church, in the Parish of Almondsbury, in the County of Gloucester.

**P. lxxiii.** An Act to confirm certain Provisional Orders of the Local Government Board under the Provisions of the Gas and Water Works Facilities Act, 1870, and the Public Health Act, 1875, relating to the Local Government Districts of Penrith, Silsden, and Ynyscynhaiarn.

**P. lxxiv.** An Act to confirm a Provisional Order made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to Carnarvon.

**P. lxxv.** An Act to confirm certain Provisional Orders made by the Education Department under "The Elementary Education Act, 1870," to enable the School Boards for Cardiff, the United District of East and West Teignmouth, Holywell (Extra-Municipal), Hornsey, Merthyr Tydfil, and Ystradgunlais Lower, to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same.

**P. lxxvi.** An Act for confirming certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Brotton Gas, Guisbrough Gas, Bridport Water, Burgess Hill Water, Ruthin Water, and Pickering Gas and Water.

**P. lxxvii.** An Act to confirm certain Provisional Orders of the Local Government Board relating to the Rural Sanitary District of the Altrincham Union, the Local Government Districts of Blaydon and Brandon and Byshotles, the Boroughs of Nottingham and Stoke-upon-Trent, the Local Government Districts of Tong Street and Torquay, and the City of Winchester.

**lxxviii.** An Act to provide for the closing of the undertaking of the Company of Proprietors of the Navigation from the Leicester Navigation to Melton Mowbray, in the County of Leicester, and for the dissolution of the said Company, and the winding up of the affairs thereof; and for other purposes.

**lxxix.** An Act to confer further Powers on the Bristol and Portishead Pier and Railway Company; and for other purposes.

**lxxx.** An Act for conferring further Powers on the Great Northern Railway Company with relation to their Undertaking; and for other purposes.

**lxxxi.** An Act for enlarging the powers of the Southampton Harbour and Pier Board with reference to the borrowing of Money; and for other purposes.

**lxxxii.** An Act to authorise the construction by a Board specially constituted of Outfall and other Sewers for the township of Rathmines and Rathgar and

- the Pembroke Township, in the County of Dublin; to release those townships from the provisions of "The Dublin Main Drainage and Purification of Liffey Act, 1871," and of "The Sanitary Law (Dublin) Amendment Acts, 1870 to 1875;" to confer certain additional powers upon the Township Commissioners within their respective townships; to alter the Date of Election of Commissioners in the Rathmines and Rathgar Township; and for other purposes.
- lxxxiii.** An Act for authorising the Great Eastern Railway Company to make a Railway and other Works, and for conferring on them further Powers in relation to their Undertaking, and to vest in them the Undertaking of the Saffron Walden Railway Company; and for other purposes.
- lxxxiv.** An Act to authorise the Bristol United Gaslight Company to purchase additional lands for the purposes of their undertaking.
- lxxxv.** An Act to authorise the Metropolitan Railway Company to acquire land in the neighbourhood of their Aldgate Station, and to make a tunnel under Aldgate High Street; to dissolve the joint committee for the purchase of land for the Metropolitan and District Railways, and to confer upon the Metropolitan Railway Company various powers in connexion with their share and loan capital and the Saint John's Wood Railway; and to revive and extend the time for purchasing land and completing certain authorised Railways and works of the Saint John's Wood Railway Company and the Kingsbury and Harrow Railway Company; and for other purposes.
- lxxxvi.** An Act for conferring on the Midland Railway Company further Powers in relation to their own Undertaking and the Undertakings of other Companies; and for other purposes.
- lxxxvii.** An Act to authorise the Newcastle and Gateshead Water Company to abandon the Construction of the Upper Swinburn Reservoir and other Works, and to construct a New Reservoir and Works in lieu thereof; and for other purposes.
- lxxxviii.** An Act for confirming an agreement between the Ryde and Newport and the Cowes and Newport Railway Companies, for the enlargement of the Cowes Station and the extension of the Cowes and Newport Railway at Cowes, for improving the Approaches to the Joint Station at Newport, for making a Railway or Siding in the parish of Northwood, with a Landing stage on the River Medina; and for other purposes relating to the Ryde and Newport and Cowes and Newport Railway Companies and their respective Undertakings.
- lxxxix.** An Act for the Amalgamation of the Midland and Eastern and Norwich and Spalding Railway Companies; and for other purposes.
- xc.** An Act to authorise a Sale of part of the Alexandra Palace Grounds discharged from certain conditions of "The Muswell Hill Estate and Railways Act, 1866;" and to make provision for keeping open the said Palace and Grounds; and for other purposes.
- xci.** An Act for conferring further powers on the London and North-western Railway Company and other Companies in relation to their Joint Undertakings, and for granting to the London and North-western Railway Company various other powers in relation to their own Undertaking and the Undertakings of other Companies.
- xcii.** An Act for enabling the Tasmanian Main Line Railway Company, Limited, to attach a First Preference to a further amount of Debenture Bonds; and for other purposes.
- xciii.** An Act for altering and consolidating certain Dues levied by the Tyne Improvement Commissioners; and for other purposes.

**xciv.** An Act to transfer to the Waterford and Central Ireland Railway Company the authorised Joint Undertaking of that Company and of the Kilkenny Junction Railway Company; to confer additional Powers with respect thereto; and for other purposes.

**xcv.** An Act for the Amalgamation of the Canterbury and Otago Association, Limited, with the New Zealand and Australian Land Company, Limited and Reduced; and for other purposes.

**xcvi.** An Act to repeal an Act for regulating Hackney Coaches and other Carriages, Boats, and Wherries within the several parishes of Saint Andrew and Charles, in the Borough of Plymouth, the parish of East Stonehouse and the parish of Stoke Damerel, in the Borough of Devonport, and for amending two several Acts for repairing certain Roads leading from the Borough of Plymouth aforesaid to Stonehouse Bridge and Plymouth Dock, all in the County of Devon, and to make better provisions in lieu thereof; and for other purposes.

**P. xcvii.** An Act to confirm certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to Barremman (Gareloch), Brixham, Hornsea (North), Hornsea (South), Lynmouth, Rosslare, Ryde, and Towyn.

**P. xcviii.** An Act to preserve the Fisheries in the Navigable Rivers and Broads of the Counties of Norfolk and Suffolk and the County of the city of Norwich.

**P. xcix.** An Act to provide for throwing open for the free use of the Public certain Toll Bridges within the Metropolis.

**P. c.** An Act to confirm a Provisional Order of one of Her Majesty's Principal Secretaries of State for the Improvement of certain Unhealthy Areas in the City of London.

**P. ci.** An Act to confirm a Provisional Order under "The General Police and Improvement (Scotland) Act, 1862," relating to the Burgh of Dumbarton.

**P. cii.** An Act to confirm a Provisional Order of one of Her Majesty's Principal Secretaries of State for the Improvement of Unhealthy Areas in the Parliamentary Burgh of Greenock.

**P. ciii.** An Act to confirm certain Provisional Orders of one of Her Majesty's Principal Secretaries of State for the Improvement of certain Areas within the Metropolis.

**P. civ.** An Act to confirm a Provisional Order made by the Education Department under "The Elementary Education Act, 1870," to enable the School Board for London to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same.

**cv.** An Act for the Abandonment of the Railways and Road authorised by the Freshwater, Yarmouth, and Newport Railway Act, 1873.

**cvi.** An Act to authorise the West Surrey Water Company to raise additional Capital; and for other purposes.

**cvii.** An Act to authorise the Construction of a Railway and Railway Pier at Ryde, in the Isle of Wight; and for other purposes.

**cviii.** An Act to confer further powers upon the London and South-western Railway Company in respect of their Undertaking, and to enable them and certain other Railway Companies jointly or severally to acquire additional Lands; and for other purposes.

**cix.** An Act to empower the Banbury and Cheltenham Direct Railway Company to make a Deviation of their authorised Railway, and to make a New Railway, and to execute other works and exercise other powers, and to raise further Money, and to extend the Time limited for the Construction of their authorised Railway; and for other purposes.

- cx.** An Act for empowering the Great Western Railway Company to make new roads and other works; for vesting in the Great Western Railway Company the undertaking of the Bala and Dolgelly Railway Company; for conferring further powers upon the Great Western Railway Company and other Companies in relation to their respective undertakings; for conferring powers upon the Great Western Railway Company and the Corporation of Bristol in relation to Princes Street Bridge; and for other purposes.
- cx.** An Act to confer further powers on the North Metropolitan Tramways Company with reference to the construction of works and the raising of money; and for other purposes.
- cxii.** An Act for conferring further powers upon the Derry Central Railway Company, and for authorising the Belfast and Northern Counties Railway Company to raise additional capital and to subscribe towards the undertaking of the Derry Central Railway Company; and for other purposes.
- cxiii.** An Act for empowering the Corporation of Dover to construct certain Sea Defences in and near the parishes of East Cliffe and Guston, and to charge the expenses thereof on the owners of property benefited thereby; and for other purposes.
- cxiv.** An Act for authorising the Worcester and Aberystwith Junction Railway Company to abandon the construction of the railway authorised by the Worcester and Aberystwith Junction Railway Act, 1874, and to construct another railway in lieu thereof; and for other purposes.
- cxv.** An Act to extend the Borough of Blackburn; to enable the Mayor, Aldermen, and Burgesses thereof to abandon the construction of certain Waterworks, and to make and maintain other Waterworks; to acquire the undertaking of the Blackburn Gaslight Company; and for other purposes.
- cxvi.** An Act to confer further Powers upon the King's Lynn Dock Company; and for other purposes.
- cxvii.** An Act to grant further powers to the Crystal Palace Company, with respect to their Capital and Undertaking.
- cxviii.** An Act for extending the Boundaries of the Borough of Derby, in the County of Derby; and for other purposes.
- cxix.** An Act authorising the Local Board for the district of Ramsgate, in the county of Kent, to purchase the Undertaking of the Company of Proprietors of the Ramsgate Waterworks, and part of the Undertaking of the Isle of Thanet Gaslight and Coke Company; to supply Water and to make and supply Gas; and for other purposes.
- cxx.** An Act to enable the Severn and Wye Railway and Canal Company to raise further Money; and for other purposes.
- P. cxxi.** An Act to amend the Administration of the Law relating to the New Forest in the County of Southampton; and for other purposes.
- cxxii.** An Act for confirming certain Provisional Orders of the Local Government Board for Ireland relating to the Borough of Belfast and the City of Dublin.
- P. cxxiii.** An Act for confirming certain Provisional Orders of the Local Government Board for Ireland relating to Waterworks in the Towns of Ennis, Limavady, and Strabane.
- P. cxxiv.** An Act for confirming certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, relating to Barton, Eccles, Winton, and Monton Local Board Tramways, Bristol Tramways (Extensions), Hull Street Tramways (Extension), Manchester Suburban Tramways, Nottingham and District Tramways, Portsea Street Tramways, Rusholme Local Board of Health Tramways, and Wolverhampton Tramways.

- P. cxxxv.** An Act to confirm certain Provisional Orders of the Local Government Board relating to the Local Government Districts of Bridlington, Dinas, and Grange, the Borough of Hastings, and the Local Government Districts of Pudsey, Tunbridge Wells, and Whittington.
- P. cxxxvi.** An Act to confirm an Order made by the Board of Trade under the Sea Fisheries Act, 1868, relating to Falmouth.
- P. cxxxvii.** An Act to confirm a Provisional Order under the Local Government Act, 1858, and The Sewage Utilization Act, 1865, relating to Dungannon.
- P. cxxxviii.** An Act to confirm a Provisional Order under "The General Police and Improvement (Scotland) Act, 1862," relating to the Royal Burgh of Glasgow.
- P. cxxxix.** An Act for confirming certain Provisional Orders of the Local Government Board for Ireland relating to Waterworks in the Towns of Holywood and Greystones.
- P. cxxx.** An Act to confirm certain Provisional Orders made by the Education Department under "The Elementary Education Act, 1870," to enable the School Boards for the United District of Felmingham and Kelvedon Hatch to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same.
- P. cxxxxi.** An Act for confirming certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Abingdon Gas, Cranleigh Gas, Horsham Gas, Mansfield Gas, Newcastle-under-Lyme Gas, North Camp and Farnborough District Gas, and Southbank and Normanby Gas.
- P. cxxxii.** An Act to confirm certain Provisional Orders of the Local Government Board relating to the Rural Sanitary District of the Belper Union, the Borough of Chipping Norton, the Local Government District of Clay Lane, the City of Exeter, the Borough of Droitwich, the Improvement Act District of Haverfordwest, the Rural Sanitary District of the Hendon Union, the Local Government District of Hexham, the Boroughs of Kingston-upon-Hull, Portsmouth, and Saint Helens, the Local Government District of Southend, the Borough of Sunderland, the Local Government District of Sutton-in-Ashfield, and the City of York.
- P. cxxxiii.** An Act to confirm certain Provisional Orders of one of Her Majesty's Principal Secretaries of State for the Improvement of certain Unhealthy Areas within the Metropolis.
- P. cxxxiv.** An Act to vest Saint Stephen's Green, Dublin, in the Commissioners of Public Works in Ireland; for maintaining and regulating the same as a Public Park; and for other purposes.
- cxxxv.** An Act for dissolving and re-incorporating the Londonderry Gaslight Company, and granting Powers for supplying with Gas the City of Londonderry and the Liberties thereof.
- cxxxvi.** An Act to enable the Kettering, Thrapston, and Huntingdon Railway Company to make further provisions in relation to their Capital.
- cxxxvii.** An Act for further extending the time for the completion of Railway No. 1 authorised by the Llantrissant and Taff Vale Junction Railway Act, 1866.
- cxxxviii.** An Act for authorising the construction of a Bridge over the River Medway at Maidstone; and for other purposes.
- cxxxix.** An Act to confer further Powers on the Midland Great Western Railway of Ireland Company.
- cxl.** An Act for dissolving the Coatbridge Gaslight Company, and incorporating the Proprietors therein with others and conferring Powers on the Company so to be incorporated; and for other purposes.

- cxli.** An Act for extending the Boundaries of the Municipal Borough and City and County of the City of Exeter so as to include the Parish of Saint Leonard, in the County of Devon, and for extending the operation of certain Local Acts; and for other purposes.
- cxlii.** An Act for increasing the number and altering the Boundaries of the Wards of the Borough of Gateshead; and for increasing the number of Aldermen and Councillors for the said borough; and for authorising the Mayor, Aldermen, and Burgesses of the borough to raise further Moneys; and for the further improvement of the borough; and for other purposes.
- cxliii.** An Act to authorise the Wakefield Gaslight Company to purchase Land, construct Gasworks, and raise additional Capital; and for other purposes.
- cxliv.** An Act to authorise an Extension of Time to the Usk and Towy Railway Company for purchasing Land and completing their Railway.
- cxlv.** An Act to enable the Woolwich, Plumstead, and Charlton Consumers Gas Company to raise a further sum of money.
- cxlvi.** An Act for dissolving the Christchurch Gas Company (Limited); for re-incorporating the Proprietors therein with others, and for conferring Powers on the Company so to be incorporated; and for other purposes.
- cxlvii.** An Act to authorise the Lowestoft Water, Gas, and Market Company to make New Service Reservoirs and other Works, and to raise more Money; and for other purposes.
- cxlviii.** An Act for conferring additional powers on the Severn Bridge Railway Company; and for other purposes.
- cxlix.** An Act for improving the Burgh of Paisley in the County of Renfrew, by the construction, widening, and alteration of Streets and Bridges; for vesting in the Town Council, as Road Trustees of the Burgh, the management of all the Streets and Bridges therein; for the acquisition of lands for Municipal Buildings; and for other purposes.
- cl.** An Act for granting further Powers to the Leicester Gas Company.
- cli.** An Act to authorise the Mayor, Aldermen, and Burgesses of the Borough of Newcastle-upon-Tyne to make certain Street Improvements; to construct Street Tramways; to increase the Accommodation of the Public Quays and Wharves; and for other purposes.
- clii.** An Act to enable the Heywood Waterworks Company to construct additional Works; and for other purposes.
- cliii.** An Act for conferring further Powers on the North Cheshire Water Company for the raising of Money, and otherwise in relation to their Undertaking.
- cliv.** An Act for incorporating the Southend Gas Company, and for conferring Powers on them with reference to the construction and maintenance of Works, the supply of Gas, and otherwise; and for other purposes.
- clv.** An Act for incorporating and conferring Powers on the Carnforth District Waterworks Company.
- clvi.** An Act to enable the East London Railway Company to raise further Capital, and to make further provision with respect to their authorised Junction with the Main Line of the Great Eastern Railway; and for other purposes.
- clvii.** An Act for making a Railway from Bury to Tottington, with Branches, in the County Palatine of Lancaster.
- clviii.** An Act to enable the Cork Harbour Commissioners to make further Improvements in the Harbour of Cork; to levy certain additional Rates for the use of the Harbour; and for other purposes.
- clix.** An Act for effecting the Sale and Transfer to the Colne and Marsden Local Board of the Undertaking of the Colne Gas Company, and for other purposes.



- clx.** An Act for making a Railway from Cranbrook to Paddock Wood, in the County of Kent.
- clxi.** An Act for authorising the construction of additional Waterworks, and for providing an increased Supply of Water to the City and Royal Burgh of Perth and places adjacent; and for other purposes.
- clxii.** An Act for incorporating the Sunningdale District Water Company; and for other purposes.
- clxiii.** An Act to confer further powers upon the Isle of Thanet Gaslight and Coke Company; and for other purposes.
- clxiv.** An Act for incorporating the East Worcestershire Waterworks Company; and for other purposes.
- clxv.** An Act to authorise the Commissioners of the Glasgow Corporation Waterworks to raise a further sum of money, to construct additional works, and acquire additional lands; and for other purposes.
- clxvi.** An Act for making a Railway from Clacton-on-Sea to the Tendring Hundred Railway, in the County of Essex; and for other purposes.
- clxvii.** An Act to enable the Board of Police of Glasgow to effect certain Street and other Improvements in the City of Glasgow; to raise further Moneys; to acquire additional Lands; and for other purposes.
- clxviii.** An Act for conferring further Powers on the Hove Commissioners; and for other purposes.
- clxix.** An Act for enabling the Leeds Tramways Company to make additional Tramways; and for other purposes.
- clxx.** An Act for incorporating and conferring Powers on the Leicester Tramways Company.
- clxxi.** An Act for authorising the Mayor, Aldermen, and Burgesses of the Borough of Ashton-under-Lyne, in the County of Lancaster, to extend the Town Hall, Markets, and Public Offices of the Borough, and to borrow further Moneys; and for making further provision for the Improvement and Local Government of the Borough; and for other purposes.
- clxxii.** An Act for extending the Boundaries of the Borough of Newcastle-under-Lyme, in the County of Stafford; for empowering the Corporation to acquire the Undertaking of the Newcastle-under-Lyme Gaslight Company; and for other purposes.
- clxxiii.** An Act for empowering the Mayor, Aldermen, and Burgesses of the Borough of Bridgwater to make Waterworks, and to supply the Borough and neighbourhood with Water; and for other purposes.
- clxxiv.** An Act to amend the Acts relating to "The Bromley Direct Railway Company;" to raise additional Capital; and for other purposes.
- clxxv.** An Act for dissolving the Carshalton Gas and Coke Company (Limited), for re-incorporating the Proprietors therein with others, and for conferring Powers on the Company so to be incorporated; and for other purposes.
- clxxvi.** An Act to authorise the Croydon Commercial Gas and Coke Company to acquire further Lands by Agreement; to extend their Works; to raise additional Capital; and for other purposes.
- clxxvii.** An Act to authorise the Golden Valley Railway Company to extend their Railway to Hay; and for other purposes.
- clxxviii.** An Act to enable the Mayor, Aldermen, and Burgesses of the Borough of Leeds to increase and improve their Gasworks and Waterworks, and to make further provision for the Local Government and Improvement of the said Borough; and for other purposes.
- clxxix.** An Act to confer further Powers on the Limerick and Kerry Railway Company.

- clxxx.** An Act for making Railways in the County of Kent, to be called "The Loose Valley Railway;" and for other purposes.
- clxxxvi.** An Act for extending the time for completion of Works at Bermondsey, and for the purchase of Lands for and completion of the Rye and Denge-ness Railway and Pier; and for other purposes.
- clxxxvii.** An Act to empower the Stretford Gas Company to enlarge their existing Works; to raise further Capital; and for other purposes.
- clxxxviii.** An Act to empower the Taff Vale Railway Company to raise additional Capital; and for other purposes.
- clxxxix.** An Act to authorise the City of Waterford Gas Company to raise additional Capital; and for other purposes.
- clxxxx.** An Act to authorise The Whitland and Taf Vale Railway Company to extend their Railway to Cardigan; and for other purposes.
- clxxxxi.** An Act to authorise the Ashton Gas Company to acquire further Lands; to extend their Works; to raise additional Capital; and for other purposes.
- clxxxxii.** An Act for dissolving and re-incorporating the Birkenhead Street Railway Company, Limited, and for empowering them to lay down further Tramways; and for other purposes.
- clxxxxiii.** An Act to extend the Borough of Bolton and to enable the Mayor, Aldermen, and Burgesses thereof to make new Streets and Street Improvements; to extend the limits of Gas Supply; and to make further provision for the Improvement and Government of the Borough; and for other purposes.
- clxxxxiv.** An Act for making a Railway between Brighton and the Dyke, in the County of Sussex; and for other purposes.
- cx.** An Act for empowering the Local Boards for the Districts of Dukinfield, in the County of Chester, and Denton, in the County of Lancaster, to make and supply Gas; and for carrying into effect an Agreement between them and the Dukinfield Gas Company for the joint purchase by them of that Company's Undertaking; and for other purposes.
- cxci.** An Act for dissolving the Epsom and Ewell Gas Company, Limited, for reincorporating the Proprietors therein with others, and for conferring Powers on the Company so to be incorporated; and for other purposes.
- cxcii.** An Act to authorise the construction of Tramways from Glasgow to Ibrox; and for other purposes.
- cxciii.** An Act to consolidate and amend the provisions relating to the Police of the Town of Greenock, and to authorise certain Improvements in the said Town; and for various other purposes.
- cxciv.** An Act to constitute a body of Harbour Trustees for the management, maintenance, and regulation of the Port and Harbour of Lerwick; to authorise the construction of a new Pier and other works at Lerwick for the improvement of the said Harbour; and for other purposes.
- cxcv.** An Act to incorporate a Company for making a Subway under the River Thames from Limehouse to Rotherhithe.
- cxcvi.** An Act for authorising the discharge of the Debt of the Londonderry Bridge Commissioners by Loans secured on Rates in the City and County of Londonderry and the County of Tyrone; and for other purposes.
- cxcvii.** An Act to incorporate a Company for the construction of the Penarth, Sully, and Barry Railway; and for other purposes.
- cxcviii.** An Act to make provision for empowering the Corporation of the Borough of Wakefield, in the West Riding of the County of York, to acquire the Undertaking of the Wakefield Waterworks Company, to make new Streets, to erect a Town Hall and Municipal Buildings, and for extending the Powers

of the Corporation with respect to the Local Government and Improvement of the borough, and the raising of Moneys; and for other purposes.

**cxci.** An Act for making a railway from the Great Western (South Wales) Railway at Whitland, in the County of Carmarthen, to Cronware and Pendine in the same county; and for other purposes.

**P. cc.** An Act to confirm a Provisional Order under "The General Police and Improvement (Scotland) Act, 1862," relating to the Burgh of Leith.

**P. cci.** An Act to confirm Schemes under the Metropolitan Commons Act, 1866, and the Metropolitan Commons Amendment Act, 1869, relating respectively to Ealing Commons, Clapham Common, and Bostall Heath Common.

**P. ccii.** An Act to confirm certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to Aberbrothwick and Skerries.

**cciii.** An Act to repeal "The Norfolk Estuary Act, 1857," and to re-enact certain of the provisions thereof with Amendments.

**cciv.** An Act to make provision with respect to certain lands known as the Brent at or near Dartford, in the County of Kent.

**ccv.** An Act for the Abandonment of the Undertaking of the Regent's Canal and Dock Company; and for the Dissolution of that Company and the winding up of their affairs.

**ccvi.** An Act for dissolving and re-incorporating the Bishop Auckland Gas Company, Limited, and granting Powers for supplying with Gas the parishes of Saint Andrew Auckland and Saint Helen Auckland, and certain neighbouring places in the County of Durham.

**ccvii.** An Act to extend the Borough of Margate, in the Isle of Thanet and County of Kent, and to enable the Mayor, Aldermen, and Burgesses thereof to build a Sea Wall, to improve Streets, and to construct a new Road and other works within the Borough, and to make further provisions for the improvement and good government thereof; and for other purposes.

**ccviii.** An Act to enable the Local Board of Health for the district of Burslem, in the County of Stafford, to acquire the undertaking of the Burslem and Tunstall Gas Company; and for other purposes.

**ccix.** An Act for regulating and increasing the capital of the Louth Gaslight Company; and for other purposes.

**ccx.** An Act to enable the Dublin, Wicklow, and Wexford Railway Company to construct a Railway from their Ballywilliam Branch to the town of New Ross, and other Works, and conferring further Powers on the Company with reference to their Undertaking.

**ccxi.** An Act for incorporating the Abbotsbury Railway Company; and for other purposes.

**ccxii.** An Act to authorise the Whitehaven, Cleator, and Egremont Railway Company to make new Railways and other Works in the County of Cumberland; to raise further Capital; and for other purposes.

**ccxiii.** An Act to extend the time limited for the compulsory purchase of Lands and completion of the Railways and Works authorised by "The Birmingham and Lichfield Junction Railway Act, 1872," "The Birmingham and Lichfield Junction Railway Act, 1874," and "The Birmingham and Lichfield Junction Railway Act, 1875;" and for other purposes.

**ccxiv.** An Act to extend the time granted to the Burry Port and Gwendreath Valley Railway Company for the completion of certain Railways and Works; and for other purposes.

**ccxv.** An Act to revive the Powers and extend the periods for the compulsory purchase of Lands and for the construction of the Railway authorised by the Glencairn Railway Act, 1872; and for other purposes.

- ccxvi.** An Act to confer further powers on the Ipswich Dock Commissioners.
- ccxvii.** An Act for extending the Limits of Supply of the Kent Waterworks Company, and for authorising the Company to construct further Works, and to raise further Money; and for other purposes.
- ccxviii.** An Act for incorporating the Lewes and East Grinstead Railway Company; and for other purposes.
- ccxix.** An Act to authorise the London Street Tramways Company to construct additional Tramways for connecting their Tramway in Pentonville Road with the North Metropolitan Tramway in Holloway Road; and for other purposes.
- ccxx.** An Act to authorise an extension of time to the Mersey Railway Company for completing their Undertaking.
- ccxxi.** An Act to authorise the Construction of Tramways in and near Southampton; and for other purposes.
- ccxxii.** An Act for incorporating the Tudhoe and Sunderland Bridge Gas Company; and for other purposes.
- ccxxiii.** An Act for conferring further powers on the Cornwall Minerals Railway Company in relation to their undertaking and for authorising arrangements between them and the Great Western Railway Company; and for other purposes.
- ccxxiv.** An Act to extend the time for the completion of the Works authorised by the Brighton and London Sea Water Supply Act, 1872.
- ccxxv.** An Act to authorise the construction of a Railway in the County of Montgomery, from Welshpool to Llanfair; and for other purposes connected with the said Railway.
- ccxxvi.** An Act to authorise the Belfast Central Railway Company to construct a Railway in the Town of Belfast for connecting their Railway with the Railway or Tramway of the Belfast Harbour Commissioners on Donegal Quay; and for other purposes.
- P. ccxxvii.** An Act to confirm certain Provisional Orders of the Local Government Board relating to the Rural Sanitary District of the Caistor Union, the Borough of Chesterfield, the Local Government Districts of Cleckheaton and Ebbw Vale, the Boroughs of Honiton and King's Lynn (two), the Rural Sanitary District of the Maldon Union, the Local Government Districts of New Sleaford, Redcar, and Sandown, the Town of Southampton (Poor Law), the Local Government Districts of Wallasey (two), Wallingfen, Wellingborough, and Ystradyfodwg.
- P. ccxxviii.** An Act to provide for transferring to the States of the Island of Jersey St. Catherine's Harbour Jersey, and certain land near it.
- P. ccxxix.** An Act to confirm certain Provisional Orders of the Local Government Board forming the Birmingham, Tame, and Rea Main Sewerage District, and the Lower Thames Valley Main Sewerage District, and constituting the Weymouth Port Sanitary Authority.
- P. ccxxx.** An Act to confirm certain Provisional Orders of the Local Government Board relating to the Local Government District of Hyde and the Boroughs of Plymouth and Ryde.
- ccxxx.** An Act to extend the periods respectively limited by "The Dover and Deal Railway Act, 1874," for the compulsory purchase of Lands, and for the completion of the works by that Act authorised.
- ccxxxii.** An Act for the abandonment of the Railway authorised by "The Harrow and Rickmansworth Railway Act, 1874;" and for other purposes.
- ccxxxiii.** An Act for conferring further Powers on the Metropolitan District Railway Company; and for other purposes.

- ccxxxiv.** An Act to authorise the Commissioners of Public Works in Ireland to acquire from the Royal Dublin Society and others lands for the erection of a Science and Art Museum in Dublin, and to establish a National Library in Dublin; and for other purposes.
- ccxxxv.** An Act for enabling the Metropolitan Board of Works to make certain new Streets and Street Improvements within the Metropolis.
- ccxxxvi.** An Act to dissolve the United General Gaslight Company, and to re-incorporate the members thereof, with further Powers for the supply of Gas at Limerick.
- ccxxxvii.** An Act to authorise the construction of Tramways in and near the County of the Town of Galway; and for other purposes.
- ccxxxviii.** An Act to authorise the Cambrian Railways Company to raise more Money; and for other purposes.
- ccxxxix.** An Act for the abandonment of the London, Essex, and Kent Coast Junction Railway.
- P. ccxl.** An Act to make certain provisions in regard to the Salmon Fisheries in the Solway Firth and its affluents.
- P. ccxli.** An Act to confirm certain Provisional Orders of the Local Government Board relating to the City of Norwich and the Boroughs of Walsall and Wolverhampton.
- P. ccxlii.** An Act to confirm certain Provisional Orders of the Local Government Board relating to the Local Government Districts of Atherton, Barnard Castle, Belgrave, Brigg, Brownhills, Cwmdru, and Dawlish, the Borough of Evesham, the Improvement Act District of High and Low Harrogate, the Borough of Ipswich, the Local Government District of Newbold and Dunston, the Rural Sanitary District of the Settle Union, the Local Government Districts of Slough and Southborough, the Borough of Swansea, and the Rural Sanitary District of the Ulverstone Union.

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## PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

1. **A**N Act to authorise the Sale of the Furniture, Tapestry, Plate, and other Chattels bequeathed by the Will of the late Gregory Gregory, Esquire, deceased, as Heirlooms, and to declare the Trusts of the Proceeds of such Sale; and for other purposes.
2. An Act to amend the Walton-on-the-Hill Rectory Act, 1843.
3. An Act to provide for the management and repairs of the Estates devised by the Will of Stephen Brunskill; and for other purposes.
4. An Act for amending the Powers of Leasing contained in the Will of The Right Honourable Granville Leveson Earl of Carysfort, deceased; and for other purposes.
5. An Act to extend the Powers of the Trustees of the Settled Estates of Le Gendre Nicholas Starkie for Purposes of Purchase, Sale, and Exchange; to appoint new Trustees with Power to raise Money for the rebuilding of the Mansion, the making of Roads; and for other purposes.

6. An Act to confer upon the Trustees of the Will and Codicil of the late Charles Scarisbrick, deceased, further Powers of Leasing and Powers of Partition, and Sale and Exchange, and other Powers for the Management and Improvement of the Estates, subject to such Will and Codicil, and for other purposes.
7. An Act for confirming and extending certain Powers contained in the Resettlement, dated the twenty-fourth day of July One thousand eight hundred and seventy-four, of the Earl of Winchilsea's Estates; and for other purposes in relation thereto.
8. An Act to incorporate the Trustees of the deceased Barbara Walker and Mary Walker, of Coates, in the County of Midlothian, and to enable them to raise Money, and otherwise better to carry into effect the objects of the Trust.
9. An Act to amend Fleming's Estate Act, 1852, and the Acts amending the same.
10. An Act to authorise a Lease of Lands in the parishes of Gedling and Burton Joyce, in the County of Nottingham, part of the Settled Estates of the Earl of Carnarvon, and of lands in the same parishes, part of the glebe land of the Rectory of Gedling aforesaid, to the Corporation of Nottingham.
11. An Act to amend and extend "Marquess of Anglesey's Estate Act, 1867."

## PRIVATE ACTS,

NOT PRINTED.

An Act to naturalize Donald James Mackay (styled in the Kingdom of the Netherlands Baron Mackay), and to grant to and confer upon him all the rights, privileges, and capacities of a natural-born Subject of Her Majesty the Queen.

An Act to naturalize Jean Thomas Antoine Leopold de Virte (in the Kingdom of Italy styled Baron Jean Thomas Antoine Leopold de Virte de Rathsamhausen (Ehenweyer) ), Margaret de Virte his wife, and Emma Maria Louisa Isabella de Virte their daughter, and to grant and confer on them all the rights, privileges, and capacities of natural-born Subjects of Her Majesty the Queen.

An Act for rendering valid certain Letters Patent granted to James Robey and George Frederick Chantrell for "A New or Improved Filtering and Deodorising Medium."

An Act to dissolve the Marriage of James Caulfield Beamish, Captain in Her Majesty's Royal Cork City Regiment of Militia Artillery, with Elizabeth Ivers Beamish his now Wife, and to enable him to marry again; and for other purposes.

# A LIST OF THE LOCAL AND PRIVATE ACTS,

(40 & 41 VICT., 1877,)

ARRANGED IN CLASSES.

CLASS 1.—BRIDGES AND FERRIES.	CLASS 11.—IMPROVEMENTS IN TOWNS, &C.
„ 2.—CANALS, RIVERS, NAVIGATIONS, AND TUNNELS.	„ 12.—INCLOSURES AND ALLOTMENTS.
„ 3.—CHARITABLE FOUNDATIONS AND INSTITUTIONS.	„ 13.—MARKETS AND FAIRS.
„ 4.—COUNTY AFFAIRS.	„ 14.—PARISH AFFAIRS.
„ 5.—DRAINAGES AND EMBANKMENTS.	„ 15.—PERSONAL AFFAIRS.
„ 6.—ECCLESIASTICAL AFFAIRS.	„ 16.—RAILWAYS AND TRAMWAYS.
„ 7.—ESTATES.	„ 17.—SMALL DEBTS COURTS, &C.
„ 8.—FISHERIES.	„ 18.—TITHES.
„ 9.—GASLIGHT COMPANIES.	„ 19.—TRADING AND OTHER COMPANIES.
„ 10.—HARBOURS, DOCKS, PIERS, PORTS, QUAYS, &C.	„ 20.—TURNPIKE AND OTHER ROADS.
	„ 21.—WATERWORKS.

## Class 1.—Bridges and Ferries.

- Ayr Bridge (Rebuilding). Ch. lxvi.  
 Londonderry (Discharge of Debt). Ch. cxvii.  
 Maidstone (Construction of Bridge over the Medway). Ch. cxxxviii.  
 Metropolis Bridges (Freeing from Toll). Ch. xcix.  
 Middlesbrough (Markets, Ferries, &c.) Ch. xxx.

## Class 2.—Canals, Rivers, Navigations, and Tunnels.

- Melton Mowbray Navigation (Abandonment). Ch. lxxviii.  
 Regent's Canal and Dock (Abandonment). Ch. ccv.  
 Severn and Wye Railway and Canal (Capital). Ch. cxx.  
 Thames River (Subway between Millwall and Greenwich). Ch. lxiv.  
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 Tyne River Improvement (Altering Dues, &c.) Ch. xciii.  
 Wear Navigation and Sunderland Dock (Enlarging Powers, &c.) Ch. xl.  
 Weaver Navigation (Further Capital, &c.) Ch. xvi.

## Class 3.—Charitable Foundations and Institutions.

- Anderson's College, Glasgow. Ch. xii.

## Class 4.—County Affairs.

Nil.

## Class 5.—Drainages and Embankments.

- Norfolk Estuary (Repeal of former Acts, &c.) Ch. cciii.  
 Rathmines and Pembroke Main Drainage. Ch. lxxxii.  
 Somersetshire Drainage (Incorporation of Commissioners, &c.) Ch. xxxvi.  
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Drainage, &c. of Lands (Ireland) Orders Confirmation:—

- Ballyadams Drainage District (Queen's County); Swanlinbar or Blackwater River Drainage District (Cavan); Laracor Drainage District (Meath). Ch. ix.

**Class 6.—Ecclesiastical Affairs.**

- Almondsbury, St. Peter's (Marriages Legalization). Ch. lxxii.  
 Halifax (Vicar's Rate). Ch. iii.  
 Walton-on-the-Hill (Amending Rectory Estate Act). Ch. 1. (*Private.*)

**Class 7.—Estates.**

- Anglesey's (Marquis of) Estate. Ch. 11. (*Private.*)  
 Bignores (Dartford) Estate (Inclosure of Lands known as "The Brent"). Ch. cciv.  
 Bruenskill Estate. Ch. 3. (*Private.*)  
 Carysfort's (Earl of) Estate. Ch. 4. (*Private.*)  
 Chesterfield Estate (Nottingham Sewage). Ch. 10. (*Private.*)  
 Fleming's Estate. Ch. 9. (*Private.*)  
 Gregory Heir-looms. Ch. 1. (*Private.*)  
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 Starkie's Estate. Ch. 5. (*Private.*)  
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 Walton-on-the-Hill Rectory Estate. Ch. 2. (*Private.*)  
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**Class 8.—Fisheries.**

- Falmouth Oyster and Mussel Fisheries (Confirmation of Provisional Order). Ch. cxxvi.  
 Norfolk and Suffolk Fisheries (Preserving). Ch. xcvi.  
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**Class 9.—Gaslight Companies.**

- Alliance and Dublin (Bray Supply). Ch. xxxvii.  
 Ashton-under-Lyne (Lands, Capital, &c.) Ch. clxxxvi.  
 Bishop Auckland (Dissolution and Re-incorporation of Company). Ch. cevi.  
 Blackburn (Acquisition of Works by Corporation). Ch. cxv.  
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 Dukinfield (Purchase by Local Board). Ch. cxc.  
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 Leicester (Further Powers). Ch. cl.  
 Limerick United General (Dissolution and Re-incorporation). Ch. cexxxvi.  
 Londonderry (Dissolution and Re-incorporation of Company). Ch. cxxxv.  
 Longton (Transfer to Corporation). Ch. xxix.  
 Louth (Capital). Ch. ccix.  
 Lowestoft (New Works, &c.) Ch. cxlvii.  
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 Newcastle-under-Lyme (Transfer to Corporation). Ch. clxxxii.  
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 Sittingbourne District (Incorporation of Company). Ch. xxxii.  
 Southend (Further Powers). Ch. cliv.  
 Stretford (Enlarging Works, Capital, &c.) Ch. clxxxii.  
 Tudhoe and Sunderland Bridge (Incorporation of Company). Ch. cexxii.  
 Wakefield (Construction of Works, Capital, &c.) Ch. cxliii.  
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**Class 10.—Harbours, Docks, Piers, Ports, Quays, &c.**

- Bristol Port and Channel Dock (New Graving Dock). Ch. lxxv.  
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 Hull Docks (Extension of Works, Capital, &c.) Ch. xxv.  
 Ipswich Dock (Further Powers). Ch. ccxvi.  
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 Mersey Docks and Harbour (Confirmation of Awards). Ch. ii.  
 Regent's Canal and Dock (Abandonment). Ch. ccv.  
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 Saint Catherine's Harbour, Jersey (Transfer). Ch. cccxxviii.  
 Sligo Port and Harbour (Consolidation of Acts, &c.) Ch. xxxv.  
 Southampton Harbour (Enlargement of Powers). Ch. lxxxix.  
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**Pier and Harbour Orders Confirmation:—**

- Carnarvon. Ch. lxxiv.  
 Barremman (Gareloch); Brixham; Hornsea; Lynmouth; Rosslare; Ryde; Towyn.  
 Ch. xcvi.  
 Aberbrothwick; Skerries. Ch. ccii.

**Class 11.—Improvements in Towns, &c.**

- Ashton-under-Lyne (Town Hall, Markets, &c.) Ch. clxxi.  
 Blackburn (Extension of Borough, &c.) Ch. cxv.  
 Bolton (New Streets, Gas Supply, &c.) Ch. clxxxviii.  
 Bridgwater Corporation (Water, &c.) Ch. clxxxiii.  
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 Ch. cccxxxv.  
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**Class 11.—Improvements in Towns, &c.—*continued.***

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 Camp and Farnborough District ; Southbank and Normanby. Ch. cxxxi.

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- Belper Union ; Chipping Norton ; Clay Lane ; Exeter ; Droitwich ; Haverford-  
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### Class 12.—Inclosures and Allotments.

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### Class 14.—Parish Affairs.

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### Class 15.—Personal Affairs.

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 De Virte (Jean Thomas Antoine Leopold)—Naturalization. (*Not printed.*)  
 Gregory (Gregory, deceased)—Heir-looms. Ch. 1. (*Private.*)  
 Harper (William)—Patent for Improvements in Machinery, &c. for Drying Stoves.  
 Ch. xix.  
 Mackay (Donald James)—Naturalization. (*Not printed.*)  
 Robey (James) and Chantrell (George Frederick)—Patent for filtering and deodorising.  
 (*Not printed.*)

### Class 16.—Railways and Tramways.

[*The Acts relating to Tramways will be found at the end of the Class.*]

Abbotsbury (Making). Ch. cxi.  
 Athenry and Tuam (Abandonment of Claremorris Extension, &c.) Ch. liii.  
 Banbury and Cheltenham Direct (Deviation, &c.) Ch. cix.  
 Barry (Making). Ch. cxcvii.  
 Belfast Central (Extensions). Ch. ccxxvi.  
 Birmingham and Lichfield Junction (Extension of Time). Ch. cexiii.  
 Brighton and Dyke (Making). Ch. clxxxix.  
 Bristol and Portishead Pier and Railway (Further Powers). Ch. lxxix.  
 Bromley Direct (Capital, &c.) Ch. clxxiv.  
 Burry Port and Gwendreath Valley (Extension of Time). Ch. ccxiv.  
 Bury and Tottington District (Making). Ch. clvii.  
 Cambrian (Capital). Ch. ccxxxviii.  
 Cheshire Lines Committee (Further Powers). Ch. lvi.  
 Clacton-on-Sea (Making). Ch. clxvi.  
 Cleator and Workington Junction (Working by the Furness Company). Ch. xlvihi.  
 Coleford (Extension of Time). Ch. 1.  
 Cork and Macroom Direct (Extension to Cork, &c.) Ch. xxvii.  
 Cornwall Minerals (Further Powers). Ch. ccxxiii.  
 Cranbrook and Paddock Wood (Making). Ch. clx.  
 Derry Central (Further Powers). Ch. cxii.  
 Dover and Deal (Extension of Time). Ch. ccxxxi.

Class 16.—Railways and Tramways—*continued.*

- Dublin, Wicklow, and Wexford (Line to New Ross). Ch. ccx.  
 East London (Capital, &c.) Ch. clvi.  
 Fal Valley (Transfer and Abandonment). Ch. liv.  
 Fareham (Abandonment). Ch. xli.  
 Freshwater, Yarmouth, and Newport (Abandonment). Ch. cv.  
 Girvan and Portpatrick Junction (Acquisition of Lands, &c.) Ch. xiii.  
 Glencairn (Extension of Time, &c.) Ch. ccxv.  
 Golden Valley (Extension to Hay). Ch. clxxvii.  
 Great Eastern (Further Powers, and vesting of Saffron Walden Line). Ch. lxxxiii.  
 Great Northern (Further Powers). Ch. lxxx.  
 Great Northern Railway, Ireland (Amalgamation of other Companies under that Name, &c.) Ch. lxx.  
 Great Northern Railway, Ireland (Transfer of other Companies, &c.) Ch. lxxi.  
 Great North of Scotland (Further Powers). Ch. lxvii.  
 Great Western (New Works, and vesting of Bala and Dolgelly Line). Ch. cx.  
 Harrow and Rickmansworth (Abandonment). Ch. ccxxxii.  
 Highland Railway (Steam Vessels). Ch. iv.  
 Isle of Wight and Ryde Pier Railway. Ch. cvii.  
 Kelvin Valley (Kilsyth Vesting). Ch. xvii.  
 Kettering, Thrapston, and Huntington (Capital). Ch. cxxxvi.  
 Lancashire and Yorkshire (Further Powers). Ch. lix.  
 Lancashire Union (Connexion with North Union, &c.) Ch. lvii.  
 Leeds, Roundhay Park, and Osmondthorpe Junction (Abandonment). Ch. xi.  
 Lewes and East Grinstead (Making). Ch. ccxviii.  
 Limerick and Kerry (Further Powers). Ch. clxxix.  
 Llantrissant and Taff Vale Junction (Extension of Time). Ch. cxxxvii.  
 London and Blackwall (Extension of Line). Ch. lxiii.  
 London and North-western (Whitehaven, Cleator, and Egremont vesting). Ch. xlvi.  
 London and North-western (Joint and Various Powers). Ch. xci.  
 London and North-western (New Lines). Ch. xliv.  
 London and North-western (New Works, &c.) Ch. xlv.  
 London and South-western, and London, Brighton, and South Coast (Isle of Wight and Ryde Pier Railway). Ch. cvii.  
 London and South-western (Various Powers). Ch. cviii.  
 London, Brighton, and South Coast (Various Powers). Ch. xxviii.  
 London, Essex, and Kent Coast Junction (Abandonment). Ch. ccxxxix.  
 Loose Valley (Making). Ch. clxxx.  
 Louth and East Coast (Further Powers). Ch. x.  
 Manchester, Sheffield, and Lincolnshire (Further Powers, &c.) Ch. xlvi.  
 Mersey (Extension of Time). Ch. ccxx.  
 Metropolitan District (Ealing Extension, &c.) Ch. ccxxxiii.  
 Metropolitan (Aldgate Station; Further Powers, &c.) Ch. lxxxv.  
 Midland and Eastern, and Norwich and Spalding Companies Amalgamation. Ch. lxxxix.  
 Midland (Further Powers). Ch. lxxxvi.  
 Midland (New Works, &c.) Ch. lii.  
 Midland Great Western of Ireland (Further Powers). Ch. cxxxix.  
 North British (Additional Works and Powers). Ch. lviii.  
 North British (Station Enlargement and Railways). Ch. xxi.  
 North British (Amalgamation with other Companies). Ch. lxi.  
 North British, Arbroath, and Montrose (Extension of Time). Ch. xxiii.  
 Penarth, Sully, and Barry (Making). Ch. cxvii.  
 Portpatrick (East Pier at Stranraer Harbour). Ch. lx.  
 Ryde and Newport (Agreement with Cowes and Newport Company, &c.) Ch. lxxxviii.  
 Severn Bridge (Further Powers). Ch. cxlviii.  
 Severn and Wye Railway and Canal (Capital). Ch. cxv.  
 Sheffield and Midland Companies Committee (Abandonment). Ch. xlii.

### Class 16.—Railways and Tramways—*continued.*

- South-eastern (Works at Bermondsey ; Rye and Denge-ness Railway and Pier, &c.)  
Ch. clxxxii.  
South-western. *See* London and South-western.  
Taff Vale (Capital, &c.) Ch. clxxxiii.  
Tasmanian Main Line (Preference Bonds). Ch. xcii.  
Temple Mineral (Abandonment). Ch. lv.  
Usk and Towy (Extension of Time). Ch. cxliv.  
Waterford and Central Ireland (Kilkenny Junction Transfer). Ch. xciv.  
Welshpool and Llanfair (Making). Ch. ccxxv.  
Whitehaven, Cleator, and Egremont (New Works, Capital, &c.) Ch. ccxii.  
Whitland and Taff Vale (Extension to Cardigan). Ch. clxxxv.  
Whitland, Cronware, and Pendine (Making). Ch. cxcix.  
Wigtownshire (Branch to Garliestown Harbour, &c.) Ch. li.  
Worcester and Aberystwith Junction (Deviation). Ch. cxiv.

#### TRAMWAYS.

- Birkenhead (Dissolution and Re-incorporation of Company). Ch. clxxxvii.  
Galway and Salthill (Making). Ch. ccxxxvii.  
Glasgow and Ibrox (Making). Ch. cxcii.  
Leeds (Additional Tramways). Ch. clxix.  
Leicester (Making). Ch. clxx.  
London Street Tramways (Additional Tramways). Ch. ccxix.  
Newcastle-upon-Tyne (Construction by Corporation). Ch. cli.  
North Metropolitan (New Works). Ch. cxi.  
Southampton (Making). Ch. ccxxi.

#### Tramways Orders Confirmation :—

- Barton ; Eccles ; Winton ; Monton ; Bristol (Extension) ; Hull (Extension) ; Manchester Suburban ; Nottingham and District ; Portsea ; Rusholme ; Wolverhampton.  
Ch. cxxiv.

### Class 17.—Small Debts Courts, &c.

Nil.

### Class 18.—Tithes.

- Halifax (Vicar's Rate). Ch. iii.

### Class 19.—Trading and other Companies.

- Alexandra Palace (Sale of Grounds, &c.) Ch. xc.  
Brighton and London Sea Water Company (Extension of Time). Ch. ccxxiv.  
Clergy Mutual Assurance Society (Enabling to sue, &c.) Ch. xlix.  
Crystal Palace (Further Powers). Ch. cxvii.  
General Steam Navigation Company (Further Capital). Ch. vi.  
Law Life Assurance Society (Investment of Moneys). Ch. xx.  
New Zealand and Australian Land Company (Amalgamation of Canterbury and Otago Association). Ch. xc.  
Shotts Iron Company (Further Powers). Ch. xviii.  
Van Diemen's Land Company. Ch. xv.

### Class 20.—Turnpike and other Roads.

[NOTE.—By the "ANNUAL TURNPIKE ACTS CONTINUANCE ACT, 1877," certain Local Acts are repealed, and certain other Acts continued for specified terms. *See Schedules to 40 & 41 Vict. c. 64. (Public).]*

**Class 21.—Waterworks.**

- Blackburn (Construction of Works by the Corporation). Ch. cxv.  
 Bridgwater Corporation (Waterworks, &c.) Ch. clxxiii.  
 Carnforth District (Incorporating Company). Ch. clv.  
 East Worcestershire (Incorporating Company). Ch. clxiv.  
 Edinburgh and District (Abandonment of Alnwick Hill Reservoirs, &c.) Ch. xxvi.  
 Falmouth (Further Powers to Company). Ch. v.  
 Glasgow Corporation (New Works, &c.) Ch. clxv.  
 Heywood (Additional Works). Ch. clii.  
 Kent Waterworks (Extending Limits, Capital, &c.) Ch. ccxvii.  
 Leeds (Improvement of Works by Corporation). Ch. clxxviii.  
 Lowestoft (New Reservoirs, &c.) Ch. cxlvii.  
 Newcastle and Gateshead (Upper Swinburn Reservoir, &c.) Ch. lxxxvii.  
 North Cheshire (Capital, &c.) Ch. cliii.  
 Perth (Additional Works). Ch. clxi.  
 Ramsgate (Purchase of Works by Local Board). Ch. cxix.  
 Rotherham (Dalton Reservoir). Ch. xxiv.  
 Stamford (Constant Supply, &c.) Ch. xxxiv.  
 Sunningdale District (Incorporating Company). Ch. clxii.  
 Wakefield (Purchase of Works by Corporation). Ch. cxeviii.  
 West Surrey (Additional Capital). Ch. cvi.

**Provisional Orders Confirmation :—**

- Bridport ; Burgess Hill ; Ruthin ; Pickering. Ch. lxxvi.  
 Dungannon. Ch. cxxvii.  
 Ennis ; Limavady ; Strabane. Ch. cxxiii.  
 Holywood ; Greystones. Ch. cxxix.

# TABLES

SHOWING

## THE EFFECT OF THE YEAR'S LEGISLATION.

TABLE A.—Acts of 40 & 41 Vict. (in order of Chapter), showing their effect on former Acts.

TABLE B.—Acts of former Sessions (in chronological order) Repealed and Amended by Acts of 40 & 41 Vict.

### (A.)

Acts of 40 & 41 Vict. (in order of Chapter), showing their effect on former Acts.

CH.

1. CONSOLIDATED FUND (350,000*l.*) [U.K.]
2. TREASURY AND EXCHEQUER BILLS [U.K.]  
 Applies 29 & 30 Vict. c. 25., Exchequer Bills.  
 „ 38 & 39 Vict. c. 45., Sinking Fund.  
 „ sections 8–11 of 24 & 25 Vict. c. 98., Forgery, &c.  
 Repeals section 12 of 29 & 30 Vict. c. 25., Exchequer Bills.
3. PUBLICANS' CERTIFICATES (SCOTLAND) [S.]  
 Amends 39 & 40 Vict. c. 26.
4. BEER LICENSES (IRELAND) [I.]  
 Applies 27 & 28 Vict. c. 35., and 34 & 35 Vict. c. 111., Beerhouses (Ireland).  
 „ 37 & 38 Vict. c. 69., Licensing (Ireland).  
 Amends 27 & 28 Vict. c. 35., Beerhouses (Ireland).
5. EXCHEQUER BILLS AND BONDS [U.K.]  
 Applies and extends 29 & 30 Vict. c. 25.
6. CONSOLIDATED FUND (9,641,960*l.* 6*s.* 9*d.*) [U.K.]
7. MUTINY [U.K.]  
 Applies 26 & 27 Vict. c. 57., Regimental Debts.  
 Amends 33 & 34 Vict. c. 67., Army Enlistment.
8. MARINE MUTINY [U.K.]  
 Repeals part of 10 & 11 Vict. c. 63., Marines Enlistment.
9. SUPREME COURT OF JUDICATURE [E.]  
 Amends 36 & 37 Vict. c. 66. and 38 & 39 Vict. c. 77.  
 Provides for appointment of additional Judges.
10. CUSTOMS AND INLAND REVENUE [U.K.]  
 Continues Land Tax Duties on Offices and Pensions, notwithstanding certain repeals effected by 39 & 40 Vict. c. 16.
11. JUDICIAL PROCEEDINGS (RATING) [U.K.]  
 Enables Judges to act in certain cases relating to Rates.
12. CONSOLIDATED FUND (5,900,000*l.*) [U.K.]

Table A. —Acts of 40 & 41 Vict. (in order of Chapter), &c.—*continued.*

- CH.  
13. CUSTOMS, INLAND REVENUE, AND SAVINGS BANKS [U.K.]
- Customs:—  
Continues Duties on Tea.  
Applies provisions in 39 & 40 Vict. c. 36. to shipment of Export Goods.  
Extends time for actions against Officers under 39 & 40 Vict. c. 36.
- Taxes:—  
Continues Income Tax and Inhabited House Duties; and applies provisions of existing Acts.  
Revives and applies 5 & 6 Vict. c. 35. s. 32. and 23 & 24 Vict. c. 14. s. 6., which were repealed by 39 & 40 Vict. c. 16.
- Excise:—  
Provides for appeals from decisions of Justices in Ireland under 7 & 8 Geo. 4. c. 53.  
Alters reference (for the purpose of the Statute Law Revision) in section 11 of 18 & 19 Vict. c. 38.
- Stamps:—  
Provides for transmission and custody of inventories in Scotland in conformity with 23 & 24 Vict. c. 80.  
Abolishes duties under 33 & 34 Vict. c. 97. on appointments to benefices.
- Savings Banks:—  
Provides for payment into the Exchequer of surplus interest from Post Office Savings Bank Fund, Fund for Banks for Savings, and Fund for Friendly Societies.
14. LAW OF EVIDENCE AMENDMENT [U.K.]  
Provides for reception of the evidence of defendant, and wife or husband of defendant, in certain trials for misdemeanor.
15. PUBLIC LIBRARIES ACT (IRELAND) AMENDMENT [I.]  
Amends 18 & 19 Vict. c. 40., and extends its powers to Schools of Music.  
Applies provisions of Companies Clauses Act, 1845, with respect to borrowing.
16. REMOVAL OF WRECKS [U.K.]  
Applies Merchant Shipping Act, 17 & 18 Vict. c. 104.
17. QUARTER SESSIONS (BOROUGHES) [E.]  
Amends 7 Will. 4. & 1 Vict. c. 19.
18. SETTLED ESTATES [E. & I.]  
Repeals 19 & 20 Vict. c. 120.,  
" 21 & 22 Vict. c. 77.,  
" 27 & 28 Vict. c. 45.,  
" 37 & 38 Vict. c. 33.,  
" 39 & 40 Vict. c. 30., } Leases and Sales of Settled Estates.  
Provides for entails created under 34 & 35 Hen. 8. c. 20., or under any other Act of Parliament.
19. PUBLIC WORKS LOANS [U.K.]  
Amends 38 & 39 Vict. c. 89., Public Works Loans.
20. CONSTABULARY (IRELAND) ACT AMENDMENT [I.]  
Amends 33 & 34 Vict. c. 83., Constabulary (Ireland) Amendment Act, 1870.  
" 38 & 39 Vict. c. 44., Royal Irish Constabulary.
21. PRISONS [E.]  
Amends, and in part repeals, 28 & 29 Vict. c. 126., Prisons Act, 1865.  
Repeals section 7 of 5 & 6 Will. 4. c. 38., Prisons Act, 1835.  
Applies Act to Worcester Prison as constituted by 30 & 31 Vict. c. cxiii.  
" 22 Vict. c. 26., Superannuation Act, 1859.  
" 38 & 39 Vict. c. 83., Local Loans Act, 1875, and 38 & 39 Vict. c. 89., Public Works Loans Act, 1875.  
" Lands Clauses Acts, 1845, 1860, and 1869.  
" 31 & 32 Vict. c. 37., Documentary Evidence Act, 1868.  
" 17 & 18 Vict. c. 125., Common Law Procedure Act, 1854.  
Savings as to Reformatory and Industrial Schools under Acts of 1866.
22. GENERAL POLICE AND IMPROVEMENT (SCOTLAND) ACT (1862) AMENDMENT [S.]  
Amends 25 & 26 Vict. c. 101.



Table A.—Acts of 40 & 41 Vict. (in order of Chapter), &c.—*continued.*

- CH.
23. COLONIAL FORTIFICATIONS [C.]  
Provides for the transfer of Colonial Fortifications to Governor of Colony.
24. CONSOLIDATED FUND (20,000,000*L.*) [U.K.]
25. SOLICITORS EXAMINATION, &c. [E.]  
Amends, and repeals in part, 6 & 7 Vict. c. 73., Solicitors Act, 1843.  
" " " 23 & 24 Vict. c. 127., Solicitors Act, 1860.  
Repeals section 20 of 33 & 34 Vict. c. 28., Attorneys and Solicitors Act, 1870.  
Amends 36 & 37 Vict. c. 66. and 38 & 39 Vict. c. 77., Judicature Acts, 1873 and 1875.  
Vests powers relating to Examinations in the Incorporated Law Society.
26. COMPANIES ACTS AMENDMENT [U.K.]  
Amends 25 & 26 Vict. c. 89. and 30 & 31 Vict. c. 131.
27. PUBLIC WORKS LOANS (IRELAND) [I.]  
Repeals in part 1 & 2 Geo. 4. c. 33. s. 4.,  
" " 6 Geo. 4. c. 54.,  
" " 6 & 7 Will. 4. c. 116. s. 93.,  
" " 8 & 9 Vict. c. 107.,  
" " 18 & 19 Vict. c. 109. ss. 1-6.,  
" " 7 Geo. 4. c. 74. s. 17.,  
" " 6 & 7 Will. 4. c. 116. s. 124.,  
" " 6 & 7 Will. 4. c. 116. ss. 61, 62, Post Roads.  
" " 16 & 17 Vict. c. 136. ss. 11, 12, Harbours, &c.  
" " 19 & 20 Vict. c. 62. ss. 29, 30, Navigations.  
Amends 1 & 2 Vict. c. 116., County Treasurers (Ireland), as to Lunatic Asylums.  
" 10 & 11 Vict. c. 32.,  
" 29 & 30 Vict. c. 40., } Landed Property Improvement (Ireland).  
" 38 & 39 Vict. c. 82., National School Teachers (Ireland).
28. GAME LAWS (SCOTLAND) AMENDMENT [S.]  
Amends the following Acts relating to the Preservation of Game in Scotland :—  
Parl., Scotland, 1587, c. 43.  
" " 1621, c. 31.  
" " 1707, c. 91.  
13 Geo. 3. c. 54. | 7 & 8 Vict. c. 29.  
39 Geo. 3. c. 34. | 25 & 26 Vict. c. 114.  
9 Geo. 4. c. 69. | 11 & 12 Vict. c. 30.  
1 & 2 Will. 4. c. 32. | 23 & 24 Vict. c. 90.  
2 & 3 Will. 4. c. 68. | 24 & 25 Vict. c. 91.
29. MARRIED WOMEN'S PROPERTY (SCOTLAND) [S.]  
Saves Rights conferred by Conjugal Rights (Scotland) Acts, 24 & 25 Vict. c. 86. and 37 & 38 Vict. c. 31.
30. TELEGRAPHS (MONEY) [U.K.]  
Authorises the raising of 500,000*L.* for purposes of the Telegraph Acts 31 & 32 Vict. c. 110., 32 & 33 Vict. c. 73., and 33 & 34 Vict. c. 88.  
Applies 29 & 30 Vict. c. 39., Exchequer and Audit Departments.
31. LIMITED OWNERS RESERVOIRS AND WATER SUPPLY FURTHER FACILITIES [E. & I.]  
Incorporates Act with Improvement of Land Act, 27 & 28 Vict. c. 114., and Waterworks Clauses Act, 26 & 27 Vict. c. 93.
32. PUBLIC LOANS REMISSION [U.K.]  
Extinguishes debts due to Consolidated Fund in respect of advances made under the following Enactments :—  
1 & 2 Geo. 4. c. 115. s. 8., Bankruptcy Court, London.  
5 & 6 Will. 4. c. 76. s. 20., Revising Burgess List, Carnarvon.  
33 Geo. 3. c. 104., 45 Geo. 3. c. 85., 51 Geo. 3. c. 117., and 56 Geo. 3. c. 135., Crinan Canal.  
56 Geo. 3. c. lxxxiii., 58 Geo. 3. c. 44., 59 Geo. 3. c. xc., and 1 & 2 Geo. 4. c. cxxvii., Glasgow and Carlisle Roads.  
54 Geo. 3. c. 138., Queensferry (Firth of Forth).  
53 Geo. 3. c. cxxv., Fife and Midlothian Ferries.  
9 Geo. 4. c. 91., Welland Canal, Canada.  
11 Geo. 4. & 1 Will. 4. c. 34., Shubenacadie Canal.  
9 & 10 Vict. cc. 42, 82., and 10 & 11 Vict. c. 112., New Zealand Company.

Table A.—Acts of 40 & 41 Vict. (in order of Chapter), &c.—*continued*.

- CH.
33. CONTINGENT REMAINDERS [U.K.]  
Amends Law as to Contingent Remainders.
34. EXONERATION OF CHARGES [E. & I.]  
Amends 17 & 18 Vict. c. 113. and 30 & 31 Vict. c. 69. as to Administration of Estates of deceased Persons.
35. METROPOLITAN OPEN SPACES [E.]  
Enables Metropolitan Board of Works to acquire Open Spaces for benefit of the Public; and applies Metropolis Management Act (1855), 18 & 19 Vict. c. 120.
36. REGISTRATION OF LEASES (SCOTLAND) ACT AMENDMENT [S.]  
Amends 20 & 21 Vict. c. 26.  
Saves 49 Geo. 3. c. 42., Public Records (Scotland).
37. TRADE MARKS [U.K.]  
Extends time for Registration under 38 & 39 Vict. c. 91. and 39 & 40 Vict. c. 33.
38. BOARD OF EDUCATION (SCOTLAND) CONTINUANCE [S.]  
Extends time limited by 35 & 36 Vict. c. 62.
39. FACTORS' ACTS AMENDMENT [U.K.]  
Amends 4 Geo. 4. c. 83.,  
    ,, 6 Geo. 4. c. 94.,  
    ,, 5 & 6 Vict. c. 39., } Protection of Property intrusted to Agents.
40. REGISTERED WRITS EXECUTION (SCOTLAND) [S.]  
Amends 49 Geo. 3. c. 42., Public Records (Scotland).  
Applies 31 & 32 Vict. c. 54., Judgments Extension.  
    ,, 31 & 32 Vict. c. 64., Land Registers (Scotland).
41. CROWN OFFICE [U.K.]  
Makes provision as to preparation and authentication, &c. of certain Documents.
42. FISHERIES (OYSTERS, CRABS, AND LOBSTERS) [U.K.]  
Repeals 39 & 40 Vict. c. cli., Norfolk Crab and Lobster Fisheries.  
Applies 31 & 32 Vict. c. 45., Sea Fisheries Act, 1868.  
Revives (temporarily) 6 & 7 Vict. c. 79. as to French Fishing.  
Applies 11 & 12 Vict. c. 43., Summary Jurisdiction.  
    ,, 27 & 28 Vict. c. 53., Summary Procedure (Scotland).  
    ,, 14 & 15 Vict. c. 93., Petty Sessions (Ireland).  
    ,, Act to Isle of Man and the Channel Islands.
43. JUSTICES CLERKS [E.]  
Amends, and in part repeals, 14 & 15 Vict. c. 55., Criminal Justice Administration.  
    ,, 11 & 12 Vict. c. 43., Summary Jurisdiction.
44. SUPERANNUATION (MERCANTILE MARINE FUND OFFICERS) [U.K.]  
Amends 17 & 18 Vict. c. 104.,  
    ,, 34 & 35 Vict. c. 110.,  
    ,, 35 & 36 Vict. c. 73.,  
    ,, 36 & 37 Vict. c. 85.,  
    ,, 39 & 40 Vict. c. 80.,  
    ,, 18 & 19 Vict. c. 119., Passengers Act, 1855. } Merchant Shipping Acts, 1854-1876.
45. TREASURY CHEST FUND [U.K.]  
Repeals 24 & 25 Vict. c. 127.,  
    ,, 36 & 37 Vict. c. 56., } Treasury Chest Fund Acts, 1861 and 1873.  
Applies 29 & 30 Vict. c. 39., Exchequer and Audit Act, 1866.
46. WINTER ASSIZES [E.]  
Amends 39 & 40 Vict. c. 57.
47. SOUTH AFRICA [C.]  
Provides for the Union under one Government of certain of the South African Colonies.

Table A.—Acts of 40 & 41 Vict. (in order of Chapter), &c.—*continued*.

Ch.

## 48. UNIVERSITIES OF OXFORD AND CAMBRIDGE [E.]

- Amends 17 & 18 Vict. c. 81.,  
 " 19 & 20 Vict. c. 31.,  
 " 20 & 21 Vict. c. 25., } Oxford University.  
 " 23 & 24 Vict. c. 91.,  
 " 32 & 33 Vict. c. 20.,  
 " 19 & 20 Vict. c. 88., Cambridge University.  
 Saves 34 & 35 Vict. c. 26., Universities Tests.

## 49. PRISONS (IRELAND) [I.]

- Establishes "The General Prisons Board for Ireland" and abolishes Offices of Inspector-General of Prisons, Director of Convict Prisons, and Registrar of Criminals.  
 Amends 7 Geo. 4. c. 74. (Prisons, Ireland), and Acts amending same.  
 " 17 & 18 Vict. c. 76. (Convict Prisons, Ireland), and Acts amending same.  
 " section 4 of 14 & 15 Vict. c. 85., Constabulary Force (Ireland).  
 " section 15 of 31 & 32 Vict. c. 59., Reformatory Schools (Ireland).  
 " 34 & 35 Vict. c. 112., Prevention of Crimes Act, 1871.  
 Applies 36 & 37 Vict. c. 51., Prison Officers (Ireland) Superannuation Act, 1873.  
 " 22 Vict. c. 26., Superannuation Act, 1859.  
 " 34 & 35 Vict. c. 36., Pensions Commutation Act, 1871.  
 " 8 & 9 Vict. c. 18. and 23 & 24 Vict. c. 106., Lands Clauses Acts.  
 " 14 & 15 Vict. c. 70., 23 & 24 Vict. c. 97., and 27 & 28 Vict. c. 71., Railways (Ireland) Acts.  
 " 19 & 20 Vict. c. 102., Common Law Procedure (Ireland) Act, 1856.  
 " 34 & 35 Vict. c. 102., Charitable Donations and Bequests (Ireland) Act, 1871.

## 50. SHERIFF COURTS (SCOTLAND) [S.]

- Repeals section 9 of 6 Geo. 4. c. 23., as to Qualification of Sheriffs Substitute.  
 " section 7 of 23 & 24 Vict. c. 33., Bankruptcy (Scotland).  
 " section 51 (in part) of 8 & 9 Vict. c. 19., Lands Clauses (Scotland).  
 Extends Act of Scottish Parliament, 1695, as to Sheriffs' Jurisdiction.

## 51. EAST INDIA LOAN [U.K.]

- Applies section 4 of 5 & 6 Will. 4. c. 64., as to Composition for Stamp Duties.  
 " section 32 of 22 & 23 Vict. c. 35., 26 & 27 Vict. c. 73., and 33 & 34 Vict. c. 93., as to Capital Stock.

## 52. METROPOLITAN BOARD OF WORKS (MONEY) [E.]

- Amends and applies Acts, 1869 to 1876; viz., 32 & 33 Vict. c. 102., 33 & 34 Vict. c. 24., 34 & 35 Vict. c. 47., 38 & 39 Vict. c. 65., and 39 & 40 Vict. c. 55.  
 Applies 18 & 19 Vict. c. 120. } Metropolitan Management Acts, 1855 and 1862.  
 " 25 & 26 Vict. c. 102. }  
 " 28 & 29 Vict. c. 90., Fire Brigade Act, 1865.  
 " 24 & 25 Vict. c. 98., as to Forgery.

## 53. PRISONS (SCOTLAND) [S.]

- Appoints "The Prisons Commissioners for Scotland."  
 Repeals 23 & 24 Vict. c. 105. (except ss. 72-75), } Prisons (Scotland) Administration Acts,  
 " 28 & 29 Vict. c. 84., } 1860, 1865, and 1869.  
 " 32 & 33 Vict. c. 35., }  
 " section 2 of 26 & 27 Vict. c. 109., Removal of Prisoners (Scotland).  
 " sections 36 and 37 of 27 & 28 Vict. c. 53., Summary Procedure Act, 1854.  
 " section 50 of 20 & 21 Vict. c. 71., Lunatics (Scotland).  
 Amends 5 & 6 Will. 4. c. 38., Inspectors of Prisons.  
 Applies 22 Vict. c. 26., Superannuation Act, 1859.  
 " 34 & 35 Vict. c. 36., Pensions Commutation Act, 1871.  
 " 31 & 32 Vict. c. 37., Documentary Evidence Act, 1868.  
 " 8 & 9 Vict. c. 19., Lands Clauses (Scotland) Act, 1845.  
 " 32 & 33 Vict. c. 33., Judicial Statistics (Scotland) Act, 1869.  
 " 17 & 18 Vict. c. 86., } Reformatory and Industrial Schools.  
 " 29 & 30 Vict. c. 118., }  
 " 31 & 32 Vict. c. 50., Prisons (Scotland) Administration (Lanarkshire).

## 54. PUBLIC LIBRARIES ACTS AMENDMENT [U.K.]

- Amends 29 & 30 Vict. c. 114. (England).  
 " 18 & 19 Vict. c. 40. (Ireland).  
 " 30 & 31 Vict. c. 37. (Scotland).

Table A.—Acts of 40 & 41 Vict. (in order of Chapter), &c.—*continued.*

- CH.
55. PUBLIC RECORD OFFICE [E.]  
Amends 1 & 2 Vict. c. 94., as to valueless Documents.  
,, 23 & 24 Vict. c. 149., as to Chancery Masters Documents.
56. COUNTY OFFICERS AND COURTS (IRELAND) [I.]  
Repeals 1 Geo. 4. c. 27., Clerks of the Peace (Ireland).  
,, section 11 of 6 & 7 Will. 4. c. 34., Petty Sessions (Ireland).  
,, section 12 of 14 & 15 Vict. c. 57., Civil Bill Courts (Ireland).  
Amends 14 & 15 Vict. c. 57. and 37 & 38 Vict. c. 66., Civil Bill Courts (Ireland).  
,, 33 & 34 Vict. c. 109., Common Law Procedure (Ireland).  
Applies 22 Vict. c. 26., Superannuation Act, 1859.  
,, 12 & 13 Vict. c. 97., as to Clerk of Peace for Dublin.  
,, 33 & 34 Vict. c. 93., Married Women's Property Act, 1870.  
,, 20 & 21 Vict. c. 79., Probates, &c. (Ireland) Act, 1857.  
,, 39 & 40 Vict. c. 71., Chairmen of Quarter Sessions (Ireland), Act, 1876.  
,, 30 & 31 Vict. c. 114. and 39 & 40 Vict. c. 28., Court of Admiralty (Ireland).  
,, 23 & 24 Vict. c. 154. and 33 & 34 Vict. c. 46., Landlord and Tenant (Ireland).  
,, 4 & 5 Will. 4. c. 92., Acknowledgment of Deeds by Married Women.  
,, 6 & 7 Will. 4. c. 116. s. 70., Grand Jury Presentments (Ireland).  
,, Trustees Relief Acts.
57. SUPREME COURT OF JUDICATURE (IRELAND) [I.]  
Unites existing Courts into one Supreme Court of Judicature; and Acts relating to former Courts to apply to Courts under this Act.  
Applies 11 & 12 Vict. c. 78., Criminal Law Administration (Crown Cases Reserved).  
,, 13 & 14 Vict. c. 69., Registration of Voters (Ireland).  
,, 21 & 22 Vict. c. 72., Sale and Transfer of Land (Ireland).  
,, 19 & 20 Vict. c. 92., Chancery Appeal Court (Ireland).  
,, 30 & 31 Vict. c. 129., Chancery and Common Law Officers (Ireland).  
,, 30 & 31 Vict. c. 44., Chancery (Ireland) Act, 1867.  
,, 28 & 29 Vict. c. 88., Record of Title Act, 1865.  
,, 21 & 22 Vict. c. 27. and 25 & 26 Vict. c. 46., Chancery Amendment Act, 1858, and Chancery Regulation (Ireland) Act, 1862.  
,, 31 & 32 Vict. c. 49., Parliamentary Elections Act, 1868.  
,, 33 & 34 Vict. c. 46., Landlord and Tenant (Ireland) Act, 1870.  
,, 19 & 20 Vict. c. 102., and 33 & 34 Vict. c. 109., Common Law Procedure (Ireland).  
,, 36 & 37 Vict. c. 66. and 38 & 39 Vict. c. 77., Supreme Court of Judicature Acts, 1873 and 1875.  
,, 39 & 40 Vict. c. 57., Winter Assizes Act, 1876; and (except s. 5) extends it to Ireland.  
,, 22 Vict. c. 26., Superannuation Act, 1859.  
Amends 20 & 21 Vict. c. 60., Irish Bankrupt and Insolvent Act, 1857, as to unclaimed Dividends.
58. POLICE (EXPENSES) ACT CONTINUANCE [E. & S.]  
Continues (for one year) 38 & 39 Vict. c. 48.
59. COLONIAL STOCK [U.K.]  
Applies 5 & 6 Will. 4. c. 62., Statutory Declaration Act, 1835.  
,, 24 & 25 Vict. c. 98. and 33 & 34 Vict. c. 58., as to Forgery.
60. CANAL BOATS [E.]  
Applies 38 & 39 Vict. c. 55., Public Health Act, 1875.  
,, 18 & 19 Vict. c. 120., Metropolis Management Act, 1855.  
,, 33 & 34 Vict. c. 75., 36 & 37 Vict. c. 86., and 39 & 40 Vict. c. 79., Education Acts, 1870, 1873, 1876.  
,, 25 & 26 Vict. c. 89., Companies Act, 1862.  
,, 17 & 18 Vict. c. 104., Merchant Shipping Act, 1854.  
,, 11 & 12 Vict. c. 43., Summary Jurisdiction Act, 1848.
61. CONSOLIDATED FUND (APPROPRIATION) [U.K.]  
Repeals section 7 of 33 & 34 Vict. c. 96. } Appropriation Acts, 1870 and 1872.  
,, section 6 of 35 & 36 Vict. c. 87. }
62. LEGAL PRACTITIONERS [E.]  
Applies section 12 of 37 & 38 Vict. c. 68. (Attorneys and Solicitors Act, 1874), in cases where other than qualified Practitioners act in cases of Probate, &c.

Table A.—Acts of 40 & 41 Vict. (in order of Chapter), &c.—*continued.*

- CH.  
63. BUILDING SOCIETIES ACT (1874) AMENDMENT [U.K.]  
Amends 37 & 38 Vict. c. 42.
64. ANNUAL TURNPIKE ACTS CONTINUANCE [U.K.]  
Repeals and continues Local Acts as set forth in Schedule.  
Amends section 19 of 34 & 35 Vict. c. 115., Turnpike Acts Continuance Act, 1871.
65. FISHERIES (DYNAMITE) [U.K.]  
Applies Summary Jurisdiction and Procedure Acts, and Petty Sessions (Ireland) Act, 1851, &c.
66. LOCAL TAXATION RETURNS [E.]  
Amends 23 & 24 Vict. c. 51.
67. EXPIRING LAWS CONTINUANCE [U.K.]  
Continues (as in Schedule) the following Acts, and Acts amending the same; viz. :—  
5 & 6 Will. 4. c. 27., Linen, &c. Manufactures (Ireland).  
3 & 4 Vict. c. 89., Poor Rates (Stock in Trade Exemption).  
4 & 5 Vict. c. 35., Copyhold, &c. Commissions.  
4 & 5 Vict. c. 59., Application of Highway Rates.  
10 & 11 Vict. c. 32., Landed Property Improvement (Ireland).  
10 & 11 Vict. c. 98., Ecclesiastical Jurisdiction.  
11 & 12 Vict. c. 32., County Cess (Ireland).  
11 & 12 Vict. c. 107., Sheep and Cattle Diseases.  
14 & 15 Vict. c. 104., Episcopal, &c. Estates.  
17 & 18 Vict. c. 102., Corrupt Practices Prevention.  
23 & 24 Vict. c. 19., Dwellings for Labouring Classes (Ireland).  
24 & 25 Vict. c. 109., Salmon Fishery (England).  
25 & 26 Vict. c. 97., Salmon Fisheries (Scotland).  
26 & 27 Vict. c. 105., Promissory Notes.  
27 & 28 Vict. c. 9., Malt for Animals.  
27 & 28 Vict. c. 20., Promissory Notes, &c. (Ireland).  
28 & 29 Vict. c. 46., Militia Ballots Suspension.  
28 & 29 Vict. c. 66., Malt Duty.  
28 & 29 Vict. c. 83., Locomotives on Roads.  
29 & 30 Vict. c. 52., Prosecution Expenses.  
31 & 32 Vict. c. 125., Election Petitions, &c.  
32 & 33 Vict. c. 21., Election Commissioners Expenses.  
34 & 35 Vict. c. 87., Sunday Observance Prosecutions.  
34 & 35 Vict. c. 105., Petroleum.
68. DESTRUCTIVE INSECTS [U.K.]  
Empowers Privy Council to make Orders for preventing the introduction of the Colorado Beetle.  
Applies 32 & 33 Vict. c. 96., Contagious Diseases (Animals).  
,, 14 & 15 Vict. c. 90., Fines (Ireland) Act, 1851.
69. MUNICIPAL CORPORATIONS (NEW CHARTERS) [E.]  
Defines "Municipal Corporations Acts," with their respective short titles, as set forth in Schedule.  
Repeals section 141 of 5 & 6 Will. 4. c. 76.  
,, section 49 of 7 Will. 4. & 1 Vict. c. 73.

## (B.)

Acts of former Sessions (in Chronological Order) Repealed and Amended  
by Acts of 40 & 41 Vict.

Act repealed or amended.	Subject-matter.	How affected.	Chapter of 40 & 41 Vict.
Parl. Scotland, 1587, c. 43. - }	Game Laws (Scotland) - - -	Amended	28
„ 1621, c. 31. - }			
„ 1707, c. 91. - }			
„ 1695 - - -	Sheriffs (Scotland) - - -	Amended	50
13 Geo. 3. c. 54. - - }	Game Laws (Scotland) - - -	Amended	28
39 Geo. 3. c. 34. - - }			
49 Geo. 3. c. 42. - - -	Public Records (Scotland) - - -	Amended	40
1 Geo. 4. c. 27. - - -	Clerks of the Peace (Ireland) - - -	Repealed	56
1 & 2 Geo. 4. c. 33. s. 4. - - -	Loans—Lunatic Asylums (Ireland) - - -	Repealed	27
4 Geo. 4. c. 83. - - -	Factors and Agents - - -	Amended	39
6 Geo. 4. c. 23. s. 9. - - -	Sheriffs (Scotland) - - -	Repealed	50
„ c. 54. - - -	Loans—Lunatic Asylums (Ireland) - - -	Repealed	27
„ c. 94. - - -	Factors and Agents - - -	Amended	39
7 Geo. 4. c. 74. - - -	Prisons (Ireland) - - -	Repealed	27 and 49
7 & 8 Geo. 4. c. 53. - - -	Excise : Appeals from decisions of Justices in Ireland.	Amended	13
9 Geo. 4. c. 69. - - - }	Game Laws (Scotland) - - -	Amended	28
1 & 2 Will. 4. c. 32. - - }			
2 & 3 Will. 4. c. 68. - - }			
5 & 6 Will. 4. c. 38. - - -	Prisons - - -	Amended	21 and 53
„ c. 76. s. 141. - - -	Municipal Corporations - - -	Repealed	69
6 & 7 Will. 4. c. 34. s. 11. - - -	Petty Sessions (Ireland) - - -	Repealed	56
„ c. 116. ss. 61, 62, 93, 124. - - -	Loans—Post Roads, Lunatic Asylums, Prisons (Ireland). - - -	Repealed	27
7 Will. 4. & 1 Vict. c. 19. - - -	Quarter Sessions in Boroughs - - -	Amended	17
„ c. 78. s. 49 - - -	Municipal Corporations - - -	Repealed	69
1 & 2 Vict. c. 94. - - -	Public Records - - -	Amended	55
„ c. 116. - - -	Loans—Lunatic Asylums (Ireland) - - -	Amended	27
5 & 6 Vict. c. 35. s. 32. [repealed by 39 & 40 Vict. c. 16.] - - -	Income Tax - - -	Revived	13
„ c. 39. - - -	Factors and Agents - - -	Amended	39
6 & 7 Vict. c. 73. - - -	Solicitors' Examinations - - -	Amended, & in part repealed.	25
7 & 8 Vict. c. 29. - - -	Game Laws (Scotland) - - -	Amended	28
8 & 9 Vict. c. 19. s. 51. in part - - -	Lands Clauses—Sheriffs' Fees (Scotland) - - -	Repealed	50
„ c. 107. - - -	Loans—Lunatic Asylums (Ireland) - - -	Repealed	27
10 & 11 Vict. c. 32. - - -	Loans—Landed Property Improvement (Ireland). - - -	Amended	27
„ c. 63. in part - - -	Marines Enlistment - - -	Repealed	8
11 & 12 Vict. c. 30. - - -	Game Laws (Scotland) - - -	Amended	28
„ c. 43. - - -	Summary Jurisdiction - - -	Amended	43
14 & 15 Vict. c. 55. - - -	Criminal Justice Administration—Justices' Clerks. - - -	Amended, & in part repealed.	43

Table B.—Acts of former Sessions repealed and amended—*continued.*

Act repealed or amended.	Subject-matter.	How affected.	Chapter of 40 & 41 Vict.
14 & 15 Vict. c. 57. - -	Civil Bill Courts (Ireland) - -	Amended, & in part repealed.	56
„ c. 85. s. 4. - -	Constabulary Force (Ireland) - -	Amended	49
16 & 17 Vict. c. 136. ss. 11, 12.	Loans—Harbours, &c. (Ireland) - -	Repealed in part.	27
17 & 18 Vict. c. 76. - -	Convict Prisons (Ireland) - -	Amended	49
„ c. 81. - -	Oxford University - -	Amended	48
„ c. 104. - -	Mercantile Marine—Superannuation - -	Amended	44
„ c. 113. - -	Real Estate Charges - -	Amended	34
18 & 19 Vict. c. 38. s. 11.	Excise - -	Amended	13
„ c. 40. - -	Public Libraries (Ireland) - -	Amended	15 and 54
„ c. 109. ss. 1-6. - -	Loans—Lunatic Asylums (Ireland) - -	Repealed in part.	27
„ c. 119. - -	Passengers Act, 1855—Superannuation	Amended	44
19 & 20 Vict. c. 31. - -	Oxford University - -	Amended	48
„ c. 62. ss. 29, 30 - -	Loans—Navigations (Ireland)- -	Repealed in part.	27
„ c. 88. - -	Cambridge University - -	Amended	48
„ c. 120. - -	Leases and Sales of Settled Estates - -	Repealed	18
20 & 21 Vict. c. 25. - -	Oxford University - -	Amended	48
„ c. 26. - -	Registration of Leases (Scotland) - -	Amended	36
„ c. 60. - -	Bankruptcy and Insolvency (Ireland) - -	Amended	57
„ c. 71. s. 50. - -	Lunatics (Scotland) - -	Repealed	53
21 & 22 Vict. c. 77. - -	Leases and Sales of Settled Estates - -	Repealed	18
23 & 24 Vict. c. 14. s. 6. [ <i>repealed by 39 &amp; 40 Vict. c. 16.</i> ]	Income Tax - -	Revived	13
„ c. 33. s. 7. - -	Bankruptcy—Sheriffs' Fees (Scotland)	Repealed	50
„ c. 51. - -	Local Taxation Returns - -	Amended	66
„ c. 80. - -	Stamps—Inventories (Scotland) - -	Amended	13
„ c. 90. - -	Game Laws (Scotland) - -	Amended	28
„ c. 91. - -	Oxford University - -	Amended	48
„ c. 105. ( <i>except s. 72-75.</i> ) - -	Prisons (Scotland) - -	Repealed	53
„ c. 127. - -	Solicitors' Examination - -	Amended, & in part repealed.	25
„ c. 149. - -	Public Records—Chancery Masters' Documents.	Amended	55
24 & 25 Vict. c. 91. - -	Inland Revenue—Game (Scotland) - -	Amended	28
„ c. 127. - -	Treasury Chest Fund - -	Repealed	45
25 & 26 Vict. c. 89. - -	Companies Act, 1862 - -	Amended	26
„ c. 101. - -	General Police and Improvement (Scotland).	Amended	22
„ c. 114. - -	Game Laws (Scotland) - -	Amended	28
26 & 27 Vict. c. 109. s. 2. - -	Removal of Prisoners (Scotland) - -	Repealed	53
27 & 28 Vict. c. 35. - -	Beerhouses (Ireland) - -	Amended	4
„ c. 45. - -	Leases and Sales of Settled Estates - -	Repealed	18
„ c. 53. ss. 36, 37.	Summary Procedure Act, 1864 - -	Repealed	53
28 & 29 Vict. c. 84. - -	Prisons (Scotland) - -	Repealed	53
„ c. 126. - -	Prisons - -	Amended, & in part repealed.	21
29 & 30 Vict. c. 25. - -	Exchequer Bills, &c. - -	Amended	2 and 5
„ c. 40. - -	Loans—Landed Property Improvement (Ireland).	Amended	27
30 & 31 Vict. c. 114. - -	Public Libraries - -	} Amended	54
„ c. 37. - -	Public Libraries (Scotland) - -		
„ c. 69. - -	Real Estate Charges - -		
„ c. 131. - -	Companies Act, 1867 - -	Amended	34
			26

Table B.—Acts of former Sessions repealed and amended—*continued*.

Act repealed or amended.	Subject-matter.	How affected.	Chapter of 40 & 41 Vict.
31 & 32 Vict. c. 59. s. 15.	Reformatory Schools (Ireland)	Amended	49
32 & 33 Vict. c. 20.	Oxford University	Amended	48
„ c. 35.	Prisons (Scotland)	Repealed	53
„ c. 102.	Metropolitan Board of Works (Money)	Amended	52
33 & 34 Vict. c. 24.			
„ c. 28. s. 20.	Solicitors' Examination	Repealed	25
„ c. 67.	Army Enlistment	Amended	7
„ c. 83.	Royal Irish Constabulary	Amended	20
„ c. 96. s. 7.	Appropriation Act, 1870	Repealed	61
„ c. 97. in part	Stamps—Appointments to Benefices	Repealed	13
„ c. 109.	Common Law Procedure (Ireland)	Amended	56
34 & 35 Vict. c. 47.	Metropolitan Board of Works (Money)	Amended	52
„ c. 110.	Mercantile Marine—Superannuation	Amended	44
„ c. 112.	Prevention of Crimes Act, 1851	Amended	49
„ c. 115. s. 19.	Turnpike Acts Continuance Act, 1871	Amended	64
35 & 36 Vict. c. 62.	Board of Education (Scotland)	Amended	38
„ c. 73.	Mercantile Marine—Superannuation	Amended	44
„ c. 87. s. 6.	Appropriation Act, 1872	Repealed	61
36 & 37 Vict. c. 56.	Treasury Chest Fund	Repealed	45
„ c. 66.	Supreme Court of Judicature	Amended	9 and 25
„ c. 85.	Mercantile Marine—Superannuation	Amended	44
37 & 38 Vict. c. 33.	Leases and Sales of Settled Estates	Repealed	18
„ c. 42.	Building Societies	Amended	63
„ c. 66.	Civil Bill Courts (Ireland)	Amended	56
38 & 39 Vict. c. 44.	Royal Irish Constabulary	Amended	20
„ c. 65.	Metropolitan Board of Works (Money)	Amended	52
„ c. 77.	Supreme Court of Judicature	Amended	9 and 25
„ c. 82.	Loans—National School Teachers (Ireland).	Amended	27
„ c. 89.	Public Works Loans	Amended	19
„ c. 91.	Registration of Trade Marks	Amended	37
39 & 40 Vict. c. 26.	Publicans' Certificates (Scotland)	Amended	3
„ c. 30.	Leases and Sales of Settled Estates	Repealed	18
„ c. 33.	Registration of Trade Marks	Amended	37
„ c. 55.	Metropolitan Board of Works (Money)	Amended	52
„ c. 57.	Winter Assizes	Amended Extended to Ireland.	46 57
„ c. 80.	Mercantile Marine—Superannuation	Amended	44
„ c. cli.	Norfolk Crab and Lobster Fisheries	Repealed	42



## I N D E X

TO THE

## PUBLIC GENERAL STATUTES,

40 &amp; 41 VICTORIA.—A.D. 1877.

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\* \* Several Public Acts of a Local Character have been placed amongst the Local and Personal Acts. These Acts will be found (separately distinguished) in the "Table of the Statutes" at the commencement of the volume, page vi.

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## A.

- ACTS OF PARLIAMENT CONTINUANCE, &c. *See* EXPIRING LAWS CONTINUANCE; p. 443.  
 TURNPIKE ACTS CONTINUANCE; p. 422.
- ADMINISTRATION OF JUSTICE. *See*—  
 COMPANIES ACTS AMENDMENT; p. 171.  
 CONTINGENT REMAINDERS; p. 198.  
 COUNTY OFFICERS AND COURTS; p. 309.  
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- AFRICAN COLONIES. *See* SOUTH AFRICA; p. 221.
- AGENTS. *See* FACTORS ACTS AMENDMENT; p. 202.
- APPROPRIATION OF SUPPLIES:  
 To apply a sum out of the Consolidated Fund to the service of the Year ending the 31st March 1878; and to appropriate the Supplies granted in the Session of Parliament 1877. Ch. 61. Page 408.
- ARMY. *See* MUTINY; p. 8.
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- ATTORNEYS AND SOLICITORS. *See* LEGAL PRACTITIONERS; p. 420. SOLICITORS EXAMINATION, &c.; p. 162.

## B.

## BEER LICENCES (IRELAND) :

To amend the Law relating to the granting of Licences for the sale of Beer, Ale, and Porter in Ireland. Ch. 4. Page 5

- § 1. Short title; and application of 27 & 28 Vict. c. 35. and 34 & 35 Vict. c. 111.; p. 5.
- 2. No licences, transfers, or renewals for sale of beer, &c. for consumption elsewhere than on premises to be granted in respect of premises rated at less than 8*l.*, nor in cities, &c. with a population exceeding 10,000 unless premises are rated at 15*l.*; *ib.*
- 3. Extension of section 11 of 27 & 28 Vict. c. 35; p. 6.

## BENEFICES, APPOINTMENTS TO. See CUSTOMS, INLAND REVENUE, AND SAVINGS BANKS; p. 120.

## BOARD OF EDUCATION (SCOTLAND) :

To continue for one year the Board of Education in Scotland. Ch. 38. Page 202.

- § 1. Continuance of Board of Education in Scotland until 6th August 1878; p. 202.
- 2. Act to be construed with 35 & 36 Vict. c. 62; *ib.*

## BOATS USED AS DWELLINGS. See CANAL BOATS; p. 403.

## BOROUGHs. See MUNICIPAL CORPORATIONS; p. 449. QUARTER SESSIONS; p. 126.

## BUILDING SOCIETIES ACT AMENDMENT :

To amend the Building Societies Act, 1874 (37 & 38 Vict. c. 42.). Ch. 63. Page 421.

- § 1. Short title, &c.; p. 421.
  - 2. Societies may change their chief offices; notice of such change to be sent to Registrar; *ib.*
  - 3. Amendment of section 27 of 37 & 38 Vict. c. 42.; *ib.*
  - 4. Rights held in trust to vest in societies; *ib.*
  - 5. Registration of union of societies or of transfer of engagements to operate as effectual conveyance of funds and property of uniting societies to the united society and to society to which engagements are transferred; *ib.*
  - 6. Forms in schedule to be used; *ib.*
- SCHEDULE; p. 422.

## C.

## CAMBRIDGE UNIVERSITY. See OXFORD AND CAMBRIDGE UNIVERSITIES; p. 231.

## CANAL BOATS :

To provide for the Registration and Regulation of Canal Boats used as Dwellings. Ch. 60. Page 403.

- § 1. Registration of use of canal boat as dwelling; p. 403.
- 2. Local Government Board to make regulations for registration, fixing number of persons, promoting cleanliness, and preventing infectious disease; *ib.*
- 3. Certificate of registry and lettering and numbering of boat; p. 404.
- 4. Power of sanitary authority for prevention of infectious disease in canal boats; *ib.*
- 5. Authorised person may enter boat, &c.; *ib.*
- 6. Education of children dwelling on board canal boats; p. 405.
- 7. Registration authority; *ib.*
- 8. Expenses of sanitary authority; p. 406.
- 9. Regulations to be laid before Parliament; *ib.*
- 10. Illegal detention of certificate of registry; *ib.*
- 11. Application of fees under this Act; *ib.*
- 12. Power of canal company, &c. to establish schools; *ib.*
- 13. Recovery of penalties; *ib.*
- 14. Definitions; p. 407.
- 15. Commencement of Act, 1st Jan. 1878; *ib.*
- 16. Act not to extend to Scotland or Ireland; *ib.*
- 17. Short title; *ib.*

## CERTIFICATES (PUBLICANS). See PUBLICANS CERTIFICATES (SCOTLAND); p. 4.

## CHANCERY (CROWN OFFICE). See CROWN OFFICE; p. 206.

## CHARTERS, MUNICIPAL. See MUNICIPAL CORPORATIONS; p. 449.

CIVIL BILL COURTS. See COUNTY OFFICERS AND COURTS (IRELAND); p. 309.

CLERK OF THE CROWN IN CHANCERY. See CROWN OFFICE; p. 206.

CLERKS OF THE CROWN AND PEACE. See COUNTY OFFICERS AND COURTS (IRELAND); p. 309.

CLERKS OF JUSTICES OF PEACE AND OF SPECIAL AND PETTY SESSIONS. See JUSTICES CLERKS; p. 213.

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#### COLONIAL FORTIFICATIONS :

To make better provision respecting fortifications, works, buildings, and land situate in a Colony, and held for the defence of the Colony. Ch. 23. Page 161.

- § 1. Her Majesty may by Order in Council transfer colonial fortifications to governor of colony; p. 161.  
 2. Saving for other interests; *ib.*  
 3. Definitions of "Colony" and "Governor"; *ib.*  
 4. Short title; *ib.*

#### COLONIAL STOCK :

To amend the Law with respect to the Transfer of Stock forming part of the Public Debt of any Colony, and the Stamp Duty on such Transfer. Ch. 59. Page 396

- § 1. Registration by colony with Commissioners of Inland Revenue of colonial stock to which this Act applies; p. 397.  
 2, 3. Stamp duty on stock to which this Act applies; *ib.*  
 4-6. Transfers and dividends of colonial stock to which this Act applies; pp. 397, 398.  
 7-14. Stock certificates to bearer; pp. 398, 399.  
 15-18. Provisions as to register and registration of stock; p. 400.  
 19. Particulars to be contained in prospectus, certificates, &c.; p. 401.  
 20. Jurisdiction of courts as to colonial stock; *ib.*  
 21. Forgery of transfers of stock and of stock certificates, and personation of owners of stock, &c.; p. 402.  
 22. Stock to which Act applies to be personal estate; *ib.*  
 23. Fees; *ib.*  
 24. Control of discretion of registrar; *ib.*  
 25. Saving for transfer of stock to colony; *ib.*  
 26. Definitions; *ib.*  
 27. Short title; p. 403.

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#### COMPANIES ACTS AMENDMENT :

To amend the Companies Acts of 1862 and 1867 (25 & 26 Vict. c. 89. and 30 & 31 Vict. c. 131.). Ch. 26. Page 171.

- § 1. Short title; p. 171.  
 2. Construction of Act with former Acts; *ib.*  
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 4. Application of provisions of 30 & 31 Vict. c. 131.; *ib.*  
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To apply the sum of 350,000*l.* out of the Consolidated Fund to the service of the year ending the 31st March 1877. Ch. 1. Page 1.

To apply the sum of 9,641,960*l.* 6*s.* 9*d.* out of the Consolidated Fund to the service of the years ending the 31st March 1876, 31st March 1877, and 31st March 1878. Ch. 6. Page 7.

To apply the sum of 5,900,000*l.* out of the Consolidated Fund to the service of the year ending the 31st March 1878. Ch. 12. Page 116.

To apply the sum of 20,000,000*l.* out of the Consolidated Fund to the service of the year ending the 31st March 1878. Ch. 24. Page 162.

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To apply a sum out of the Consolidated Fund to the service of the year ending the 31st March 1878, and to appropriate the Supplies granted in this Session of Parliament. Ch. 61. Page 408.

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- § 1. Cases in which contingent remainders capable of taking effect ; p. 198.

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8. Union of offices of Clerk of the Crown and Clerk of the Peace ; p. 311.
9. Appointment of additional officers ; p. 313.
10. Registrars to be appointed ; *ib.*
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12. Qualification of officers ; p. 314.
13. Officers to discharge duties in person, and not to practise ; *ib.*
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17. Powers and duties of officers ; p. 315.
18. Discharge of duties by present Clerks of the Crown and of the Peace ; *ib.*
19. Security to be given by officers ; *ib.*
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21. Fees to be paid to Treasury after union of offices ; p. 316.
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27. Payments by Treasury of salaries, &c. under this Act ; *ib.*
28. Provisions regarding the Clerk of the Peace of the city of Dublin continued pending consolidation ; p. 320.
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32. Proof of valuation ; p. 321.
33. Civil Bill Courts to have the jurisdiction of the Court of Chancery in certain matters ; *ib.*
34. Powers and duties of chairman and officers ; p. 322.
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COUNTY OFFICERS AND COURTS (IRELAND)—*continued.*

- § 38. Payment into the Court of Chancery of legacies to infants or persons beyond seas; p. 323.  
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CRIMINAL JUSTICE ADMINISTRATION ACT. *See* JUSTICES CLERKS; p. 213.

CROPS, PRESERVATION OF. *See* DESTRUCTIVE INSECTS.

## CROWN OFFICE :

For making Provision with respect to the Preparation and Authentication of Commissions and other Documents issued from the Office of the Clerk of the Crown in Chancery ; and for other purposes. Ch. 41. Page 206.

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## CUSTOMS, INLAND REVENUE, AND SAVINGS BANKS :

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## G.

GAME LAWS (SCOTLAND) AMENDMENT :

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  - 2. Commencement of Act, 1st Jan. 1878; *ib.*
  - 3. Interpretation of terms; *ib.*
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GENERAL POLICE AND IMPROVEMENT (SCOTLAND) ACT AMENDMENT :

To amend the General Police and Improvement (Scotland) Act, 1862 (25 & 26 Vict. c. 101). Ch. 22. Page 159.

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- 2, 3. Construction of Act and interpretation; *ib.*
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## J.

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## JUSTICES CLERKS:

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## L.

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For the Amendment of the Law of Evidence in certain cases of Misdemeanor. Ch. 14. Page 123.

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- LOCAL TAXATION RETURNS :

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- § 1. Power to Lord High Admiral, &c. to make articles for the punishment of mutiny and desertion, &c. ; p. 63.

### MARRIED WOMEN'S PROPERTY (SCOTLAND) :

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WINTER ASSIZES:

To extend the provisions of the Winter Assizes Act, 1876 (39 & 40 Vict. c. 57.). Ch. 46. Page 220.

- § 1. Amendment of 39 & 40 Vict. c. 57; p. 221.
- 2. Short title; *ib.*

[NOTE.—Provisions of the Winter Assizes Act, 1876, (39 & 40 Vict. c. 57.) extended to Ireland by section 63 of 40 & 41 Vict. c. 57.]

WRECKS REMOVAL. See REMOVAL OF WRECKS; p. 125.

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