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THE  
**S T A T U T E S**  
OF  
*THE UNITED KINGDOM*  
OF  
GREAT BRITAIN AND IRELAND.

WITH NOTES AND REFERENCES

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(19 & 20 VICTORIA)

By CHARLES DACRES BEVAN, Esq.

OF THE MIDDLE TEMPLE, BARRISTER-AT-LAW;

(20 & 21 VICTORIA)

By GEORGE KETTLBY RICKARDS, Esq.

OF THE INNER TEMPLE,

COUNSEL TO THE SPEAKER OF THE HOUSE OF COMMONS.

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VOLUME THE TWENTY-THIRD,  
Containing the Acts  
19 & 20 VICTORIA (1856); 20 VICTORIA (1857); 20 & 21 VICTORIA (1857).  
With a copious Index.

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M.DCCC.LVII.



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# T A B L E

CONTAINING

## THE TITLES OF ALL THE STATUTES

PASSED IN THE

FOURTH SESSION OF THE SIXTEENTH PARLIAMENT

OF

The United Kingdom of GREAT BRITAIN and IRELAND;

19° & 20° VICTORIÆ.

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- ii. An Act for supplying with Gas the Townships of *Knottingley* and *Ferrybridge* in the West Riding of the County of *York*.
- iii. An Act to extend the Period limited for the Exercise of the Powers of the Colonial Bank ; and for other Purposes.
- iv. An Act for lighting with Gas the Borough of *Weymouth* and *Melcombe Regis*, and its Neighbourhood, in the County of *Dorset* ; and for other Purposes.
- v. An Act for vesting in the Mayor, Aldermen, and Burgesses of the Borough of *Liverpool* the Undertaking of the *Chorley Waterworks* Company, and for other Purposes.
- vi. An Act for incorporating the *Lancaster Gaslight* Company, and extending their Powers, and for authorizing additional Works, and the raising of further Monies ; and for other Purposes.
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- xiv. An Act for the incorporating of the *Milford Railway* Company and for the making of the *Milford Railway* in the County of *Pembroke*.
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- xvi. An Act for making a Railway from the *Wilts, Somerset, and Weymouth Railway*, near *Frome*, to *Shepton Mallett* in the County of *Somerset*.
- xvii. An Act to confirm an Award for the Settlement of Matters in difference between the University and Borough of *Cambridge*, and for other Purposes connected therewith.
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- xxv. 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*.
- xxvi. An Act for more effectually paving, cleansing, lighting, and otherwise improving the Town of *Gravesend* in the County of *Kent*.
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- xxxiv. An Act for altering the Name of the *Banbridge, Newry, Dublin, and Belfast Junction* Railway Company to the Name "The *Banbridge Junction* Railway Company," for increasing their Capital and extending their Powers, and for other Purposes.
- xxxv. An Act for enlarging and improving the Justiciary Court House, and Court Houses and Public Buildings of the City of *Glasgow* and County of *Lanark*, for erecting additional Buildings, for amending the Act relating thereto, and for other Purposes.
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- xxxvii. An Act for the Continuance and Regulation of the *Kettering and Newport Pagnell* Turnpike Road Trust.
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- xxxix. 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.
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- xli. An Act to amend "The *Saint Ives and West Cornwall Junction* Railway Act, 1853."
- xlii. An Act to make further Provision for supplying with Water the Borough of *Shrewsbury* in the County of *Salop*.
- xliii. An Act to amend an Act passed in the 7th and 8th 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.
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- xlviii. An Act to enable the Mayor, Aldermen, and Burgesses of the Borough of *Cork* to remove certain Bridges, and to build new Bridges in lieu thereof; to confirm certain Arrangements with the *Cork Pipe Water* Trustees; to provide the necessary Funds for affording an improved Supply of Water at *Cork*; to alter, amend, and enlarge certain Powers and Provisions of the *Cork Improvement* Act, 1852; and for other Purposes.
- xlix. An Act to amend and extend the Provisions of the several Acts relating to the *Knarborough and Green Hammerton* Turnpike Road in the County of *York*, and to create a further Term therein; and for other Purposes.
- l. An Act to amend and extend the Provisions of the Act relating to the *Knarborough and Pateley Bridge* Turnpike Road, and to create a further Term therein, and for other Purposes.
- li. An Act for regulating the Capital and Mortgage Debt of the *Eastern Counties* Railway Company; and for other Purposes.
- lii. An Act for extending the Time for the Completion of the Works authorized by "The *Hampstead Junction* Railway Act, 1853."
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- lv. 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*.
- lvi. An Act for better paving the City of *Glasgow*, and for other Purposes in relation to the Statute Labour of the said City.
- lvii. An Act for the Transfer of the *Wolverhampton* Waterworks to the *Wolverhampton* New Waterworks Company, and for other Purposes.
- lviii. An Act for repairing the Road from *Blackburn* in the County Palatine of *Lancaster* to *Addingham*, and *Cocking End* in the West Riding of the County of *York*, and the Road from *Old Accrington* to its Junction with such Road in *Habergham Eaves* in the said County of *Lancaster*.
- lix. An Act to incorporate "The *West Ham* Gas Company," to enable them to raise further Money, to confirm a Contract between the said Company and the *Commercial* Gas Company; and for other Purposes.
- lx. An Act to continue the *Honiton and Sidmouth* Turnpike Trust, and for other Purposes.
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- lxii. An Act to incorporate "The *Wandsworth and Putney* Gaslight and Coke Company," and for other Purposes.
- lxiii. An Act to authorize the *North British* Railway Company to raise more Money, and to build a Bridge over *Leith Wynd* in *Edinburgh*, and for other Purposes.
- lxiv. 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*.

- lxv. An Act to consolidate the Drainage Trusts in *Deeping Fen* in the County of *Lincoln*, and for other Purposes relating to the said Fen.
- lxvi. 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.*"
- lxvii. An Act for enlarging and improving the *Elgin and Lossiemouth Harbour*, for raising a further Sum of Money, and for other Purposes.
- lxviii. An Act to enable the *Carmarthen and Cardigan Railway Company* to make a Deviation of a Portion of their Line of Railway, and to abandon Parts thereof, and to grant further Powers to the Company; and for other Purposes.
- lxix. An Act to enable the *Luton, Dunstable, and Welwyn Junction Railway Company* to alter the present authorized Junction of their Railway with the *Leighton Buzzard and Dunstable Branch* of the *London and North-western Railway*; and for other Purposes.
- lxx. An Act for incorporating the *Scottish Drainage and Improvement Company*, and to afford greater Facilities for the Improvement of Land in *Scotland*.
- lxxi. An Act for making a Railway from *Lymington* in the County of *Southampton* to the *London and South-western Railway at Brockenhurst* in the same County, to be called the "*Lymington Railway*," with a Landing Place at *Lymington* aforesaid, and for other Purposes.
- lxxii. An Act to repeal the Acts relating to the *Brough and Eamont Bridge Turnpike Road*, and to make other Provisions in lieu thereof.
- lxxiii. 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*, intitled *An Act for repairing and amending the Roads from Donington High Bridge to Hale Drove, and to the Eighth Milestone in the Parish of Wigtoft, and to Langret Ferry in the County of Lincoln*.
- lxxiv. An Act for supplying with Water the Inhabitants of *Clay Cross*, and the Neighbourhood, in the County of *Derby*.
- lxxv. An Act for making a Railway from *Sittingbourne* to *Sheerness*, all in the County of *Kent*; and for other Purposes.
- lxxvi. An Act to enable the *Eastern Counties and London and Blackwall Railway Companies* to extend the *London, Tilbury, and Southend Extension Railway* to the *London and Blackwall Railway*, with Branches therefrom, and to authorize certain Arrangements with reference thereto; and for other Purposes.
- lxxvii. An Act to authorize the Division of the Borough of *Middlesbrough* into Wards; to enable the Local Board of Health of the District of *Middlesbrough* to purchase Gasworks and light the District, and to enlarge the Market Place; to enable the Corporation to establish a public Wharf, and a Passage over the River *Tees*; to confer other Powers on the Local Board and the Corporation; and for other Purposes.
- lxxviii. An Act for the better Supply of the Town of *Torquay* and the Neighbourhood thereof with Water, and for other Purposes.
- lxxix. An Act for making a Railway from *Yarmouth* to the *East Suffolk Railway* in the Parish of *Haddiscoe*, with a Branch Railway connected therewith, and for other Purposes.
- lxxx. An Act to sanction a Supply of Water to the Town and Neighbourhood of *Leeds* from the River *Wharfe*.
- lxxxii. 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.
- lxxxiii. An Act for continuing the Term and amending and extending the Provisions of the Act relating to the *Godley Lane Turnpike Road* in the West Riding of the County of *York*.
- lxxxiv. An Act to repeal the Act relating to the Turnpike Roads from *Halifax to Huddersfield* in the West Riding of the County of *York*, and to grant a further Term in the said Roads, and further Powers for the Management thereof, and other Purposes.
- lxxxv. An Act for carrying into effect certain Arrangements between the Trustees of the *Renfrewshire Turnpike Roads* and the Lord Provost, Magistrates, and Council, and Police and Statute Labour Committee, of *Glasgow*; and for continuing in other respects the Acts relating to the said Roads.
- lxxxvi. An Act to enable the *Morayshire Railway Company* to construct a Railway from *Orton to Craigelachie*, and for other Purposes.
- lxxxvii. An Act for authorizing Traffic Arrangements between the *West End of London and Crystal Palace* and the *London, Brighton, and South Coast Railway Companies*, the Regulation and Increase of Capital, and for other Purposes.
- lxxxviii. An Act to afford Facilities to the *Bagenalstown and Wexford Railway Company* for raising the Funds necessary to enable them to execute their Undertaking, and for other Purposes.
- lxxxix. 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*.
- xc. An Act for the Improvement of Part of the District of *St. Peter Bournemouth* in the Parishes of *Christchurch and Holdenhurst* in the County of *Southampton*, and for providing a Pier there.
- xci. An Act for better supplying with Water the City of *Edinburgh* and Town and Port of *Leith* and Places adjacent.
- xcii. An Act for making a Railway from the *Epsom Branch* of the *London, Brighton, and South Coast Railway* at *Epsom* to *Leatherhead*.
- xciii. An Act for incorporating the *Salisbury Railway and Market House Company*; for authorizing them to make and maintain a Railway and a Market House at *Salisbury*; and for other Purposes.
- xciv. An Act for making a Railway from the *Stocksfield Station* of the *Newcastle-upon-Tyne and Carlisle Railway* to the *Stockton and Darlington Railway*, near *Conside Ironworks*, with a Branch to the *Derwent Iron Company's Railway*; and for other Purposes.
- xcv. An Act to enable the *Swansea Vale Railway Company* to make Extension and Branch Railways, and for other Purposes.
- xcvi. 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 to *Polegate* to *Hailsham Common*, in the

- County of *Sussex*, and to make other Provisions in lieu thereof.
- xcvii. An Act for making and maintaining a Turnpike Road from *Conway* to *Llandudno* in the County of *Carnarvon*, and for other Purposes.
- xcviii. An Act for making a Railway from *Dunfermline* to *Killairnie* with a Branch to *Kingseat* in the County of *Fife*, to be called "The *West of Fife Mineral Railway*."
- xcix. An Act for making a Railway from the Town of *Maybole* to the Town and Harbour of *Girvan*, to be called "The *Maybole and Girvan Railway*."
- c. An Act for making a Railway from the *South Wales Railway* near *Brimspill* in the Parish of *Awre* to *Howbeach Valley* in the *Forest of Dean*, with Branches ; and for other Purposes.
- ci. An Act for incorporating the *Ceylon Railway Company*, and for other Purposes connected therewith.
- cii. An Act for enabling the *Somerset Central Railway Company* to construct a Railway from *Glastonbury* to near *Bruton*, and for other Purposes.
- ciii. An Act for more effectually repairing the Road leading from *Wem* to the Lime Rocks at *Bronygarth* in the County of *Salop*, and for making several Lines of Road connected with the same in the Counties of *Salop* and *Denbigh*.
- civ. 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*.
- cv. An Act for authorizing a Lease of the *Wimbledon and Croydon Railway*, and for authorizing the Purchase of additional Lands and the raising of additional Capital by the *Wimbledon and Croydon Railway Company* ; and for other Purposes.
- cvi. An Act to enable the *Stirling and Dunfermline Railway Company* to create additional Shares in their Undertaking ; and for other Purposes.
- cvii. An Act to amend the Constitution of "The *London Printing and Publishing Company, Limited*."
- cviii. An Act to amend certain Acts relating to the *Luton District Turnpike Road*, and make other Provisions in lieu thereof.
- cix. An Act to extend the Times limited for certain Purposes by the Acts relating to the *Metropolitan Railway*, and to enable the *Metropolitan Railway Company* to form a Junction with the *Great Northern Railway*, and for other Purposes.
- cx. An Act for making a Railway from the Town of *Nairn* to the Town of *Keith*.
- cxii. An Act for authorizing Deviations from the authorized Line of the *Severn Valley Railway*, and for making further Provision with respect to Shares in the Capital of the *Severn Valley Railway Company*, and for facilitating the Completion of their Undertaking, and for other Purposes.
- cxiii. An Act for establishing and maintaining a Ferry and Floating Bridge between *Stokes Bay* and *Ryde* in the County of *Southampton*, with Landing Places and Approaches thereto.
- cxiiii. An Act for making a Railway from the *Scottish Central Railway* at *Dunblane* by *Downe* to *Callander*, to be called "The *Dunblane, Downe, and Callander Railway*."
- cxv. An Act for making a Railway from *Castle Douglas*, by *Dalbeattie*, to the *Glasgow and South-western Railway* at *Dumfries*, and for other Purposes.
- cxvi. An Act for granting further Powers for lighting, cleansing, sewerage, and improving the Borough of *Leeds*, and for other Purposes.
- cxvii. An Act for regulating the Rates and Charges to be taken by the *Grand Junction Waterworks Company* for a Supply of Water to Parts of the Parish of *Paddington*, and for other Purposes.
- cxviii. An Act to grant further Powers to the *Crystal Palace Company* for the raising of Capital, for the internal Management of their Undertaking, and with respect to *Dulwich Wood*.
- cxviiii. An Act to consolidate the Powers of the *Gloucester Gaslight Company*, to enable them to raise Money, and for other Purposes.
- cxix. An Act for the making of a Dock and Works at *Thames Haven*, and for other Purposes.
- cxx. An Act for the making by the *London and South-western Railway Company* of a Railway from *Yeovil* to *Exeter*, to be called "The *Exeter Extension Railway* ;" and for other Purposes.
- cxxi. An Act to amend the Acts relating to the *East Indian Railway Company*.
- cxxii. An Act for making a Railway from the *Taff Vale Railway* to the River *Ely* in the County of *Glámorgan*, for converting Part of the said River into a tidal Harbour and regulating the Access thereto, for authorizing Arrangements with the *Taff Vale Railway Company* ; and for other Purposes.
- cxxiii. An Act for altering the *Crewe and Shrewsbury Line* of the *London and North-western Railway*, for making Provision with respect to Station Accommodation at *Shrewsbury*, and for other Purposes.
- cxxiv. An Act to enable the *Londonderry and Enniskillen Railway Company* to create Preference Shares with Priority of Dividend over all the existing Shares of the Company, and for other Purposes.
- cxxv. An Act for making a Railway from the authorized Line of the *West End of London and Crystal Palace Railway (Extension to Bromley and Farnborough)* at *Shortlands* in the Parish of *Beckenham* in the County of *Kent* to *Saint Mary Cray* in the same County.
- cxxvi. An Act to enable the *Oxford, Worcester, and Wolverhampton Railway Company* to raise further Money for the Completion of the Broad Gauge, and for other Purposes ; and to convert their Mortgage Debt into Stock.
- cxxvii. 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.
- cxxviii. An Act to amend *An Act for draining, embanking, and improving the Fen Lands and Low Grounds within the Parishes, Hamlets, Townships, or Places of Bardney, Southwold otherwise Southry, Topholme, Bucknall, Horsington, Stixwold Edlington, and Thimbleby, in the County of Lincoln*, and to confer further Powers on the Commissioners under such Act ; and for other Purposes.
- cxxix. An Act to revive and extend certain of the Powers of the *Waveney Valley Railway Company* with relation to their Railway.

- cxxx. An Act for authorizing the Abandonment of Parts of the authorized Lines of the *Westminster Terminus* Railway, and the making of other Lines of Railway in lieu thereof, and for reducing the Capital of the *Westminster Terminus* Railway Company; and for other Purposes.
- cxxxii. An Act for making a Railway from the *Oswestry and Newtown* Railway in the Parish of *Buttington* in the County of *Montgomery* to *Shrewsbury*, with a Branch thereout to *Minsterley* in the County of *Salop*, and for other Purposes.
- cxxxiii. An Act for extending the Operations of the Society for the Discharge and Relief of Persons imprisoned for small Debts throughout *England* and *Wales*.
- cxxxiv. An Act to unite and amalgamate the Undertaking of the *Scottish Midland Junction* Railway Company with the Undertaking of the *Aberdeen* Railway Company, to be thenceforth called "The *Scottish North-eastern* Railway Company," and to regulate the Management of and confer additional Powers on the united Company, and for other Purposes.
- cxxxv. An Act for making a Railway from the *Southampton and Dorchester* Railway to *Blandford Saint Mary* in the County of *Dorset*, and for other Purposes.
- cxxxvi. An Act for making a Railway from the *Scottish Midland Junction* Railway, near the *Dunkeld* Road Bridge, to *Methven*, in the County of *Perth*.
- cxxxvii. An Act to extend the Time limited for completing the *Oxford, Worcester, and Wolverhampton* Railway, and for adapting the same to the Broad Gauge, and for other Purposes.
- cxxxviii. An Act to provide for the Arrangement of the Financial Affairs of the City of *Perth*, for the Maintenance of the Port and Harbour; and for other Purposes therewith connected.
- cxxxix. An Act to enable the *Scottish Central* Railway Company to make Branch Railways to the Town of *Denny* in the County of *Stirling*.

## PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

1. AN Act to amend an Act made and passed in the Tenth Year of the Reign of Her present Majesty, intituled *An Act to divide the Parish and Rectory of Doddington otherwise Dornington into Three separate and distinct Parishes and Rectories, and to endow the same out of the Revenues of that Rectory, and to make Provisions for the further Division of such Rectories and Parishes, and for other Purposes connected therewith.*
2. An Act for continuing in force, during the Minority of Mrs. *Clara Clarke Thornhill*, the Wife of *William Capel Clarke Thornhill*, of *Swakeleys* in the County of *Middlesex*, Esquire, the Powers conferred by "*Thornhill's Estate Act, 1852*," and "*Thornhill's Estate Act, 1854*," and for other Purposes.
3. An Act for authorizing the Trustees under the Will of *William Wainman* Esquire, deceased, to grant Leases, and to make Sales, Exchanges, and Partition of the Real Estates devised by or subject to the Trusts of the same Will; and for other Purposes.
4. An Act for giving effect to a Compromise relating to the Estate of the Most Noble *George Fourth Duke of Marlborough*, deceased, and, with a view thereto, for extinguishing the demisable Quality of certain Copyhold Hereditaments, Parcels of the Manors comprised in the Estates and Hereditaments settled on the Duke, and for creating a Term of Years in a Portion of the said Copyhold Hereditaments.
5. An Act to authorize Sir *Lionel Milborne Swinnerton* Baronet and his Issue to assume and bear the Surname of *Pilkington* jointly with the Surnames of *Milborne* and *Swinnerton*, and to be called by the Surnames of *Milborne Swinnerton Pilkington*.
6. An Act for vesting in Trustees the undivided Parts, subject to the Limitations of the Wills of *Benjamin Ingham* deceased and *Joshua Ingham* deceased respectively, of Estates in the West Riding of the County of *York*, and for authorizing Partitions of Parts of those Estates, and for authorizing Leases and Sales of Parts of those Estates, and for other Purposes.
7. An Act to authorize the granting of Leases of Parts of the Freehold, Copyhold, and Leasehold Estates of the late *Leonard Lewen Wheatley* Esquire, situate in the several Parishes of *Saint Lawrence* and *Saint Peter the Apostle* in the *Isle of Thanet*, of *Meopham near Gravesend*, and *Ash next Sandwich*, and elsewhere in the County of *Kent*, and within the Manor of *Stepney* otherwise *Stebunheath Ratcliffe* in the Parish of *Saint Dunstan Stepney*, and elsewhere in the County of *Middlesex*.
8. An Act to enable the Trustees of the Will of *Matthew Butterwick* Esquire to sell the Rectory and Tithes of *Thirsk*, held by Lease for Lives under the Archbishop of *York*, and certain Policies of Assurance, and for the Investment of the Proceeds, and for other Purposes; of which the Short Title is "*Butterwick's Estate Act, 1856*."
9. An Act for enabling Leases for Mining, Agricultural, and Building Purposes to be made of the Estates of *John Walmesley* Esquire, deceased, and Sales of Portions thereof, and for other Purposes; the Short Title of which is "*Walmesley's Estate Act, 1856*."
10. An Act for enabling Leases and Sales to be made of Lands and Hereditaments in the Counties of *Northumberland* and *Durham* belonging to the Families of *Thoroton* and *Croft*, and for other Purposes; called "*The Thoroton and Croft Estate Act, 1856*."
11. An Act for vesting in Trustees the Estates of the late *Sarah Reddall*, deceased, situate in the County

- Northampton*, known as the *Dallington* Estate, for the Purpose of enabling Leases, Sales, Exchanges, and Partitions to be made of the same; and for other Purposes.
12. An Act to enable the Trustees of the Will of *John Bell* Esquire to sell a Leasehold Estate for Livos in the County of *York*, known as "*Wildon Grange*," held of the Archbishop of *York*, and for the Re-investment of the Proceeds in the Purchase of Real Estates of Inheritance; of which the Short Title is "*Bell's Estate Act, 1856*."
13. An Act to amend and enlarge the Powers of an Act passed in the Twelfth and Thirteenth Years of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for authorizing the Trustees of the late Thomas Gordon to sell his Estates of Cairness and others in the County of Aberdeen, and to apply the Price thereof in Payment of the Debts and Burdens affecting the same, and for laying out the Residue of the Price in the Purchase of other Lands to be entailed, in Terms of the Trust Deed of Settlement by the said Thomas Gordon; and for other Purposes.*
14. An Act for enabling Partitions, Sales, Exchanges, and Leases to be made of certain Parts of the Estates devised by the Will of Sir *John William Head Brydges*, deceased, and for other Purposes.
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PRIVATE ACTS,

NOT PRINTED.

15. An Act to enable *George Shipton* Clerk to exercise his Office of Priest, and to hold any Benefice or Preferment in the United Church of *England* and *Ireland*.
16. An Act to dissolve the Marriage of *John Talbot* Esquire with *Marianne* his now Wife, and to enable him to marry again; and for other Purposes.
17. An Act to dissolve the Marriage of *Madgwick Spicer Davidson* Gentleman with *Katharine Anne* his now Wife, and to enable the said *Madgwick Spicer Davidson* to marry again; and for other Purposes therein mentioned.
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A

# T A B L E

CONTAINING

## THE TITLES OF ALL THE STATUTES

PASSED IN THE

FIFTH SESSION OF THE SIXTEENTH PARLIAMENT

OF

The United Kingdom of GREAT BRITAIN and IRELAND ;  
20° VICTORIÆ.

### PUBLIC GENERAL ACTS.

1. AN Act to amend the Act for limiting the Time of Service in the Royal Marine Forces. *Page* 381
2. An Act to facilitate the Appointment of Chief Constables for adjoining Counties, and to confirm Appointments of Chief Constables in certain Cases. 382
3. An Act to confirm certain Provisional Orders of the General Board of Health applying the Public Health Act, 1848, to the Districts of *Ipswich, Oldbury, Stroud, Llangollen, and Dukinfield*; and for altering the Constitution of the Local Board for the Main Sewerage District of *Wisbech and Walsoken*. *Ibid.*
4. An Act to enable the Subjects of the *Ionian States* to hold Military and Naval Commissions under the Crown. 394
5. An Act to authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for *England and Wales*. 395
6. An Act to reduce the Rates of Duty on Profits arising from Property, Professions, Trades, and Offices. 396
7. An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively. *Ibid.*
8. An Act to continue Appointments under the Act for consolidating the Copyhold and Inclosure Commissions, and for completing Proceedings under the Tithe Commutation Acts. 397
9. An Act for settling and securing an Annuity on the Right Honourable *Charles Shaw Lefevre*, in consideration of his eminent Services. *Ibid.*
10. An Act to continue certain temporary Provisions concerning Ecclesiastical Jurisdiction in *England*. *Page* 398
11. An Act to amend the Commissioners of Supply (*Scotland*) Act, 1856. *Ibid.*
12. An Act to amend an Act of the Ninth Year of King *George the Fourth*, Chapter Eighty-two, intituled *An Act to make Provision for the lighting, cleansing, and watching of Cities, Towns Corporate, and Market Towns in Ireland, in certain Cases*. 399
13. An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters. *Ibid.*
14. An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore. 422
15. An Act for granting certain Duties of Customs on Tea, Sugar, and other Articles. 439
16. An Act to amend an Act of the last Session of Parliament, for repealing, and re-imposing under new Regulations, the Duty on Race Horses. 441
17. An Act for raising the Sum of Twenty-one million forty-nine thousand seven hundred Pounds by Exchequer Bills, for the Service of the Year One Thousand eight hundred and fifty-seven. 442
18. An Act to continue the Act for charging the Maintenance of certain Paupers upon the Union Funds. *Ibid.*
19. An Act to provide for the Relief of the Poor in Extra-parochial Places. *Ibid.*
20. An Act to apply a Sum out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-seven, and to appropriate the Supplies granted in this Session of Parliament. 443

## LOCAL ACTS.

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| i. AN Act for enabling the <i>Great Western, Bristol and Exeter</i> , and <i>South Devon</i> Railway Companies to afford further Assistance towards the Completion of the <i>Cornwall</i> Railway between <i>Plymouth</i> , and <i>Truro</i> ; for extending the Time for the Completion thereof; and for other Purposes.<br><i>Page 448</i> | ii. An Act to re-incorporate <i>Price's Patent Candle Company, Limited</i> , and for other Purposes. <i>Page 448</i><br>iii. An Act to enable the <i>Whitcharen, Cleator, and Egremont</i> Railway Company to raise additional Capital; and for other Purposes. <i>Ibid.</i> |
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A

# T A B L E

CONTAINING

## THE TITLES OF ALL THE STATUTES

PASSED IN THE

FIRST SESSION OF THE SEVENTEENTH PARLIAMENT

OF

The United Kingdom of GREAT BRITAIN and IRELAND;

20° & 21° VICTORIÆ.

### PUBLIC GENERAL ACTS.

1. AN Act for the Amendment of the Cinque Ports Act. *Page* 449
2. An Act to enable Her Majesty to settle an Annuity on Her Royal Highness the Princess Royal. 450
3. An Act to amend the Act of the Sixteenth and Seventeenth Years of Her Majesty, to substitute, in certain Cases, other Punishment in lieu of Transportation. *Ibid.*
4. An Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-seven. 451
5. An Act to continue the Act for extending for a limited Time the Provision for Abatement of Income Tax in respect of Insurance on Lives. *Ibid.*
6. An Act to alter the Constitution and amend the Procedure of the Court of Exchequer Chamber in *Ireland*. *Ibid.*
7. An Act to revive and amend certain Acts relating to the Collection of County Cess in *Ireland*; and also to provide for the Appointment, in certain Cases, of Collectors to levy the Charges and Expenses of additional Constabulary appointed under the Act 19 & 20 Vict. c. 36. 452
8. An Act to amend the Act 17 & 18 Vict. c. 11., with a view to the Abolition of Ministers Money in *Ireland*. 453
9. An Act to confirm certain Provisional Orders made under an Act of the Fifteenth Year of Her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts. 454
10. An Act to amend the Charter of Incorporation granted to the Borough of *Hanley* in the County of *Stafford*. 456
11. An Act to amend "The Militia (*Ireland*) Act, 1854." *Ibid.*
12. An Act to carry into effect a Convention between Her Majesty and the King of *Denmark*. 457
13. An Act to facilitate the procuring of Sites for Workhouses in certain Cases. 458
14. An Act to amend the Joint Stock Companies Act, 1856. 459
15. An Act to amend the Act of the Sixth and Seventh Years of King *William* the Fourth, Chapter One hundred and sixteen, for consolidating and amending the Laws relating to the Presentment of Public Money by Grand Juries in *Ireland*. *Page* 463
16. An Act to discontinue the Toll on the Turnpike Roads now existing in *Ireland*, and to provide for the Maintenance of such Roads as public Roads, and for the Discharge of the Debts due thereon, and for other Purposes relating thereto. 464
17. An Act to amend the Act of the Eleventh and Twelfth Years of Her Majesty, Chapter Seventy-two, so far as relates to the Distribution of the Constabulary Force in *Ireland*. 474
18. An Act to regulate Procedure in the Bill Chamber in *Scotland*. 475
19. An Act to remove Doubts as to the Law of Bankruptcy and Real Securities in *Scotland*. 476
20. An Act to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners for *England* and *Wales*. 477
21. An Act to suspend the making of Lists and the Ballots for the Militia of the United Kingdom. 478
22. An Act to apply the Public Health Act, 1848, to the Parish of *Aldershot*, and to constitute a Local Board of Health therein. *Ibid.*
23. An Act to authorize the Commissioners of Public Works in *Ireland* to sell Mill Sites and Water Power, notwithstanding Final Award, in any Drainage or Navigation District. *Ibid.*
24. An Act to continue certain Turnpike Acts in *Great Britain*. 480
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 *St. Mary Winchester*, and further to amend the said Act. 481

20 & 21 VICT.

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26. An Act to provide for the Registration of Long Leases in Scotland, and Assignations thereof. *Page* 482
27. An Act to amend the Acts relating to the Caledonian and Crinan Canals, and to make further Provision for the Accommodation of the Traffic thereon. 487
28. An Act to amend the Laws relating to the Payment of the Land and Assessed Taxes and Property and Income Tax in Scotland. 489
29. An Act to render valid certain Marriages in Christ Church, West Hartlepool, in the Parish of Stranton in the County of Durham. 490
30. An Act for enabling the Commissioners of the Admiralty to purchase certain Lands in the Parish of Chatham in the County of Kent, and to stop up, divert, or alter certain Ways in the said Parish; and for other Purposes relating thereto. *Ibid.*
31. An Act to amend and explain the Inclosure Acts. 497
32. An Act for the better Supply of Water for the Use of Vessels resorting to the Harbour of Refuge at Portland, and for enabling the Commissioners of the Admiralty to supply such Water; for vesting in the said Commissioners certain Lands belonging to Her Majesty; and for other Purposes relating thereto. 499
33. An Act to regulate certain Proceedings in relation to the Election of Representative Peers for Ireland. 502
34. An Act to explain an Act for the Settlement of the Boundaries between the Provinces of Canada and New Brunswick. 503
35. An Act to amend an Act passed in the Fifteenth and Sixteenth Years of the Reign of Her present Majesty Queen Victoria, intituled *An Act to amend the Laws concerning the Burial of the Dead in the Metropolis*, so far as relates to the City of London and the Liberties thereof. *Ibid.*
36. An Act to supply an Omission in a Schedule to the Act to amend the Acts relating to County Courts. 505
37. An Act to repeal the Twenty-seventh Section of the Superannuation Act, 1834. 506
38. An Act to continue the General Board of Health. *Ibid.*
39. An Act to regulate the Admission of Attornies and Solicitors of Colonial Courts in Her Majesty's Superior Courts of Law and Equity in England, in certain Cases. *Ibid.*
40. An Act to continue and amend an Act of the Seventeenth and Eighteenth Years of Her Majesty's Reign, Chapter Eighty-nine, and also the Laws for the Suppression and Prevention of Illicit Distillation in Ireland; and to constitute the Constabulary Force Officers of Customs for certain Purposes. 508
41. An Act to revive and continue an Act to amend the Laws relating to Loan Societies. 509
42. An Act to amend "The Burial Grounds (Scotland) Act, 1855." 510
43. An Act to improve the Administration of the Law so far as respects summary Proceedings before Justices of the Peace. *Ibid.*
44. An Act to regulate the Institution of Suits at the Instance of the Crown and the Public Departments in the Courts of Scotland. 512
45. An Act to make further Provision for defining the Boundaries of certain Denominations of Land in Ireland for public Purposes. *Ibid.*
46. An Act to appoint additional Commissioners for executing the Acts for granting a Land Tax and other Rates and Taxes. 513
47. An Act to enable Ecclesiastical Persons in Ireland to grant Building Leases of Glebe Lands in certain Cases. *Ibid.*
48. An Act to make better Provision for the Care and Education of vagrant, destitute, and disorderly Children, and for the Extension of Industrial Schools, 515
49. An Act to amend the Law relating to Banking Companies. *Page* 520
50. An Act to amend the Acts concerning Municipal Corporations in England. 523
51. An Act to guarantee a Loan for the Service of New Zealand. 524
52. An Act for discharging Claims of the New Zealand Company on the Proceeds of Sales of Waste Lands in New Zealand. 526
53. An Act to amend the Act for granting a Representative Constitution to the Colony of New Zealand. 527
54. An Act to make better Provision for the Punishment of Frauds committed by Trustees, Bankers, and other Persons intrusted with Property. 528
55. An Act to promote the Establishment and Extension of Reformatory Schools in England. 529
56. An Act to regulate the Distribution of Business in the Court of Session in Scotland. 532
57. An Act to enable Married Women to dispose of Reversionary Interests in Personal Estate. 533
58. An Act to amend the Act, Seventeenth and Eighteenth of Victoria, for the Valuation of Lands in Scotland. 534
59. An Act concerning the Parochial Schoolmasters in Scotland. 535
60. An Act to consolidate and amend the Laws relating to Bankruptcy and Insolvency in Ireland. 536
61. An Act for granting certain Duties of Customs and Excise. 598
62. An Act for the Alteration and Amendment of the Laws and Duties of Customs. 600
63. An Act to authorize the Advance of Money out of the Consolidated Fund to the Magistrates and Town Council of Dunbar, for the Purpose of improving the Victoria Harbour of Dunbar. 603
64. An Act for raising a Sum of Money for building and improving Stations of the Metropolitan Police, and to amend the Acts concerning the Metropolitan Police. 604
65. An Act to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in Great Britain and Ireland; to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, and Surgeons Mates of the Militia; and to authorize the Employment of the Non-commissioned Officers. 607
66. An Act for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the East India Company, and for regulating in such Service the Payment of Regimental Debts and the Distribution of the Effects of Officers and Soldiers dying in the Service. 608
67. An Act to extend the Time for enabling the Commissioners of Her Majesty's Works to complete Improvements in Pimlico and in the Neighbourhood of Buckingham Palace. 625
68. An Act to enable the Lord Lieutenant to appoint Revising Barristers for the Revision of Lists and Registry of Voters for the City of Dublin. 626
69. An Act to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year One thousand eight hundred and fifty-seven, and to appropriate the Supplies granted in this Session of Parliament. 628
70. An Act to provide for the Extension of the Boundaries of Burghs in Scotland, and to remove Doubts as to the Right of certain Persons holding Offices to be registered as Voters for Municipal Purposes. 633
71. An Act for the Regulation of the Care and Treatment of Lunatics, and for the Provision, Maintenance, and Regulation of Lunatic Asylums in Scotland. 635

72. An Act to render more effectual the Police in Counties and Burghs in *Scotland*. Page 659
73. An Act for the Abatement of the Nuisance arising from the Smoke of Furnaces in *Scotland*. 671
74. An Act to continue the Act concerning the Management of Episcopal and Capitular Estates in *England*. 673
75. An Act to confirm an Order in Council concerning the Exercise of Jurisdiction in Matters arising within the Kingdom of *Siam*. *Ibid.*
76. An Act further to continue for a limited Time the Exemption of certain Charities from the Operation of the Charitable Trusts Acts. 674
77. An Act to amend the Law relating to Probates and Letters of Administration in *England*. *Ibid.*
78. An Act to amend the Act Seven and Eight *Victoria*, Chapter One hundred and eleven, for facilitating the winding up the Affairs of Joint Stock Companies unable to meet their pecuniary Engagements, and also the "Joint Stock Companies Winding-up Acts, 1848 and 1849." Page 692
79. An Act to amend the Law relating to Probates and Letters of Administration in *Ireland*. 695
80. An Act to amend "The Joint Stock Companies Act, 1856." 711
81. An Act to amend the Burial Acts. *Ibid.*
82. An Act to authorize the Embodying of the Militia. 717
83. An Act for more effectually preventing the Sale of Obscene Books, Pictures, Prints, and other Articles. *Ibid.*
84. An Act for confirming a Scheme of the Charity Commissioners for the College of God's Gift in *Dulwich* in the County of *Surrey*, with certain Alterations. 719
85. An Act to amend the Law relating to Divorce and Matrimonial Causes in *England*. 733

### LOCAL ACTS.

- i. AN Act to enable the *Great Southern and Western Railway Company* to raise a further Sum of Money. Page 741
- ii. An Act to incorporate a Company for supplying Gas to *Chepstow* and the Neighbourhood. *Ibid.*
- iii. An Act for granting further Powers to "the Reversionary Interest Society." *Ibid.*
- iv. An Act to incorporate the Proprietors of the *Guildford Waterworks*; and to confer further Powers for the Supply of Water to the Borough of *Guildford*. *Ibid.*
- v. An Act to amend "The *Inverness and Nairn Railway Act, 1854*;" to enable the *Inverness and Nairn Railway Company* to create a Preference Stock, and to raise further Sums of Money; and for other Purposes. *Ibid.*
- vi. An Act for lighting with Gas the Borough of *South Shields* and Neighbourhood thereof in the County of *Durham*. *Ibid.*
- vii. An Act for more effectually supplying with Gas the Town and Borough of *Sunderland* and the Neighbourhood thereof in the County of *Durham*. 742
- viii. An Act for enabling the *South Devon Railway Company* to raise additional Capital, and for other Purposes. *Ibid.*
- ix. An Act for the Regulation of certain Public Sufferance Wharves in the Port of *London* known as "*Meriton's Sufferance Wharf*" and "*Hagen's Sufferance Wharf*." *Ibid.*
- x. An Act for regulating the Capital of the *Bedale and Leyburn Railway Company*, and for other Purposes. *Ibid.*
- xi. An Act to make further Provision for supplying with Water the City of *Chester* and Suburbs thereof. *Ibid.*
- xii. An Act to incorporate the *Guildford Gaslight and Coke Company*, and to confer upon them further Powers for the Supply of Gas to *Guildford* and the Vicinity. 743
- xiii. An Act to enable the *Great Western and Brentford Railway Company* to raise additional Capital; and for other Purposes. *Ibid.*
- xiv. An Act to enable the *Peebles Railway Company* to create additional Shares in their Undertaking; and for other Purposes. *Ibid.*
- xv. An Act for incorporating the *Willenhall Gas Company*, and for other Purposes. *Ibid.*
- xvi. An Act to authorize the *Saint Helens Canal and Railway Company* to increase and regulate their Capital, and for other Purposes relating to the Company. *Ibid.*
- xvii. An Act to alter the borrowing Powers of the *Tralea and Killarney Railway Company*. *Ibid.*
- xviii. An Act for enabling the *Portsmouth Railway Company* to execute certain Works in connexion with their Railway; and for other Purposes. Page 743
- xix. An Act to enable the *North-eastern Railway Company* to cancel unissued and forfeited Shares, to create new Shares in lieu thereof, and raise authorized Capital; and for other Purposes. *Ibid.*
- xx. An Act for supplying the Burgh of *Dumbarton* and Places adjacent with Water; for embanking and reclaiming the *Broad Meadow* there; and for extending the Municipal Boundaries of the said Burgh. *Ibid.*
- xxi. An Act to amend an Act made and passed in the Fifth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to repeal the several Acts for the Relief and Employment of the Poor of the Parish of Saint Mary Islington in the County of Middlesex; for lighting and watching and preventing Nuisances and Annoyances therein; for amending the Road from Highgate through Maiden Lane, and several other Roads in the said Parish; and for providing a Chapel of Ease and an additional Burial Ground for the same, and to make more effectual Provisions in lieu thereof*; and for other Purposes. 744
- xxii. An Act to grant further Powers to "*The Brighton, Hove, and Preston Constant Service Waterworks Company*," and to amend the Act relating to the Company. 745
- xxiii. An Act for conferring upon the *Calcutta and South-eastern Railway Company* certain Powers. *Ibid.*
- xxiv. An Act to extend the Time for the compulsory Purchase of Lands for Parts of the *Exeter and Exmouth Railway*. *Ibid.*
- xxv. An Act for more effectually empowering the *United General Gaslight Company* to light the City of *Cork* and the Suburbs thereof with Gas. *Ibid.*
- xxvi. An Act to establish Markets and Fairs in the Parish of *Kidsgrove* in the County of *Stafford*. *Ibid.*
- xxvii. An Act to amend and extend the Provisions of "*The Waterford and Tramore Railway Act, 1851*," to revive and extend their Powers and increase their Capital; and for other Purposes. *Ibid.*
- xxviii. An Act for constructing and maintaining a Pier at *Great Yarmouth* in the County of *Norfolk*, to be called "*The Great Yarmouth Britannia Pier*." *Ibid.*

- xxix. An Act to confirm the Incorporation of the Undertaking of the *Dublin and Bray* Railway Company with that of the *Dublin and Wicklow* Railway Company, to dissolve the former Company, and to extend the Railway in the City of *Dublin*. Page 745
- xxx. An Act for regulating the Markets and Fairs in *Bridgewater*; and for other Purposes. *Ibid.*
- xxxi. An Act for continuing the Term and amending and extending the Provisions of the Act relating to the *Wilmslow and Lawton* Turnpike Road in the County of *Chester*. 746
- xxxii. An Act to enable the *Fraserburgh* Harbour Commissioners to purchase Lands and to borrow a further Sum of Money. *Ibid.*
- xxxiii. An Act for amalgamating the *Hartlepool* Dock and Railway Company with the *North-eastern* Railway Company, and for vesting the Undertaking of the former Company in that of the latter; and for other Purposes. *Ibid.*
- xxxiv. An Act to cancel certain forfeited Shares in the *Forth and Clyde Junction* Railway Company, and to enable the Company to create new and additional Shares; and for other Purposes. *Ibid.*
- xxxv. An Act for enabling the *Glasgow* Gaslight Company to raise a further Sum of Money, and for other Purposes. *Ibid.*
- xxxvi. An Act for uniting the Offices of Minister and Chaplain of *Saint Philip's* Church in *Liverpool*. *Ibid.*
- xxxvii. An Act for the Improvement of *Landport* and *Portsea*, and the Neighbourhoods, in the Parishes of *Portsmouth* and *Portsea*, in the County of *Southampton*. *Ibid.*
- xxxviii. An Act to enable the Mayor, Aldermen, and Burgesses of the Borough of *Cardigan* to provide a Market House, and establish and regulate Markets and Fairs; and to regulate the Supply of Water within the Borough; and to pave, light, cleanse, regulate, and improve the Borough; and for other Purposes. 747
- xxxix. An Act to repeal the Provisions of the Acts relating to the Bridge and Ferries across the River *Wear* in the Borough of *Sunderland*, and to grant further Powers for the Maintenance and Improvement of such Bridge and Ferries, and the Approaches and Landing Places connected therewith, or for the Erection of a new Bridge in lieu of the existing Bridge across such River. *Ibid.*
- xl. An Act for making a Railway commencing by a Junction with the *Haggarleazes* Branch of the *Stockton and Darlington* Railway near the *Lands* Colliery in the County of *Durham*, and terminating by a Junction with the *Lancaster and Carlisle* Railway at or near *Tebay* in the County of *Westmoreland*; and for making Arrangements with the *Stockton and Darlington* Railway Company; and for other Purposes. *Ibid.*
- xli. An Act for making a Railway from the *Llantrissant* Station of the *South Wales* Railway to *Penrhinfefer* in the Parish of *Llantrissant* in the County of *Glamorgan*, with Branches to *Glanmychydd* and *Mynydd Gellyrhaidd*, both in the said Parish of *Llantrissant*. *Ibid.*
- xlii. An Act to enable the *New River* Company to raise a further Sum of Money, to construct other Sewers at *Hertford*, and to amend the Acts relating to the Company. *Ibid.*
- xliiii. An Act to authorize the *West Hartlepool* Harbour and Railway Company to convert Loans into Debenture Stock, to raise further Capital, to arrange with Holders of Shares or Stock for Conversion thereof into other Shares or Stock; and for other Purposes. *Ibid.*
- xliv. An Act for the *Mansfield and Worksop* Turnpike Road in the County of *Nottingham*. 748
- xlv. An Act for better supplying with Water the Inhabitants of the Borough of *Portsmouth* in the County of *Southampton*. *Ibid.*
- xlvi. An Act to enable the *North-eastern* Railway Company to make a Branch from their *Bishop Auckland* Branch Railway to the *Conside* Ironworks, to acquire additional Lands; and for other Purposes. Page 748
- xlvii. An Act for better supplying with Water the Town of *Ipswich*. *Ibid.*
- xlviii. An Act for making a Bridge over the River *Wye*, near to the *Even Pitt* Ferry, and Approaches thereto; for discontinuing and regulating Ferries near to the Bridge; and for other Purposes. *Ibid.*
- xlix. An Act for making a Railway from the *Deeside* Railway at *Banchory* to *Charleston* of *Aboyme*. *Ibid.*
- l. An Act to incorporate a Company for extending the *Banff, Macduff, and Turriff Junction* Railway from *Turriff* to *Banff* and *Macduff*. 749
- li. An Act to extend the Time for making the *Cork and Youghal* Railway, and to vary the borrowing Powers of the Company. *Ibid.*
- lii. An Act to unite and amalgamate the *Stockton* New Gas Company and the *Stockton* Gas Consumers Company (Limited); and to authorize the united Company to raise additional Capital, and to sell their Undertaking to the Mayor, Aldermen, and Burgesses of the Borough of *Stockton*; and for other Purposes. *Ibid.*
- liii. An Act for making a Railway from the *Grange* Station of the *Great North of Scotland* Railway to the Harbour of *Banff*, with a Branch to the Harbour of *Portsoy*. *Ibid.*
- liv. An Act for making Railways between the City of *Bristol* and the *South Wales* Railway in the County of *Monmouth*, with a Steam Ferry across the River *Severn* in connexion therewith, for the Purpose of improving the Railway Communication between *South Wales* and *Bristol, Southampton*, and the South-western Districts of *England*. *Ibid.*
- lv. An Act to repeal the Act relating to the *Newcastle-under-Lyme* and *Leek* Turnpike Roads, and to make other Provisions in lieu thereof. 750
- lvi. An Act to repeal an Act passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for more effectually repairing and improving certain Roads leading to, through, and from the Towns of Langport, Somerton, and Castle Cary, in the County of Somerset, and for making and improving other Roads in the said County*, and granting more effectual Powers in lieu thereof, and for making and improving new Lines of Road. *Ibid.*
- lvii. An Act for authorizing the *Lowestoft* Water, Gas, and Market Company to make additional Waterworks and raise additional Capital, and to lease their Undertaking; and for other Purposes. *Ibid.*
- lviii. An Act for lighting with Gas the Borough of *Shrewsbury* and the Neighbourhood thereof in the County of *Salop*. *Ibid.*
- lix. An Act for incorporating the *Burslem and Tunstall* Gaslight Company and extending their Powers, and for authorizing additional Works, and the raising of further Moneys; and for other Purposes. *Ibid.*
- lx. An Act for making a Railway from *Lewes* to *Uckfield*, all in the County of *Sussex*. *Ibid.*
- lxi. An Act to authorize the *Newry, Warrenpoint, and Ros-trevor* Railway Company to extend their Railway at *Newry* and at *Warrenpoint*, and to enter into Arrangements with the *Newry and Enniskillen* Railway Company. 751
- lxii. An Act to dissolve the *Mallow and Fermoy* Railway Company, and to transfer all the Powers of that Company for making and maintaining the *Mallow and Fermoy* Railway to the *Great Southern and Western* Railway Company. *Ibid.*

- lxiii. An Act for lighting with Gas the Town of *Bury*, and other Townships and Places in the Parish of *Bury*, in the County of *Lancaster*. Page 751
- lxiv. An Act to extend the Time for the Completion of the *Cannock Mineral Railway*. Ibid.
- lxv. An Act to repeal the Acts relating to the *Selby and Market Weighton Turnpike Road* in the East Riding of the County of *York*; and to make other Provisions in lieu thereof. Ibid.
- lxvi. An Act for authorizing the *West Somerset Mineral Railway Company* to make the *Minehead Extension* and the *Cleeve Branch*; and for other Purposes. Ibid.
- lxvii. An Act to incorporate the *Stratford-upon-Avon Gas Company*. 752
- lxviii. An Act for granting additional Powers to "The *Australian Agricultural Company*." Ibid.
- lxix. An Act for enabling the *Penarth Harbour, Dock, and Railway Company* (heretofore called "The *Ely Tidal Harbour and Railway Company*") to construct Railways to and a Dock and other Works on or adjoining the South-west Bank of the River *Ely*, and for other Purposes. Ibid.
- lxx. An Act for better supplying with Water the Inhabitants of the Parishes of *Saint John the Baptist* (including *Margate*) and *Saint Peter the Apostle* (including *Broadstairs*) in the County of *Kent*. Ibid.
- lxxi. An Act to amend and enlarge the Provisions of the Acts relating to the River *Tyne*, and to enable the *Tyne Improvement Commissioners* to construct Docks at *Coble Dean*, and certain Works for the Improvement of such River; and for other Purposes. Ibid.
- lxxii. An Act for making a Railway from the *London and South-western Railway* at *Wimbledon* to *Epsom*; and for other Purposes. Ibid.
- lxxiii. An Act for regulating the Payment of Dividends on certain Classes of Preference Shares in the *London Gaslight Company*. 753
- lxxiv. An Act for the Improvement of the Town of *Milford* and the Neighbourhood thereof, for establishing Gasworks, Waterworks, and a Cemetery there; and for other Purposes. Ibid.
- lxxv. An Act for more effectually making, repairing, and maintaining the Highways, Roads, and Bridges within the County of *Orkney*, and for other Purposes. Ibid.
- lxxvi. An Act to amend "The *East Kent Railway* (Extension to *Dover*) Act, 1855." Ibid.
- lxxvii. An Act to enable the *Midland Great Western Railway of Ireland Company* to make an Extension Line of Railway to *Sligo*, with Branches therefrom; and for other Purposes. Ibid.
- lxxviii. An Act to enable the *Monkland Railways Company* to make and maintain certain Railways in the Counties of *Lanark* and *Linlithgow*; and for other Purposes. Ibid.
- lxxix. An Act to empower the *Briton Ferry Floating Dock Company* to raise Money; and for other Purposes connected with their Undertaking. 754
- lxxx. An Act for granting further Powers to "The *City and Suburban Gas Company of Glasgow*." Ibid.
- lxxxii. An Act to enable the *Scottish Central Railway Company* to make and maintain certain Extensions of their *Denny Branch*. Ibid.
- lxxxii. An Act to empower the *Stamford and Essendine Railway Company* to raise Money, and for other Purposes connected therewith. Ibid.
- lxxxiii. An Act for authorizing the *Victoria (London) Dock Company* to make a new Cut Eastward of their Dock, and to raise additional Capital, and for other Purposes. Ibid.
- lxxxiv. An Act for making Railways from *Athlone* to *Roscommon* and *Castlereagh*, to be called "The *Great Northern and Western* (of *Ireland*) Railway;" and for other Purposes. Page 754
- lxxxv. An Act to enable the *Great Southern and Western Railway Company* to make a Railway from *Tullamore* to *Athlone*; and for other Purposes. Ibid.
- lxxxvi. An Act for making a Railway from the *Edinburgh, Perth, and Dundee Railway* at *Markinch Station* to the *Town of Leslie*, with Branches to *Auchmuty Mills, Leven Bank Mill, and Prinlaws Lower Mills*, and other Purposes. 755
- lxxxvii. An Act for making a Railway from *Keith* to *Dufftown*. Ibid.
- lxxxviii. An Act to repeal so much of the Act relating to the Road from *Bawtry Bridge* in the County of *Nottingham* to *Hainton* in the County of *Lincoln*, and other Roads, as relates to the Second District of Roads therein mentioned, and to make other Provisions in lieu thereof. Ibid.
- lxxxix. An Act to allow a Drawback on the Duties payable on Coals, Culm, Coke, and Cinders. Ibid.
- xc. An Act for incorporating the *European and Indian Junction Telegraph Company*, and for other Purposes connected therewith. 756
- xci. An Act to enable the *West of Fife Mineral Railway Company* to construct a Branch Railway to *Roscobie*; and for certain other Purposes. Ibid.
- xcii. An Act to continue or renew the Powers conferred on the Trustees on the River *Clyde* and Harbour of *Glasgow* to take Lands and execute Works for the Improvement of the Navigation; and for other Purposes. 757
- xciii. An Act to enable the *British Fisheries Society* to enlarge, improve, and maintain *Pulteney Harbour* in the County of *Caithness*; and for other Purposes. Ibid.
- xciv. An Act for improving and maintaining the Harbour of *Elie* in the County of *Fife*. Ibid.
- xcv. An Act for confirming the Title to Lands acquired for the Purposes of the *Newquay Railway*, Part of "the *Treffry Estates*," in the County of *Cornwall*, and for regulating the Railway; and for other Purposes. Ibid.
- xcvi. An Act to empower the *Staines, Wokingham, and Woking Railway Company* to make a Railway to connect the *Reading, Guildford, and Reigate Railway* with the *Great Western Railway*; and for other Purposes. Ibid.
- xcvii. An Act to repeal "The *River Slaney Improvement Act, 1852*," and to make better Provision for the Execution of the Objects of that Act; and for other Purposes connected with the River *Slaney*. Ibid.
- xcviii. An Act to empower the *Stockport, Disley, and Whaley Bridge Railway Company* to extend their Railway to *Buxton*, and for other Purposes connected with their Undertaking. 758
- xcix. An Act for the *Worksop and Attercliffe Turnpike Road* in the County of *Nottingham* and the West Riding of the County of *York*. Ibid.
- c. An Act for the Abandonment of the *Westminster Terminus Railway Extension, Clapham* to *Norwood*, and for other Purposes. Ibid.
- ci. An Act for making a Bridge across the River *Backwater* near *Weymouth*, and a Turnpike Road, and other Works in connexion therewith, in the County of *Dorset*; and for other Purposes. Ibid.
- cii. An Act to incorporate and regulate the *Atlantic Telegraph Company*, and to enable the Company to establish and work Telegraphs between *Great Britain, Ireland, and Newfoundland*; and for other Purposes. Ibid.
- ciiii. An Act for making a Railway from the *Torquay Branch* of the *South Devon Railway* to or near to *Dartmouth*, to be called "The *Dartmouth and Torbay Railway*;" and for other Purposes. 759

- civ. An Act to enable the *Dundalk and Enniskillen* Railway Company to make certain Deviations and Alterations in their Line and Works; and for other Purposes connected with their Undertaking. *Ibid.* Page 759
- cv. An Act to authorize the *East Somerset* Railway Company to extend their Railway from *Shepton Mallett* to *Wells*. *Ibid.*
- cvi. An Act for making a Railway from the *Llanidloes* and *Newtown* Railway in the Parish of *Llandinam* in the County of *Montgomery* to the Town of *Machynlleth* in the same County. *Ibid.*
- cvi. An Act for repairing the Roads from *Prestwich* to *Bury* and *Radcliffe* in the County Palatine of *Lancaster*, and for making and maintaining as Turnpike certain other Roads in connexion therewith, all in the same County; and for other Purposes. *Ibid.*
- cviii. An Act for authorizing the Conversion of Parts of the *Shropshire* Canal to Purposes of a Railway, and the making and maintaining of a Railway accordingly, and for authorizing Arrangements between the *London and North-western* Railway Company and other Companies; and for other Purposes. *Ibid.*
- cix. An Act for improving the *North Level* Drainage, and for other Purposes relating to the Level. 760
- cx. An Act for making a Railway from *Broughton* to *Cpniston* in the County Palatine of *Lancaster*; and for other Purposes. *Ibid.*
- cx. An Act for establishing and maintaining a Ferry and Floating Bridge across the River *Waveney*, near *Burgh Saint Peter* Staithe in the Parishes of *Oulton* in the County of *Suffolk*, and *Burgh Saint Peter* in the County of *Norfolk*, with proper Works and Approach Roads thereto. *Ibid.*
- cxii. An Act for making a Railway from the *Essendine* Station of the *Great Northern* Railway to *Bourn* in the County of *Lincoln*; and for other Purposes. 761
- cxiii. An Act to enable the *Midland Great Western* Railway of *Ireland* Company to make a Railway from *Streamstown* to *Clara*; and for other Purposes. *Ibid.*
- cxiv. An Act to amend and enlarge some of the Provisions of "The *Blyth and Tyne* Railway Consolidation and Extensions Act, 1854;" to authorize the Relinquishment of a Branch Railway authorized by that Act, and the Construction of other Railways and Works in connexion with the *Blyth and Tyne* Railway. *Ibid.*
- cxv. An Act to enable the Metropolitan Board of Works to open certain new Streets in the City and Liberties of *Westminster* and in the Borough of *Southwark*. *Ibid.*
- cxvi. An Act for the making and maintaining of the *Stratford-upon-Avon* Railway; and for other Purposes. 769
- cxvii. An Act to make better Provision for the Burial of the Dead in the City of *Manchester*, and for enabling the Corporation to purchase certain Lands and effect certain Improvements in that City. *Ibid.*
- cxviii. An Act to amend Two several Acts passed respectively in the Fifth Year of the Reign of His late Majesty King *George* the Fourth and the Second Year of His late Majesty King *William* the Fourth, intituled respectively *An Act to repeal the several Acts for the Relief and Employment of the Poor of the Parish of Saint Mary Islington in the County of Middlesex; for lighting and watching, and preventing Nuisances and Annoyances therein; for amending the Road from Highgate through Maiden Lane, and several other Roads in the said Parish; and for providing a Chapel of Ease and an additional Burial Ground for the same; and to make more effectual Provisions in lieu thereof; and An Act to equalize the Ecclesiastical Burthens of the Parish of Saint Mary Islington in the County of Middlesex; for partially altering the Application of the Rents and Profits of the Stonefields Estate within the said Parish; for letting the Pews in the Parish Church of Saint Mary Islington and the Chapel of Ease thereto; and for other Purposes connected therewith; and to make other and more effectual Provisions in lieu thereof.* *Ibid.* Page 769
- cxix. An Act to enable the *Newport, Abergavenny, and Hereford* Railway Company to extend their Railway into the *Aberdare* and *Bargoed* Valleys in *Glamorganshire*, and for other Purposes connected with the Company. 770
- cxix. An Act to amend and enlarge the Powers of the Acts relating to the *Portadown and Dungannon* Railway Company, and to enable that Company to extend their Railway to the Town of *Omagh* in the County of *Tyrone*, and to enter into certain Arrangements with the *Ulster* and other Railway Companies with respect to the working and leasing of the Railway; and for other Purposes. *Ibid.*
- cxxi. An Act to enable the *Salisbury and Yeovil* Railway Company to make Deviations from the Line of their Railway, and for other Purposes connected with their Undertaking. *Ibid.*
- cxixii. An Act to enable the *Whitehaven and Furness Junction* Railway Company to raise additional Capital; and for other Purposes. *Ibid.*
- cxixiii. An Act to enable the *Caledonian* Railway Company to construct Branch Railways from their Line near *Edinburgh* to *Granton*; and for other Purposes. *Ibid.*
- cxixiv. An Act for making a Railway from the *Dunfermline* Branch of the *Edinburgh, Perth, and Dundee* Railway to *Kinross*, with a Branch to *Kingseat*; and for other Purposes. 771
- cxixv. An Act to extend the Time for the Purchase of certain Lands required for the *Metropolitan* Railway; and for other Purposes. *Ibid.*
- cxixvi. An Act to enable the *South Staffordshire* Waterworks Company to alter and extend their Works, and obtain an additional Supply of Water; and for other Purposes. *Ibid.*
- cxixvii. An Act for incorporating the *Victoria* Gas Company, and for authorizing them to acquire and enlarge the *North Woolwich* Gasworks, and to supply Gas; and for other Purposes. *Ibid.*
- cxixviii. An Act for making a Railway from near *Hamilton* to near *Strathaven* in the County of *Lanark*, to be called "The *Hamilton and Strathaven* Railway;" and for other Purposes. *Ibid.*
- cxixix. An Act to enable the *Fife and Kinross* Railway Company to divert Part of their Main Line, and to make an Extension from *Milnathort* to *Kinross*. *Ibid.*
- cxixxx. An Act to enable the *Great Yarmouth* Waterworks Company to raise a further Sum of Money. 772
- cxixxxi. 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. *Ibid.*
- cxixxxii. An Act to give further Powers to the Mayor, Aldermen, and Burgesses of the Borough of *Salford* with respect to Burial Purposes, and to authorize Arrangements with respect to Lands in and near *Marlborough Square* in *Salford*. *Ibid.*
- cxixxxiii. An Act for making a Railway from the *London, Brighton, and South Coast* Railway at *Horsham*, through *Billinghurst*, to *Pulborough*, with a Branch from *Pulborough* to *Coultershaw Mill* in the Parish of *Petworth*, all in the County of *Sussex*. *Ibid.*
- cxixxxiv. An Act authorizing the *North-western* Railway Company to divert a Portion of their Railway, and to sell or grant a Lease of their Undertaking to the *Midland and Lancaster and Carlisle* Railway Companies. *Ibid.*

- cxxxv. An Act to amend an Act of the Twenty-first Year of the Reign of King *George* the Third, "to prevent the Mischiefs that arise from driving Cattle within the Cities of *London* and *Westminster*, and Liberties thereof, and Bills "of Mortality," and also to amend "The Metropolitan Market Act, 1851." Page 772
- cxxxvi. An Act for authorizing the *London and South-western* Railway Company and others to make Deviations from their authorized Lines of Railway and other Works; and for authorizing divers other Matters affecting that Company and other Companies and Undertakings; and for other Purposes. 778
- cxxxvii. An Act for the Construction of Railways to supply direct Communication between *Oldham*, *Ashton-under-Lyre*, and *Guide Bridge*, and for the Accommodation of the Neighbourhood. Ibid.
- cxxxviii. An Act to make Provision with respect to Capital fraudulently created in the *Great Northern* and *East Lincolnshire* Railway Companies. 779
- cxxxix. An Act for authorizing an Extension of the *Dorset Central* Railway; for regulating the Capital of the *Dorset Central* Railway Company; and for other Purposes. 781
- cxl. An Act for consolidating the Acts relating to the *Rhymney* Railway Company, and for authorizing the Company to make and maintain a Branch Railway, and for regulating the Capital of the Company; and for other Purposes. Ibid.
- cxli. An Act for the Maintenance, Regulation, and Improvement of *Watchet* Harbour in the County of *Somerset*; and for other Purposes. Ibid.
- cxlii. An Act for the Transfer of the Docks of the *Swansea* Dock Company to the *Swansea* Harbour Trustees; and for authorizing those Trustees to make further Works, and raise further Moneys; and for other Purposes. 782
- cxliii. An Act for authorizing Traffic Arrangements between the *West End of London* and *Crystal Palace* and the *London*, *Brighton*, and *South Coast*, the *South-eastern*, and *London and South-western* Railway Companies; for Sale of the *West London and Crystal Palace* Railway; for extending the Time for completing Railways; and for other Purposes. Ibid.
- cxliv. An Act for repairing the Road from *Haslingden* to *Todmorden*, and several Branches therefrom, all in the County Palatine of *Lancaster*; and for other Purposes. Ibid.
- cxlv. An Act to authorize the Construction of a Railway from *Taunton* to the Harbour of *Watchet*; and for other Purposes relating to the said Railway and Harbour. 783
- cxlvi. An Act to alter, amend, and consolidate the Acts relating to the Company of Proprietors of the *Norfolk* Estuary. Ibid.
- cxlvii. An Act to provide for the Conservation of the River *Thames*, and for the Regulation, Management, and Improvement thereof. 784

- cxlviii. An Act to consolidate and amend the Acts for the more effectual Preservation and Increase of Salmon, and the Regulation of the Fisheries in the River *Tweed*. Page 784
- cxlix. An Act to authorize the Construction of a Railway from *Castle Douglas* in the Stewartry of *Kirkcudbright* to *Portpatrick* in the County of *Wigtown*. Ibid.
- cl. An Act to enable the Metropolitan Board of Works to form a Park for the Northern Suburbs of the Metropolis, to be called *Finsbury Park*. 785
- cli. An Act to enable the *Sittingbourne and Sheerness* Railway Company to alter the Line and Levels of Portions of their authorized Line and abandon Portions thereof; to construct new Branches and other Works; to authorize Working Arrangements with the *East Kent* Railway Company; to amend "The *Sittingbourne and Sheerness* Railway Act, 1856;" and for other Purposes. Ibid.
- clii. An Act for making a Railway from *Herne Bay* to *Faversham*, and for other Purposes connected therewith. Ibid.
- cliii. An Act for enabling the *Taff Vale* Railway Company to construct new Lines of Railway, to alter, widen, and improve Portions of their existing Railway, and for other Purposes. Ibid.
- cliv. An Act for the Transfer of the Interests of the Class A. Shareholders of the *Saint Andrew's and Quebec* Railroad Company to "The *New Brunswick and Canada* Railway and Land Company (Limited)." Ibid.
- clv. An Act to enable the *South-eastern* Railway Company to make or complete a short Line of Railway at *Tunbridge*; and for other Purposes. 786
- clvi. An Act enabling the *Newry and Enniskillen* Railway Company to construct their Railway as far as the City of *Armagh*; for changing the Name of the Company; and for consolidating their Acts. Ibid.
- clvii. An Act for abolishing certain Jurisdiction of the Sheriffs Courts of the City of *London*, and for amending the Process, Practice, and Mode of Pleading in the Mayor's Court, and for extending the Jurisdiction thereof. Ibid.
- clviii. An Act to authorize the *Wycombe* Railway Company to extend their Railway to *Princes Risborough* and to *Thame*. 793
- clix. An Act for incorporating the *Eastern Bengal* Railway Company, and for other Purposes. Ibid.
- clx. An Act for authorizing the *Scinde* Railway Company to extend their Operations, and for regulating the Capital of the Company; and for other Purposes. Ibid.
- clxi. An Act for making a Railway from the *Lancaster and Carlisle* Railway in the Parish of *Kendal* in the County of *Westmoreland* to the *North-western* Railway at or near *Ingleton* in the West Riding of the County of *York*, with a Branch therefrom; and for other Purposes. Ibid.
- clxii. An Act for consolidating the Docks at *Liverpool* and *Birkenhead* into One Estate, and for vesting the Control and Management of them in One Public Trust; and for other Purposes. 794

## The TITLES of the STATUTES.

## PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

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| <p>1. AN Act for enabling the Trustees in whom the Lands and Estate of <i>Scotsraig</i> in the County of <i>Fife</i> are vested to grant Feus of certain Portions thereof. <i>Page</i> 801</p> <p>2. An Act to amend and explain <i>Fleming's</i> Estate Act, 1852. <i>Ibid.</i></p> <p>3. An Act for authorizing the Dean and Chapter of <i>Hereford</i> to raise Money for the Repair of the Cathedral Church of <i>Hereford</i>. <i>Ibid.</i></p> <p>4. An Act to enable the Trustees of the Will of the late <i>Francis</i> Duke of <i>Bridgewater</i> to complete the Purchase of the <i>Run-corn and Weston</i> Canal, and to enable such Trustees more effectually to administer the Trusts of the Will of the said Duke. <i>Ibid.</i></p> <p>5. An Act for authorizing the Sale to the <i>Dorset Central</i> Railway Company, in consideration partly of a yearly Rent-charge and partly of a gross Sum, of Part of the Settled Estates in the County of <i>Dorset</i> of which the Right Honour-</p> | <p>able <i>George Pitt Rivers</i> Lord <i>Rivers</i> is now Tenant for Life in possession; and for other Purposes. <i>Page</i> 801</p> <p>6. An Act for carrying into effect an Agreement for a Compromise of the Suit of "<i>Carew versus Waugh</i>," now pending in the High Court of Chancery, and for vesting the Estates to which the Suit relates in Trustees upon Trust for Sale; and for other Purposes. <i>Ibid.</i></p> <p>7. An Act for authorizing the raising of Money on the Security of Estates in the County of <i>Glamorgan</i>, settled by the Will of the Right Honourable <i>Other Archer</i> late Earl of <i>Plymouth</i> deceased, and the Application of the Money for the Improvement of Parts of the Estates, in order to render them available as Building Lands, and for confirming an Agreement with the <i>Penarth</i> Harbour, Dock, and Railway Company, heretofore called the <i>Ely</i> Tidal Harbour and Railway Company; and for other Purposes. 802</p> |
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## PRIVATE ACTS,

NOT PRINTED.

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| <p>8. An Act for authorizing <i>Maria Cecilia Agatha Anna Josepha Laurentia Donata Melchiora Balthassara Gaspara</i> Princess <i>Giustiniani</i>, Widow of <i>Charles</i> Marquess <i>Bandini</i>, to take the Oath proper to be taken by her prior to her Naturalization before Her Majesty's Envoy Extraordinary to the Grand Duke of <i>Tuscany</i>, or any other Member of Her Majesty's Legation at the Court of <i>Tuscany</i>, and to give her Consent in Writing to the passing of the Bill for her Naturalization.</p> <p>9. An Act to dissolve the Marriage of <i>Edward Ley</i>, Oil Cooper, with <i>Rosanna Sarah Ley</i> his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.</p> <p>10. An Act to dissolve the Marriage of <i>Alexander Campbell</i> with <i>Maria</i> his now Wife, and to enable him to marry again; and for other Purposes.</p> <p>11. An Act to dissolve the Marriage of <i>Henry Smith</i> Esquire with <i>Julia</i> his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.</p> | <p>12. An Act to enable <i>Robert Shepherd</i>, Clerk, to exercise his Office of a Priest and to hold any Benefice or Preferment in the United Church of <i>England</i> and <i>Ireland</i>.</p> <p>13. An Act to dissolve the Marriage of <i>William Frederick Baring</i> Esquire with <i>Emily</i> his now Wife, and to enable him to marry again; and for other Purposes.</p> <p>14. An Act for naturalizing <i>Maria Cecilia Agatha Anna Josepha Laurentia Donata Melchiora Balthassara Gaspara</i> Princess <i>Giustiniani</i>, Widow of <i>Charles</i> Marquess <i>Bandini</i> in the <i>Roman</i> States, and <i>Sigismund Nicholas Venantius Gaetano Francis</i> Marquess <i>Bandini</i>, the only Son and Heir Apparent of the said Princess <i>Giustiniani</i> Marchioness Dowager <i>Bandini</i> by the said <i>Charles</i> Marquess <i>Bandini</i> her late Husband.</p> <p>15. An Act to dissolve the Marriage of <i>Robert Keays</i> Esquire with <i>Maria Eliza</i> his now Wife, and to enable him to marry again; and for other Purposes.</p> |
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THE

# STATUTES at Large, &c.

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Anno Regni VICTORIÆ, Britanniarum Reginae,  
Decimo Nono & Vicesimo.

‘ AT the Parliament begun and holden at *Westminster*, the Fourth Day of *November*, Anno  
‘ *Domini* 1852, in the Sixteenth Year of the Reign of our Sovereign Lady VICTORIA, by the  
‘ Grace of God, of the United Kingdom of *Great Britain* and *Ireland*, Queen, Defender of the  
‘ Faith : And from thence continued, by several Prorogations, to the Thirty-first Day of *January* 1856 ;  
‘ being the Fourth Session of the Sixteenth Parliament of the United Kingdom of *Great Britain* and  
‘ *Ireland*.’

C A P. I.

An Act to regulate certain Offices of the House of Commons. [28th February 1856.]

‘ WHEREAS under an Act of King *George* the Third, Chapter Eleven, intituled *An Act to repeal* 52 G. 3. c. 11.  
‘ *an Act passed in the Thirty-ninth and Fortieth Year of His present Majesty, for establishing*  
‘ *certain Regulations in the Offices of the House of Commons, and to establish other and further*  
‘ *Regulations in the said Offices*, the Clerk of the House of Commons has the Power of Nomination or  
‘ Appointment of all the Clerks in his Department, together with the Power of Suspension and Removal  
‘ of all the Clerks so by him nominated or appointed : And whereas Sir *Denis Le Marchant* Baronet, on  
‘ being appointed Clerk of the House of Commons, agreed that the Clerk Assistant and Second Clerk  
‘ Assistant of the House should thereafter be appointed by Her Majesty : And whereas Her Majesty  
‘ has, on the Recommendation of the Speaker, signified Her Pleasure that *Thomas Erskine May* Esquire  
‘ be appointed Clerk Assistant of the said House ; but the Powers of Appointment under the said Act  
‘ cannot be varied without the Authority of Parliament : Be it enacted by the Queen’s most Excellent  
‘ Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in  
‘ this present Parliament assembled, and by the Authority of the same, as follows :

I. The Appointment of the said *Thomas Erskine May* shall be confirmed, and the Clerk Assistant and  
Second Clerk Assistant of the House of Commons respectively shall hereafter be appointed by Her  
Majesty by Warrant under Her Royal Sign Manual, and every present and future Clerk Assistant and  
Second Clerk Assistant shall be removable only by Her Majesty, upon an Address of the House of  
Commons to Her Majesty for that Purpose.

Appointment  
of Clerk  
Assistant con-  
firmed, and  
future Clerks  
Assistant to be  
appointed by  
Her Majesty.

II. So much of the several Acts relating to the Offices of the House of Commons as fixes the Salary of  
the Second Clerk Assistant, and charges such Salary on the Consolidated Fund of the United Kingdom,  
shall be repealed.

Certain Part of  
Acts repealed.

C A P. II.

An Act to amend the Acts relating to the Metropolitan Police. [28th February 1856.]

‘ WHEREAS by an Act passed in the Tenth Year of King *George* the Fourth, Chapter Forty-four, 10 G. 4. c. 44.  
‘ “ for improving the Police in and near the Metropolis,” Provision was made for the Appointment  
‘ of Two fit Persons as Justices of the Peace of the Counties of *Middlesex*, *Surrey*, *Hertford*, *Essex*, and  
‘ *Kent*, and of all Liberties therein, to execute the Duties in the said Act mentioned : And whereas by  
‘ an Act of the Session holden in the Second and Third Years of Her Majesty, Chapter Forty-seven, 2 & 3 Vict. c. 47.  
‘ “ for further improving the Police in and near the Metropolis,” it was provided, that it should be lawful  
‘ for Her Majesty to appoint the Justices appointed and to be appointed under the said Act of the Tenth  
‘ Year of King *George* the Fourth to be Justices of the Peace for the Counties of *Berkshire* and *Bucking-*  
‘ *hamshire*, and that the said Justices should be styled “ The Commissioners of Police of the Metropolis :”  
‘ 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 :

19. & 20 Vict.

B

I. There

*Metropolitan Police.*

One Commissioner of Police only to be appointed after passing of this Act.

Power to appoint Two Assistant Commissioners of Police, who, by virtue of such Office, shall be Justices of certain Counties herein named.

Provision as to Salaries of such Commissioner and Assistant Commissioners.

Assistant Commissioners to be within Provisions of 4 & 5 W.4. c.24.

Powers vested in the Commissioners of Police under recited Acts to be exercised by the sole Commissioner.

Duties of Assistant Commissioners.

By whom Matters now required to be done by One Commissioner may be done hereafter.

In case of Vacancy in Office of Commissioner or of Illness, &c. Assistant Commissioner may act.

Provision as to Commissioners to apply to Assistant Commissioners.

Acts done by One Commissioner to be valid.

I. There shall be appointed from Time to Time under the said Acts and be but One Commissioner of Police, who shall be styled "The Commissioner of Police of the Metropolis;" and the Person who at the Time of the passing of this Act may be the surviving or continuing Commissioner appointed under the said Acts or either of them shall be such Commissioner of Police of the Metropolis; and all the Provisions of the said Acts concerning the Removal and Appointment from Time to Time of the said Justices or Commissioners, or either of them, shall be applicable to the Removal and Appointment from Time to Time of "The Commissioner of Police of the Metropolis."

II. It shall be lawful for Her Majesty, by Warrant under Her Sign Manual, to appoint Two fit Persons to be during Her Majesty's Pleasure Assistant Commissioners of Police of the Metropolis, and upon every Vacancy in the Office of any such Assistant Commissioner in like Manner to appoint some other Person to such Office; and every such Assistant Commissioner shall by virtue of and during the Continuance of such Appointment be a Justice of the Peace of the Counties of *Middlesex, Surrey, Hertford, Essex, Kent, Berkshire, and Buckinghamshire*, and of all Liberties therein, and execute the Duties of a Justice of the Peace for the said several Counties and for all Liberties therein, although he may not have the Qualification by Estate required by Law in the Case of other Persons being Justices of the Peace for Counties: Provided always, that no such Assistant Commissioner shall act as a Justice of the Peace at any Court of General or Quarter Sessions, or in any Matter out of Sessions, except for the Preservation of the Peace, the Prevention of Crimes, the Detention and Committal of Offenders, and in carrying into execution the Purposes of this Act and the said recited Acts.

III. There shall be paid to the Commissioner of Police of the Metropolis such Salary not exceeding Fifteen hundred Pounds *per Annum*, and to each of the said Assistant Commissioners such Salary not exceeding Eight hundred Pounds *per Annum*, as shall be from Time to Time appointed by the Commissioners of Her Majesty's Treasury, such Salaries respectively to be deemed to include the Remuneration for all Duties which under the said Acts and this Act, or under any other Acts of Parliament, the said Commissioner of Police and Assistant Commissioners respectively are or may be required or appointed to perform, and such Salaries shall be from Time to Time paid out of such Monies as may be from Time to Time provided and appropriated by Parliament for the Purpose.

IV. The said Assistant Commissioners of Police shall be within the Provisions of the Act of the Session holden in the Fourth and Fifth Years of King *William* the Fourth, Chapter Twenty-four, in like Manner as if their Offices were enumerated in the Schedule to that Act.

V. All the Jurisdictions, Duties, Powers, and Authorities which under the said Acts of the Tenth Year of King *George* the Fourth and the Second and Third Years of Her Majesty, or either of them, or under any other Act of Parliament, are vested in or imposed on, or should or might, if this Act had not been passed, have been performed or exercised by, the Commissioners of Police of the Metropolis, shall be vested in and imposed on and shall and may be performed and exercised by the Commissioner of Police of the Metropolis; and all Enactments contained in the said Acts or any Act of Parliament having reference to the Commissioners of Police of the Metropolis shall be applicable to the said Commissioner, save where otherwise provided by this Act.

VI. The Assistant Commissioners, and each or either of them, shall respectively, under the Superintendence and Control of the Commissioner of Police of the Metropolis, do and perform such Acts and Duties in execution of the Acts relating to the said Police as may be from Time to Time directed by any Orders and Regulations made by the Commissioner of Police of the Metropolis, with the Approbation of One of Her Majesty's Principal Secretaries of State.

VII. Where by any Act of Parliament the Provisions of such Act are required or authorized to be executed or any Things are required or authorized to be done by One of the Commissioners of Police of the Metropolis appointed in that Behalf by One of Her Majesty's Principal Secretaries of State, such Provisions and Things shall be executed and done respectively by the Commissioner of Police of the Metropolis, or by One of the Assistant Commissioners nominated by the Secretary of State in this Behalf, as the Secretary of State shall direct.

VIII. In case of any Vacancy in the Office of Commissioner of Police of the Metropolis, or in case of the Illness or Absence of any such Commissioner, it shall be lawful for such One of the said Assistant Commissioners as may be authorized by Writing under the Hand and Seal of One of Her Majesty's Principal Secretaries of State for this Purpose to do all such Acts as it would be competent for the Commissioner of Police of the Metropolis to do, and all Acts done by any Assistant Commissioner so authorized shall be as valid and effectual as if done by the Commissioner of Police of the Metropolis if the Office had not been vacant, or (as the Case may be) if the Commissioner had been present and acting.

IX. The Provision of the firstly-recited Act for preventing any Justice of the Peace appointed by virtue of that Act from being elected or sitting as a Member of the House of Commons, or voting in certain Elections of Members to serve in Parliament, or indirectly interfering therein, shall apply to and include the said Assistant Commissioners to be appointed under this Act.

X. All Acts which, during any Vacancy in the Office of One of the Commissioners of Police of the Metropolis, have been done by the surviving or continuing Commissioner, shall be and be deemed to have been as valid and effectual as if there had been no such Vacancy, and such Acts had been done by both the Commissioners.

*Joint Stock Banks (Scotland).**Consolidated Fund (1,631,005l. 1s. 5d.)*

## C A P. III.

An Act to extend the Period for which Her Majesty may grant Letters Patent of Incorporation to Joint Stock Banks in *Scotland* existing before the Act of One thousand eight hundred and forty-six. [7th March 1856.]

‘ WHEREAS, under the Provisions of the Act of the Ninth and Tenth Years of Her present Majesty, Chapter Seventy-five, (whereby the Act of the Seventh and Eighth Years of Her Majesty, Chapter One hundred and thirteen, was extended to Joint Stock Banks in *Scotland*.) Her Majesty, with the Advice of Her Privy Council, is empowered to grant Letters Patent of Incorporation to any Company of more than Six Persons who were carrying on the Business of Bankers in *Scotland* on or before the Ninth Day of *August* One thousand eight hundred and forty-five, upon the Terms and in manner in the said Acts mentioned or referred to, but only for a Term of Years not exceeding Twenty Years : And whereas it is expedient that Her Majesty should be empowered in certain Cases to grant such Letters Patent of Incorporation for a longer Period :’ Now be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

I. That, notwithstanding anything in the said Acts contained, it shall be lawful for Her Majesty to grant Letters Patent of Incorporation under the said Acts to any Company of more than Six Persons in *Scotland* who were carrying on the Business of Bankers before the said Ninth Day of *August* One thousand eight hundred and forty-five, either for a Term of Years or in perpetuity, but so that the same shall be liable to be dealt with by or under the Provisions of any future Acts of Parliament in every respect as if this Act had not been passed.

Extending Period for granting Letters Patent of Incorporation to certain Joint Stock Banks in *Scotland*.

## C A P. IV.

An Act to apply the Sum of One million six hundred and thirty-one thousand and five Pounds One Shilling and Five pence out of the Consolidated Fund to the Service of the Year ending the Thirty-first Day of *March* One thousand eight hundred and fifty-six. [7th March 1856.]

## C A P. V.

An Act for funding Exchequer Bills and raising Money by way of Annuities.

[7th March 1856.]

‘ 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, being desirous of making Provision to satisfy the Principal Sums contained in certain Exchequer Bills, to the Amount of Three Millions, and to raise the necessary Supplies which we have cheerfully granted to Your Majesty, have resolved that the Persons who had engaged to subscribe towards funding the Sum of Three Millions in Exchequer Bills should be entitled, in respect of the Principal Sums contained therein, to such Capital Stock in Annuities as is herein-after mentioned, subject to the Provisions of this Act :’ We, your Majesty’s most faithful Commons, 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 :

I. The several Persons, their Executors, Administrators, and Assigns, who have subscribed, in Books opened at the Bank of *England* for that Purpose, towards funding the Sum of Three Millions in Exchequer Bills charged on Aids or Supplies dated in *December* One thousand eight hundred and fifty-four, *March*, *June*, and *August*, One thousand eight hundred and fifty-five, and who have deposited at the said Bank Ten Pounds *per Centum* on the Twenty-sixth Day of *February* One thousand eight hundred and fifty-six, as a First Instalment on the Amount of the Exchequer Bills which they have subscribed, or have paid on that Day to the Cashier or Cashiers of the said Bank such Money in lieu thereof as herein-after mentioned, shall, upon the Completion of the Amount subscribed by them in manner and at the Times required by this Act, be entitled, for every One hundred Pounds Principal Money contained in the Exchequer Bills so subscribed, to the Principal Sum of One hundred and eleven Pounds Two Shillings and Twopence Consolidated Annuities, at the Rate of Three Pounds *per Centum per Annum*, to commence and be payable as herein-after mentioned.

II. The said several Subscribers for completing the Amount subscribed by them respectively shall deposit the future Instalments of Exchequer Bills with the Governor and Company of the Bank of *England* on or before the Days and Times herein-after mentioned ; (that is to say,) Ten Pounds *per Centum* on or before the Third Day of *March* One thousand eight hundred and fifty-six ; Twenty Pounds *per Centum* on or before the Thirteenth Day of *March* One thousand eight hundred and fifty-six ;

All Subscribers towards funding Exchequer Bills to be entitled to 111l. 2s. 2d. 3 per Cent. Consols for every 100l. of such Bills. First Instalment.

Periods for future Instalments.

*Exchequer Bills Funding.*

Thirty Pounds *per Centum* on or before the Twenty-ninth Day of *March* One thousand eight hundred and fifty-six; Twenty Pounds *per Centum* on or before the Tenth Day of *April* One thousand eight hundred and fifty-six; and the remaining Ten Pounds *per Centum* on or before the Twenty-fourth Day of *April* One thousand eight hundred and fifty-six: Provided always, that any Exchequer Bills charged on Aids and Supplies which may be current at the respective Times appointed for the Payment of the several Instalments herein-before mentioned, except those Exchequer Bills on which the Interest shall have previously ceased, may be deposited for such respective Instalments under this Act.

As to Payment of Interest on deposited Exchequer Bills.

III. The several Subscribers shall be entitled to receive such Interest as herein-after mentioned, at the Office of the Paymaster General, upon all Exchequer Bills deposited by them respectively at the Bank of *England*, in pursuance of this Act; (that is to say,) upon the Amount of the Exchequer Bills deposited for the First Instalment, Interest from the Day of the Date of such Bills so deposited up to the Twenty-sixth Day of *February* One thousand eight hundred and fifty-six; and upon the Amount of the Exchequer Bills deposited for the Second and every subsequent Instalment, according to the Directions of this Act, Interest from the Day of the Date of such Bills so deposited up to the several Days upon which the same shall be so deposited.

Subscribers may pay Money instead of Exchequer Bills, paying an additional 5s. per Cent. on the Money paid.

IV. Provided always, That it shall be lawful for any Subscriber to the said Sum of Three Millions, instead of depositing Exchequer Bills at the Bank of *England* in manner aforesaid, to pay to the Cashier or Cashiers of the Governor and Company of the Bank of *England* (who is and are hereby appointed Receiver or Receivers thereof, without any other Warrant to be made in that Behalf,) any Sum or Sums of Money in lieu of such Exchequer Bills, upon paying an Addition of Five Shillings *per Centum* upon the Amount which such Subscriber may so pay in Money; and every Subscriber who has so paid or shall hereafter pay Money instead of Exchequer Bills shall for every One hundred Pounds Five Shillings Principal Money so paid be entitled to the Sum of One hundred and eleven Pounds Two Shillings and Twopence Consolidated Annuities, at the Rate of Three Pounds *per Centum per Annum*, to commence and be payable as herein-after mentioned.

Guardians, &c. may subscribe, &c. towards funding of Exchequer Bills.

V. It shall be lawful for any Guardian or Trustee having the Disposition of the Exchequer Bills or Money of any Infant to subscribe and contribute towards the funding of Exchequer Bills under the Provisions of this Act; and such Infant, upon the Deposit or Payment of the Amount subscribed by such Guardian or Trustee, shall become a Subscriber within the Meaning of this Act, and be entitled to have and receive the Annuities, Advantages, and Payments in respect thereof, in such and the like Manner as any other Subscriber; and such Guardian and Trustee, as to the Sum or Sums so advanced, is hereby discharged, so as the Name of such Infant be expressed in the Receipt or Receipts for such Exchequer Bills or Money.

Periods for Payment of Dividends.

VI. The several Subscribers, their Executors, Administrators, Successors, and Assigns, who shall have deposited or shall deposit any such Exchequer Bill or Bills as aforesaid, or shall have paid or shall pay Money in lieu of such Exchequer Bills, shall, for every Sum of One hundred Pounds contained in such Exchequer Bills, or for every One hundred Pounds Five Shillings paid in Money, and so in proportion for any greater Sum, have and be entitled to the Capital Stock in Annuities herein-before mentioned, such Annuities to commence from the Fifth Day of *January* One thousand eight hundred and fifty-six, and to be payable half-yearly, by equal Portions, on the Fifth Day of *July* and the Fifth Day of *January* in every Year, the First Payment to become due on the Fifth Day of *July* One thousand eight hundred and fifty-six.

Stock to be placed to Credit of Subscribers in Books at Bank of England.

VII. As soon as any Subscribers, their Executors, Administrators, Successors, or Assigns, after Deposit of the First Instalment of Ten Pounds *per Centum* in Exchequer Bills, or Payment of Money in lieu thereof, shall have deposited any subsequent Instalment in respect of the Amounts subscribed by them respectively in Exchequer Bills, or shall have paid Money in lieu thereof, on the Days specified in this Act, they may have a proportional Amount of Stock in Consolidated Three Pounds *per Centum* Annuities, in respect of such subsequent Instalment, forthwith placed in the Books of the Bank of *England* to the Credit of such respective Subscribers, their Executors, Administrators, Successors, and Assigns; and on Completion of the last Instalment such Subscribers, their Executors, Administrators, Successors, and Assigns, shall have a proportional Amount of like Stock placed to their respective Credits, corresponding, at the Rate aforesaid, to the aggregate Amount of the First Instalment and of such last Instalment; and the respective Subscribers to whose Credit such Consolidated Annuities or such proportional Parts thereof shall be so placed, their respective Executors, Administrators, Successors, and Assigns, shall and may have Power to assign and transfer the same, or any Part, Share, or Proportion thereof, to any other Person or Persons, Body or Bodies Politic or Corporate, whatsoever, in the Books of the Bank of *England*; and the said Governor and Company of the Bank of *England* are hereby required, as soon as conveniently may be after the passing of this Act, to prepare proper Books for the Purpose of entering the Names of all such Subscribers, and of placing to their Credits the Principal Sums so deposited in Exchequer Bills or paid in Money by them respectively; and such Stock shall carry the Annuities after the Rate of Three Pounds *per Centum per Annum*, to be payable under this Act, until Redemption thereof in such Manner as is herein-after mentioned, and shall be transferable as this Act directs, and not otherwise.

VIII. All

*Exchequer Bills Funding.*

VIII. All such Subscribers, their Executors, Administrators, Successors, or Assigns, who shall deposit at the said Bank the whole Amount subscribed by them respectively in Exchequer Bills or any Part thereof, or pay into the Hands of the said Cashier or Cashiers Money in lieu thereof, in anticipation of the said Instalments or any of them, shall be entitled to have forthwith inscribed into their respective Names the whole or such proportional Amount of the said Three Pounds *per Centum* Annuities; but Interest shall only be payable on the Exchequer Bills so deposited in anticipation of any of the said Instalments from the Day of the Date of such Bills up to the Day of the actual Deposit thereof, and Discount shall not be allowed on any such Payment of Money in anticipation of any of the said Instalments.

Subscribers may anticipate Deposits or Payments.

IX. All the Annuities which shall become payable under this Act are hereby charged upon and made payable out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*; and so much Money shall from Time to Time be set apart and issued at the Receipt of the Exchequer out of the said Consolidated Fund, to the Cashier or Cashiers of the Governor and Company of the Bank of *England*, as shall be sufficient to satisfy and pay the Dividends on the Annuities to be created under this Act, with the Charges attending the same.

Annuities charged on Consolidated Fund.

X. For the more easy and sure Payment of the Annuities established by this Act, the Governor and Company of the Bank of *England*, and their Successors, shall from Time to Time, until all the said Annuities shall be redeemed or shall cease, appoint and employ One or more sufficient Person or Persons within their Office in the City of *London* to be their Chief or First Cashier or Cashiers, and One other sufficient Person within the same Office to be their Accountant General; and so much of the Monies by this Act appropriated for the Purpose as shall be sufficient from Time to Time to answer the said Dividends and other Payments herein directed to be made out of the said Consolidated Fund shall, by Order of the Commissioners of Her Majesty's Treasury, without any further Warrant to be sued for, had, or obtained in that Behalf, from Time to Time, at the respective Days of Payment in this Act appointed for Payment thereof, be issued and paid, at the Receipt of the Exchequer, to the said First or Chief Cashier or Cashiers of the said Governor and Company of the Bank of *England*, and their Successors for the Time being, by way of Imprest and upon Account, for the Payment of the Dividends payable by virtue of this Act; and such Cashier or Cashiers to whom the said Money shall from Time to Time be issued shall from Time to Time, without Delay, pay the same accordingly, and render his or their Accounts thereof to the Commissioners for auditing the Public Accounts; and the said Accountant General for the Time being shall from Time to Time inspect and examine all Receipts and Payments of the said Cashier or Cashiers, and the Vouchers relating thereto, in order to prevent any Fraud, Negligence, or Delay.

Regulations as to Payment of Dividends.

XI. The Cashier or Cashiers of the Governor and Company of the Bank of *England*, who shall have received or shall receive any Part of the said Subscription towards the said Sum of Three Millions, shall give a Receipt or Receipts in Writing to every such Subscriber for the Principal Money comprised in the Exchequer Bills deposited, or for the Sum of Money paid in lieu thereof, and the Receipt so to be given shall be assignable at any Time before the Twenty-fourth Day of *April* One thousand eight hundred and fifty-six, and no longer, and such Cashier or Cashiers shall from Time to Time deliver to the Paymaster General all the Exchequer Bills which shall be so deposited as soon as he or they shall receive the same or any Part thereof, or within Five Days afterwards at the furthest.

Receipts to be assignable.

XII. In the Office of the Accountant General of the Governor and Company of the Bank of *England* for the Time being a Book or Books shall be provided and kept, in which the Names of the Subscribers shall be fairly entered, which Book or Books the said respective Subscribers, their respective Executors, Administrators, Successors, or Assigns, shall and may from Time to Time and at all reasonable Times resort to and inspect, without any Fee or Charge; and the said Accountant General shall, on or before the Fifth Day of *January* One thousand eight hundred and fifty-seven, transmit an attested Duplicate, fairly written on Paper, of the said Book or Books, into the Office of the Receipt of the Exchequer at *Westminster*, there to remain for ever.

Subscribers Names to be entered in Books at the Bank of *England*.

XIII. In case any such Subscribers who have already deposited or paid with or to or shall hereafter deposit or pay with or to the said Cashier or Cashiers any Exchequer Bills, or any Sum of Money in lieu thereof, at the Time and in manner herein-before mentioned, in part of the Sum or Sums so by them respectively subscribed, or their respective Executors, Administrators, Successors, or Assigns, shall not advance and deposit and pay to the said Cashier or Cashiers the Residue of the Sum or Sums so subscribed, at the Times and in the Manner herein-before mentioned, then and in every such Case the said Deposit or First Instalment of Ten Pounds *per Centum* shall be forfeited for the Benefit of the Public, and all Right and Title to such Deposit or First Instalment, or the said Consolidated Three Pounds *per Centum* Annuities in respect thereof, shall be extinguished, anything in this Act contained to the contrary thereof in anywise notwithstanding.

Subscribers not paying up Sums subscribed to forfeit their Deposits.

XIV. All Persons and Corporations who shall be entitled to any of the Annuities created by virtue of this Act, and all Persons and Corporations lawfully claiming under them, shall be possessed thereof as of a Personal Estate, which shall not be descendible to Heirs, nor liable to any Foreign Attachment by the Custom of *London* or otherwise, any Law, Statute, or Custom to the contrary notwithstanding.

Annuities to be deemed Personal Estate.

XV. Books

*Exchequer Bills Funding.*

Books to be provided for the Entry and Registry of Transfers.

XV. Books shall be constantly kept by the said Accountant General for the Time being, wherein all Assignments or Transfers of all Sums of Stock in the Consolidated Three Pounds *per Centum* Annuities created under this Act shall be entered and registered, which Entry shall be conceived in proper Words for that Purpose, and shall be signed by the Parties making such Assignments or Transfers, or, if such Parties be absent, by their respective Attorney or Attorneys thereunto lawfully authorized in Writing under his or their Hand and Seal or Hands and Seals, to be attested by Two or more credible Witnesses; and the several Persons to whom such Transfers shall be made may respectively underwrite their Acceptance thereof; and no other Method of assigning and transferring the said Annuities, or any Part thereof, or any Interest therein, shall be good or available in Law; and no Stamp Duties whatsoever shall be charged on any of the said Transfers; any Law or Statute to the contrary notwithstanding.

Transfers not liable to Stamp Duty.

Deposited Exchequer Bills to be cancelled.

XVI. All the Exchequer Bills so deposited or to be deposited according to the Directions of this Act with the Governor and Company of the Bank of *England* shall be from Time to Time transmitted by the said Governor and Company and delivered over to the Paymaster General to be cancelled, and the Receipt for such Exchequer Bills, signed by the said Paymaster General, shall be a sufficient Acquittance to the said Cashier or Cashiers in accounting for the Exchequer Bills to be received by them in pursuance of this Act; and the said Paymaster General is hereby authorized and required, upon Receipt of any such Bill, to mark and cancel the same, and to pay the Interest thereupon according to the Provisions of this Act.

Monies received under this Act to be paid into the Exchequer.

XVII. The Cashier or Cashiers of the Governor and Company of the Bank of *England* shall, from Time to Time as the same may be received, duly account for and pay over to the Receipt of Her Majesty's Exchequer all the Moneys which he shall have already received or shall hereafter receive in pursuance of this Act, within Five Days at the farthest after he shall have received the same, and shall account for the same in the Exchequer, according to the due Course thereof.

Bank to certify Amount of Bills funded and of Stock created.

XVIII. The Accountant General of the Governor and Company of the Bank of *England* shall certify to the Commissioners for the Reduction of the National Debt the Amount of all Exchequer Bills subscribed to be funded, and all Sums of Money subscribed to be paid, under the Provisions of this Act, and also the Amount of the Consolidated Three Pounds *per Centum* Annuities which shall be created by virtue of this Act.

Payments to be made for incident Charges, and to the Bank for Services performed.

XIX. The Commissioners of Her Majesty's Treasury shall have Power, out of the said Consolidated Fund, to discharge all such incident Charges as shall necessarily attend the Execution of this Act, in such Manner as to them shall seem just and reasonable, and also to make Payment of an Allowance for the Service, Pains, and Labour of the said Cashier or Cashiers employed in receiving, paying, and accounting for the said Annuities, and also for the Service, Pains, and Labour of the said Accountant General for performing the Trusts reposed in him by this Act, which Allowance in respect of the Service, Pains, and Labour of the said Cashier or Cashiers and Accountant General of the said Governor and Company shall be for the Use of the said Governor and Company, and at their Disposal only.

Appropriation of Money Payments.

XX. It shall be lawful for the Commissioners of Her Majesty's Treasury to issue and apply from Time to Time all such Sums of Money as may be so paid into the Receipt of Her Majesty's Exchequer by the said Cashier or Cashiers of the Governor and Company of the Bank of *England* as aforesaid in the Redemption of the Principal of Exchequer Bills charged on Aids or Supplies, and such Exchequer Bills so redeemed shall be delivered over to the Paymaster General to be cancelled, and also to apply such Moneys to such Services as have been or shall be voted by the Commons of the United Kingdom, of *Great Britain* and *Ireland*, or to such Services as are now charged on the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, or shall be charged thereon by any Act that may be passed hereafter.

Three per Cent. Annuities shall be added to the Joint Stock of the Three per Cent. Consols.

XXI. All the Annuities after the Rate of Three Pounds *per Centum per Annum* to which any Person or Persons shall become entitled by virtue of this Act shall be added to the Joint Stock of Annuities transferable at the Bank of *England* into which the several Sums carrying an Interest after the Rate of Three Pounds *per Centum per Annum* were by several Acts made in the Twenty-fifth, Twenty-eighth, Twenty-ninth, Thirty-second, and Thirty-third Years of the Reign of King *George* the Second, and by several subsequent Acts, consolidated, and shall be deemed Part of the said Joint Stock of Annuities; subject nevertheless to Redemption by Parliament in such Manner and upon such Notice as in the said Act made in the Twenty-fifth Year of the said Reign is directed in respect of the several and respective Annuities redeemable by virtue of the said Act; and all and every Person and Persons and Corporation whatsoever, in proportion to the Money to which he, she, or they shall become entitled as aforesaid by virtue of this Act, shall have and be deemed to have a proportional Interest and Share in the said Joint Stock of Annuities, at the Rates aforesaid.

Punishment for Forgery of Receipts, &c.

XXII. If any Person shall forge or counterfeit, or cause or procure to be forged or counterfeited, or shall willingly act or assist in the forging or counterfeiting, any Receipt or Receipts for the whole or any Part or Parts of the said Subscription towards the said Sum of Three Millions either with or without the Name or Names of any Person or Persons being inserted therein as the Subscriber or Subscribers thereto, or Payer or Payers thereof, or of any Part or Parts thereof, or shall alter any Number, Figure, or Word therein, or utter or publish as true any such false, forged, counterfeited, or altered Receipt or Receipts, with Intent to defraud the Governor and Company of the Bank of *England*, or any Body

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## Exchequer Bills Funding.

## Annuities.

Politie or Corporate, or any Person or Persons whatsoever, every such Person or Persons so forging or counterfeiting, or causing or procuring to be forged or counterfeited, or willingly acting or assisting in the forging or counterfeiting, or altering, uttering, or publishing as aforesaid, being thereof convicted in due Form of Law, shall be adjudged guilty of Felony, and shall, at the Discretion of the Court, be liable to be transported beyond the Seas for Life or for any Term not less than Fourteen Years, or to be kept in Penal Servitude for Life or any Term not less than Four Years, or to be imprisoned, with or without Hard Labour, for any Term not exceeding Four Years nor less than Two Years.

XXIII. The said Governor and Company of the Bank of *England*, and their Successors, notwithstanding the Redemption of all or any of their own Funds, in pursuance of the Acts for establishing the same, or any of them, shall continue a Corporation for the Purposes of this Act until the Annuities by this Act granted shall be redeemed by Parliament as aforesaid; and the said Governor and Company of the Bank of *England*, or any Member thereof, shall not incur any Disability for or by reason of their doing any Matter or Thing in pursuance of this Act.

Bank to continue a Corporation.

XXIV. No Fee, Reward, or Gratuity whatsoever shall be demanded or taken of any of Her Majesty's Subjects for receiving or paying the said Subscription in Exchequer Bills or any of them, or for any Receipt concerning the same, or for paying the said Annuities or any of them, or for any Transfer of any Sum, great or small, to be made in pursuance of this Act, upon pain that any Officer or Person offending by taking or demanding any such Fee, Reward, or Gratuity shall for every such Offence forfeit the Sum of Twenty Pounds to the Party aggrieved, with full Costs of Suit, to be recovered in any of Her Majesty's Courts of Law at *Westminster*.

Penalty on Persons taking Fees for Receipts or Payments.

XXV. If any Person or Persons shall be sued, molested, or prosecuted for anything done by virtue or in pursuance of this Act, such Person or Persons shall and may plead the General Issue, and give this Act and the special Matter in Evidence in his, her, or their Defence or Defences; and if afterwards a Verdict shall pass for the Defendant or Defendants, or if the Plaintiff or Plaintiffs shall discontinue his, her, or their Action or Prosecution, or be nonsuited, or Judgment shall be given against him, her, or them, upon Demurrer or otherwise, then such Defendant or Defendants shall have Treble Costs awarded to him, her, or them against any such Plaintiff or Plaintiffs.

General Issue.

XXVI. Provided, That none of the Provisions of an Act of the Twenty-second Year of His late Majesty King *George* the Third, Chapter Forty-five, shall be construed to extend to any Subscriber or Contributor under this Act.

Provisions of 22 G. 3. c. 45. not to extend to Subscribers under this Act.

## C A P. VI.

An Act for raising Five Millions by way of Annuities.

[7th March 1856.]

‘ 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, being desirous to raise the necessary Supplies which we have cheerfully granted to Your Majesty, have resolved that the Sum of Five Millions be raised by Annuities in manner 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:

I. Every Contributor towards raising the said Sum of Five Millions shall for every One hundred Pounds contributed and paid be entitled to the Principal Sum of One hundred and eleven Pounds Two Shillings and Twopence in Consolidated Annuities, after the Rate of Three Pounds *per Centum*, to commence and be payable as herein-after mentioned.

Contributors entitled to 111*l.* 2*s.* 2*d.* 3 per Cent. Consols for every 100*l.* contributed, &c.

II. ‘ And whereas, pursuant to and upon the Terms and Conditions expressed in the said Resolution, several Persons have, in Books opened at the Bank of *England* for that Purpose, subscribed together the whole of the said Sum of Five Millions to be raised by Annuities, and made Deposits of Ten Pounds *per Centum* on the respective Sums by them so subscribed to the said Sum of Five Millions with the Cashiers of the Governor and Company of the Bank of *England*;

Contributors who have made Deposits to pay the Remainder of Subscriptions by Installments.

It shall and may be lawful to and for such Contributors who have made such Deposits with the Cashier or Cashiers of the Governor and Company of the Bank of *England* (which Cashier or Cashiers is and are hereby appointed the Receiver and Receivers of such Contributions, without any other Warrant to be had in that Behalf,) to advance and pay unto the said Cashier or Cashiers of the Governor and Company of the Bank of *England* the several Remainders of the Sums by them respectively subscribed towards the said Sum of Five Millions, on or before the respective Days and in the Proportions herein-after mentioned; (that is to say,) Ten Pounds *per Centum* on or before the Third Day of *March* One thousand eight hundred and fifty-six; Twenty-five Pounds *per Centum* on or before the Thirteenth Day of *March* One thousand eight hundred and fifty-six; Twenty-five Pounds *per Centum* on or before the Twenty-ninth Day of *March* One thousand eight hundred and fifty-six; Fifteen Pounds *per Centum* on or before the Tenth Day of *April* One thousand eight hundred and fifty-six; and the remaining Fifteen Pounds *per Centum* on or before the Twenty-fourth Day of *April* One thousand eight hundred and fifty-six.

III. It

*Annuities.*

Power to  
Guardians to  
contribute for  
Infants.

III. It shall be lawful for any Guardian or Trustee having the Disposition of the Money of any Infant to contribute and pay for or towards advancing the said Sum of Five Millions to be raised by Annuities in manner aforesaid; and such Infant, upon the Payment of such Sum or Sums subscribed by such Guardian or Trustee, shall become a Contributor within the Meaning of this Act, and be entitled to have and receive the Annuities, Advantages, and Payments in respect thereof, in such and the like Manner as any other Contributor; and such Guardian or Trustee as to the said Sum or Sums so advanced is hereby discharged, so as the Name of such Infant be expressed in the Receipt or Receipts for such Money.

Dividends on  
Stock when to  
be payable.

IV. The several Contributors, their Executors, Administrators, Successors, and Assigns, in respect of the said Sum of Five Millions, shall be entitled, for every One hundred Pounds by them respectively advanced and paid, to an Annuity after the Rate of Three Pounds *per Centum*, in respect of the said Principal Sum of One hundred and eleven Pounds Two Shillings and Twopence, to commence from the Fifth Day of *January* One thousand eight hundred and fifty-six, until Redemption by Parliament in manner herein-after mentioned, which said Annuity shall be payable and paid half-yearly, by equal Portions, on the Fifth Day of *July* and the Fifth Day of *January* in every Year, the first half-yearly Payment of the said Annuity to be due on the Fifth Day of *July* One thousand eight hundred and fifty-six.

Time at which  
Contributors,  
after Payment  
of Deposit, &c.  
may assign  
and transfer  
Stock.

V. As soon as any Contributors, their Executors, Administrators, Successors, or Assigns, shall, after Payment of the Deposit of Ten Pounds *per Centum*, have made Payment of any subsequent Instalment payable by them respectively on the Days specified in this Act towards the said Sum of Five Millions, such Contributors may have a proportional Amount of Stock in Consolidated Three Pounds *per Centum* Annuities, in respect of such Instalment, forthwith placed in the Books of the Bank of *England* to the Credit of such respective Contributors, their Executors, Administrators, Successors, or Assigns; and on Payment of the last Instalment such Contributors, their Executors, Administrators, Successors, or Assigns, shall have a proportional Amount of like Stock placed to their respective Credits, corresponding, at the Rate aforesaid, to the aggregate Amount of the Deposit and of such last Instalment; and the Persons to whose Credit such Consolidated Annuities, or such proportional Parts thereof, shall be so placed, their respective Executors, Administrators, Successors, and Assigns, shall and may have Power to assign and transfer the same, or any Part, Share, or Proportion thereof, to any other Person or Persons, Body or Bodies Politic or Corporate, whatsoever, in the Books of the Bank of *England*; and the said Governor and Company of the Bank of *England* are hereby required, as soon as conveniently may be after the passing of this Act, to prepare proper Books for the Purpose of entering the Names of all such Contributors, and of placing to their Credit the Principal Sums so paid by them respectively; and such Stock shall carry the Annuities after the Rate of Three Pounds *per Centum per Annum*, to be payable under this Act, until Redemption thereof in such Manner as is herein-after mentioned, and shall be transferable as this Act directs, and not otherwise.

Contributors may  
make  
Payments in  
anticipation of  
Instalments.

VI. All such Contributors, their Executors, Administrators, Successors, or Assigns, who shall pay into the Hands of the said Cashier or Cashiers the whole of their respective Contribution Money, or any Part thereof, in anticipation of the said Instalments or any of them, shall be entitled to have forthwith inscribed into their respective Names the whole or such proportional Amount of the said Three Pounds *per Centum* Annuities; but Discount shall not be allowed on any such Payment in anticipation of any of the said Instalments.

Annuities  
payable and  
transferable at  
the Bank.

VII. The Three *per Centum* Annuities aforesaid shall be payable and paid and be transferable at the Bank of *England*, and shall be subject to such Redemption as is herein-after mentioned.

Payment out of  
Consolidated  
Fund of  
Annuities, &c.  
in respect of  
5,000,000*l.*;  
to be charged  
on said Fund.

VIII. So much Money shall from Time to Time be set apart and issued at the Receipt of the Exchequer, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, to the said Cashier or Cashiers of the Governor and Company of the Bank of *England*, as shall be sufficient to satisfy and pay the said Annuities to be created in respect of the said Sum of Five Millions, together with the Charges attending the same.

IX. The said Annuities, Interest, and Dividends which shall become payable in respect of the said Sum of Five Millions shall be charged and chargeable upon and are hereby charged upon and made payable out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

The Bank to  
appoint a  
Cashier and  
an Accountant  
General, and  
the Treasury to  
order Money to  
be issued to the  
Cashier for  
Payment of  
Annuities.

X. For the more easy and sure Payment of the Annuities established by this Act, the said Governor and Company of the Bank of *England* and their Successors shall from Time to Time, until all the said Annuities shall be redeemed, appoint and employ One or more sufficient Person or Persons within their Office in the City of *London* to be their Chief or First Cashier or Cashiers, and One or other sufficient Person within the same Office to be their Accountant General; and so much of the Moneys by this Act appropriated for the Purpose as shall be sufficient from Time to Time to answer the said Annuities and other Payments herein directed to be made out of the said Moneys, in respect of the said Sum of Five Millions, shall, by Order of the Commissioners of Her Majesty's Treasury, without any further Warrant to be sued for, had, or obtained in that Behalf, from Time to Time, at the respective Days of Payment in this Act appointed for Payment thereof, be issued and paid at the Receipt of the Exchequer to the said First or Chief Cashier or Cashiers of the said Governor and Company of the Bank of *England*, and their Successors for the Time being, by way of Imprest, and upon Account for the Payment of the Dividends payable



*Annuities.*

payable by virtue of this Act ; and such Cashier or Cashiers to whom the said Money shall from Time to Time be issued shall from Time to Time, without Delay, pay the same accordingly, and render his or their Accounts thereof to the Commissioners for auditing the Public Accounts ; and the said Accountant General for the Time being shall from Time to Time inspect and examine all Receipts and Payments of the said Cashier or Cashiers, and the Vouchers relating thereto, in order to prevent any Fraud, Negligence, or Delay.

XI. The Cashier or Cashiers of the Governor and Company of the Bank of *England* who shall have received or shall receive any Part of the said Contributions towards the said Sum of Five Millions shall give a Receipt or Receipts in Writing to every such Contributor for all such Sums ; and the Receipts so to be given shall be assignable at any Time before the Twenty-fourth Day of *April* One thousand eight hundred and fifty-six and no longer : Provided always, that such Cashier or Cashiers shall give Security, to the good Liking of the Commissioners of Her Majesty's Treasury, for duly answering and paying into the Receipt of the Exchequer, as after mentioned, for the Public Use, all the Moneys which he or they has or have already received and shall hereafter receive from Time to Time, of and for the whole of the said Sum of Five Millions, and for accounting duly for the same, and for Performance of the Trust hereby in him or them reposed, and shall from Time to Time pay all such Moneys, as soon as he or they shall receive the same or any Part thereof, or within Five Days afterwards at the farthest, into and shall account for the same in the Exchequer, according to the due Course thereof.

XII. It shall be lawful for the Commissioners of Her Majesty's Treasury to issue and apply from Time to Time all such Sums of Money as shall be so paid into the Receipt of Her Majesty's Exchequer by the said Cashier or Cashiers, in respect of the said Sum of Five Millions, to such Services as have been or shall be voted by the Commons of the United Kingdom of *Great Britain* and *Ireland*, or to such Services as are now charged on the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, or shall be charged thereon by any Act that may be passed hereafter.

XIII. In the Office of the Accountant General of the Governor and Company of the Bank of *England* for the Time being a Book or Books shall be provided and kept, in which the Names of the Contributors shall be fairly entered ; which Book or Books the said respective Contributors, their respective Executors, Administrators, Successors, and Assigns, shall and may from Time to Time, and at all seasonable Times, resort to and inspect without any Fee or Charge ; and the said Accountant General shall, on or before the Fifth Day of *January* One thousand eight hundred and fifty-seven, transmit an attested Duplicate, fairly written on Paper, of the said Book or Books, into the Office of the Receipt of the Exchequer, there to remain for ever.

XIV. In case any such Contributors who have already deposited with or shall hereafter pay to the said Cashier or Cashiers any Sum or Sums of Money at the Time and in the Manner herein-before mentioned, in part of the Sum or Sums so by them respectively subscribed, or their respective Executors, Administrators, Successors, or Assigns, shall not advance and pay to the said Cashier or Cashiers the Residue of the Sum or Sums so subscribed at the Times and in the Manner before mentioned, then and in every such Case the aforesaid Deposit of Ten Pounds *per Centum* shall be forfeited for the Benefit of the Public, and all Right and Title to the said Ten Pounds *per Centum* Deposit, and to the Annuity in respect thereof, shall be extinguished, anything in this Act contained to the contrary thereof in anywise notwithstanding.

XV. All Persons and Corporations who shall be entitled to any of the Annuities hereby granted in respect of the said Sum of Five Millions, and all Persons and Corporations lawfully claiming under them, shall be possessed thereof as of a Personal Estate, which shall not be descendible to Heirs, nor liable to any Foreign Attachment by the Custom of *London* or otherwise, any Law, Statute, or Custom to the contrary notwithstanding.

XVI. Books shall be constantly kept by the said Accountant General for the Time being, wherein all Assignments or Transfers of all Sums of Stock in the Consolidated Three Pounds *per Centum* Annuities created under this Act shall be entered and registered, which Entry shall be conceived in proper Words for that Purpose, and shall be signed by the Parties making such Assignments or Transfers, or if such Parties be absent, by their respective Attorney or Attorneys thereunto lawfully authorized in Writing under his or their Hand and Seal or Hands and Seals, to be attested by Two or more credible Witnesses ; and the several Persons to whom such Transfers shall be made may respectively underwrite their Acceptance thereof, and no other Method of assigning and transferring the said Stock or Annuities, or any Part thereof, or any Interest therein, shall be good or available in Law ; and no Stamp Duties whatsoever shall be charged on any of the said Transfers, any Law or Statute to the contrary notwithstanding.

XVII. Out of the Monies arising from the Contributions towards raising the said Sum of Five Millions by Annuities, the Commissioners of Her Majesty's Treasury shall have Power to discharge all such incidental Charges as shall necessarily attend the Execution of this Act, in such Manner as to them shall seem just and reasonable.

XVIII. It shall be lawful for the Commissioners of Her Majesty's Treasury to direct the Payment out of the Consolidated Fund to the Governor and Company of the Bank of *England* of the Sum of Five hundred Pounds for every Million of the said Contributions as an Allowance for the Service, Pains,

Cashier to give Receipt for Subscriptions, which may be assigned before 24th April 1856.

Cashier to give Security for paying the Money he receives into the Exchequer.

Treasury may apply the Money paid into the Exchequer.

A Book to be kept in the Accountant General's Office for entering Contributors Names, a Duplicate whereof to be transmitted to the Exchequer.

Contributors not paying up Sums subscribed to forfeit their Deposits.

Annuities to be deemed Personal Estate.

Accountant General to keep Books for entering Transfers.

Transfers not liable to Stamp Duties.

Treasury to defray Incidents attending Execution of this Act.

Allowance for the Expense of Management.

## Annuities.

and Labour of the said Cashier or Cashiers employed in receiving, paying, and accounting for the same, and also for the Service, Pains, and Labour of the said Accountant General for performing the Trust reposed in him by this Act, which Allowance, in respect of the Service, Pains, and Labour of the said Cashier or Cashiers and Accountant General of the said Governor and Company, shall be for the Use of the said Governor and Company, and at their Disposal only.

The 3 per Cent. Annuities to be added to the Joint Stock of the 3 per Cent. Consols.

XIX. All the Annuities after the Rate of Three Pounds *per Centum per Annum* to which any Person or Persons shall become entitled by virtue of this Act, in respect of any Sum advanced or contributed towards the said Sum of Five Millions, shall be added to the Joint Stock of Annuities transferable at the Bank of *England* into which the several Sums carrying an Interest after the Rate of Three Pounds *per Centum per Annum* were by several Acts made in the Twenty-fifth, Twenty-eighth, Twenty-ninth, Thirty-second, and Thirty-third Years of the Reign of King *George* the Second, and by several subsequent Acts, consolidated, and shall be deemed Part of the said Joint Stock of Annuities; subject nevertheless to Redemption by Parliament in such Manner and upon such Notice as in the said Act made in the Twenty-fifth Year of the said Reign is directed in respect of the several and respective Annuities redeemable by virtue of the said Act; and all and every Person and Persons and Corporation whatsoever, in proportion to the Money to which he, she, or they shall become entitled as aforesaid by virtue of this Act, shall have and be deemed to have a proportional Interest and Share in the said Joint Stock of Annuities, at the Rates aforesaid.

Sinking Fund.

XX. For the Purpose of the Extinction of a Portion of the Funded Debt of the United Kingdom equal to the Amount to be added to the said Joint Stock as aforesaid, there shall be issued and paid, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, or out of the growing Produce thereof, to the Commissioners for the Reduction of the National Debt, in the financial Year commencing on the First Day of *April* which shall first happen Twelve Months after the Ratification of a definitive Treaty of Peace with *Russia*, and in every subsequent Year until such Portion of the said Funded Debt is extinguished, by means of the Moneys issued to the said Commissioners under this Enactment, the Sum of Two hundred and fifty thousand Pounds; provided that in case, in the last Year in which such Sum would be payable, the Sum necessary for purchasing the remaining Part of the said Portion of such Funded Debt be less than Two hundred and fifty thousand Pounds, then so much Money only as may be necessary for that Purpose shall be issued and paid as aforesaid; and the Sums so to be issued and paid to the Commissioners for the Reduction of the National Debt shall be applied by them from Time to Time in the Purchase of such Funded Debt, in the Manner directed by the Acts for the Reduction of the National Debt, until by means of such Sums a Sum of Five million five hundred and fifty-five thousand four hundred and sixteen Pounds Thirteen Shillings and Fourpence of such Funded Debt has been extinguished and cancelled, and all such Funded Debt purchased by the said Commissioners under the Authority of this Act shall from Time to Time be forthwith cancelled and extinguished, and all Dividends in respect thereof shall cease to be payable; and for the Purposes of the Acts for the Reduction of the National Debt, the Sums to be issued and paid to the said Commissioners as aforesaid shall be deemed Part of the Expenditure of the United Kingdom.

Persons counterfeiting Receipts for Contributions, &c. guilty of Felony.

XXI. If any Person shall forge or counterfeit, or cause or procure to be forged or counterfeited, or shall willingly act or assist in the forging or counterfeiting, any Receipt or Receipts for the whole or any Part or Parts of the said Contributions towards the said Sum of Five Millions, either with or without the Name or Names of any Person or Persons being inserted therein, as the Contributor or Contributors thereto, or Payer or Payers thereof, or of any Part or Parts thereof, or shall alter any Number, Figure, or Word therein, or utter or publish as true any such false, forged, counterfeited, or altered Receipt or Receipts, with Intent to defraud the Governor and Company of the Bank of *England*, or any Body Politic or Corporate, or any Person or Persons whatsoever, every such Person so forging or counterfeiting, or causing or procuring to be forged or counterfeited, or willingly acting or assisting in the forging or counterfeiting, or altering, uttering, or publishing as aforesaid, being thereof convicted in due Form of Law, shall be adjudged guilty of Felony, and shall, at the Discretion of the Court, be liable to be transported beyond the Seas for Life or for any Term not less than Fourteen Years, or to be kept in Penal Servitude for Life or for any Term not less than Four Years, or to be imprisoned, with or without Hard Labour, for any Term not exceeding Four Years nor less than Two Years.

Bank to continue a Corporation till the Annuities hereby granted shall cease.

XXII. The said Governor and Company of the Bank of *England*, and their Successors, notwithstanding the Redemption of all or any of their own Funds, in pursuance of the Acts for establishing the same or any of them, shall continue a Corporation for the Purposes of this Act until the Consolidated Three Pounds *per Centum* Annuities by this Act granted shall be redeemed by Parliament as aforesaid; and the said Governor and Company of the Bank of *England*, or any Member thereof, shall not incur any Disability for or by reason of their doing any Matter or Thing in pursuance of this Act.

Penalty on Persons taking Fees for Receipts or Payments.

XXIII. No Fee, Reward, or Gratuity whatsoever shall be demanded or taken of any of Her Majesty's Subjects for receiving or paying the said Subscription or Contribution Moneys or any of them, or for any Receipt concerning the same, or for paying the said Annuities, or for any Transfer of any Sum, great or small, to be made in pursuance of this Act, upon pain that any Officer or Person offending by taking or demanding any such Fee, Reward, or Gratuity shall for every such Offence forfeit the Sum

of

*Annuities.**Consolidated Fund (£26,000,000).**Marine Mutiny.*

of Twenty Pounds to the Party aggrieved, with full Costs of Suit, to be recovered in any of Her Majesty's Superior Courts of Law at *Westminster*.

XXIV. If any Person or Persons shall be sued, molested, or prosecuted for anything done by virtue or in pursuance of this Act, such Person or Persons shall and may plead the General Issue, and give this Act and the special Matter in Evidence in his, her, or their Defence or Defences; and if afterwards a Verdict shall pass for the Defendant or Defendants, or Plaintiff or Plaintiffs shall discontinue his, her, or their Action or Prosecution, or be nonsuited, or Judgment shall be given against him, her, or them, upon Demurrer or otherwise, then such Defendant or Defendants shall have full Costs awarded to him, her, or them, against any such Plaintiff or Plaintiffs.

General Issue.

XXV. Provided, That none of the Provisions of an Act of the Twenty-second Year of His late Majesty King *George* the Third, Chapter Forty-five, shall be construed to extend to any Subscriber or Contributor under this Act.

Provisions of 22 G. 3. c. 45. not to extend to Subscribers under this Act

## C A P. VII.

An Act to apply the Sum of Twenty-six Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-six. [14th *March* 1856.]

## C A P. VIII.

An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.

[14th *March* 1856.]

[*This Act is the same, except as to Dates and the Parts here inserted, as 18 & 19 Vict. c. 12.*]

WHEREAS 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:

I. That it shall be lawful for the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral aforesaid, to make, ordain, 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, 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* and *Ireland* or the *British Isles* shall by such Articles be subject to be transported as a Felon, or be sentenced to Penal Servitude, or to suffer any Punishment extending to Life or Limb, except for Crimes which are by this Act expressly made liable to such Transportation or Penal Servitude, or 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 shall not accord with the Provisions of this Act.

Lord High Admiral, &amp;c. may make Articles for the Punishment of Mutiny, Desertion, &amp;c.

VI. All of Her Majesty's Royal Marine Forces shall, during the Time they shall be respectively borne on the Books of 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, and shall and may be proceeded against and punished for Offences committed by them whilst so borne, in the same Manner as the Officers and Seamen employed in the Royal Navy may be tried or punished;

Marines to be subject to the Discipline of the Navy while on board Ship.

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except when and so long as any Marine Officers or Marines shall be landed from any of Her Majesty's Ships, and be employed in Military Operations on shore, and when on such Occasions the senior Naval Officer present shall deem it expedient to issue an Order declaring that such Marine Officers and Marines shall during such Employment on shore be subject to the Regulations of this Act, in which Cases, and while such Order shall remain in force, they shall be subject to such Regulations, and be tried and punished under this Act accordingly, for any Offences to be committed by them while so on shore : 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.

As to General  
Courts-martial.

VIII. A general Court-martial convened in *St. Helena*, the Settlements on the Western Coast of *Africa*, *Honduras*, *New Zealand*, the *Australian Colonies*, *Hong Kong*, *Prince of Wales Island*, *Singapore*, and *Malacca*, and the Settlements on the Coast of *China*, shall consist of not less than Five Commissioned Officers ; if convened in *Jamaica*, the *Windward* and *Leeward Islands*, *British Guiana*, *Newfoundland*, *Bermuda*, the *Bahamas*, the *Cape of Good Hope* or other Settlements in *Southern Africa*, or in any Part out of the Queen's Dominions, excepting the *Ionian Islands* and the Parts before mentioned, it shall consist of not less than Seven ; and if convened in any other Part of the Queen's Dominions, or in the *Ionian Islands*, or in the Settlements of the *East India Company*, it shall consist of not less than Thirteen Commissioned Officers ; and shall have Power to sentence any Officer or Soldier to suffer Death, Transportation, Penal Servitude, or any other Punishment which shall accord with the Provisions of this Act.

District or  
Garrison  
Courts-martial.

IX. A District or Garrison Court-martial shall consist of not less than Seven Commissioned Officers, except in *Bermuda*, the *Bahamas*, the *Cape of Good Hope* or other Settlements in *Southern Africa*, *Saint Helena*, *Jamaica*, *Honduras*, *Newfoundland*, *New Zealand*, the *Australian Colonies*, the *Windward* and *Leeward Islands*, *British Guiana*, *Hong Kong*, and the Settlements on the Coast of *China*, where it may consist of not less than Five Commissioned Officers, and in the Settlements on the Western Coast of *Africa*, where it may consist of not less than Three Commissioned Officers ; and such Court-martial 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 such Court-martial shall not have Power to try a Commissioned Officer, nor to pass any Sentence of Death or Transportation or Penal Servitude.

Commutation  
of Death for  
Transportation,  
or other  
Punishment.

XXIII. Whosoever any General Court-martial by which any Marine shall have been tried and convicted of any Offence punishable with Death shall not think the Offence deserving of Capital Punishment, such Court-martial may adjudge the Offender, according to the Degree of the Offence, to be transported as a Felon for Life or for any Term of Years, not less than Fourteen Years, or may sentence him to Penal Servitude for any Term not less than Four Years, or to general Service as a Marine or as a Soldier in any Corps and in any Country or Place which Her Majesty shall thereupon direct, or may, if such Offender shall have enlisted for a limited Term of Years, sentence him to serve for Life as a Marine or as a Soldier in any Corps which Her Majesty shall please to direct : Provided always, that in all Cases where a Capital Punishment 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 the *East Indies*, for the Officer commanding in chief the Forces in *India*, or if out of Her Majesty's Dominions (the *Ionian Islands* excepted) for the Officer commanding in chief Her Majesty's Forces there serving, instead of causing such Sentence to be carried into execution, to order the Offender to be transported as a Felon either for Life or for any Term of Years not less than Fourteen, or to be kept to Penal Servitude for any Term not less than Four Years, or to suffer such Term of Imprisonment, either with or without Hard Labour, as shall seem meet to Her Majesty, or, if in the *East Indies*, or out of Her Majesty's Dominions (the *Ionian Islands* excepted), to the Officers commanding as aforesaid.

Embezzlement  
punishable by  
Transportation  
or Penal  
Servitude.

XXIV. Every Officer and other Person employed or in any way concerned in the Care or Distribution of any Money, Provisions, Forage, or Stores belonging to Her Majesty's Royal Marine Forces or for their Use, who shall embezzle or fraudulently misapply, wilfully damage, steal, or be concerned in or connive at the Embezzlement, fraudulent Misapplication, wilful Damage, or Theft 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, may be tried for the same by a General Court-martial, which may adjudge any such Offender to be transported as a Felon for Life, or for any Term of Years not less than Fourteen, or to Penal Servitude not less than Four Years, or to suffer such Punishment of Fine, Imprisonment, Dismissal from Her Majesty's Service, and Incapacity of serving Her Majesty in any Office, Civil or Military, 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, which shall have been ascertained by such Court-martial ; and in every such Case

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the Court is required to ascertain by Evidence the Amount of the Loss or Damage incurred, 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; and every Commissioned Officer sentenced to be transported as a Felon or to be kept to Penal Servitude, when such Sentence shall be duly confirmed, shall thereupon cease to belong to Her Majesty's Service, and for ever be incapable of serving Her Majesty in any Military Capacity.

XXV. Whenever Her Majesty shall intend that any Sentence of Transportation or 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 Transportation or Penal Servitude Sentence of Death which shall have been passed by any such Court, such Sentence, together with Her Majesty's Pleasure upon the same, shall be notified in Writing by the Lord High Admiral, or by any Two or more of the Commissioners for executing the said Office of Lord High Admiral for the Time being; to any Justice of the Queen's Bench, Common Pleas, or Baron of the Exchequer, and thereupon such Justice or Baron shall make an Order for the Transportation or Penal Servitude of such Offender upon the Terms and for the Time which shall be specified in such Notification, and shall also do all such other Acts consequent upon such Notification as any such Justice or Baron is authorized to make or do by any Statute or Statutes in force at the Time of making any such Orders in relation to Transportation or 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 or 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 transported, or to be kept to Penal Servitude, shall be subject respectively to all and every the Penalties and Provisions made by Law and in force concerning Persons convicted of any Crime and sentenced to be transported, or to be kept to Penal Servitude, or receiving Her Majesty's Pardon on Condition of Transportation or Penal Servitude; and from the Time when such Order of Transportation or Penal Servitude shall be made every Law and Statute in force touching the Escape of Felons, or their afterwards returning or their 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 Transportation or Penal Servitude as aforesaid shall direct the Notification of Her Majesty's Pleasure, and his own Order made thereupon, to be filed and kept of Record in the Office of the Clerk of the Crown of the Court of Queen's Bench; and the said Clerk shall have a Fee of Two Shillings and Sixpence only for filing the same, and shall, on Application, deliver a Certificate in Writing (not taking more than Two Shillings and Sixpence for the same) to such Offender, or to any Person applying in his or Her Majesty's Behalf, showing the Christian and Surname of such Offender, his Offence, the Place where the Court was held before which he was convicted, the Sentence, and the Conditions on which the Order of Transportation or Penal Servitude was given; 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 Transportation or Penal Servitude was given, in any Court and in any Proceeding wherein it may be necessary to inquire into the same.

Transportation  
of Offenders.

Sentence to be  
notified to a  
Judge, who will  
make Order  
accordingly.

XXVI. Whenever any Sentence of Transportation or Penal Servitude heretofore or hereafter passed upon any Offender by any Court-martial holden in the *East Indies*, or in any Part of Her Majesty's Foreign Dominions, or elsewhere beyond the Seas, is to be carried into execution for the Term specified in such Sentence, or for any shorter Term, or when Sentence of Death has been or shall as aforesaid be commuted to Transportation or 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 to some Judge of One of the Supreme Courts of Judicature in the *East Indies*, or Chief Justice or some other Judge, as the Case may be, in any Part of Her Majesty's Foreign Dominions, who shall make Order for the Transportation or Penal Servitude or intermediate Custody of such Offender in like Manner as for the Transportation or Penal Servitude or intermediate Custody of any other Convict; 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 to some Colony or Place in obedience to the Directions for the Removal 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 on

In the  
Colonies.

being

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being so removed shall undergo the Sentence of Transportation or Penal Servitude which has been passed upon him 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 there 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 Transportation or Penal Servitude by the Judgment of a Court of competent Jurisdiction in the Colony or Place to which he has been so removed or sent: Provided always, that in any Case where a Sentence of Transportation or Penal Servitude shall have been awarded by a General Court-martial or Detachment General Court-martial, it shall be lawful for Her Majesty, or, if in the *East Indies*, for the Officer commanding in chief the Forces in *India*, instead of causing such Sentence to be carried into execution, to order that the Offender be imprisoned for a Term not exceeding Two Years, either with or without Hard Labour and Solitary Confinement not exceeding the Period herein-after prescribed.

Imprisonment for Two Years, with or without Hard Labour and Solitary Confinement, may be substituted.

Forfeiture of Pay for Drunkenness on Duty.

Stoppages.

XXXV. Any Court-martial may sentence any Marine for being drunk on Duty under Arms to be deprived of a Penny a Day of his Pay for any Period not exceeding Sixty Days, and for being drunk when on any Duty not under Arms or for Duty or on Parade or on the Line of March, to be deprived of a Penny a Day of his Pay for any Period not exceeding Thirty Days, and such Deprivation may in either Case be in addition to any other Punishment which such Court may award.

XXXVI. 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 Bounty fraudulently obtained by him by Desertion from his Corps and enlisting in some other Corps or the Militia :

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 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 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 after satisfying the Charges for his messing and washing, so much only of the Pay of the Marine may be stopped and applied as shall leave him a Residue at the least of One Penny a Day.

Notice of Expiration of Imprisonment in Common Gaols to be given by Gaoler to Secretary of Admiralty.

XLV. Every Gaoler or Person having the immediate Inspection 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 believe or to know 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 ; 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, previously 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 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

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Majesty's Navy the Sum of Two Shillings *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.

L. Upon reasonable Suspicion that a Person is a Deserter it shall be lawful for any Constable, or if no Constable can be immediately met with, then it shall be lawful for any Officer or Marine or Soldier in Her Majesty's Service, to apprehend or cause such suspected Person to be apprehended, and to bring or cause him to be brought before any Justice living in or near such Place, and acting for the County or Borough wherein such Place is situate, or for the County adjoining such first-mentioned County or such Borough; and such Justice is hereby authorized and required to inquire whether such suspected Person is a Deserter, and if it shall appear by the Testimony of One or more Witnesses taken upon Oath, or by the Confession of such suspected Person, confirmed by some corroborative Evidence, or by the Knowledge of such Justice, or by Evidence sufficient to satisfy such Justice, that there are reasonable Grounds for believing that such suspected Person is a Deserter, such Justice shall forthwith cause him to be conveyed in Civil Custody to the Head Quarters or Depôt of the Division to which he belongs, if stationed within a convenient and easily accessible Distance from the Place of Commitment, or if not so stationed then to the nearest or most convenient public Prison (other than a Military Prison) or Police Station legally provided as the Lock-up House for temporary Confinement of Persons taken into Custody, whether such Prison or Police Station be in the County or Borough in which such suspected Person was apprehended or in which he was committed, or not; or if the Deserter shall have been apprehended by a Party of Marines in charge of a Commissioned Officer, such Justice may deliver him up to such Party, unless the Officer shall deem it necessary to have the Deserter committed to Prison for safe Custody; and such Justice shall transmit an Account thereof, in the Form prescribed in the Schedule annexed to this Act, to the Secretary of the Admiralty, specifying thereon whether such Deserter was delivered to a Party of Marines in order for his being taken to the Head Quarters or Depôt of his Division, or whether such Deserter was committed to Prison, to the end that the Person so committed may be removed by an Order from the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, and proceeded against according to Law; and such Justice shall also send to the Secretary of the Admiralty a Report stating the Names of the Persons by whom the Deserter was apprehended and secured, and the Secretary of the Admiralty shall transmit to such Justice an Order upon the proper Department for the Payment of the Sum of Twenty Shillings as a Reward to the Person so certified to be entitled thereto; and for such Information, Commitment, and Report as aforesaid the Clerk of the said Justice shall be entitled to a Fee of Two Shillings and no more; and every Gaoler and other Person into whose Custody any Person charged with Desertion is committed shall, immediately upon the Receipt of the Person so charged into his Custody, pay such Fee of Two Shillings, and also, upon the Production of a Receipt from the Medical Practitioner who may have been required to examine such suspected Person, a Fee of Two Shillings and Sixpence, and shall notify the fact to the Secretary of the Admiralty, and transmit also to the Secretary of the Admiralty a Copy of the Commitment, to the end that the Secretary of the Admiralty may order Repayment of the same; and that when any Person shall be apprehended and committed as a Deserter in any of Her Majesty's Colonies, the Justice shall forthwith cause him to be conveyed to some public Prison, if the Detachment to which he is suspected to belong shall not be in the Colony, or if the Detachment be in the Colony, the Justice may, if within reasonable Distance, deliver him into Custody at the nearest Military Post, although the Detachment to which such Person is suspected to belong may not be stationed at such Military Post; and such Justice shall in every Case transmit to the Officer commanding in the Colony a Descriptive Return in the Form prescribed, to the end that such Person may be removed by the Order of such Officer, and proceeded against according to Law.

Apprehension  
of Deserters.

LII. Every Gaoler or Person having the immediate Inspection 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 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 Person 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 the said Lord High Admiral or the said Commissioners.

Temporary  
Custody of  
Deserters in  
Gaols.

LIV. Any Person who shall, in any Part of Her Majesty's Dominions, by Words or by any other Means whatsoever, directly or indirectly procure any Marine to desert, or shall by Words or by any other Means whatsoever attempt to procure or persuade any Marine to desert, and any Person who, knowing that any Marine is about to desert, shall aid or assist him in deserting, or, knowing any Marine to be a Deserter, shall conceal such Deserter, or aid or assist such Deserter in concealing himself, or aid or assist in his Rescue, shall be deemed guilty of a Misdemeanor, and shall on Conviction thereof be liable to be punished by Fine or Imprisonment, or both, as the Court before which such Conviction shall take place may adjudge.

Punishment  
for inducing  
Marines to  
desert.

LX. Any

*Marine Mutiny.*

Dissent and  
Relief from  
Enlistment.

LX. Any Recruit appearing as aforesaid before such Justice shall be at liberty to declare his Dissent to such Enlisting, and upon such Declaration, and repaying the Enlisting Money, and the full Amount of any Pay he may have received as a Recruit, and also paying the Sum of Twenty Shillings as Smart Money, shall be forthwith discharged in the Presence of such Justice; but if such Person shall refuse or neglect, within the Space of Twenty-four Hours after so declaring his Dissent, to return and pay all such Money and Pay as aforesaid, he shall be deemed and taken to be enlisted as if he had given his Assent thereto before the said Justice: Provided always, that it shall be lawful for any Justice to discharge any Person who shall have hastily enlisted, and who shall apply to him to declare his Dissent within such Ninety-six Hours as aforesaid, upon Payment of the Sum of Money required to be paid by any Recruit declaring his Dissent under this Act, notwithstanding no Person belonging to the Recruiting Party shall be with the Recruit, if it shall appear to such Justice upon Proof to his Satisfaction that the Recruiting Party has left the Place where such Recruit was enlisted, or that the Recruit could not procure any Person belonging to such Party to go with him before the Justice; and the Sum paid by such Recruit upon his Discharge shall be kept by the Justice, and after deducting One Shilling as the Fee for reporting the Payment to the Secretary of the Admiralty, shall be paid to any Person belonging to the Recruiting Party entitled thereto and demanding the same: Provided also, that no Recruit who has actually, though erroneously, been discharged by the Justice before the Expiration of Twenty-four Hours after the Time of his Enlistment, shall be liable on that account to be proceeded against as having deserted from Her Majesty's Service; and the Justice who shall discharge any Recruit shall in every Case give to him a Certificate under his Hand specifying the Cause thereof.

Penalty for,  
purchasing  
Clothes, &c.  
from any  
Marine.

LXXXII. Any Person who shall detain, buy, or exchange, or otherwise receive from any Marine or Marine Deserter, or any other Person, upon any Account or Pretence whatsoever, or 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 Majesty'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, 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, 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 possessed; and if any Person having been so convicted shall afterwards be guilty of any such Offence, and shall be convicted thereof by One or more Justices of the Peace, every such Offender 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 only, or to be imprisoned and kept to 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 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 a Conviction for the former Offence; 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, the 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 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 such Justice, to be dealt with according to Law.

Limitation  
of Actions.

LXXXV. 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 of 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



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.

XCI. All Clauses and Provisions in this Act contained relating to *England* shall be construed to extend to *Wales* and 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 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 authorized 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 Inspectors or other Officers of Police, and 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 Provisions for billeting Marines in Victualling Houses shall extend and apply to all Inns, Livery Stables, Alehouses, and to the Houses of Sellers of Wine by Retail, whether *British* or Foreign, to be drank 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 drank in their Dwelling Houses or Premises, and to all Houses of Persons selling Brandy, Strong Waters, Cider, or Metheglin, by Retail, in *England* 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 *England* in any private Houses or in any Canteen held or occupied under the Authority of the 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 Licences; 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 Tippling in such Houses; nor in the House or Residence in any Part of the United Kingdom of any Foreign Consul duly accredited as such.

Definition of Terms.

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

#### SCHEDULE referred to by this Act.

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

**YOU** shall well and truly try and determine according to the Evidence in the Matter now before you. So help you GOD.

**YOU** 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.

#### C A P. IX.

An Act to amend the Acts relating to the Advance of Public Money to promote the Improvement of Land. [14th March 1856.]

' WHEREAS Acts authorizing and regulating the Advance of Money for the Improvement of Land were passed in the Sessions of Parliament holden in the Ninth and Tenth Years of the Reign of Her Majesty, Chapter One hundred and one, in the Tenth Year of Her Majesty, Chapter Eleven, in the Eleventh and Twelfth Years of Her Majesty, Chapter One hundred and nineteen, in the Twelfth and Thirteenth Years of Her Majesty, Chapter One hundred, in the Thirteenth and Fourteenth Years of Her Majesty, Chapter Thirty-one, and in the Fourteenth and Fifteenth Years of Her Majesty, Chapter Ninety-one: And whereas it is expedient that the Provisions of the said 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:

19 & 20 Vict.

D

I. Sections

9 & 10 Vict. c. 101.

10 Vict. c. 11.

11 & 12 Vict. c. 119.

12 & 13 Vict. c. 100.

13 & 14 Vict. c. 31.

14 & 15 Vict. c. 91.

*Drainage Advances Acts Amendment.*

Sections 8. and 17. of 9 & 10 Vict. c. 101. repealed. If Commissioners think an Advance expedient, they may issue a Provisional Certificate, with the Sanction of the Treasury.

Expenses of Investigation may be charged upon the Land, if Commissioners shall think fit.

Expenses of Assistant Commissioner and others may be by way of Percentage.

Section 28. of 9 & 10 Vict. c. 101. and Section 6. of 10 Vict. c. 11. repealed. Commissioners, when satisfied of the Execution of the Works, may issue Certificate for an Advance under this Act.

Power to Treasury to direct Advances to be made.

Commencement of Rent-charge.

I. Sections Eight and Seventeen of the said Act of the Ninth and Tenth Years of Her Majesty, Chapter One hundred and one, shall be repealed, and the said Act shall be read as if the following Enactment had been therein inserted instead of the said Section Seventeen; that is to say, If the Commissioners shall think that an Advance in respect of the whole or of a proportional Part of the Cost of such Works would be expedient, they may apply to the Commissioners of the Treasury for their Sanction for them to issue to the Owner of Land by whom such Application shall have been made, or, in case his Interest shall have determined, to the Owner of such Land for the Time being, a Provisional Certificate, and such Provisional Certificate shall declare that upon its being shown to the Satisfaction of the Commissioners that the proposed Works have been executed according to the Plan and Specification annexed to the Report of the Commissioner, Assistant Commissioner, Surveyor, or Engineer respectively, in a substantial and durable Manner, the Commissioners will cause an Advance to be issued to an Amount not exceeding the Amount of the whole or of such proportional Part as in such Provisional Certificate shall be expressed of the Expenses which shall have been actually incurred in such Drainage, but limited not to exceed a certain Sum in such Provisional Certificate to be expressed: Provided always, that in case the Commissioners, upon the Investigation of such Application, shall be of opinion that the Amount and Permanence of the Improvement which will be effected by the proposed Drainage in the annual Value of the Land will be such that all or a Part of the Expenses of the Investigation of the Application, and of the Expenses of inspecting and ascertaining the due Execution of the Works, should be a Charge on the Land to which the Application shall relate, the Commissioners may by the Provisional Certificate direct that all or such Part as in such Provisional Certificate may be expressed of the Expenses of such Investigation, and of inspecting and ascertaining the due Execution of the Works, may be included in the Expenses in respect of which such Loan, and the Advances on account thereof, shall be made.

II. The Allowances and Expenses to any Assistant Commissioner, Surveyor, Engineer, or other Person employed under the Provisions of the first-recited Act or any other Acts for the Drainage and Improvement of Land may, if the Commissioners shall think fit, with the Consent of the Commissioners of the Treasury, be by way of Percentage upon the Amount or Amounts in respect of which any such Assistant Commissioner, Surveyor, Engineer, or other Person employed as aforesaid may report to the Commissioners.

III. Section Twenty-eight of the said Act of the Ninth and Tenth Years of Her Majesty, Chapter One hundred and one, and Section Six of the said Act of the Tenth Year of Her Majesty, Chapter Eleven, shall be repealed; and when the Commissioners shall be satisfied by the Report of a Commissioner, Assistant Commissioner, Surveyor, or Engineer respectively, or otherwise, that the Works referred to in any such Provisional Certificate have been executed according to the Terms and Conditions of such Provisional Certificate, or that some Part thereof has been executed, which will, independently of the Part remaining unexecuted, be durable and effectual, and produce an Improvement in the yearly Value of the Land exceeding the Amount of the yearly Charge which can be made in respect of an Advance, and shall be satisfied by such Report or otherwise that such Expense has been actually incurred as will justify the Advance according to the Terms of the Provisional Certificate, the Commissioners shall issue a Certificate of Advance under their Seal, and such Certificate shall specify the Land in respect of which such Advance is to be made, and shall certify that such Sum as therein mentioned should be issued to the Person therein named in respect of the Drainage of such Land.

IV. The Commissioners of the Treasury, upon the Application of the Commissioners, may from Time to Time direct the Comptroller of Her Majesty's Exchequer to give the necessary Issue to the Commissioners (whether by a Credit on the growing Produce of the Consolidated Fund or by Exchequer Bills) to enable them to make Advances under the said Acts; and the said Comptroller General is hereby required, upon the Receipt of such Direction, either to give a Credit on the Exchequer Funds at the Bank of *England* to the Commissioners, or to issue to them, or cause to be placed to their Account at the Bank of *England*, Exchequer Bills for the Amount specified in such Direction from the Treasury; and the said Commissioners shall upon such Exchequer Credits or the Produce of the Sale of such Exchequer Bills give Warrants or Orders under their Seal to the Governor and Company of the Bank of *England* to pay from the "Drainage Advances and Repayments Account," to the respective Parties named in such Warrants or Orders, the Sums specified therein.

V. In case such Warrant or Order shall not be presented for Payment before the Sixth Day of *April* or the Tenth Day of *October*, whichever shall first respectively happen, next after the Date of such Warrant or Order, the Land comprised in the Certificate of Advance in respect of which such Warrant or Order shall have been given shall be charged in such and the same Manner as if such Warrant or Order had been presented and an Issue made thereon prior to such Sixth Day of *April* or Tenth Day of *October* first happening as aforesaid; and where any Warrant or Order already issued has not been presented, the Land comprised in the Certificate of Advance in respect of which such Warrant or Order has been given shall be charged in such and the same Manner as if such Warrant or Order had been presented, and an Issue made thereon prior to the Sixth Day of *April* or the Tenth Day of *October* first happening after the passing of this Act.

VI. Section

*Drainage Advances Acts Amendment.**Mutiny.*

VI. Section Twenty-nine of the Ninth and Tenth Years of Her Majesty, Chapter One hundred and one, shall be repealed; and in the Case of Advances proposed to be made under this or the said recited Acts in respect of Lands in *Scotland*, the said Commissioners shall deliver the Certificate of Advance to the Owner of the said Lands or Party applying for such Advance; and the said Owner or Party shall thereafter cause the said Certificate to be duly registered in the General or Particular Register of Sasines, and shall thereafter return the same to the said Commissioners, with an Endorsement thereon by the Keeper of the said Register, which the said Keeper is hereby authorized and required to grant, certifying that the same has been duly registered.

VII. All Certificates of Advance issued by the Commissioners shall be retained by them, and deposited with the Records of their Office.

VIII. Upon any Apportionment of Rentcharge it shall be lawful for the Commissioners, if they shall see fit, to apportion such Rentcharge upon Parts only of the Land comprised in the Certificates of Advance to the Exclusion of the other Lands comprised therein, and such Lands so excluded shall after such Order of Apportionment be absolutely exonerated and discharged from the Payment of any Part of such apportioned Rentcharges.

IX. So much of the Second Section of the Tenth Year of Her Majesty, Chapter Eleven, as relates to an Advance, shall be repealed; and it shall be lawful for the Commissioners to issue an Advance in respect of any Works, notwithstanding Deviations therein from the proposed Manner of effecting the Drainage, if such Deviation shall appear to the Commissioners to be expedient, and productive of Improvement as permanent and of as great yearly Amount as the Manner at first proposed.

X. The Commissioners to issue and deliver Certificates of Redemption under the Forty-fifth Section of the said Act of the Ninth and Tenth Years of Her Majesty, Chapter One hundred and one, and to declare that the Rentcharge shall continue a Charge upon the Land, under the Thirtieth Section of the Twelfth and Thirteenth Years of Her Majesty, Chapter One hundred, shall be the Board of Inland Revenue, and the Powers and Authorities vested in Commissioners under such Sections shall be executed by such Board.

XI. Where the "Owner of Land" shall be a Minor, Idiot, Lunatic, Feme Covert, beyond the Seas, or under any other legal Disability, without having any Guardian, Tutor, Curator, Trustee, Committee of the Estate, Husband, or Attorney, it shall be lawful for the Commissioners, by an Order under their Hands and Seal, to appoint any Person approved of by them as the Substitute for such Owner, for all the Purposes of the said recited Acts and of this Act.

XII. The Provisions of this Act relative to the Issue of Certificates of Advance, and other Provisions consequent thereon, shall apply to all Certificates to be hereafter issued by the Commissioners, whether the Provisional Certificates bear Date prior to or subsequent to the passing of this Act.

XIII. The said recited Acts and this Act shall be read and construed together as One Act.

XIV. In citing this Act and the said recited Acts, or any of them, except the said Act of the Twelfth and Thirteenth Years of Her Majesty, Chapter One hundred, in other Acts of Parliament and in legal Instruments, it shall be sufficient to use the Expression "The Public Money Drainage Acts," and such Expression shall be held to refer to and include so much of the said Act of the Twelfth and Thirteenth Years of Her Majesty as amends the said Acts of the Ninth and Tenth and Tenth Years of Her Majesty, otherwise than in relation only to the Advance of private Money for Drainage.

## C A P. X.

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

[14th March 1856.]

[This Act is the same, except as to Dates and the Parts here inserted, as 18 & 19 Vict. c. 11.]

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

Section 29. of 9 & 10 Vict.

c. 101. repealed.

In case of Advances in respect of Lands in *Scotland* Certificate to be delivered to Owner.

Certificates to be deposited.

Upon Apportionment, Part of Lands may be freed from Rentcharge.

Part of s. 2. of 10 Vict. c. 11. repealed.

Advances, &c. notwithstanding Deviation. Construction of "Commissioners."

Power for Commissioners to appoint, in certain Cases, a Substitute for Owner.

Act to apply to all Certificates hereafter issued. Acts to be read together.

Short Titles.

Numbers, 246,716 Men.

*Mutiny.*

Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That—

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.

I. It shall be lawful for Her Majesty to make Articles of War for the better Government of Her Majesty's Forces, 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-at-War 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 the *British Isles*, shall by such Articles of War be subject to be transported as a Felon, or to be sentenced to Penal Servitude, or to suffer any Punishment extending to Life or Limb, except for Crimes which are by this Act expressly made liable to such Transportation or Penal Servitude or 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 shall not accord with the Provisions of this Act.

Persons subject to this Act.

II. All the Provisions of this Act shall apply to all Persons who are or shall be commissioned or in Pay as an Officer, or who are or shall be listed or in Pay as a Non-commissioned Officer or Soldier, and to all Persons employed on the Recruiting Service receiving Pay in respect of such Service, and to the Officers and Soldiers belonging to the Forces of the *East India Company* while such Officers or Soldiers shall be in any Part of the United Kingdom, and to the Officers and Persons who are or shall be serving and hired to be employed in the Royal Artillery and Field Train, and to Master Gunners, and Gunners, and Conductors of Stores, and to all Officers and Persons who are or shall be serving in the Regiment of Royal Engineers and the Corps of Royal Sappers and Miners, and in the Corps of Royal Military Surveyors and Draftsmen, or in the Land Transport Corps or Army Works Corps, and to Persons in the War Department, who are or shall be serving with any Part of Her Majesty's Forces at home or abroad, under the Command of any Officer having Commission from Her Majesty or from His late Majesty King *William the Fourth*, and to all Storekeepers and other Civil Officers who are or shall be employed by or act under the War Department at any of Her Majesty's Establishments in the Islands of *Jersey, Guernsey, Alderney, Sark, and Man*, and the Islands thereto belonging, or at Foreign Stations; provided that nothing in this Act contained shall extend to affect any Security which has been given by such Storekeeper, Barrack Master, or other Officer, or their Sureties, for the due Performance of their respective Offices, under the Provisions of an Act passed in the Fiftieth Year of the Reign of His Majesty King *George the Third*, to regulate the taking of Securities in all Offices, but that such Bonds and other Securities shall be and remain in full Force and Effect.

As to General Courts-martial convened in Saint Helena, &c.

VII. A General Court-Martial convened in *Saint Helena*, the Settlements on the Western Coast of *Africa, Honduras, New Zealand, the Australian Colonies, Hong Kong*, and the Settlements on the Coast of *China*, and *Prince of Wales Island, Singapore, and Malacca*, shall consist of not less than Five Commissioned Officers; if convened in *Jamaica, the Windward and Leeward Islands, British Guiana, Newfoundland, Bermuda, the Bahamas, the Cape of Good Hope* or other Settlements in *Southern Africa*, or in any Part out of the Queen's Dominions, excepting the *Ionian Islands* and the Parts before mentioned, it shall consist of not less than Seven, and if convened in any other Part of the Queen's Dominions, or in the *Ionian Islands* or in the Settlements of the *East India Company*, it shall consist of not less than Thirteen Commissioned Officers; and shall have Power to sentence any Officer or Soldier to suffer Death, Transportation, Penal Servitude, or any other Punishment which shall accord with the Provisions of this Act.

District or Garrison Courts-martial.

VIII. A District or Garrison Court-martial shall consist of not less than Seven Commissioned Officers, except in *Bermuda, the Bahamas, the Cape of Good Hope* or other Settlements in *Southern Africa, Saint Helena, Jamaica, Honduras, Newfoundland, New Zealand, the Australian Colonies, the Windward and Leeward Islands, British Guiana, Hong Kong*, and the Settlements on the Coast of *China*, where it may consist of not less than Five Commissioned Officers, and in the Settlements on the Western Coast of *Africa*, where it may consist of not less than Three Commissioned Officers; and such Court-martial 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 such Court-martial shall not have Power to try a Commissioned Officer, nor to pass any Sentence of Death or Transportation or Penal Servitude.

Judgment of Death may be commuted for Transportation or other Punishments.

XXI. Whensoever any General Court-martial by which any Soldier shall have been tried and convicted of any Offence punishable with Death shall not think the Offence deserving of Capital Punishment, such Court-martial may adjudge the Offender, according to the Degree of the Offence, to be transported as a Felon for Life, or for any Term of Years not less than Fourteen, or may sentence him to Penal Servitude for any Term not less than Four Years, or to general Service as a Soldier in any Corps and in any Country or Place which Her Majesty shall thereupon direct, or may, if such Offender shall have enlisted for a limited Term of Years, sentence him to serve for Life as a Soldier in any Corps which Her Majesty shall please to direct: Provided always, that in all Cases where a Capital Punishment shall have been awarded by a General Court-martial or Detachment General Court-martial it shall be lawful for Her Majesty, or, if in the *East Indies*, for the Officer commanding in chief the

Forces

*Mutiny.*

Forces in *India*, or if out of Her Majesty's Dominions (the *Ionian Islands* excepted) for the Officer commanding in chief Her Majesty's Forces there serving, instead of causing such Sentence to be carried into execution, to order the Offender to be transported as a Felon, either for Life or for any Term of Years, not less than Fourteen, or to be kept to Penal Servitude for any Term not less than Four Years, or to suffer such Term of Imprisonment, either with or without Hard Labour, as shall seem meet to Her Majesty, or, if in the *East Indies*, or out of Her Majesty's Dominions (the *Ionian Islands* excepted), to the Officers commanding as aforesaid.

XXII. Any Paymaster or other Commissioned Officer of Her Majesty's Forces, or any Person employed in the War Department, or in any way concerned in the Care or Distribution of any Money, Provisions, Forage, or Stores, who shall embezzle or fraudulently misapply, wilfully damage, steal, or be concerned in or connive at the Embezzlement, fraudulent Misapplication, wilful Damage, or Theft of any Money, Provisions, Forage, Arms, Clothing, Ammunition, or other Stores belonging to Her Majesty's Forces or for Her Majesty's Use, may be tried for the same by a General Court-martial, which may adjudge any such Offender to be transported as a Felon for Life or for any Term of Years not less than Fourteen, or to Penal Servitude for any Term not less than Four Years, or to suffer such Punishment of Fine, Imprisonment, Dismissal from Her Majesty's Service, and Incapacity of serving Her Majesty in any Office, Civil or Military, 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, which shall have been ascertained by such Court-martial; and in every such Case the Court is required to ascertain by Evidence the Amount of the Loss or Damage incurred, 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; and every Commissioned Officer sentenced to be transported as a Felon, or to be kept to Penal Servitude when such Sentence shall be confirmed, shall thereupon cease to belong to Her Majesty's Service, and for ever be incapable of serving Her Majesty in any Military Capacity.

XXIII. Whenever Her Majesty shall intend that any Sentence of Transportation or Penal Servitude heretofore or hereafter passed upon any Offender by any Court-martial shall be carried into execution for the Term specified in such Sentence or for any shorter Term, or shall be graciously pleased to commute as aforesaid to Transportation or 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 Forces in *Great Britain* and *Ireland*, or in the temporary Absence of such Officer by the Adjutant General, or when there shall not be any Commander-in-Chief of Her Majesty's Forces in *Great Britain* and *Ireland*, then by the Secretary-at-War or his Deputy, to any Judge of the Queen's Bench, Common Pleas, or Exchequer in *England* or *Ireland*, and thereupon such Judge shall make an Order for the Transportation or Penal Servitude of such Offender in conformity with such Notification, and shall also do all such other Acts consequent upon such Notification as such Judge is authorized to do by any Act in force touching the Transportation or Penal Servitude of other Offenders; 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, 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 transported or to be kept to Penal Servitude shall be subject to every Provision made by Law and in force concerning Persons convicted of any Crime and under Sentence of Transportation or Penal Servitude; and from the Time when such Order of Transportation or Penal Servitude shall be made every Act in force touching the Escape of Felons, or their afterwards returning or their 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 Transportation or Penal Servitude as aforesaid shall direct the Notification of Her Majesty's Pleasure, and his own Order made thereupon, to be filed and kept of Record in the Office of the Clerk of the Crown of the Court of Queen's Bench; and the said Clerk shall have a Fee of Two Shillings and Sixpence only for filing the same, and shall, on Application, deliver a Certificate in Writing (not taking more than Two Shillings and Sixpence for the same) to such Offender, or to any Person applying in his or Her Majesty's Behalf, showing the Christian and Surname of such Offender, his Offence, the Place where the Court was held before whom he was convicted, and the Conditions on which the Order of Transportation or Penal Servitude was given; 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 Transportation or Penal Servitude was given, in any Court and in any Proceeding wherein it may be necessary to inquire into the same.

XXIV. Whenever any Sentence of Transportation or Penal Servitude heretofore or hereafter passed upon any Offender by any Court-martial holden in the *East Indies*, or in any Part of Her Majesty's

Embezzlement punishable by Transportation or Penal Servitude.

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

As to Execution of Sentences of Transportation Foreign

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or Penal  
Servitude in  
the Colonies.

Foreign Dominions, or elsewhere beyond the Seas, is to be carried into execution for the Term specified in such Sentence or for any shorter Term, or when Sentence of Death has been or shall as aforesaid be commuted to Transportation or Penal Servitude, the same shall be notified by the Officer commanding Her Majesty's Forces at the Presidency or Station where the Offender may come or be, or in his Absence by the Adjutant General for the Time being, to some Judge of One of the Supreme Courts of Judicature in the *East Indies*, or Chief Justice, or some other Judge, as the Case may be, in any Part of Her Majesty's Foreign Dominions, who shall make Order for the Transportation or Penal Servitude or intermediate Custody of such Offender, in like Manner as for the Transportation or Penal Servitude or intermediate Custody of any other Convict; 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 to some Colony or Place in obedience to the Directions for the Removal 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 on being so removed shall undergo the Sentence of Transportation or Penal Servitude which has been passed upon him 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 there 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 Transportation or Penal Servitude, by the Judgment of a Court of competent Jurisdiction in the Colony or Place to which he has been so removed or sent: Provided always, that in any Case where a Sentence of Transportation or Penal Servitude shall have been awarded by a General or Detachment General Court-martial it shall be lawful for Her Majesty, or, if in the *East Indies*, for the Officer commanding in chief the Forces in *India*, instead of causing such Sentence to be carried into execution, to order that the Offender be imprisoned for a Term not exceeding Two Years, either with or without Hard Labour, and Solitary Confinement not exceeding the Period herein-after prescribed.

Forfeiture of  
Pay for Drunk-  
ness on Duty.

XXXI. Any Court-martial may sentence any Soldier for being drunk on Duty under Arms to be deprived of a Penny a Day of his Pay for any Period not exceeding Sixty Days, and for being drunk when on any Duty not under Arms or for Duty or on Parade or on the Line of March, to be deprived of a Penny a Day of his Pay for any Period not exceeding Thirty Days, and such Deprivation may in either Case be in addition to any other Punishment which such Court may award.

Stoppages.

XXXIII. 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 Bounty fraudulently obtained by him by Desertion from his Corps and enlisting in some other Corps or the Militia:

Any Loss or Damage occasioned by him in any of the Instances of disgraceful Conduct herein-before specified:

Any Loss or Destruction of, or Damage or Injury to, any Property whatsoever, occasioned by his wilful or negligent Misconduct:

Any Loss or Destruction of, or Damage or Injury to, his Horse, Arms, Clothing, Instruments, Equipments, Accoutrements, or Regimental 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 for Service in the Field or for general good Conduct which may have been granted him by Order of Her Majesty, or by Order of the *East India* Company, or any Loss or Destruction of, or Damage or Injury to, the Arms, Horse, Clothing, Instruments, Accoutrements, or Regimental Necessaries of any Officer or Soldier, 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 or Destruction of any Arms, Clothing, Instruments, Equipments, Accoutrements, or Regimental Necessaries, in which Case the Court may by its Sentence direct that the said Stoppages shall continue till the Cost of replacing the same be made good, the Amount of any Loss, 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 after satisfying the Charges for his Messing and Washing, so much only of the Pay of the Soldier may be stopped and applied as shall leave him a Residue at the least of One Penny a Day.

Apprehension  
of Deserters  
in the United  
Kingdom.

XLVI. Upon reasonable Suspicion that a Person is a Deserter it shall be lawful for any Constable, or if no Constable can be immediately met with, then it shall be lawful for any Officer or Soldier in Her Majesty's Service, to apprehend or cause such suspected Person to be apprehended, and to bring or cause him to be brought before any Justice living in or near such Place, and acting for the County or Borough wherein such Place is situate, or for the County adjoining such first-mentioned County or such Borough; and such Justice is hereby authorized and required to inquire whether such suspected Person is a Deserter, and if it shall appear by the Testimony of One or more Witnesses, taken upon Oath, or by the Confession of such suspected Person, confirmed by some corroborative Evidence, or by the Knowledge

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Knowledge of such Justice, or by Evidence sufficient to satisfy such Justice that there are reasonable Grounds for believing that such suspected Person, is a Deserter, such Justice shall forthwith cause him to be conveyed in civil Custody to the Head Quarters or Depôt of the Regiment to which he belongs, if stationed within a convenient and easily accessible Distance from the Place of Commitment, or if not so stationed then to the nearest or most convenient public Prison (other than a Military Prison set apart under the Authority of this Act) or Police Station legally provided as a Lock-up House for temporary Confinement of Persons taken into Custody, whether such Prison or Police Station be, in the County or Borough in which such suspected Person was apprehended, or in which he was committed, or not; or if the Deserter shall have been apprehended by a Party of Soldiers of his own Regiment in charge of a Commissioned Officer, such Justice may deliver him up to such Party, unless the Officer shall deem it necessary to have the Deserter committed to Prison for safe Custody; and such Justice shall transmit an Account thereof, in the Form prescribed in the Schedule annexed to this Act, to the Secretary-at-War, specifying therein whether such Deserter was delivered to his Regiment or to the Party of his Regiment in order for his being taken to the Head Quarters or Depôt of his Regiment, or whether such Deserter was committed to Prison, to the end that the Person so committed may be removed by an Order from the Office of the said Secretary-at-War, and proceeded against according to Law, and such Justice shall also send to the Secretary-at-War a Report stating the Names of the Persons by whom the Deserter was apprehended and secured; and the Secretary-at-War shall transmit to such Justice an Order for the Payment to such Persons of such Sum not exceeding Forty Shillings as the Secretary-at-War shall be satisfied they are entitled to according to the true Intent and Meaning of this Act; and for such Information, Commitment, and Report as aforesaid the Clerk of the said Justice shall be entitled to a Fee of Two Shillings and no more; and every Gaoler and other Person into whose Custody any Person charged with Desertion is committed shall immediately upon the Receipt of the Person so charged into his Custody pay such Fee of Two Shillings, and also upon the Production of a Receipt from the Medical Practitioner who, in the Absence of a Military Medical Officer, may have been required to examine such suspected Person, a Fee of Two Shillings and Sixpence, and shall notify the Fact to the Secretary-at-War, and transmit also to the Secretary at-War a Copy of the Commitment, to the end that such Secretary-at-War may order Repayment of the same; and when any Person shall be apprehended and committed as a Deserter in any of Her Majesty's Colonies the Justice shall forthwith cause him to be conveyed to some public Prison, if the Regiment to which he is suspected to belong shall not be in the Colony, or, if the Regiment be in the Colony, the Justice may, if within reasonable Distance, deliver him into Custody at the nearest Military Post, although the Regiment to which such Person is suspected to belong may not be stationed at such Military Post; and such Justice shall in every Case transmit to the General or other Officer commanding in the Colony a Description Return in the Form prescribed, to the end that such Person may be removed by Order of such Officer, and proceeded against according to Law.

In the Colonies.

XLVII. Every Gaoler or Person having the immediate Inspection 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 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-at-War, which Order shall continue in force until the Deserter shall have arrived at his Destination; and such Gaoler or Person 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.

As to the temporary Custody of Deserters in Gaols.

LVI. Any Recruit appearing as aforesaid before such Justice shall be at liberty to declare his Dissent to such enlisting, and upon such Declaration, and returning the Enlisting Money, and also paying the Sum of Twenty Shillings as Smart Money, together with the full Amount of any Pay which shall have been paid to such Recruit subsequent to the Period of his having been enlisted, shall be forthwith discharged and set at liberty in the Presence of such Justice; but if such Person shall refuse or neglect, within the Space of Twenty-four Hours after so declaring his Dissent, to return and pay such Money as aforesaid, he shall be deemed and taken to be enlisted, as if he had given his Assent thereto before the said Justice: Provided always, that it shall be lawful for any Justice to discharge any Person who shall have hastily enlisted, and who shall apply to him to declare his Dissent within such Ninety-six Hours as aforesaid, upon Payment of the Sum of Money required to be paid by any Recruit declaring his Dissent under this Act, notwithstanding no Person belonging to the Recruiting Party shall be with the Recruit, if it shall appear to such Justice, upon Proof to his Satisfaction, that the Recruiting Party has left the Place where such Recruit was enlisted, or that the Recruit could not procure any Person belonging to such Party to go with him before the Justice; and the Sum paid by such Recruit upon his Discharge shall be kept by the Justice, and after deducting One Shilling as the Fee for reporting the Payment to the Secretary-at-War and Inspecting Field Officer of the District, shall be paid to any Person belonging to the Recruiting Party entitled thereto demanding the same; and no Recruit who has been actually, though erroneously, discharged by the Justice before the Expiration of Twenty-four Hours after the Time of his Enlistment, shall be liable on that Account to be proceeded against as having deserted from Her Majesty's Service;

Dissent and Relief from Enlistment of Recruit on Payment of Smart Money within Twenty-four Hours.

and

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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.

Offences con-  
nected with  
Enlistment.

LVII. If any Recruit shall receive the Enlisting Money from any Person employed in the Recruiting Service (knowing it to be such), and shall abscond or refuse to go before such Justice, or shall thereafter absent himself from the Recruiting Party or Person with whom he enlisted, and shall not voluntarily return to go before some Justice within such Period of Ninety-six Hours as aforesaid, such Recruit shall be deemed to be enlisted and a Soldier in Her Majesty's Service, or in the Service of the *East India* Company, as fully to all Intents and Purposes as if he had been duly attested, and may be apprehended and punished as a Deserter, or for being absent without Leave, under any Articles of War made for Punishment of Mutiny and Desertion; and such Recruit shall not be discharged by any Justice of the Peace after the Expiration of such Ninety-six Hours as aforesaid, unless it shall be proved to the Satisfaction of such Justice that the true Name and Residence of the Recruit were disclosed and known to the Recruiting Party, and that no Notice was given to the Recruit, or left at his usual Place of Abode, of his having so enlisted, or that the true Name and Residence of the Recruit were not taken down in Writing: Provided always, that in every Case wherein any Recruit shall have received Enlisting Money, and shall have absconded from the Party, so that it shall not be possible immediately to apprehend and bring him before a Justice, the Officer or Non-commissioned Officer commanding the Party shall produce to the Justice before whom the Recruit ought regularly to have been brought for Attestation a Certificate of the Name and Place of Residence of such Recruit; and the Justice to whom such Certificate shall be produced shall, after satisfying himself that the Recruit who had absconded cannot be found and apprehended, transmit a Duplicate thereof to Her Majesty's Secretary-at-War, in order that in the event of such Recruit being afterwards apprehended and reported as a Deserter, the Facts of his having received Enlisting Money, and having absconded after having been enlisted, may be ascertained before he be finally adjudged to be a Deserter; and any Recruit who shall have enlisted into and been attested for Her Majesty's Forces, and who shall be discovered to be incapable of active Service by reason of any Infirmary concealed or not declared by such Recruit before the Justice at the Time of his Attestation, may be transferred to any Garrison or Veteran or Invalid Battalion or Company, notwithstanding he shall have enlisted for any particular Regiment, and shall be entitled to receive such Proportion or Residue of Bounty only as Her Majesty may allow in that Behalf, instead of the Bounty upon which such Man shall have been enlisted, anything in any Act or Acts, or any Rules and Regulations relating to Soldiers, to the contrary notwithstanding; and it shall be lawful for any Two Justices acting for the County, District, City, Burgh, or Place where any such Recruit shall at any Time happen to be when any such Recruit shall be brought, and shall be proved upon Oath before them upon being attested to have concealed his having been a Soldier and discharged, or to have concealed his having been discharged upon any prior Enlistment, or to have wilfully concealed any such Infirmary, or to have designedly made any false Representation, to adjudge such Recruit, if in *England*, to be a Rogue and Vagabond, and to sentence him to such Punishment as by any Law in force may be inflicted upon Rogues and Vagabonds, and to adjudge such Person, if in *Scotland* or *Ireland*, to be imprisoned, with Hard Labour, in any Prison or House of Correction for any Period not exceeding Three Months; and any Recruit who shall designedly make any false Representation of any Particular contained in the Oaths and Certificates in the Schedule to this Act annexed, before the Justice, at the Time of his Attestation, and shall obtain any Enlisting Money or Bounty for entering into Her Majesty's Service, or into the Service of the *East India* Company, or any other Money, shall be deemed guilty of obtaining Money under false Pretences, within the true Intent and Meaning, if in *England*, of an Act passed in the Seventh and Eighth Years of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in England relative to Larceny, and other Offences connected therewith*, and if in *Ireland*, of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in Ireland relative to Larceny, and other Offences connected therewith*, and such Recruit, if in *Scotland*, shall be deemed guilty of Falsehood, Fraud, and wilful Imposition; and any attested Recruit who shall in any Part of Her Majesty's Dominions or elsewhere have committed any of the before-mentioned Offences regarding Enlistment may be summarily punished or prosecuted, tried and convicted, for any such Offence, at any Time during the Continuance of the Service for which he shall have enlisted, and in any County or Place where he may happen to be when such summary Proceeding or Prosecution shall be instituted; and the Production of the Oath in the Schedule to this Act annexed, taken by the Recruit on his Attestation, and the Certificate then signed by the Justice before whom the Recruit was attested, certifying that the Questions and Answers contained in the Attestation were in his Presence put to and given by such Recruit, shall, in the Absence of Proof to the contrary, be deemed and taken to be sufficient Evidence of such Recruit having represented the several Particulars as in the Oath sworn by him; and Proof by the Oath of One or more credible Witnesses that the Person so prosecuted hath voluntarily acknowledged that at the Time of his Enlistment he belonged to any Regiment in Her Majesty's Service, or to Her Majesty's Navy or Marines, or to the Forces of the *East India* Company, shall be deemed and taken as Evidence of the Fact so by him acknowledged without Production of any Roll or other Document to prove the same; and such Proof of such Acknowledgment shall be certified to the Secretary-at-War by the Justice before whom such Proof shall have been given; and any Man having been enrolled as a Volunteer under

7 & 8 G. 4.  
c. 29.

9 G. 4. c. 55.



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under the Act Fifteenth and Sixteenth *Victoria*, Chapter Fifty, or any subsequent Acts, to serve in the Militia, who at the Time of offering to enlist into Her Majesty's Forces, Army or Marines, or into the Forces of the *East India* Company, or to enter into Her Majesty's Navy, shall deny that he is a Militia Man then actually enrolled and engaged to serve in the Militia, and who shall not have completed his Engagement by Attestation or by being entered on the Books of the Navy, shall, upon Conviction thereof before any One Justice of the Peace in the United Kingdom, either upon the Oath of One Witness or upon his own Confession, be committed to the Common Gaol or House of Correction for any Time not exceeding Fourteen Days; and any Man enrolled as aforesaid who may have denied or shall hereafter deny, or who may have confessed or shall hereafter confess, to the Justice before whom he shall have been or shall be attested for the Army or Marine Forces, or for the Forces of the *East India* Company, or who may have denied or shall hereafter deny, or who may have confessed or shall hereafter confess, on the Completion of his Engagement to enter the Navy, that he belongs to the Militia, shall not be liable to Imprisonment for such Offence, but shall, upon Conviction thereof before any One Justice in the United Kingdom, or before a Regimental or Naval Court of Inquiry, either upon his own Confession or upon the Oath of One Witness, forfeit all Militia Bounty which would have become payable to him during the Period of his belonging to Her Majesty's Regular Forces, or to the Forces of the *East India* Company, or to the Royal Navy, if he had not therein enlisted or entered, and be subjected to a Stoppage of One Penny a Day from his Pay for Eighteen Calendar Months, to be applied as the Secretary-at-War shall direct; or if enrolled in the Militia as a balloted Man or Substitute shall, if convicted before any One Justice as aforesaid, be committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for and during any Time not exceeding Six Calendar Months, over and above any Penalty or Punishment to which such Person so offending may be otherwise liable; and such Person, whether he shall have been enrolled as a Volunteer or as a balloted Man or Substitute, shall, from the Day on which his Engagement to serve in the Militia shall end, and not sooner, belong as a Soldier to the Corps of Her Majesty's Regular Forces, or of the *East India* Company's Forces, into which he shall have so enlisted, or to the Navy into which he shall have entered: Provided always, that every such Person so enlisted shall be liable to serve within the United Kingdom of *Great Britain and Ireland* in any Regiment, Battalion, or Corps of Her Majesty's Regular Forces, or of the *East India* Company's Forces, in which he has so enlisted, during all the Time the Militia to which he shall belong shall remain disembodied, or shall not be called out for Training or Exercise, and shall during all such Time be subject to all the Provisions of this Act, or if he had entered the Navy to the Rules and Regulations by which that Force is governed, and liable to be apprehended and dealt with and punished as a Deserter from the Corps in which he shall have so enlisted, or from the Navy, if he shall neglect or refuse to join and serve in such Corps, or in the Navy as aforesaid.

LXVI. No Secretary-at-War, Paymaster General of the Army, Paymaster, or any other Officer whatsoever, or 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 fifty-six, other than the usual Deductions, or such other necessary Deductions as shall from Time to Time be required by Her Majesty's Regulations, or by Her Majesty's Order signified by the Secretary-at-War; and every Paymaster or other Officer having received any Officer's or Soldier's Pay who 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, if he demand it, shall be discharged from any further Service; provided as aforesaid, that it shall be lawful for Her Majesty's Secretary-at-War to give Orders for withholding the Pay of any Officer or Soldier for any Period during which such Officer or Soldier shall be absent without Leave, or improperly absent from his Corps and from his Duty, or, in case of any Doubt as to the proper Issue of Pay, to withhold it from the Parties aforesaid until Her Majesty's Orders shall have been signified by the Secretary-at-War.

Authorized Deductions only to be made from the Pay of the Army.

LXIX. It shall be lawful for all Constables of Parishes and Places, and other Persons specified in this Act, in *England 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 Bât 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 such Houses in which they are so allowed to be 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 *England* with Diet and Small Beer, and with Stables, Hay, and Straw for such Horses as aforesaid, paying and allowing for the same the several

How and where Troops may be billeted.

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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; and in all Places where Cavalry shall be billeted in pursuance of this Act, the Men and their Horses shall be billeted in One and the same House, except in case of Necessity; and in no other Case whatsoever shall there be less than One Man billeted where there shall be One or Two Horses, nor less than Two Men 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 a just and equal Proportion upon the Keepers of all Houses within One Mile of the Place mentioned in the Route, although some of such Houses may be in the adjoining County, in like Manner in every respect as if such Houses were locally situate within such Place; provided that nothing herein contained shall be construed to extend to authorize 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 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 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, 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, by this Act liable to have Officers and Soldiers billeted upon them; and upon Complaints being made by the Person or Persons to whose House or Stables the said Men and 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; 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 Soldiers requiring Billets, to extend any Routes or 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 those Houses; and it shall be lawful for Constables to billet Officers and Soldiers in *Scotland* according to the Provisions of the Laws in force in *Scotland* at the Time of its Union with *England*; and no Officer shall be obliged to pay for his Lodging where he shall be regularly billeted, except in the Suburbs of *Edinburgh*: Provided that no Officer or Soldier shall be billeted in *England* 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 Licences, nor in the Houses of any Distiller kept for distilling Brandy and Strong Waters, nor in the House of any Storekeeper whose principal Dealing shall be more in other Goods and Merchandise than in Brandy and Strong Waters, so as such Distillers and Shopkeepers do not permit tipping in such Houses, nor in the House of Residence in any Part of the United Kingdom of any Foreign Consul duly accredited as such.

Exemptions  
from Billets.

Supply of  
Carriages.

LXXIV. 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 authorized in that Behalf, shall, on Production of such Order, or a Copy thereof certified by the Commanding Officer, to such Justices, by some Officer or Non-commissioned Officer of the Regiment 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

*Mutiny.*

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 Lists shall at all reasonable Hours be open to the Inspection of the said Persons,) and may by Warrant under his Hand authorize 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.

LXXVI. It shall be lawful for Her Majesty, or the Lord Lieutenant or Chief Governors of *Ireland* by Her or their Order, distinctly stating that a Case of Emergency doth exist, signified by the Secretary-at-War, or if in *Ireland*, by the Chief Secretary or Under Secretary, or the First Clerk in the Military Department, to authorize any General or Field Officer commanding Her Majesty's Forces in any District or Place, or to 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 *England* 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 the said 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 or Detachment, but also the Officers, Soldiers, Servants, Women, Children, and other Persons of and belonging to the same.

Supply of Carriages in Cases of Emergency.

LXXXVIII. Any Person who shall in any Part of Her Majesty's Dominions, by Words or by any other Means whatsoever, directly or indirectly procure any Soldier to desert, or shall by Words or by any other Means whatsoever 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, be liable to be punished by Fine or Imprisonment, or both, as the Court before which such Conviction shall take place may adjudge.

Penalty for inducing Soldiers to desert.

.XC. 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, to facilitate the Escape of any Prisoner, or shall by any Means whatever aid and assist any Prisoner to escape or in attempting to escape from such Prison, whether an Escape be actually made or not, such Person shall be deemed guilty of Felony, and upon being convicted thereof shall be kept to Penal Servitude for any Term not less than Four Years and not exceeding Six Years, or be imprisoned with or without Hard Labour for any Term not exceeding Two Years ; and if any Person shall bring or attempt to bring into such Prison, in contravention of the existing Rules, 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 Imprisonment, 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 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 Imprisonment, either with or without Hard Labour, for

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

*Mutiny.*

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 Imprisonment, either 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 to be sentenced for every such Offence to be imprisoned, either with or without Hard Labour, upon Conviction thereof by a Board of not less than Three of the Visitors of the Prison, for any Time not exceeding Six Calendar Months, or upon Conviction thereof by a single Visitor for any Time not exceeding Seventy-two Hours, in addition to so much of the Time for which he was originally sentenced as may then be unexpired; or if such Soldier shall, within Forty-eight Hours of the Expiration of his Sentence, be guilty of any Offence against the Rules of the Prison, he may, on Conviction thereof by a single Visitor, be imprisoned, either with or without Hard Labour or Solitary Confinement, for a Period not exceeding Seventy-two Hours in addition to his original Sentences; 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 *England* and *Wales* shall be deemed to apply to all Military Prisons, so far as any 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 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 purchasing Soldiers Necessaries, Stores, &c.

XCII. Any Person who shall knowingly detain, buy, exchange, or receive from any Soldier or Deserter or any other Person, on any Pretence whatsoever, or 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 as aforesaid, 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 Value of all or any of the several Articles of which such Offender shall so become possessed; and if any Person having been so convicted shall afterwards be guilty of any such Offence, and shall be convicted thereof by One or more Justices of the Peace, every such Offender 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 only, or to be imprisoned and kept to 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 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 a Conviction of the former Offence; 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, the Justice may grant a Warrant to search for such Property, as in the Case of stolen Goods; and if upon 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 such Justice, to be dealt with according to Law: Provided always, that it shall be lawful for the Legislature of each or of any of Her Majesty's Colonies, on the Recommendation of the Officer for the Time being administering the Government of any such Colony, but not otherwise, to make Provision by Law for reducing such pecuniary Penalty, if not exceeding Twenty Pounds, to such Amount as may to any 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 administering the Government of any such Colony on Her Majesty's Behalf, 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 as aforesaid in respect of any other Law made or enacted by any such Colonial Legislature.

C. When

*Mutiny. Commons Inclosure.*

C. 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 Licence to such Persons, without regard to Time of Year or to the Notices or Certificates required by any Act in respect of such Licences; and the Commissioners of Excise, or their proper Officers, within their respective Districts, shall also grant such Licences as aforesaid; and such Persons so holding Canteens, and having such Licences, may sell therein Victuals and Excisable Liquors, as empowered by such Excise Licence, without being subject to any Penalty or Forfeiture.

Licences of Canteens.

## SCHEDULES referred to by the foregoing Act.

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

' YOU shall well and truly try and determine according to the Evidence in the Matter now before you. So help you GOD.'

' YOU shall duly administer Justice according to the Rules and Articles for the better Government of Her Majesty's Forces, and according to an Act now in force for the Punishment of Mutiny and Desertion, and other Crimes therein mentioned, 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 due Course of Law. So help you GOD.'

## C A P. XI.

An Act to authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for *England* and *Wales*. [11th April 1856.]

' WHEREAS the Inclosure Commissioners for *England* and *Wales* have, in pursuance of "The Acts for the Inclosure, Exchange, and Improvement of Land," issued their Provisional Orders for and concerning the proposed Inclosures mentioned in the Schedule to this Act, and have in their Eleventh Annual General Report certified their Opinion that such Inclosures would be expedient; but the same cannot be proceeded with without the previous Authority of Parliament: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

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

II. In citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use either the Expression "The Annual Inclosure Act, 1856," or "The Acts for the Inclosure, Exchange, and Improvement of Land."

Inclosures may be proceeded with. Short Title.

## SCHEDULE to which this Act refers.

Inclosure.	County.	Date of Provisional Order.
Southwick - - - - -	Sussex - - -	26th May 1854.
Steep - - - - -	Southampton - -	17th May 1855.
Edlesborough - - - - -	Bucks - - -	31st May 1855.
Birchanger - - - - -	Essex - - -	28th June 1855.
Highweek - - - - -	Devon - - -	5th July 1855.
Marrick - - - - -	York - - -	2d August 1855.
Wiggenhall Mead and Middle Moor Mead -	Hertford - - -	19th April 1855.
Romsley - - - - -	Worcester - - -	18th June 1855.
Church Coniston - - - - -	Lancaster - - -	2d August 1855.
Ingoldsthorpe - - - - -	Norfolk - - -	2d August 1855.
Capel Rigg Intack - - - - -	Westmorland - -	6th September 1855.
Rettendon - - - - -	Essex - - -	5th July 1855.
Alderholt - - - - -	Dorset - - -	6th September 1855.
West Chiltington - - - - -	Sussex - - -	25th October 1855.
Conisbrough - - - - -	York - - -	18th August 1855.
Lockhill Wood - - - - -	Hertford - - -	25th June 1855.
Coventry - - - - -	Warwick - - -	5th July 1855.
Mappledurwell - - - - -	Southampton - -	20th December 1855.

<i>Commons Inclosure.</i>		<i>Turnpike Trusts Arrangements.</i>	
Inclosure.	County.	Date of Provisional Order.	
Meonstoke - - - - -	Southampton -	4th January 1856.	
Llanteague Common - - - - -	Pembroke - -	17th January 1856.	
Penherget - - - - -	Cornwall - -	21st January 1856.	
Langley - - - - -	Kent - - - -	4th January 1856.	
Talyvan - - - - -	Glamorgan -	17th January 1856.	
Woolscott - - - - -	Warwick - -	17th May 1855.	
Hunderthwaite - - - - -	York - - - -	17th January 1856.	
Hexton - - - - -	Hertford - -	6th October 1853.	
Upton upon Severn and Ripple - - - - -	Worcester - -	10th January 1856.	
Rogate - - - - -	Sussex - - -	12th January 1856.	
Niton (Isle of Wight) - - - - -	Southampton -	22d December 1855.	

## C A P. XII.

An Act to confirm certain Provisional Orders made under an Act of the Fifteenth Year of Her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts.

[11th April 1856.]

14 & 15 Vict.  
c. 38.

WHEREAS, in pursuance of the Act of the Fifteenth Year of Her Majesty, "to facilitate Arrangements for the Relief of Turnpike Trusts, and to make certain Provisions respecting Exemptions from Tolls," certain Provisional Orders have been made by the Right Honourable Sir *George Grey*, One of Her Majesty's Principal Secretaries of State, for reducing the Rate of Interest, and for extinguishing in certain Cases the Arrears of Interest, on the Mortgage Debts charged or secured on the Tolls or Revenues of certain Turnpike Roads, and such Orders have been published in the *London Gazette*, and in Newspapers circulating in the Neighbourhood of such Roads, and the Dates of such Provisional Orders, and the Acts under which the Tolls or Revenues on which such Debts are charged or secured are levied or raised, together with the Amount to which the Rate of Interest on such Debts is to be reduced, and the Day up to which the Interest and Arrears of Interest on such Debts are to be extinguished by such Orders, are mentioned in the Schedule to this Act: And whereas it is expedient that the said Provisional Orders should be confirmed and made absolute: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Provisional  
Orders in  
Schedule  
confirmed.

I. That the said Provisional Orders are hereby confirmed and made absolute, and shall be as binding and of the like Force and Effect as if the Provisions thereof had been expressly enacted by Parliament.

## SCHEDULE.

Date of Provisional Order.	TITLE OF LOCAL ACT.	Amount of Principal Debt.	Interest to be reduced to the following Rates per Annum.	Arrears of Interest to be extinguished to the following Dates.
1855. 10 Sept.	10 G. 4. c. 23., "An Act for repairing the Road from Stockershead, at the Top of Charing Hill, to a Place called Bagham's Cross in the Parish of Chilham in the County of Kent"	£ s. d. 2,075 0 0	2l. per Cent.	31st Dec. 1853, (except the Sum of 15l.)
10 Sept.	4 G. 4. c. 85., "An Act for more effectually repairing the Road from the South End of Brown's Lane in the Parish of Great Staughton in the County of Huntingdon, to the Bedford Turnpike Road in the Parish of Lavendon in the County of Buckingham." So far as the same relates to the Odell District	1,452 0 0	3l. per Cent.	31st Dec. 1854.
10 Sept.	Ditto. So far as the same relates to the Risely District	1,325 0 0	3l. per Cent.	31st Dec. 1854.

Turnpike Trusts Arrangements.		Delamere Forest.		
Date of Provisional Order.	TITLE OF LOCAL ACT.	Amount of Principal Debt.	Interest to be reduced to the following Rates per Annum.	Arrears of Interest to be extinguished to the following Dates.
1855. 12 Nov.	6 G. 4. c. 151., "An Act for more effectually improving the Roads from Barnsley Common to Grange Moor and White Cross, and for making a Diversion of the said Roads from or near to Redbrook in the Township of Barugh to Barnsley, all in the West Riding of the County of York" - - -	£ s. d. 4,960 0 0	2l. 10s. per Cent.	{ No Arrears extinguished.
7 Dec.	6 G. 4. c. 101., "An Act for more effectually repairing the Road from Greenbill Moor to Hernstone 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" - - -	10,112 2 0	4l. per Cent.	
17 Dec.	6 G. 4. c. 15., "An Act for more effectually repairing the Road from Bramcote Odd House in the County of Nottingham, to the Cross Post upon Smalley Common in the County of Derby, and from Ilkeston to Heanor in the said County of Derby, and from Trowell, in the said County of Nottingham, to the Town of Nottingham" - -	7,837 10 9	3l. per Cent.	{ No Arrears extinguished.
17 Dec.	6 G. 4. c. 24., "An Act for more effectually repairing the Road from Grantham, in the County of Lincoln, to Nottingham Trent Bridge in the County of Nottingham" - -	10,535 2 0	3l. per Cent.	27th Jan. 1856.
17 Dec.	57 G. 3. c. 3., "An Act for continuing the Term and enlarging the Powers of Two Acts of the Seventeenth and Thirty-eighth Years of His present Majesty, for repairing the Roads from Henfield to Brighthelmstone, and from Poyning's Common to High Cross in the County of Sussex; and for repealing so much of the said Acts as relates to certain Parts of the said Roads" - - -	3,134 10 0	3l. per Cent.	{ No Arrears extinguished.
17 Dec.	9 G. 4. c. 74., "An Act to alter, amend, and enlarge the Powers and Provisions of several Acts relating to the Road from Chester to Northop in the County of Flint" - - -	5,750 0 0	3l. per Cent.	{ No Arrears extinguished.

## C A P. XIII.

An Act to make Provision for the Management of certain Lands belonging to Her Majesty within the former Limits of the late Forest of *Delamere* in the County of *Chester*.

[11th April 1856.]

WHEREAS by an Act passed in the Fifty-second Year of the Reign of His late Majesty King George the Third, Chapter One hundred and thirty-six (Local and Personal), Commissioners were appointed to determine the ancient Boundaries of the Forest of *Delamere* in *Cheshire*; and by the said Act it was amongst other things enacted, that the said Commissioners should divide the said Forest into Moieties, and should allot unto the King's Majesty, His Heirs and Successors, One of the said Moieties, which Moiety, so soon as the same should be fenced in and severed from the Lands adjoining thereto, it was by the said Act declared should become the exclusive and absolute Property of the King's Majesty, His Heirs and Successors, discharged of all Rights of Common and otherwise, as in the said Act is mentioned: And whereas by the said Act it was also enacted, that the said Moiety so to be allotted to His Majesty, His Heirs and Successors, should for ever thereafter be made and kept by

*Delamere Forest.**Secretary to the Poor Law Commissioners (Ireland).*

54 G. 3. c. xcix. ' by and under the Direction and Care of His Majesty's Surveyor General of Woods and Forests for the  
' Time being, under the Order and Control of the Lords of the Treasury, as Nurseries for Wood and  
' Timber only, and for no other Use, Intent, or Purpose whatsoever : And whereas in pursuance of the  
' said recited Act, and of another Act passed in the Fifty-fourth Year of the Reign of His said late  
' Majesty to alter and amend the said first-recited Act, the said Commissioners duly made their Award  
' bearing Date on or about the Thirty-first Day of *December* One thousand eight hundred and sixteen,  
' whereby they did set out and award to the King's Majesty, His Heirs and Successors, the several  
' Allotments or Parcels of Land therein described, containing in the whole Three thousand nine hundred  
' and five Acres One Rood Two Perches, or thereabouts, which have been duly enclosed and severed as  
' by the said first-mentioned Act is provided : And whereas by an Act passed in the Tenth Year of the  
10 G. 4. c. 50. ' Reign of His late Majesty King *George* the Fourth, Chapter Fifty, the Possessions and Land Revenues  
' of the Crown therein mentioned or referred to were placed under the Management of the Commissioners  
' of His Majesty's Woods, Forests, and Land Revenues, and their Successors, and by the said Act  
' Powers are given to the said Commissioners of selling, exchanging, and leasing the said Possessions of  
' the Crown ; and by the same Act it was provided, that the Powers of leasing therein-before given  
' should not extend to the demising or leasing of any of the Royal Forests, Parks, or Chases in *England* :  
' And whereas, inasmuch as divers Parts of the said Allotments so made to the Crown as aforesaid have  
' been found by Experience to be unfit to be used as Nurseries for Wood and Timber, it is expedient  
' that so much of the first-recited Act as directs the same Allotments to be used in such Manner only  
' shall be repealed, and that the Provisions of the said Act passed in the Tenth Year of the Reign of  
' His late Majesty King *George* the Fourth should be extended to the said Allotments as after mentioned :  
Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent  
of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the  
Authority of the same, as follows :

Certain Provi-  
sion in first-  
recited Act  
repealed.

I. So much of the recited Act passed in the Fifty-second Year of the Reign of His late Majesty King *George* the Third, Chapter One hundred and thirty-six, as provides that the Moiety of the said Forest of *Delamere* allotted to His said Majesty shall be made and kept as Nurseries for Wood and Timber only, and for no other Use, Intent, or Purpose whatsoever, shall be and the same is hereby repealed.

Powers of  
10 G. 4. c. 50.  
relative to  
leasing, &c.  
Crown Lands  
to extend to  
Allotments  
awarded under  
recited Acts  
52 and 54 G. 3.

II. All and singular the Powers of Leasing, Sale, Exchange, and Management, and other Provisions contained in the recited Act passed in the Tenth Year of the Reign of His late Majesty King *George* the Fourth, Chapter Fifty, relative to the Possessions and Land Revenues of the Crown to which that Act relates, not being Royal Forests, Parks, or Chases, shall hereafter extend over and have reference to the several Allotments or Parcels of Land awarded to the Crown under the Authority of the said Acts passed in the Fifty-second and Fifty-fourth Years of the Reign of His late Majesty King *George* the Third, or of One of such Acts ; and such Powers and Provisions may be from Time to Time exercised or acted upon by the Commissioners or Commissioner of Her Majesty's Woods, Forests, and Land Revenues who may, under any Act of Parliament, or any Order or Warrant of the Commissioners of Her Majesty's Treasury for the Time being, have the Management or Direction of the Allotments or Parcels of Land herein-before mentioned.

#### C A P. XIV.

An Act to abolish the Office of Secretary to the Poor Law Commissioners in *Ireland*.

[11th April 1856.]

' **W**HEREAS the Office of Secretary to the Commissioners for administering the Laws for Relief of the Poor in *Ireland* is unnecessary, and it is expedient that the same should be abolished : Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

Part of  
10 & 11 Vict.  
c. 90. repealed,  
&c.

Acts done by  
Commissioners,  
where Counter-  
signature of  
Secretary was  
heretofore  
necessary, valid.

I. From and after the passing of this Act so much of an Act passed in the Tenth and Eleventh Years of the Reign of Her present Majesty, Chapter Ninety, as provides that the Commissioners for administering the Laws for the Relief of the Poor in *Ireland* shall from Time to Time, subject to the Approval of the Lord Lieutenant, appoint a Secretary, shall be repealed ; and the said Office of Secretary shall be abolished ; and all Acts of the said Commissioners or of any of them which shall be done in exercise of the Powers and Authorities given to them or any of them by the said recited Act, or by an Act passed in the Fourteenth and Fifteenth Years of the Reign of Her present Majesty, Chapter Sixty-eight, or by any other Act or Acts, and in reference to which the Counter-signature of the said Secretary was required before the passing of this Act, shall be valid and of full Force and Effect without such Counter-signature.

C A P.



*Out-Pensioners (Greenwich and Chelsea).*

## C A P. XV.

An Act for further regulating the Payment of the Out-Pensioners of *Greenwich* and *Chelsea* Hospitals. [11th April 1856.]

‘ WHEREAS an Act was passed in the Tenth Year of the Reign of Her present Majesty, intituled ‘ *An Act for regulating the Payment of the Out-Pensioners of Greenwich and Chelsea Hospitals*; ‘ And whereas it is expedient to make further Regulations in respect of such Payment:’ 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,—

I. That the said recited Act shall be and the same is hereby repealed, except so far as the same repeals any other Acts or Parts of Acts.

II. From and after the passing of this Act it shall be lawful for the Secretary-at-War for the Time being to make such Rules and Regulations for the Management and Payment of the *Chelsea* and *Greenwich* Out-Pensioners, whether residing in the United Kingdom or elsewhere, as shall appear to him best calculated for their and the Public Advantage, and upon the Production of such Proof of Title to Pension as he may consider necessary.

III. From and after the passing of this Act all Payments made by the said Secretary-at-War to or on account of the Pensioners aforesaid, and the Expenses of every Description connected with their Management and Payment, shall be audited and passed in the same Manner as the Accounts of the Army Effective Services are now audited and passed.

IV. Nothing in this Act contained shall be held to interfere with the Powers of the Lord High Admiral or the Lords Commissioners of the Admiralty and the Commissioners of *Chelsea Hospital* respectively, in regard to granting, increasing, reducing, suspending, taking away, or restoring of Pension, or to abridge, take away, or interfere with any Power, Authority, or Duty of the said Lord High Admiral or Commissioners respectively, other than by this Act is expressly provided.

V. Any Person guilty of fraudulently receiving or endeavouring to receive Pension Money, or Money in the Nature of Pension, from the Secretary-at-War, or from any Officer or Person employed or authorized to pay Pensions, shall upon Conviction be subjected to the same Pains and Penalties as are prescribed by Law in the Cases of Frauds committed or attempted to be committed upon the Commissioners of *Chelsea Hospital*, the Lord High Admiral or the Commissioners of the Admiralty, the Treasurer of the Navy, and the Paymaster General.

VI. It shall be lawful for the Secretary-at-War, with the Concurrence of the Lord High Admiral or the Lords Commissioners of the Admiralty, to restore any *Greenwich* Pensioner who shall have been convicted of Felony, and thereby shall have forfeited his Pension, either to his original Pension or to any less Rate of Pension.

VII. It shall be lawful for the Secretary-at-War, with the Consent of any *Greenwich* or *Chelsea* Pensioner residing temporarily out of the United Kingdom, to pay to or for the Benefit of his Wife, or, if he have no Wife, to or for the Benefit of his Child or Children, such Portion of his Pension as may be agreed upon; and the Receipt or Acknowledgment of the Person or Persons to whom the same shall be paid shall be a full and sufficient Discharge to the said Secretary-at-War for the Amount so issued by him.

VIII. If any *Chelsea* or *Greenwich* Pensioner shall be relieved, or become chargeable in *Great Britain* or *Ireland* in respect of Relief afforded to himself, or to any Person whom he is liable to maintain, or if in any Case the Secretary-at-War for the Time being and the Guardians of the Poor of any Union or Parish, or the Overseers of any Parish or Township not under a Board of Guardians, or the Heritors and Kirk Session of any Parish in *Scotland*, think it desirable that the whole or any Part of the Pension of such Pensioner should be advanced out of the Poor’s Rate or Funds applicable to the Relief of the Poor, it shall be lawful for the Secretary-at-War, by any Writing under his Hand or under the Hand of any Officer or Person employed by him, to agree with such Guardians or Overseers, or Heritors and Kirk Session, for the Repayment to them out of the Pension of any such Pensioner of the Amount of Relief so advanced to or expended on his Account, not exceeding in any Case where Relief has been administered to his Wife or One Child only whom he is bound to maintain the Amount of One Half, or where such Relief has been administered to Two or more such Children, or to his Wife and One or more such Child or Children, the Amount of Two Thirds, of his Pension so advanced.

IX. In case any *Chelsea* or *Greenwich* Pensioner shall be or become insane, it shall be lawful for the Secretary-at-War for the Time being, upon being satisfied of such Insanity, to order that the Pension of such insane Pensioner, or so much thereof as shall appear to the said Secretary-at-War to be necessary for his Care and Maintenance, shall be paid to such Guardians of the Poor or Overseers, or Heritors and Kirk Session, or to the Wife, Child, or any other Person to whom the Care of such insane Pensioner may be intrusted, or who may be chargeable for or liable to the Expense of his Care and Maintenance; and the Receipt of the Person or Persons to whom the same shall be so paid shall be a sufficient Voucher and Discharge for so much Money as shall appear to have been paid thereon: Provided always, that where no Claim or Demand shall be made for the Support of any such insane Pensioner, or where the

9 Vict. c. 10.

Recited Act repealed, &amp;c.

Secretary-at-War to regulate Payment of Out-Pensioners.

Accounts to be audited as Army Effective Services.

Powers of the Admiralty and Chelsea Hospital as to granting Pensions, &amp;c.

Penalty for Frauds respecting Pensions.

Restoring Pensions to Pensioners convicted of Felony.

Pensions may be paid out of the United Kingdom.

Repayment to Parishes of Relief given to Out-Pensioners.

As to Care of Lunatic Pensioners.

*Out-Pensioners (Greenwich and Chelsea).**Trial of Offences.*

Charge for his Care and Maintenance does not amount to the full Rate of his Pension, then and in every such Case it shall be lawful for the Secretary-at-War, at his Discretion, to order his Pension, or so much thereof as may not be necessary for his Care and Maintenance as aforesaid, to be paid to his Wife or Child or Children, if he have any.

X. It shall be lawful for the Secretary-at-War for the Time being to pay or to authorize the proper Officer to pay to any Person or Persons who shall prove him, her, or themselves, to the Satisfaction of such Secretary-at-War or of the said proper Officer, to be the next of Kin or legal Representative of or otherwise legally entitled to any Pension Money due to any deceased Pensioner, the Amount of such Pension Money, not exceeding Fifty Pounds, although such Person or Persons shall not have taken out Letters of Administration or have procured Probate of any Will of such deceased Pensioner.

XI. All Bills of Exchange drawn or to be drawn by *British* Ministers, Consuls, and others abroad, on account of Payments made by them to Out-Pensioners of *Chelsea* or *Greenwich* Hospital, shall be presented for Acceptance at the Office of the Paymaster General, and all Letters of Advice, Receipts, and Vouchers having relation to such Bills of Exchange shall be transmitted to the Office of the Secretary-at-War.

Arrears of Pensions under 50*l.* may be paid to Personal Representatives without Probate, &c.

As to Bills of Exchange drawn by Consuls, &c. on account of Pensions.

## C A P. XVI.

An Act to empower the Court of Queen's Bench to order certain Offenders to be tried at the Central Criminal Court. [11th April 1856.]

WHEREAS it would contribute to the better Administration of Criminal Justice in *England* and *Wales* if Persons charged with indictable Offences committed out of the Jurisdiction of the Central Criminal Court were rendered liable to be tried in certain Cases at the said Central Criminal 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:

I. Whenever any Indictment or Inquisition for any Felony or Misdemeanor committed or supposed to have been committed at any Place out of the Jurisdiction of the said Central Criminal Court shall have been removed by Writ of Certiorari into Her Majesty's Court of Queen's Bench, either before or after the passing of this Act, and it shall appear to such Court in Term Time, or to any Judge thereof in Vacation, that it is expedient to the Ends of Justice that such Indictment or Inquisition should be tried at the said Central Criminal Court, it shall be lawful for such Court of Queen's Bench in Term Time, or for such Judge thereof in Vacation, to order that such Indictment or Inquisition shall be tried at the said Central Criminal Court.

II. Whenever any such Order shall have been made, the Queen's Coroner and Attorney, or other Officer having the Custody of the Records of the said Court of Queen's Bench, shall forthwith upon Notice of such Order transmit such Indictment or Inquisition so removed by Certiorari as in the preceding Section mentioned, together with any Depositions, Examinations, or Informations relating to any Offence charged therein which shall be in his Custody, to the proper Officer of the said Central Criminal Court, to be by him kept among the Records of the said Central Criminal Court.

III. Whenever any Person shall have been committed or held to Bail for any Felony or Misdemeanor committed or supposed to have been committed at any Place out of the Jurisdiction of the said Central Criminal Court, and it shall appear to the said Court of Queen's Bench in Term Time, or to any Judge thereof in Vacation, that it is expedient to the Ends of Justice that such Person should be tried for such Offence at the said Central Criminal Court, it shall be lawful for such Court of Queen's Bench in Term Time, or for such Judge thereof in Vacation, to order that such Person shall be tried for such Offence at the said Central Criminal Court, and thereupon a Writ of Certiorari shall be issued to the Justices of Oyer and Terminer or of Gaol Delivery, or of the Peace, before whom any Indictment or Inquisition charging such Person with such Offence shall then be pending, or before whom any such Indictment shall thereafter be found, or to the Coroner before whom any such Inquisition shall have been or shall thereafter be taken, commanding them or him to certify and return such Indictment or Inquisition into the said Central Criminal Court.

IV. Whenever any such Order as is mentioned in any preceding Section of this Act shall have been made, the Justice before whom any Person charged with any Offence by such Indictment shall have been examined, the Coroner before whom such Inquisition shall have been taken, the Clerk of Assize, Clerk of the Peace, or any other Person having the Custody or Possession thereof, shall forthwith, upon the Delivery to him of an Office Copy of such Order, transmit any Recognizances, Depositions, Examinations, or Informations relating to the Offence charged in such Indictment or Inquisition which shall be in his Custody or Possession to the proper Officer of the said Central Criminal Court, to be by him kept among the Records of the said Central Criminal Court.

V. Whenever any such Order as is mentioned in any preceding Section of this Act shall have been made, and any Indictment or Inquisition shall have been transmitted or removed to the said Central Criminal Court under the Provisions of this Act, the Gaoler or Keeper of any Gaol or House of Correction in which any Person charged with any Offence by such Indictment or Inquisition shall be confined shall

Court of Queen's Bench may order Indictments removed into that Court to be tried at Central Criminal Court.

When such Order has been made, Indictment shall be transmitted to Central Criminal Court.

Court of Queen's Bench may order any Person charged with any Offence committed out of the Jurisdiction of the Central Criminal Court to be tried at that Court, &c.

When any such Order has been made, the Depositions, &c. shall be returned to the Central Criminal Court.

When any such Order has been made, the Prisoner shall be removed to Newgate.

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shall forthwith upon the Delivery to him of an Office Copy of such Order, without Writ of Habeas corpus or other Writ for that Purpose, cause such Person, with his Commitment and Detainer, to be safely removed to Her Majesty's Gaol of *Newgate* in the City of *London*; and thereupon the Keeper of the said Gaol of *Newgate* shall receive such Person into his Custody in the said Gaol of *Newgate*, there to remain until he shall be delivered by due Course of Law.

VI. Whenever any Application shall be made to the said Court of Queen's Bench or to any Judge thereof, either before or after any Indictment or Inquisition shall have been found or taken, for an Order that any Person charged with any Offence by such Indictment or Inquisition, or committed or held to Bail for any Offence, shall be tried at the said Central Criminal Court, under the Provisions of this Act, it shall not be necessary for such Person to be brought or appear in Person before the said Court of Queen's Bench or the said Judge thereof, either upon the making or the Determination of such Application, and it shall not be necessary for such Person to plead any Plea to such Indictment or Inquisition in the said Court of Queen's Bench in any Case where such Indictment or Inquisition shall be ordered to be tried at the said Central Criminal Court under the Provisions of this Act.

A Defendant need not appear in Person or plead in the Queen's Bench.

VII. Whenever any Indictment or Inquisition shall have been transmitted or removed to the said Central Criminal Court, under the Provisions of this Act, any Person charged with any Offence by such Indictment or Inquisition shall be arraigned and shall plead to such Indictment or Inquisition, and shall be tried in the said Central Criminal Court, in the same Manner in all respects as if such Offence had been actually committed within the Jurisdiction of the said Central Criminal Court, and as if such Indictment or Inquisition had been originally presented at or returned to the said Central Criminal Court.

Defendant to be arraigned in Central Criminal Court, as if Offence committed within its Jurisdiction.

VIII. Whenever any Writ of Certiorari shall be delivered to any Court for the Purpose of removing any Indictment or Inquisition from such Court, such Court shall require any Person who shall be attending such Court under any Recognizance or Subpœna to prosecute, or to prosecute and give Evidence, or to give Evidence, upon the Trial of such Indictment or Inquisition, to enter into a Recognizance in such Sum of Money as to such Court shall seem fit, to prosecute, or to prosecute and give Evidence, or to give Evidence, as the Case may be, upon the Trial of such Indictment or Inquisition, whenever and wherever the same shall be tried.

Court to which Certiorari is delivered, &c. shall bind Prosecutor, &c. to appear on Trial;

IX. Whenever any Writ of Certiorari shall be delivered to any Court for the Purpose of removing any Indictment or Inquisition from such Court, it shall be lawful for such Court either to require any Person who shall be attending such Court under any Recognizance to take his Trial upon such Indictment or Inquisition to enter into such Recognizance, with so many Sureties, and in such Sum or Sums of Money, and with such Condition for his Appearance and taking his Trial upon such Indictment or Inquisition, whenever and wherever the same shall be tried, as to such Court shall seem fit, or to commit such Person to the Common Gaol or House of Correction for the County or Place for which such Court shall be holden, there to remain until he shall be removed under the Provisions of this Act or otherwise delivered by due Course of Law.

and may bail or commit Defendant who has appeared under Recognizance.

X. Every Recognizance which shall have been or shall be entered into for the Prosecution of any Person, and every Recognizance, as well of any Witness to give Evidence as of any Person to answer for any Offence, shall, in case any such Order shall be made for the Trial of such Offence at the said Central Criminal Court, be obligatory on each of the Parties bound by such Recognizance to prosecute and give Evidence, and to do all other Things therein mentioned with reference to the said Trial at the said Central Criminal Court, in like Manner as if such Recognizance had been originally entered into for prosecuting such Offence, appearing, or giving Evidence, or doing such other Things before the said Central Criminal Court: Provided, that Notice in Writing shall have been given, either personally or by leaving the same at the Place of Residence as of which the Parties bound by such Recognizance are therein described, to appear before the said Central Criminal Court upon the Trial of the said Offence: Provided also, that it shall be lawful for the said Court of Queen's Bench in Term Time, or for any Judge thereof in Vacation, to cause the Party applying for such Order, whether he be the Prosecutor or Party charged with such Offence, to enter into a Recognizance in such Sum, and with or without Sureties, as such Court or Judge may direct, conditioned to give such Notice to the Parties bound by such Recognizances to appear before the said Central Criminal Court: Provided also, that where it shall appear to any Court to which any Writ of Certiorari shall be delivered, for the Purpose of removing any Indictment or Inquisition from such Court, that any Person so bound by Recognizance has been personally served with any such Notice as in this Section is mentioned, it shall not be necessary for such Court to require such Person to enter into a fresh Recognizance, unless it shall appear to such Court that it is expedient to the Ends of Justice that such Person should enter into such Recognizance.

All Recognizances to be obligatory on Persons entering into them to prosecute, &c. at Central Criminal Court, if Notice be given of the Change of Court.

Court of Queen's Bench may require Party applying for a Trial at the Central Criminal Court to give Notice to all Parties bound by Recognizance.

XI. Whenever any Writ of Certiorari shall be delivered to any Court for the Purpose of removing any Indictment or Inquisition from such Court, and any Person charged with any Offence by such Indictment or Inquisition shall then be in Prison, such Person shall not be discharged by such Court out of Prison, but shall remain therein until he shall be removed under the Provisions of this Act or otherwise discharged by due Course of Law.

Where a Certiorari is delivered Defendant then in Prison not to be discharged.

XII. Whenever any Indictment or Inquisition shall have been transmitted or removed to the said Central Criminal Court, under the Provisions of this Act, it shall be lawful for the said Central Criminal Court to issue Process for apprehending any Person charged by such Indictment or Inquisition

Process may be issued against any Defendant at large, and

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Witnesses may be compelled to attend the Trial.

Expenses of the Prosecution and Rewards may be ordered to be paid.

Her Majesty in Council may make Rules to effect the Purposes of this Act.

No Objection to be taken to any Writ of Certiorari, Order, or other Proceeding for removing any Indictment, &c.

When Indictment has been transmitted Central Criminal Court shall have same Authority as if the Offence committed within its Jurisdiction.

It shall not be necessary to prove that any Indictment has been properly removed or transmitted.

Verdicts and Judgments to be valid.

Any Person convicted may be sentenced to be punished either in the County where the Offence was committed or within the Jurisdiction of the Central Criminal Court.

tion with any Offence, and to compel the Attendance of Witnesses, as well on the Part of the Prosecution as on the Part of the Defence, on the Trial of such Indictment or Inquisition, in like Manner as in Cases of Indictments found at the said Central Criminal Court for Offences committed within the Jurisdiction of the said Central Criminal Court; and every such Process shall and may be lawfully executed at any Place within *England* and *Wales*.

XIII. Whenever any Indictment or Inquisition shall have been transmitted or removed to the said Central Criminal Court, under the Provisions of this Act, it shall be lawful for the said Central Criminal Court to order such Expenses of the Prosecutor and Witnesses, and such other Expenses, and such of the several Rewards payable in pursuance of any Statute made or to be made, as to such Central Criminal Court shall seem reasonable and sufficient, to be paid by and to the same Persons and in the same Manner as if such Central Criminal Court were holden under Commissions of Oyer and Terminer and Gaol Delivery for the County or Place in which such Indictment shall have been found or such Inquisition shall have been taken.

XIV. It shall be lawful for Her Majesty, by and with the Advice of Her most Honourable Privy Council, from Time to Time to make Rules and Regulations touching the said Gaol of *Newgate*, or any other Gaol or Prison, and the Government and Keeping thereof, for the Purposes of this Act, and touching the Alteration of any Commissions, Writs, Precepts, or other Proceedings whatsoever for carrying into effect the Purposes of this Act; and all such Rules and Regulations shall be of the like Force and Effect as if the same had been made by Authority of Parliament, and shall be notified in the *London Gazette*, or in such other Manner as Her Majesty by and with the Advice of Her most Honourable Privy Council shall think fit to direct.

XV. It shall not be lawful for any Person, by himself or by his Counsel, to take any Objection, either in the said Central Criminal Court or in any Court of Error, to any Writ of Certiorari, or to any Order of the said Court of Queen's Bench or of any Judge thereof, or to any other Proceeding under or by virtue of which any Indictment or Inquisition shall have been removed into the said Court of Queen's Bench, or transmitted or removed, under the Provisions of this Act, to the said Central Criminal Court, or to any Caption of any Court before which such Indictment shall have been found, or to any Matter or Thing set out or appearing on the Face of the Record, save and except only to such Indictment or Inquisition alone.

XVI. Whenever any Indictment or Inquisition shall have been transmitted or removed to the said Central Criminal Court, under the Provisions of this Act, the Justices and Judges of the said Central Criminal Court for the Time being, or any Two or more of them, shall possess the same Power, Jurisdiction, and Authority as to all Matters and Things whatsoever as if the Offence charged in the said Indictment or Inquisition had actually been committed within the Jurisdiction of the said Central Criminal Court; and every such Offence may be dealt with, tried, and determined by and before such Justices and Judges of the said Central Criminal Court, or any Two or more of them, in the same Manner in all respects as if the same had actually been committed within the Jurisdiction of the said Central Criminal Court, and as if such Indictment or Inquisition had been originally presented at or returned to the said Central Criminal Court.

XVII. It shall not be necessary for any Purpose whatsoever to prove that any Indictment or Inquisition for any Offence committed or supposed to have been committed out of the Jurisdiction of the said Central Criminal Court has been duly removed into the said Court of Queen's Bench, or duly transmitted or removed into the said Central Criminal Court under the Provisions of this Act, but every such Indictment and Inquisition shall be presumed to have been duly removed and transmitted or duly removed under the Provisions of this Act, upon Production of the same in the said Central Criminal Court by the proper Officer having the Custody of the Records of the said Central Criminal Court; and no Evidence or Proof to the contrary shall be admitted.

XVIII. Every Verdict and Judgment which shall be given upon any Indictment or Inquisition transmitted or removed to the said Central Criminal Court, under the Provisions of this Act, shall be of the same Force and Effect in all respects as if such Indictment had been duly found, and such Inquisition had been duly taken, within the Jurisdiction of the said Central Criminal Court, and as if the Offence charged in such Indictment or Inquisition had been actually committed within the Jurisdiction of the said Central Criminal Court.

XIX. When any Person shall have been convicted of any Offence at the said Central Criminal Court upon the Trial of any Indictment or Inquisition transmitted or removed thereto under the Provisions of this Act, it shall be lawful for the Justices and Judges of the said Central Criminal Court before whom any such Conviction shall have taken place, or for any Two or more of them, or, in case Sentence shall not then be passed, for the Justices and Judges of the said Central Criminal Court, or for any Two or more of them, at any subsequent Sessions of the said Central Criminal Court, to order and adjudge such Convict to be punished according to Law at any Place, either within the Jurisdiction of the said Central Criminal Court, or within the County or Place where such Offence shall have been committed or supposed to have been committed; and in Cases where such Justices and Judges, or any Two or more of them, shall order such Convict to be punished in such County or Place, it shall be lawful for such Justices and Judges, or any Two or more of them, after passing Sentence upon such Convict, to make an

Order

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Order commanding the Keeper of the Gaol of *Newgate* to cause such Convict to be delivered into the Custody of the Gaoler or Keeper of the Gaol or House of Correction in such County or Place, together with such Order, and commanding such Gaoler or Keeper to receive such Convict into his Custody in such Gaol or House of Correction, and him there safely to keep until such Sentence shall have been executed upon such Convict according to Law, or until he shall be otherwise delivered by due Course of Law, and also to make an Order commanding the Sheriff of such County or Place to execute such Sentence upon such Convict within such County or Place according to Law in the same Manner as if he had been tried and received such Sentence in such County or Place; and every such Sheriff, Gaoler, and Keeper respectively is hereby commanded to perform and execute according to Law each and every thing which he shall be commanded to perform and execute by any such Order; and the several Forms in the Schedule to this Act contained, or Forms to the like Effect, shall be deemed good, valid, and sufficient in Law; and in the Case of any Order directed to any Sheriff, and commanding him to execute any Sentence, it shall be sufficient to deliver such Order either to such Sheriff or to his Under Sheriff.

XX. Whenever any Person shall have been removed into the Custody of the said Keeper of the said Gaol of *Newgate*, under the Provisions of this Act, or shall have been committed to the Custody of such Keeper by the said Central Criminal Court, such Person shall, without Writ of Habeas corpus or other Writ for that Purpose, be removed into and from the said Central Criminal Court, when and as often as it may be necessary, by the Keeper of the said Gaol of *Newgate*, with his Commitment and Detainer, in order that he may be tried, sentenced, or otherwise dealt with according to Law, and such Removal shall not be deemed an Escape.

Prisoner removed to *Newgate* may be taken to and from Central Criminal Court when necessary.

XXI. Every Prisoner so removed as in any of the preceding Sections of this Act is mentioned shall, for and during the Time of such Removal, and for and during the Time of his being removed back to the Gaol or House of Correction from which he shall have been brought, when and as often as he shall for any Reason be so removed back, and also for and during such Time as he may be detained in the said Gaol of *Newgate*, or in any County Gaol or County to or through which he shall have been so removed, and until he shall be delivered by due Course of Law, be to all Intents and Purposes deemed and considered to be in the proper legal Custody, notwithstanding that he may in effecting such Removal have been taken or detained out of the Jurisdiction of the County of a City or Town, or out of the Jurisdiction of the County, Riding, or Division, to the Gaol or House of Correction of which he may have been originally committed, into any other Jurisdiction, or out of the County or Jurisdiction to the Common Gaol, House of Correction, or Court of which he has been removed into or through any other Jurisdiction, County, Riding, or Division; and no Action or other Proceeding, Civil or Criminal, shall or may be maintained by such Prisoner or any other Person against the Gaoler or Keeper of the Gaol or House of Correction from which such Prisoner shall have been removed, or against the Gaoler or Keeper of the Gaol to which such Prisoner shall have been removed, or against any other Person, by reason or in consequence of any such Removal or Detainer of such Prisoner, or by reason or in consequence of such Prisoner having been taken out of the Jurisdiction of any such County of a City or Town, County, Riding, or Division from the Gaol or House of Correction of which such Prisoner shall have been removed into any other Jurisdiction, or out of such County or Jurisdiction to the Common Gaol, House of Correction, or Court of which he shall have been removed into or through any other Jurisdiction, County, Riding, or Division, or by reason or in consequence of any Removal or Detention of such Prisoner under any of the Provisions of this Act.

Every Prisoner whilst being removed or detained under this Act shall be deemed to be in lawful Custody.

XXII. Where any Person charged with any Offence by any Indictment or Inquisition transmitted or removed to the said Central Criminal Court, under the Provisions of this Act, shall appear before such Court in pursuance of any Recognizance for that Purpose or otherwise, it shall be lawful for such Court, from Time to Time and as often as to the same Court shall seem fit, either to require such Person to enter into such Recognizance, with so many Sureties, and in such Sum or Sums of Money, and with such Condition for his Appearance at such Central Criminal Court and otherwise, as to such Central Criminal Court shall seem fit, or to commit such Person to the Custody of the Keeper of the said Gaol of *Newgate* until he shall be discharged by due Course of Law.

Any Defendant on Bail may be bailed again or committed to *Newgate*.

XXIII. Whenever any Prosecutor or Witnesses, in any Case where any Indictment or Inquisition shall have been transmitted or removed to the said Central Criminal Court under the Provisions of this Act, shall appear before the said Central Criminal Court, it shall be lawful for such Court, from Time to Time and as often as to the same Court shall seem fit, to require such Prosecutor and Witnesses to enter into such Recognizance, in such Sum of Money, and with such Condition as to Appearance at the said Central Criminal Court and otherwise, as to the said Central Criminal Court shall seem fit.

Prosecutor and Witnesses may be bound by Recognizance to appear again at the Central Criminal Court.

XXIV. Whenever any Prosecutor or Person charged with any Offence shall apply, either before or after any Indictment or Inquisition shall have been found or taken, to the said Court of Queen's Bench, or to any Judge thereof, for an Order that such Indictment or Inquisition shall be tried at the said Central Criminal Court under the Provisions of this Act, it shall be lawful for the said Court of Queen's Bench in Term Time, or for the said Judge in Vacation, to require such Prosecutor or other Person to submit to such Conditions as to Bail, the Payment of the Costs of the Prosecutor and Witnesses, and of the Removal and Transmission or Removal of such Indictment or Inquisition, and of the Removal of such

Court of Queen's Bench may impose Terms on any Defendant applying to be tried at Central Criminal Court.

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such Defendant, and any other Matter or Thing whatsoever, as in the Judgment of such Court of Queen's Bench or Judge may reasonably be imposed upon such Prosecutor or Defendant.

Where the Crown obtains a Trial at the Central Criminal Court, the Expense of Witnesses shall be advanced to the Defendant.

XXV. Whenever any Application shall be made on behalf of Her Majesty or of any Prosecutor to the said Court of Queen's Bench, or to any Judge thereof, for an Order that any Person charged with any Offence shall be tried at the said Central Criminal Court under the Provisions of this Act, it shall be lawful for the said Court of Queen's Bench in Term Time, or for the said Judge in Vacation, to issue a Certificate, upon the Production of which the Commissioners of Her Majesty's Treasury may order to be paid out of any Monies provided by Parliament for Law Charges in *England* to the Person so charged a Sum not exceeding Twenty Pounds, to enable such Person to defray the Charges and Expenses of the Attendance of his Witnesses; provided that the Sum so advanced shall be allowed for in the Sum which in the event of the Acquittal of such Person may become payable under the Order herein-after mentioned.

Power to Court to order Expenses of any Person acquitted to be paid.

XXVI. In case any Person who shall be tried at the said Central Criminal Court under the Provisions of this Act, upon an Application on behalf of Her Majesty or of any Prosecutor, shall be there acquitted, it shall be lawful for the Justices and Judges of the said Central Criminal Court before whom any such Acquittal shall have taken place, or for any Two or more of them, to order Reimbursement to the Person so acquitted of such Sum as shall appear to them to have been properly expended for such Removal of the Trial of such Person, and the Commissioners of Her Majesty's Treasury shall upon Receipt of such Order pay such Sum or Sums out of any Monies provided by Parliament for Law Charges in *England*.

The Treasurer of the County where the Offence was committed shall pay the Expenses of the Prisoner's Maintenance, &c. in *Newgate*.

XXVII. Where any Person shall have been removed or committed to the said Gaol of *Newgate* under the Provisions of this Act, the Treasurer of the County or Place in which the Offence wherewith such Prisoner shall be charged shall have been committed or supposed to have been committed shall pay or cause to be paid to the Keeper of the said Gaol of *Newgate*, or to such other Person as the Visiting Justices of the said Gaol shall appoint, the actual Expenses incurred by the said Keeper in any Removal of such Prisoner to or from the said Gaol of *Newgate*, and also the actual Expenses incurred in the Maintenance, safe Custody, Care, and Punishment of such Prisoner, according to the Time for which he shall have been in Custody there, at the average daily Cost of each Prisoner, according to the whole Number of Prisoners confined in the said Gaol, such Average to be taken yearly, half-yearly, quarterly, or at such other Intervals as the Visiting Justices of the said Gaol shall from Time to Time determine, including in such Expenses all Salaries of Officers, all Expenses of Repairs, Alterations, Additions, and Improvements in or to the said Gaol, all Sums paid to Prisoners under any Act of Parliament on their Discharge or otherwise, and any other Charges whatsoever on account of the Prisoners confined in such Gaol, subject, nevertheless, to a proportional Share of all Deductions on account of the Earnings of the Prisoners in the said Gaol, and of all Sums of Money received in aid of the Rates for the Maintenance of such Prison.

An Account of the Expenses of any Prisoner shall be delivered to the Treasurer of the County where the Offence was committed.

XXVIII. An Account in Writing of the Expenses due and payable in respect of the Maintenance, safe Custody, Care, and Punishment of such Prisoner as in the last preceding Section mentioned shall be made out from Time to Time and signed by the Clerk to the Visiting Justices of the said Gaol of *Newgate*, and delivered to the Treasurer of the County or Place in which the Offence wherewith such Prisoner shall be charged shall have been committed or supposed to have been committed, and such Account shall be conclusive against such County or Place, unless some Objection thereto shall be made in Writing and signed by the Treasurer of such County or Place, and delivered to the Clerk of such Visiting Justices within One Calendar Month after such Account shall have been delivered to such Treasurer.

Act not to affect any Peer or Peeress.

XXIX. Nothing in this Act contained shall be deemed to apply to any Indictment or Inquisition charging any Peer or Peeress, or other Person claiming the Privilege of Peerage, with any Offence not now lawfully triable by any Court of Oyer and Terminer and Gaol Delivery for any County.

## SCHEDULE (A.)

To the Keeper of the Gaol of *Newgate*, and to the Keeper of the Gaol [House of Correction] at \_\_\_\_\_ in the County of \_\_\_\_\_

Central Criminal } WHEREAS at a Session of the Central Criminal Court holden in the  
Court (to wit). } Day of \_\_\_\_\_ in the Year of our Lord 18 \_\_\_\_\_, [Prisoner's Name] was convicted of [here state shortly the Offence], and was thereupon sentenced by the said Central Criminal Court to be [here state the Sentence, including the County or Place where it is directed to be executed]:

These are therefore in Her Majesty's Name to command you the said Keeper of the said Gaol of *Newgate* forthwith to cause the said [Prisoner's Name] to be delivered into the Custody of the said Keeper of the said Gaol [House of Correction] at \_\_\_\_\_ in the said County of \_\_\_\_\_, together with this Order, and also to command you the said Keeper of the said last-mentioned Gaol [House

*Trial of Offences.**Public Works.*

[House of Correction] to receive the said [*Prisoner's Name*] into your Custody in the same Gaol [House of Correction], and there safely to keep him until the said Sentence shall have been executed according to Law, or until he shall be otherwise delivered by due Course of Law.

Given under the Hands and Seals of us, the undersigned Justices and Judges of the said Central Criminal Court.

A.B. (L.S.)

C.D. (L.S.)

## SCHEDULE (B.)

To the Sheriff of the County of

Central Criminal } WHEREAS at a Session of the Central Criminal Court holden on the  
Court (to wit). } Day of \_\_\_\_\_ in the Year of our Lord 18\_\_\_\_, [*Prisoner's Name*] was convicted of [*here state shortly the Offence*], and was thereupon sentenced by the said Central Criminal Court to be [*here state the Sentence, including the County or Place where it is directed to be executed*]; And whereas the said [*Prisoner's Name*] has been ordered to be removed into your said County in order that the said Sentence may there be executed upon him:

These are therefore in Her Majesty's Name to command you the said Sheriff to execute the said Sentence upon the said [*Prisoner's Name*] within your said County, according to Law.

Given under the Hands and Seals of the undersigned Justices and Judges of the said Central Criminal Court.

A.B. (L.S.)

C.D. (L.S.)

## C A P. XVII.

An Act to authorize for a further Period the Advance of Money out of the Consolidated Fund for carrying on Public Works and Fisheries and for the Employment of the Poor.

[29th April 1856.]

WHEREAS an Act was passed in the Fifty-seventh Year of the Reign of His Majesty King *George* 57 G. 3. c. 34.  
the Third, Chapter Thirty-four: And whereas another Act was passed in the same Session  
of Parliament, Chapter One hundred and twenty-four: And whereas another Act was passed in 57 G. 3. c. 124.  
the First Year of the Reign of His Majesty King *George* the Fourth, Chapter Sixty: And whereas 1 G. 4. c. 60.  
another Act was passed in the First and Second Years of the Reign of His said Majesty King *George* 1 & 2 G. 4.  
the Fourth, Chapter One hundred and eleven: And whereas another Act was passed in the c. 111.  
Third Year of the Reign of His said last-mentioned Majesty, Chapter Eighty-six: And whereas 3 G. 4. c. 86.  
another Act was passed in the Fourth Year of the Reign of His said last-mentioned Majesty, Chapter 4 G. 4. c. 63.  
Sixty-three: And whereas another Act was passed in the Fifth Year of the Reign of His said last-mentioned Majesty, Chapter Thirty-six: And whereas another Act was passed in the same Year, 5 G. 4. c. 36.  
Chapter Seventy-seven: And whereas another Act was passed in the Sixth Year of the Reign of His 5 G. 4. c. 77.  
said last-mentioned Majesty, Chapter Thirty-five: And whereas another Act was passed in the 6 G. 4. c. 35.  
Seventh Year of the Reign of His said last-mentioned Majesty, Chapter Thirty: And whereas another 7 G. 4. c. 30.  
Act was passed in the Seventh and Eighth Years of the Reign of His said last-mentioned Majesty, 7 & 8 G. 4. c. 12.  
Chapter Twelve: And whereas another Act was passed in the same Year, Chapter Forty-seven: 7 & 8 G. 4. c. 47.  
And whereas another Act was passed in the First and Second Years of the Reign of His late Majesty 1 & 2 W. 4. c. 24.  
King *William* the Fourth, Chapter Twenty-four: And whereas another Act was passed in the Third 3 & 4 W. 4. c. 32.  
and Fourth Years of the Reign of His said late Majesty, Chapter Thirty-two: And whereas another  
Act was passed in the Fourth and Fifth Years of the Reign of His said late Majesty, Chapter Seventy- 4 & 5 W. 4. c. 72.  
two: And whereas another Act was passed in the First Year of the Reign of Her present Majesty 7 W. 4. &  
Queen *Victoria*, Chapter Fifty-one: And whereas another Act was passed in the First and Second 1 Vict. c. 51.  
Years of the Reign of Her present Majesty, Chapter Eighty-eight: And whereas another Act was 1 & 2 Vict. c. 88.  
passed in the Third Year of the Reign of Her present Majesty, Chapter Ten: And whereas another 3 Vict. c. 10.  
Act was passed in the Second Session of the Fifth Year of the Reign of Her present Majesty, Chapter 5 & 6 Vict. c. 9.  
Nine: And whereas another Act was passed in the Ninth and Tenth Years of the Reign of Her 9 & 10 Vict. c. 80.  
present Majesty, Chapter Eighty: And whereas another Act was passed in the Fourteenth and Fif- 14 & 15 Vict.  
teenth Years of the Reign of Her present Majesty, Chapter Twenty-three: And whereas another Act c. 23.  
was passed in the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, Chapter 16 & 17 Vict.  
Forty: And whereas sundry Advances or Loans have been made by the Commissioners of the said c. 40.  
recited Acts for the Purposes in the same Acts specified, and great Benefits have been derived there-  
from: And whereas further Advances or Loans are required for the like Objects, and it is deemed  
expedient to make further Advances of Money out of the Consolidated Fund for the Purposes 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:

I. For the Purposes of such Advances or Loans as aforesaid, the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being are hereby empowered, Powerto charge 360,000*l.* per Annum upon

## Public Works.

the Consolidated Fund by Issues not exceeding 90,000*l.* per Quarter.

powered, by Warrant under the Hands of any Two or more of them, to cause to be issued out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, or out of the growing Produce thereof, to the Account of the Commissioners for the Time being for the Reduction of the National Debt, a Sum or Sums of Money not exceeding Three hundred and sixty thousand Pounds *per Annum*, during the Five Years next ensuing the Fourth Day of *April* One thousand eight hundred and fifty-seven, by quarterly Instalments or Issues not exceeding Ninety thousand Pounds *per Quarter*, the First Instalment thereof to become due and payable in the Quarter ending the Thirtieth Day of *June* One thousand eight hundred and fifty-seven.

Commissioners for Reduction of National Debt to be Trustees of Public Works Loan Fund, and to cause a separate Account to be continued at the Bank of England for the Purpose.

II. The Commissioners for the Time being for the Reduction of the National Debt shall be and they are hereby appointed Trustees on the Part of the Public for holding the said Monies to be issued and paid out of the Consolidated Fund as aforesaid, and they shall continue or cause to be continued the separate Account already opened at the Bank of *England* with them under the Title of "The Commissioners for the Reduction of the National Debt on account of the Public Works Loan Fund," and which Account the Governor and Company of the Bank of *England* shall and they are hereby required to continue in their Books accordingly, and to which Account shall be carried all such Monies as shall be issued and paid out of the Consolidated Fund for the Purposes aforesaid; and the said Commissioners for the Reduction of the National Debt shall continue and keep or cause to be continued and kept in their Office a Book or Books, in which all the Monies transferred to their Account by virtue of this Act and the said recited Acts shall be entered and kept separate and apart from all other Monies, and such Monies shall be by them held subject to the Disposal, Orders, and Directions of the said Commissioners of the said recited Acts and of this Act, for the Purposes of such Loans and Advances, and otherwise as by the same Acts, or the Acts relating thereto, or this Act, are directed or authorized to be made.

Bank to continue the Account already opened with the Commissioners for executing this Act.

III. The Governor and Company of the Bank of *England* shall and they are hereby required to continue the Account already opened in their Books with the Commissioners for the Execution of this Act and of the said recited Acts, under the Title of "The Commissioners for the Issue of Loans for Public Works and Fisheries, &c." to the Credit of which Account shall be carried all Principal and Interest Monies which shall from Time to Time become payable in respect of Loans made or to be made under the said recited Acts or this Act, and which shall be paid to the Cashiers of the said Bank of *England*, upon such or the like Certificates under the Hands of the said Commissioners of the said recited Acts and of this Act as have been heretofore used for such Purpose in regard to Exchequer Bill or other Loans, as directed by the said recited Acts or some or one of them, in such or the like Manner in all respects as if the Clauses and Provisoes in the said recited Acts with respect to such Payments and Certificates had been repeated and re-enacted in the Body of this Act, or as near thereto as the Difference of the Circumstances will admit.

Money paid into Bank to be carried to Consolidated Fund.

IV. All and every Sum and Sums of Money which shall be paid into the Bank of *England* to the Account of the Commissioners for executing this Act, under and by virtue of this Act, shall from Time to Time, at such Periods as the Commissioners of Her Majesty's Treasury shall direct, be transferred by the Governor and Company of the Bank of *England* to the Account kept by the said Bank of *England* with Her Majesty's Exchequer, and when so transferred shall be carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*.

Commissioners for executing recited Acts to be Commissioners, together with others, for executing this Act.

V. The several Persons who in and by the said recited Acts or any of them are named or constituted Commissioners for the Execution of the said Acts, or so many of them as shall be living at the Time of the passing of this Act, together with Sir *Alexander Young Spearmen* Baronet, *John Gellibrand Hubbard* Esquire, *Henry James Prescott* Esquire, *Thomas Matthias Weguelin* Esquire, *Kirkman Daniel Hodgson* Esquire, and *William Gladstone* Esquire, who have been appointed Commissioners for the Execution of the said recited Acts, under the Authority of the same or some or one of them, shall be, and they, and all future Parties so constituted, are hereby constituted Commissioners for the Execution of the said recited Acts and this Act, and all Acts authorized by the said recited Acts and this Act to be done and executed by the said Commissioners may be done and executed by any Three or more of them.

Commissioners to sign the following Declaration before acting.

VI. The said Commissioners named in and by the said recited Acts or any of them, or this Act, shall, before they enter upon the Execution of this Act, sign a Declaration to the following Effect:

' I *A.B.* do declare, That, according to the best of my Judgment, I will faithfully and impartially execute the several Duties, Powers, and Trusts vested in me by an Act, intituled [*insert Title of this Act*], according to the Tenor and Purport of the said Act and the Acts therein recited, and other Acts having Reference thereto.'

And such Declaration shall be kept and entered with the other Proceedings of the said Commissioners.

Amount of Monies to be advanced, &c. under this Act to be certified to the Commissioners for the Reduction of the National Debt.

VII. When and so soon as the said Commissioners for the Execution of the said recited Acts and this Act shall have determined upon any Amount of Money to be advanced and lent or paid under the Provisions of this Act, the said Commissioners, or any Three or more of them, shall forthwith certify such Amount to the Commissioners for the Reduction of the National Debt for the Time being; and at the Foot of every such Certificate the Secretary of the said Commissioners for the Execution of the said recited Acts and this Act shall state the Name or Names of the Person or Persons by whom every such Certificate is to be presented to the said Commissioners for the Reduction of the National Debt; and



and upon every such Certificate being produced to the Officer of the said Commissioners for the Reduction of the National Debt the Comptroller General or Assistant Comptroller, or Chief Clerk acting under the said last-mentioned Commissioners, shall upon the Back of every such Certificate endorse and sign an Order for the Payment of the Sum mentioned in every such Certificate to the Person or Persons named at the Foot of every such Certificate, or to One of such Persons, and which Order of such Officer previously to the issuing thereof shall be entered by the Clerk or other proper Officer, and shall be countersigned by the Actuary or other Check Officer acting under the said last-mentioned Commissioners, and shall be addressed to the Cashiers of the Governor and Company of the Bank of *England*, and such Cashiers, or One of them, shall, upon the Production of every such Order, pay the Sum mentioned therein to the Person or Persons mentioned in every such Order; and the Signature of such Person or Persons, jointly or severally, shall be a sufficient Discharge to the said Commissioners for the Reduction of the National Debt, and to the said Governor and Company respectively, provided the total Amount directed to be paid by such Certificate or Certificates respectively shall not at any Time exceed the Amount for the Time being standing to the Credit of the said Account of the said Commissioners for the Reduction of the National Debt under the Provisions of this Act or of the said recited Acts.

Certificate, when produced, to be endorsed and signed by the proper Officer, and Payment made.

VIII. The said Commissioners for the Execution of the said recited Acts and this Act shall cause to be made up an annual Account to the Thirty-first Day of *March* in each Year of the Amounts placed at their Disposal under the said recited Acts and this Act, the Amounts advanced, and the Amounts remaining unissued, also an Account of the Amount of the Loans advanced by the said Commissioners under the said recited Acts and this Act, the Monies received on account thereof and paid into the Exchequer, and the Balance of Principal and Interest outstanding, distinguishing each Class of Loans, and also showing the Amounts advanced and repaid in respect of each such Class during the Year ending the Thirty-first Day of *March* immediately preceding the Date of such Account; and the said Commissioners shall in each Year cause such Accounts to be laid before both Houses of Parliament on or before the Thirtieth Day of *June*, if Parliament be sitting, or if Parliament be not sitting, then within Fourteen Days after the next Meeting of Parliament.

Commissioners for executing recited Acts and this Act to lay annual Accounts before Parliament.

IX. The Commissioners for the Reduction of the National Debt shall cause to be made up for Examination and Audit an annual Account to the Thirty-first Day of *December* in each Year of the Receipts, Payments, and Balances on the said Account so directed to be kept by them in respect of the said Public Works Loan Fund as aforesaid, and shall deliver the same to the Commissioners for auditing the Public Accounts at *Somerset Place*.

Commissioners for Reduction of National Debt to furnish Account.

X. All and every the several Clauses, Powers, Authorities, Provisoes, Enactments, Directions, Regulations, Restrictions, Privileges, Priorities, Advantages, Penalties, and Forfeitures contained in the said recited Acts or any of them shall not be affected nor be deemed to have been affected by any Act or Acts of Parliament already passed or to be passed, except so far as the same may by any such Act passed or to be passed be altered, varied, or repealed by express Reference to the said recited Acts or this Act; and all and every the same several Clauses, Powers, Authorities, Provisoes, Enactments, Directions, Regulations, Restrictions, Privileges, Priorities, Advantages, Penalties, and Forfeitures, so far as the same can be made applicable, and are not varied by this Act, shall be taken to extend to this Act, and to everything to be done in pursuance of this Act, and as if such Clauses, Powers, Authorities, Provisoes, Enactments, Directions, Regulations, Restrictions, Privileges, Priorities, Advantages, Penalties, and Forfeitures were herein repeated and set forth.

Powers, &c. of recited Acts to have the same Force as if re-enacted in this Act.

### C A P. XVIII.

An Act to authorize for a further Period the Application of Money for the Purposes of Loans for carrying on Public Works in *Ireland*. [29th April 1856.]

WHEREAS an Act was passed in the Second Year of the Reign of His late Majesty King *William* the Fourth, Chapter Thirty-three: And whereas another Act was passed in the Seventh Year of the same Reign, Chapter One hundred and eight: And whereas another Act was passed in the First Year of the Reign of Her present Majesty, Chapter Twenty-one: And whereas another Act was passed in the Second Year of the Reign of Her present Majesty, Chapter Eighty-eight: And whereas another Act was passed in the Third Year of the Reign of Her present Majesty, Chapter Fifty: And whereas another Act was passed in the Second Session of the Fifth Year of the Reign of Her present Majesty, Chapter Nine: And whereas another Act was passed in the Seventh Year of the Reign of Her present Majesty, Chapter Forty-four: And whereas another Act was passed in the Ninth Year of the Reign of Her present Majesty, Chapter One: And whereas another Act was passed in the Ninth and Tenth Years of the Reign of Her present Majesty, Chapter Eighty-five: And whereas another Act was passed in the Fourteenth and Fifteenth Years of the Reign of Her present Majesty, Chapter Fifty-one: And whereas by an Act passed in the present Session of Parliament, Chapter Seventeen, the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being are empowered, by Warrant under the Hands of any Two or more of them, to cause to be issued out of the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and

1 & 2 W.4.c.33.  
6 & 7 W.4.c.108.  
7 W. 4. &  
1 Vict. c. 21.  
1 & 2 Vict. c. 88.  
2 & 3 Vict. c. 50.  
5 & 6 Vict. c. 9.  
6 & 7 Vict. c. 44.  
9 & 10 Vict. c. 1.  
9 & 10 Vict. c. 85.  
14 & 15 Vict.  
c. 51.  
19 & 20 Vict.  
c. 17.

*Public Works (Ireland).*

‘ *Ireland*, to the Account of the Commissioners for the Time being for the Reduction of the National Debt, a Sum or Sums of Money not exceeding Three hundred and sixty thousand Pounds *per Annum*, during the Five Years next ensuing the Fourth Day of *April* One thousand eight hundred and fifty-seven, by quarterly Instalments or Issues not exceeding Ninety thousand Pounds *per Quarter*, the First Instalment thereof to become due and payable in the Quarter ending the Thirtieth Day of *June* One thousand eight hundred and fifty-seven: And whereas sundry Advances or Loans have been made by the Commissioners of Public Works in *Ireland*, under the said first-recited Act, and the several Acts since passed for amending and extending the same for the Purposes in the same Acts specified, and great Benefits have been derived therefrom, and further Advances or Loans are required for the like Objects: 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:

Appointment of Commissioners.

I. The Commissioners of Public Works for the Time being shall be Commissioners for the Execution of this Act.

Treasury may, out of the 360,000*l.* per Annum granted by 19 & 20 Vict. c. 17., apply a Sum not exceeding 15,000*l.* per Quarter for Public Works in Ireland.

II. The said Commissioners of Her Majesty’s Treasury, by Warrant under the Hands of any Two or more of them, may direct from Time to Time out of the Sum not exceeding Three hundred and sixty thousand Pounds *per Annum* which by the said Act of this present Session of Parliament they are authorized to cause to be issued out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, or out of the growing Produce thereof, to the Account of the Commissioners for the Reduction of the National Debt during the Term of Five Years next ensuing the Fourth Day of *April* One thousand eight hundred and fifty-seven, by quarterly Instalments or Issues not exceeding Ninety thousand Pounds *per Quarter* as aforesaid, there shall issue and be paid unto the said Commissioners for the Reduction of the National Debt during the said Term of Five Years a Sum not exceeding Fifteen thousand Pounds *per Quarter*, to be at the Disposal of the said Commissioners of Public Works as hereinafter mentioned, the First Instalment thereof to become due and payable in the Quarter ending the Thirtieth Day of *June* One thousand eight hundred and fifty-seven.

The separate Account already opened to be continued at the Bank of England.

III. For the Purpose of receiving the said quarterly Instalments the said Commissioners for the Reduction of the National Debt shall continue or cause to be continued the separate Account already opened with them at the Bank of *England* under the Title of “The Commissioners for the Reduction of the National Debt on account of the Public Works Loan Fund for *Ireland*,” which Account the Governor and Company of the Bank of *England* shall and they are hereby required to continue in their Books accordingly, and the said Commissioners for the Reduction of the National Debt shall continue and keep or cause to be continued and kept in their Office a Book or Books in which all Monies transferred to the said last-mentioned Account by virtue of this Act and the said recited Act of the Seventh Year of the Reign of Her present Majesty shall be kept apart from all other Monies, and such Monies shall be by the same Commissioners held subject to the Disposal of the said Commissioners of Public Works for the several Purposes of the said first-recited Act and the other Acts amending the same, and of this Act.

When Treasury shall have sanctioned Loans Commissioners of Public Works to certify Amount of Issue to Commissioners for Reduction of National Debt. Upon Certificate being produced Payment to be made. Approval of Treasury of such Issue to appear on Certificate.

IV. When the said Commissioners of Her Majesty’s Treasury shall have sanctioned any Loan under this Act or any of the above-recited Acts, and the said Commissioners of Public Works shall have ascertained that any Sum of Money is required to be issued on account of such Loan, they shall forthwith certify the Amount of such Issue to the Commissioners for the Reduction of the National Debt for the Time being, and in every such Certificate the Loan in Payment of which such Issue is required, and the Party or Parties to whom such Issue is intended to be made, shall be stated; and upon every such Certificate being produced to the Officer of the said Commissioners for the Reduction of the National Debt the Comptroller General or Assistant Comptroller or Chief Clerk acting under the last-named Commissioners shall, upon the Back of such Certificate, endorse and sign an Order for the Payment of the Sum mentioned in such Certificate to the Governor and Company of the Bank of *England*, to be by them placed to the Account of the Governor and Company of the Bank of *Ireland* for the separate Account and Credit of the Paymaster of Civil Services in *Ireland* on account of the Public Works Loan Fund for *Ireland*, to be by him paid over on the Warrants of the said Commissioners of Public Works: Provided always, that Approval of such Issue by the Commissioners of Her Majesty’s Treasury shall appear on such Certificate under the Hand of One of their Secretaries, and that the Amount of such Issue shall not exceed the Sum for the Time being standing in the Names of the said Commissioners for the Reduction of the National Debt, subject to the Disposal of the said Commissioners of Public Works.

Order to be entered by proper Officer, countersigned by Actuary, and addressed to Cashiers of the Bank, who shall pay the same.

V. Every such Order of the Officer of the said Commissioners for the Reduction of the National Debt, before the issuing thereof, shall be entered by the Clerk or other proper Officer, and shall be countersigned by the Actuary or other Check Officer acting under the said Commissioners for the Reduction of the National Debt, and shall be addressed to the Cashiers of the Governor and Company of the Bank of *England*; and such Cashiers or One of them shall, upon the Production of every such Order, pay the Sum mentioned therein to the Governor and Company of the Bank of *England*, and the Signature of One of the Cashiers of the said Governor and Company of the Bank of *England* shall be a sufficient Discharge to the said Commissioners for the Reduction of the National Debt.

VI. The

*Public Works, (Ireland).**Exchequer Bills (£21,182,700).**Bankers Compositions.*

VI. The Commissioners for the Reduction of the National Debt shall cause to be made up for Examination and Audit an annual Account, to the Thirty-first Day of *December* in each Year, of the Receipts, Payments, and Balances on the said Account so directed to be kept by them in respect of the said Public Works Loan Fund for *Ireland* as aforesaid, and shall deliver the same to the Commissioners for auditing the Public Accounts. Commissioners for Reduction of National Debt to furnish annual Account

VII. The Governor and Company of the Bank of *Ireland* shall continue the Account already opened in their Books with the Paymaster of the Civil Services of *Ireland*, under the Title of "The Paymaster of the Civil Services on account of the Repayment of Loans for Public Works," and Monies which shall from Time to Time be repaid in respect of Loans made under this Act, or in respect of the Interest thereof, shall be carried to the Credit of the same Account. Bank of Ireland to continue Account with Paymaster of Civil Services of Repayments.

VIII. As soon as any Sum of Money shall have been so lodged to the Credit of the said Account of the Paymaster of Civil Services on account of the Repayment of Loans for Public Works, the said Commissioners of Public Works shall, upon a Notification thereof, cause to be made out and delivered to the said Paymaster of Civil Services a Statement of the proper Appropriation of such Payment, whether for Account of Interest or Principal, or how much for each respectively, upon which the said Paymaster of Civil Services shall cause to be prepared accordingly the proper Receipt or Voucher, and send the same to the said Commissioners of Public Works, who shall thereupon cause the Sum or Sums therein mentioned to be entered on the Books of the said Commissioners to the Credit of the Loan on account of which such Payment shall have been made, and such Receipt when so entered shall be delivered to the Party or Person on whose Account such Payment shall have been so made, and such Receipt shall be a sufficient Discharge to the Party or Person paying the same. Appropriation and Entry of Repayments.

IX. Every Sum of Money which shall be paid into the Bank of *Ireland* to the Account of the Paymaster of Civil Services, on account of the Repayment of Loans for Public Works under this Act, shall from Time to Time, at such Periods as the Commissioners of Her Majesty's Treasury shall direct, be transferred by the Governor and Company of the Bank of *Ireland* to the Account kept by the Bank of *England* with Her Majesty's Exchequer, and when so transferred shall be carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*. All Sums paid into the Bank of Ireland to be carried to and made Part of the Consolidated Fund.

X. The said Commissioners for the Execution of the said recited Acts and this Act shall cause to be made up an annual Account to the Thirty-first Day of *March* in each Year of the Amounts placed at their Disposal under the said recited Acts and this Act, the Amounts advanced, and the Amounts remaining unissued, also an Account of the Amount of the Loans advanced by the said Commissioners under the said recited Acts and this Act, the Monies received on account thereof, and paid into the Exchequer, and the Balance of Principal and Interest outstanding, distinguishing each Class of Loans, and also showing the Amounts advanced and repaid in respect of each such Class during the Year ending the Thirty-first Day of *March* immediately preceding the Date of such Account; and the said Commissioners shall, on or before the First Day of *June* in each Year, cause such Accounts and Statements to be transmitted to the Public Works Loan Commissioners at their Office in *London*; and such Accounts and Statements shall by the said last-mentioned Commissioners be laid before both Houses of Parliament on or before the Thirtieth Day of the same Month of *June*, if Parliament be sitting, or if Parliament be not sitting, then within Fourteen Days after the next Meeting of Parliament. Commissioners for executing recited Acts and this Act to lay annual Accounts before Parliament.

XI. All the Enactments contained in the said recited Acts relating to Public Works in *Ireland*, or any of them, shall, except as is herein otherwise provided, extend to this Act, and to all Things done or directed to be done by the said Commissioners of Her Majesty's Treasury, or the said Commissioners of Public Works, or their Secretary for the Time being, or any other Persons or Bodies Corporate, under the Authority of the said recited Acts or this Act, or any of them, in such or the like Manner as if they had been particularly and severally re-enacted in the Body of this Act, or as near thereto as the Difference of the Circumstances will admit, except so far only as the same are amended or altered by any of the said Acts or by this Act. Powers of recited Acts as to Advances to have the same Force as if re-enacted in this Act.

## C A P. XIX.

An Act for raising the Sum of Twenty-one million one hundred and eighty-two thousand seven hundred Pounds by Exchequer Bills for the Service of the Year One thousand eight hundred and fifty-six. [29th April 1856.]

## C A P. XX.

An Act to continue certain Compositions payable to Bankers who have ceased to issue Bank Notes. [5th June 1856.]

WHEREAS under Sections Twenty-three and Twenty-four of the Act of the Session holden in the Seventh and Eighth Years of Her Majesty, Chapter Thirty-two, certain Compositions are made payable by the Governor and Company of the Bank of *England* to Bankers who have discontinued the Issue of their own Bank Notes; and by Section Twenty-five of the said Act it is provided that all such Compositions shall, if not previously determined by the Act of such Banker

Section 25 of  
the said Act  
repealed.

Compositions  
continued.

‘ as therein-before provided, cease and determine on the First Day of *August* One thousand eight hundred and fifty-six, or on any earlier Day on which Parliament may prohibit the Issue of Bank Notes :  
‘ And whereas it is expedient to provide for the further Continuance of such Compositions :’ Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

I. Section Twenty-five of the said Act shall be repealed.

II. All the Compositions payable under the said Act as amended by this Act to Bankers who have discontinued, or who shall agree with the said Governor and Company to discontinue, the Issue of their own Bank Notes, shall, if not previously determined by the Act of such Bankers as by the said Act provided, and unless Parliament shall otherwise provide, continue in force and be payable until Parliament shall prohibit the Issue of Bank Notes as defined by Section Twenty-eight of the said recited Act, or until the exclusive Privileges of the said Governor and Company mentioned in Section Twenty-seven of the said Act shall be determined in pursuance of such Section, or otherwise be determined or altered by Authority of Parliament.

### C A P. XXI.

An Act for raising the further Sum of Five Millions by way of Annuities. [5th June 1856.]

‘ 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, being desirous to raise the necessary Supplies  
‘ which we have cheerfully granted to Your Majesty, have resolved that the Sum of Five Millions be  
‘ raised by Annuities in manner 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 Parlia-  
ment assembled, and by the Authority of the same, as follows :

Contributors  
entitled to  
107*l.* 10*s.* 7*d.*  
3 per Cent.  
Consols for  
every 100*l.*  
contributed, &c.  
Contributors  
who have made  
Deposits to pay  
the Remainder  
of Subscrip-  
tions by Instal-  
ments.

I. Every Contributor towards raising the said Sum of Five Millions shall for every One hundred Pounds contributed and paid be entitled to the Principal Sum of One hundred and seven Pounds Ten Shillings and Sevenpence in Consolidated Annuities, after the Rate of Three Pounds *per Centum*, to commence and be payable as herein-after mentioned.

II. ‘ And whereas, pursuant to and upon the Terms and Conditions expressed in the said Resolution, ‘ several Persons have, in Books opened at the Bank of *England* for that Purpose, subscribed together ‘ the whole of the said Sum of Five Millions to be raised by Annuities, and made Deposits of Ten ‘ Pounds *per Centum* on the respective Sums by them so subscribed to the said Sum of Five Millions ‘ with the Cashiers of the Governor and Company of the Bank of *England* :’

It shall and may be lawful to and for such Contributors who have made such Deposits with the Cashier or Cashiers of the Governor and Company of the Bank of *England* (which Cashier or Cashiers is and are hereby appointed the Receiver and Receivers of such Contributions, without any other Warrant to be had in that Behalf,) to advance and pay unto the said Cashier or Cashiers of the Governor and Company of the Bank of *England* the several Remainders of the Sums by them respectively subscribed towards the said Sum of Five Millions, on or before the respective Days and in the Proportions herein-after mentioned ; (that is to say,) Twenty Pounds *per Centum* on or before the Twelfth Day of *June* One thousand eight hundred and fifty-six ; Twenty Pounds *per Centum* on or before the Twenty-eighth Day of the same Month ; Twenty Pounds on or before the Twenty-fourth Day of *July* One thousand eight hundred and fifty-six ; Ten Pounds *per Centum* on or before the Twenty-eighth Day of *August* One thousand eight hundred and fifty-six ; and the remaining Twenty Pounds *per Centum* on or before the Eighteenth Day of *September* One thousand eight hundred and fifty-six.

Power to  
Guardians to  
contribute for  
Infants.

III. It shall be lawful for any Guardian or Trustee having the Disposition of the Money of any Infant to contribute and pay for or towards advancing the said Sum of Five Millions to be raised by Annuities in manner aforesaid ; and such Infant, upon the Payment of such Sum or Sums subscribed by such Guardian or Trustee, shall become a Contributor within the Meaning of this Act, and be entitled to have and receive the Annuities, Advantages, and Payments in respect thereof, in such and the like Manner as any other Contributor ; and such Guardian or Trustee as to the said Sum or Sums so advanced is hereby discharged, so as the Name of such Infant be expressed in the Receipt or Receipts for such Money.

Dividends on  
Stock when to  
be payable.

IV. The several Contributors, their Executors, Administrators, Successors, and Assigns, in respect of the said Sum of Five Millions, shall be entitled, for every One hundred Pounds by them respectively advanced and paid, to an Annuity after the Rate of Three Pounds *per Centum*, in respect of the said Principal Sum of One hundred and seven Pounds Ten Shillings and Sevenpence, to commence from the Fifth Day of *January* One thousand eight hundred and fifty-six, until Redemption by Parliament in manner herein-after mentioned, which said Annuity shall be payable and paid half-yearly, by equal Portions, on the Fifth Day of *July* and the Fifth Day of *January* in every Year, the first half-yearly  
Payment

*Annuities (No. 2.)*

Payment of the said Annuity to be due on the Fifth Day of *July* One thousand eight hundred and fifty-six.

V. As soon as any Contributors, their Executors, Administrators, Successors, or Assigns, shall, after Payment of the Deposit of Ten Pounds *per Centum*, have made Payment of any subsequent Instalment payable by them respectively on the Days specified in this Act towards the said Sum of Five Millions, such Contributors may have a proportional Amount of Stock in Consolidated Three Pounds *per Centum* Annuities, in respect of such Instalment, forthwith placed in the Books of the Bank of *England* to the Credit of such respective Contributors, their Executors, Administrators, Successors, or Assigns; and on Payment of the last Instalment such Contributors, their Executors, Administrators, Successors, or Assigns, shall have a proportional Amount of like Stock placed to their respective Credits, corresponding, at the Rate aforesaid, to the aggregate Amount of the Deposit and of such last Instalment; and the Persons to whose Credit such Consolidated Annuities, or such proportional Parts thereof, shall be so placed, their respective Executors, Administrators, Successors, and Assigns, shall and may have Power to assign and transfer the same, or any Part, Share, or Proportion thereof, to any other Person or Persons, Body or Bodies Politic or Corporate, whatsoever, in the Books of the Bank of *England*; and the said Governor and Company of the Bank of *England* are hereby required, as soon as conveniently may be after the passing of this Act, to prepare proper Books for the Purpose of entering the Names of all such Contributors, and of placing to their Credit the Principal Sums so paid by them respectively; and such Stock shall carry the Annuities after the Rate of Three Pounds *per Centum per Annum*, to be payable under this Act, until Redemption thereof in such Manner as is herein-after mentioned, and shall be transferable as this Act directs, and not otherwise.

VI. All such Contributors, their Executors, Administrators, Successors, or Assigns, who shall pay into the Hands of the said Cashier or Cashiers the whole of their respective Contribution Money, or any Part thereof, in anticipation of the said Instalments or any of them, shall be entitled to have forthwith inscribed into their respective Names the whole or such proportional Amount of the said Three Pounds *per Centum* Annuities; but Discount shall not be allowed on any such Payment in anticipation of any of the said Instalments.

VII. The Three *per Centum* Annuities aforesaid shall be payable and paid and be transferable at the Bank of *England*, and shall be subject to such Redemption as is herein-after mentioned.

VIII. So much Money shall from Time to Time be set apart and issued at the Receipt of the Exchequer, out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, to the said Cashier or Cashiers of the Governor and Company of the Bank of *England*, as shall be sufficient to satisfy and pay the said Annuities to be created in respect of the said Sum of Five Millions, together with the Charges attending the same.

IX. The said Annuities, Interest, and Dividends which shall become payable in respect of the said Sum of Five Millions shall be charged and chargeable upon and are hereby charged upon and made payable out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*.

X. For the more easy and sure Payment of the Annuities established by this Act, the said Governor and Company of the Bank of *England* and their Successors shall from Time to Time, until all the said Annuities shall be redeemed, appoint and employ One or more sufficient Person or Persons within their Office in the City of *London* to be their Chief or First Cashier or Cashiers, and One or other sufficient Person within the same Office to be their Accountant General; and so much of the Moneys by this Act appropriated for the Purpose as shall be sufficient from Time to Time to answer the said Annuities and other Payments herein directed to be made out of the said Moneys, in respect of the said Sum of Five Millions, shall, by Order of the Commissioners of Her Majesty's Treasury, without any further Warrant to be sued for, had, or obtained in that Behalf, from Time to Time, at the respective Days of Payment in this Act appointed for Payment thereof, be issued and paid at the Receipt of the Exchequer to the said First or Chief Cashier or Cashiers of the said Governor and Company of the Bank of *England*, and their Successors for the Time being, by way of Imprest, and upon Account for the Payment of the Dividends payable by virtue of this Act; and such Cashier or Cashiers to whom the said Money shall from Time to Time be issued shall from Time to Time, without Delay, pay the same accordingly, and render his or their Accounts thereof to the Commissioners for auditing the Public Accounts; and the said Accountant General for the Time being shall from Time to Time inspect and examine all Receipts and Payments of the said Cashier or Cashiers, and the Vouchers relating thereto, in order to prevent any Fraud, Negligence, or Delay.

XI. The Cashier or Cashiers of the Governor and Company of the Bank of *England* who shall have received or shall receive any Part of the said Contributions towards the said Sum of Five Millions shall give a Receipt or Receipts in Writing to every such Contributor for all such Sums, and also Warrants for the Stock to be created in respect of the Second, Third, Fourth, and Fifth Instalments, on Payment of those Instalments respectively; which Receipts and Warrants shall be assignable and transferable by Delivery thereof: Provided always, that such Cashier or Cashiers shall give Security, to the good Liking of the Commissioners of Her Majesty's Treasury, for duly answering and paying into the Receipt of the Exchequer, as after mentioned, for the Public Use, all the Moneys which he or they has or have already received and shall hereafter receive from Time to Time, of and for the whole of the said Sum of Five

Time at which Contributors, after Payment of Deposit, &c. may assign and transfer Stock.

Contributors may make Payments in anticipation of Instalments.

Annuities payable, &c. at the Bank.

Payment out of Consolidated Fund of Annuities, &c. in respect of 5,000,000*l.*; to be charged on said Fund.

The Bank to appoint a Cashier and an Accountant General, and the Treasury to order Money to be issued to the Cashier for Payment of Annuities.

Cashier to give Receipts for Subscriptions, &c. which may be assigned and transferred by Delivery thereof.

Cashier to give Security for paying the Money he

*Annuities (No. 2.)*

receives into the Exchequer.

Millions, and for accounting duly for the same, and for the Performance of the Trust hereby in him or them reposed, and shall from Time to Time pay all such Moneys, as soon as he or they shall receive the same or any Part thereof, or within Five Days afterwards at the farthest, into and shall account for the same in the Exchequer, according to the due Course thereof.

Treasury may apply the Money paid into the Exchequer.

XII. It shall be lawful for the Commissioners of Her Majesty's Treasury to issue and apply from Time to Time all such Sums of Money as shall be so paid into the Receipt of Her Majesty's Exchequer by the said Cashier or Cashiers, in respect of the said Sum of Five Millions, to such Services as have been or shall be voted by the Commons of the United Kingdom of *Great Britain* and *Ireland*, or to such Services as are now charged on the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, or shall be charged thereon by any Act that may be passed hereafter.

Book to be kept in Accountant General's Office of Contributors Names, and Duplicate to be transmitted to the Exchequer.

XIII. In the Office of the Accountant General of the Governor and Company of the Bank of *England* for the Time being a Book or Books shall be provided and kept, in which the Names of the Contributors shall be fairly entered; which Book or Books the said respective Contributors, their respective Executors, Administrators, Successors, and Assigns, shall and may from Time to Time, and at all seasonable Times, resort to and inspect without any Fee or Charge; and the said Accountant General shall, on or before the Fifth Day of *January* One thousand eight hundred and fifty-seven, transmit an attested Duplicate, fairly written on Paper, of the said Book or Books, into the Office of the Receipt of the Exchequer, there to remain for ever.

Contributors not paying up Sums subscribed to forfeit their Deposits.

XIV. In case any such Contributors who have already deposited with or shall hereafter pay to the said Cashier or Cashiers any Sum or Sums of Money at the Time and in the Manner herein-before mentioned, in part of the Sum or Sums so by them respectively subscribed, or their respective Executors, Administrators, Successors, or Assigns, shall not advance and pay to the said Cashier or Cashiers the Residue of the Sum or Sums so subscribed at the Times and in the Manner before mentioned, then and in every such Case the aforesaid Deposit of Ten Pounds *per Centum* shall be forfeited for the Benefit of the Public, and all Right and Title to the said Ten Pounds *per Centum* Deposit, and to the Annuity in respect thereof, shall be extinguished, anything in this Act contained to the contrary thereof in anywise notwithstanding.

Annuities to be deemed Personal Estate.

XV. All Persons and Corporations who shall be entitled to any of the Annuities hereby granted in respect of the said Sum of Five Millions, and all Persons and Corporations lawfully claiming under them, shall be possessed thereof as of a Personal Estate, which shall not be descendible to Heirs, nor liable to any Foreign Attachment by the Custom of *London* or otherwise, any Law, Statute, or Custom to the contrary notwithstanding.

Accountant General to keep Books for entering Transfers.

XVI. Books shall be constantly kept by the said Accountant General for the Time being, wherein all Assignments or Transfers of all Sums of Stock in the Consolidated Three Pounds *per Centum* Annuities created under this Act shall be entered and registered, which Entry shall be conceived in proper Words for that Purpose, and shall be signed by the Parties making such Assignments or Transfers, or if such Parties be absent, by their respective Attorney or Attorneys thereunto lawfully authorized in Writing under his or their Hand and Seal or Hands and Seals, to be attested by Two or more credible Witnesses; and the several Persons to whom such Transfers shall be made may respectively underwrite their Acceptance thereof, and no other Method of assigning and transferring the said Stock or Annuities, or any Part thereof, or any Interest therein, shall be good or available in Law; and no Stamp Duties whatsoever shall be charged on any of the said Transfers, any Law or Statute to the contrary notwithstanding.

Transfers not liable to Stamp Duties.

Treasury to defray Incidents attending Execution of this Act.

XVII. Out of the Monies arising from the Contributions towards raising the said Sum of Five Millions by Annuities, the Commissioners of Her Majesty's Treasury shall have Power to discharge all such incidental Charges as shall necessarily attend the Execution of this Act, in such Manner as to them shall seem just and reasonable.

Allowance for the Expense of Management.

XVIII. It shall be lawful for the Commissioners of Her Majesty's Treasury to direct the Payment out of the Consolidated Fund to the Governor and Company of the Bank of *England* of the Sum of Five hundred Pounds for every Million of the said Contributions as an Allowance for the Service, Pains, and Labour of the said Cashier or Cashiers employed in receiving, paying, and accounting for the same, and also for the Service, Pains, and Labour of the said Accountant General for performing the Trust reposed in him by this Act, which Allowance, in respect of the Service, Pains, and Labour of the said Cashier or Cashiers and Accountant General of the said Governor and Company, shall be for the Use of the said Governor and Company, and at their Disposal only.

The 3 per Cent. Annuities to be added to the Joint Stock of the 3 per Cent. Consols.

XIX. All the Annuities after the Rate of Three Pounds *per Centum per Annum* to which any Person or Persons shall become entitled by virtue of this Act, in respect of any Sum advanced or contributed towards the said Sum of Five Millions, shall be added to the Joint Stock of Annuities transferable at the Bank of *England* into which the several Sums carrying an Interest after the Rate of Three Pounds *per Centum per Annum* were by several Acts made in the Twenty-fifth, Twenty-eighth, Twenty-ninth, Thirty-second, and Thirty-third Years of the Reign of King *George* the Second, and by several subsequent Acts, consolidated, and shall be deemed Part of the said Joint Stock of Annuities; subject nevertheless to Redemption by Parliament in such Manner and upon such Notice as in the said Act made in the Twenty-fifth Year of the said Reign is directed in respect of the several and respective Annuities redeemable by virtue of the said Act; and all and every Person and Persons and Corporation whatsoever, in

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in proportion to the Money to which he, she, or they shall become entitled as aforesaid by virtue of this Act, shall have and be deemed to have a proportional Interest and Share in the said Joint Stock of Annuities, at the Rates aforesaid.

XX. For the Purpose of the Extinction of a Portion of the Funded Debt of the United Kingdom equal to the Amount to be added to the said Joint Stock as aforesaid, there shall be issued and paid, out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, or out of the growing Produce thereof, to the Commissioners for the Reduction of the National Debt, in the financial Year commencing on the First Day of *April* One thousand eight hundred and fifty-seven, and in every subsequent Year until such Portion of the said Funded Debt is extinguished, by means of the Moneys issued to the said Commissioners under this Enactment, the Sum of Two hundred and fifty thousand Pounds; provided that in case, in the last Year in which such Sum would be payable, the Sum necessary for purchasing the remaining Part of the said Portion of such Funded Debt be less than Two hundred and fifty thousand Pounds, then so much Money only as may be necessary for that Purpose shall be issued and paid as aforesaid; and the Sums so to be issued and paid to the Commissioners for the Reduction of the National Debt shall be applied by them from Time to Time in the Purchase of such Funded Debt, in the Manner directed by the Acts for the Reduction of the National Debt, until by means of such Sums a Sum of Five million five hundred and fifty-five thousand four hundred and sixteen Pounds Thirteen Shillings and Fourpence of such Funded Debt has been extinguished and cancelled, and all such Funded Debt purchased by the said Commissioners under the Authority of this Act shall from Time to Time be forthwith cancelled and extinguished, and all Dividends in respect thereof shall cease to be payable; and for the Purposes of the Acts for the Reduction of the National Debt, the Sums to be issued and paid to the said Commissioners as aforesaid shall be deemed Part of the Expenditure of the United Kingdom.

Sinking Fund.

XXI. If any Person shall forge or counterfeit, or cause or procure to be forged or counterfeited, or shall willingly act or assist in the forging or counterfeiting, any Receipt or Receipts for the whole or any Part or Parts of the said Contributions towards the said Sum of Five Millions, either with or without the Name or Names of any Person or Persons being inserted therein, as the Contributor or Contributors thereto, or Payer or Payers thereof, or of any Part or Parts thereof, or shall alter any Number, Figure, or Word therein, or shall forge or counterfeit or cause or procure to be forged or counterfeited, or shall willingly act or assist in forging or counterfeiting, any Warrant for Stock to be created in respect of any such Instalment as aforesaid, either with or without the Name of any Person being inserted therein, as entitled to such Stock, or shall alter any Number, Figure, or Word therein, or shall utter or publish as true any such false, forged, counterfeited, or altered Receipt or Warrant, with Intent to defraud the Governor and Company of the Bank of *England*, or any Body Politic or Corporate, or any Person or Persons whatsoever, every such Person so forging or counterfeiting, or causing or procuring to be forged or counterfeited, or willingly acting or assisting in the forging or counterfeiting, or altering, uttering, or publishing as aforesaid, being thereof convicted in due Form of Law, shall be adjudged guilty of Felony, and shall, at the Discretion of the Court, be liable to be transported beyond the Seas for Life or for any Term not less than Fourteen Years, or to be kept in Penal Servitude for Life or for any Term not less than Four Years, or to be imprisoned, with or without Hard Labour, for any Term not exceeding Four Years nor less than Two Years.

Persons counterfeiting Receipts for Contributions, &amp;c. guilty of Felony.

XXII. The said Governor and Company of the Bank of *England*, and their Successors, notwithstanding the Redemption of all or any of their own Funds, in pursuance of the Acts for establishing the same or any of them, shall continue a Corporation for the Purposes of this Act until the Consolidated Three Pounds *per Centum* Annuities by this Act granted shall be redeemed by Parliament as aforesaid; and the said Governor and Company of the Bank of *England*, or any Member thereof, shall not incur any Disability for or by reason of their doing any Matter or Thing in pursuance of this Act.

Bank to continue a Corporation till the Annuities hereby granted shall cease.

XXIII. No Fee, Reward, or Gratuity whatsoever shall be demanded or taken of any of Her Majesty's Subjects for receiving or paying the said Subscription or Contribution Moneys or any of them, or for any Receipt concerning the same, or for paying the said Annuities, or for any Transfer of any Sum, great or small, to be made in pursuance of this Act, upon pain that any Officer or Person offending by taking or demanding any such Fee, Reward, or Gratuity shall for every such Offence forfeit the Sum of Twenty Pounds to the Party aggrieved, with full Costs of Suit, to be recovered in any of Her Majesty's Superior Courts of Law at *Westminster*.

Penalty on Persons taking Fees for Receipts or Payments.

XXIV. If any Person or Persons shall be sued, molested, or prosecuted for anything done by virtue or in pursuance of this Act, such Person or Persons shall and may plead the General Issue, and give this Act and the special Matter in Evidence in his, her, or their Defence or Defences; and if afterwards a Verdict shall pass for the Defendant or Defendants, or Plaintiff or Plaintiffs shall discontinue his, her, or their Action or Prosecution, or be nonsuited, or Judgment shall be given against him, her, or them, upon Demurrer or otherwise, then such Defendant or Defendants shall have full Costs awarded to him, her, or them, against any such Plaintiff or Plaintiffs.

General Issue.

XXV. Provided, That none of the Provisions of an Act of the Twenty-second Year of His late Majesty King *George* the Third, Chapter Forty-five, shall be construed to extend to any Subscriber or Contributor under this Act.

Provisions of 22 G. 3. c. 45. not to extend to Subscribers under this Act.

*Fire Insurances.*

## C A P. XXII.

An Act to amend the Laws relating to the Duties on Fire Insurances. [5th June 1856.]

‘ WHEREAS, under and by virtue of certain Acts passed in that Behalf, Persons insuring or keeping an Office for insuring Property from Loss by Fire are required to take out Licences for that Purpose from the Commissioners of Inland Revenue, and to give Security by Bond for duly rendering Accounts of such Insurances and paying the Duty chargeable in respect thereof, and a certain Stamp Duty is by Law chargeable upon any Policy or other Instrument whereby any Insurance is made of or upon Property from Loss or Damage by Fire, and a further Duty at and after the Rate of Three Shillings *per Centum per Annum* is also chargeable in respect of every such Insurance: And whereas a Practice has been established of insuring from Loss by Fire Property situate within the United Kingdom by Foreign Companies or by Policies or Insurances made abroad, and it is expedient that all such Insurances should be subject to the same Duties as the like Insurances made by Companies within the United Kingdom are now by Law chargeable with:’ 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:

Duties to be chargeable on all Insurances of Property within the United Kingdom wheresoever made.

Persons insured chargeable with Duties where Insurances made by unlicensed Foreign Companies.

Agents receiving Proposals, &c. for Insurances by Companies out of United Kingdom deemed to be Persons keeping an Office for insuring Property from Loss by Fire;

and required to take out Licence, &c.

Penalty for Neglect.

Persons keeping Insurance Offices for Foreign Companies chargeable with Duties.

Not to limit Charge of Duty under former Acts, &c.

Re-insurances from Loss by Fire not to be chargeable with

I. The said respective Duties by the said Acts granted as aforesaid shall extend to and be payable and paid for and in respect of every Insurance of Property situate within the United Kingdom from Loss or Damage by Fire, whether the same shall be made by any Company, Society, or Person or Persons within or out of the United Kingdom, and whether the Policy or other Instrument, Note, or Memorandum of or relating to any such Insurance shall be made, signed, or issued in the United Kingdom or elsewhere, and whether there shall be any such Policy, Instrument, Note, or Memorandum, or not.

II. Where any such Insurance as aforesaid shall be made by any Company, Society, or Person or Persons out of the United Kingdom, the Person insured shall be chargeable with the Duties payable in respect of such Insurance, and shall pay the same to some Agent of such Company, Society, or Person or Persons who shall be duly licensed as herein-after mentioned, or, if there be no such Agent, then to the Receiver General of Inland Revenue, or some other Officer appointed by the Commissioners of Inland Revenue to receive the same, setting forth the Particulars of such Insurance in such Form as the said Commissioners shall require, and in default of such Payment the said Duties shall be a Debt due from him to Her Majesty, Her Heirs and Successors, and be recoverable in the Manner provided by the Eighth Section of the Act passed in the Fourteenth Year of Her Majesty’s Reign, Chapter Ninety-seven, or by any other Mode by which any such Debt may be recovered.

III. Every Person in the United Kingdom who shall as Agent receive or accept any Proposal or Instructions for the Insurance of Property from Loss or Damage by Fire by any Company, Society, or Person or Persons out of the United Kingdom, or who shall keep or have or conduct or manage any Office or Place for accepting or receiving or issuing any such Proposals or Instructions, or who shall be held out by any public Advertisement or Notice, with his Consent, as a Person to or by or from whom any such Proposals or Instructions may be given or received or obtained, or through or by means of whom any such Insurance as aforesaid may be effected, and every Person who shall in any Manner effect or negotiate or be concerned in effecting or negotiating any such Insurance as aforesaid for or on behalf of any such Company, Society, or Person or Persons as aforesaid, or who shall issue or deliver out any Policy or other Instrument or any Note or Memorandum of or relating to any such Insurance as aforesaid, made or proposed or intended, shall be held and deemed to be a Person keeping an Office for insuring Property from Loss by Fire within the Meaning of the several Acts before mentioned, and shall be and is hereby required to take out a proper Licence in that Behalf, and to give Security in the Manner directed by the said Acts respectively, and in such Form as the Commissioners of Inland Revenue shall think proper, for accounting for and paying the Duties with which he shall be chargeable as herein-after mentioned; and if any such Person hereby required to take out such Licence and to give such Security as aforesaid shall neglect or omit so to do, he shall forfeit the Sum of One hundred Pounds, and the like Penalty for every Day that such Neglect or Omission shall continue.

IV. Every Person who by reason of any such Act or Means as in the preceding Clause mentioned shall be deemed to be a Person keeping such Office as aforesaid within the Meaning of this Act and the several Acts aforesaid shall account for and shall be chargeable with the Duties in respect of all such Insurances as aforesaid made or undertaken or agreed to by any Company, Society, or Person or Persons out of the United Kingdom for whom or on whose Behalf or in respect of whose Business of Insurance he shall do any such Act as aforesaid, or become a Person keeping such Office as aforesaid.

V. Provided always, That nothing herein contained shall extend to limit or restrict the charging of the said Duties under any former Act now in force, or to charge with Duty any Insurance expressly exempted by any such former Act.

VI. And whereas a Practice prevails amongst certain Insurance Companies, on their granting Policies of Insurance from Loss by Fire for large Sums, to procure from other Companies, in consideration of Portions of the Premiums for such Insurances, Indemnity by way of Guarantee in case of any such Loss



*Fire Insurances. Canada Company.*

Loss happening, against the Payment of certain Parts of the Sums insured, and it is expedient to exempt such Indemnity or Guarantee from the yearly Per-centage Duties which would otherwise be chargeable in respect thereof as an Insurance from Loss by Fire: Be it enacted, That where an Insurance from Loss by Fire shall be made by any Company who shall duly account for and pay the full and proper Duties chargeable in respect thereof, the yearly Per-centage Duty shall not be payable in respect of any Re-insurance effected by such Company with any other Company by way of Indemnity or Guarantee against the Payment on the original Insurance of any Portion of the Money insured thereby, and no other Duty than the Stamp Duty of One Shilling chargeable upon a Policy of Insurance from Loss by Fire shall be payable upon such Re-insurance.

the Per-centage  
Duty, but with  
the Policy  
Stamp only.

## C A P. XXIII.

An Act for granting certain additional Powers and Authorities to the *Canada Company*.

[23d June 1856.]

WHEREAS by an Act of Parliament passed in the Sixth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to enable His Majesty to grant to a Company, to be incorporated by Charter, to be called "The Canada Company," certain Lands in the Province of Upper Canada, and to invest the said Company with certain Powers and Privileges, and for other Purposes relating thereto*, it was enacted, that in case His then Majesty should, within Three Years after the passing of the Act now being recited, be pleased, by Charter of Incorporation under the Great Seal of Great Britain and Ireland, to declare and grant that such and so many Persons as should be named therein, and all and every such other Person or Persons as from Time to Time should be duly admitted Members into their Corporation, should be a Body Politic and Corporate by the Name of "The Canada Company," and to declare that the said Corporation so to be made and created should be established for the Purpose in the said Act mentioned, and for such other lawful Purposes as to His Majesty might seem meet, then and in that Case His Majesty should be authorized to grant to the said Corporation certain Lands therein mentioned, and the said Corporation should have certain Powers and Privileges therein specified: And whereas by Letters Patent under the Great Seal of Great Britain and Ireland, bearing Date at Westminster on the Nineteenth Day of August in the Seventh Year of the Reign of His late Majesty King George the Fourth, and in all respects in accordance with the said Act, His said Majesty was pleased to grant and declare that certain Persons in such Charter named, together with such and so many other Person or Persons, Bodies Politic or Corporate, as had become or should at any Time thereafter become Subscribers or Shareholders of or for the Capital Stock therein-after mentioned, in manner therein-after provided, and their respective Successors, Executors, Administrators, and Assigns, should be One Body Politic and Corporate by the Name of "The Canada Company," and by that Name should have perpetual Succession and a Common Seal; and by the said Charter it was declared, that the said Corporation was established for the Purpose of purchasing, holding, improving, clearing, settling, and disposing of waste and other Lands in the Province of Upper Canada, and for making Advances of Capital to Settlers on such Lands, for the opening, making, improving, and maintaining Roads and other internal Communications, for the Benefit thereof, and for promoting the Cultivation of such Articles as could advantageously be exported from the said Province, and for the other Purposes therein-after mentioned, and that the present Capital or Joint Stock of the said Company to be used and applied in establishing and carrying on the said Undertaking and for the Purposes aforesaid should be a Sum of not exceeding One million Pounds Sterling, to be raised in Shares of One hundred Pounds each; and in the said Charter Provision was made and Power given for the Transfer and Sale of Shares in the Company, and for making Calls thereon, and also for holding General Courts and Special General Courts of the Proprietors of the said Company, and for electing or appointing from Time to Time a Governor, Deputy Governor, and Directors and other Officers of the said Company, and for managing and directing the Affairs of the Company, and, if necessary, for raising additional Capital; and it was by such Charter declared, that all Sums of Money paid and received in respect of the Shares of the said Company, together with all Acquisitions or Investments whatsoever, whether Real or Personal, whether vested in the said Company in their own Name or in the Names of Trustees, or in what Manner soever the same should be vested, should form and constitute the Joint or Capital Stock of the said Company and their Successors for ever, and should be liable and answerable for the Debts, Liabilities, and Engagements of the said Company; and further, that it should be lawful for the said Company, not only to purchase, take, hold, sell, let, and dispose of all such Lands in the Provinces of Upper Canada and Lower Canada as aforesaid, and more especially any such Lands as should be granted by His Majesty in virtue of His Royal Prerogative or by the Authority of Parliament, but also to contract for, bargain, purchase, and export all such Merchandises, Matters, and Things as might be necessary or convenient for the Cultivation, Clearing, or Improvement of the Lands which might be purchased by the said Company, and should also be empowered to import and receive, and to sell and dispose of, all Goods and Merchandise which might be consigned or remitted to them from such their Lands in Payment or Satisfaction of any Rent or Purchase Money arising from the Occupation or Sale of any such Lands, and to receive and negotiate in England Bills of Exchange, Promissory Notes, or other

6 G. 4. c. 75.

Charter dated  
19 August.  
(7 G. 4.)

*Canada Company.*

other negotiable Securities for Money, which might be remitted to them on account of any such Rent or Purchase Money, and also to purchase, take, hold, sell, and dispose of all Lands, Tenements, and Hereditaments situate in *Great Britain* and *Ireland* or in the Provinces of *Upper Canada* and *Lower Canada*, or elsewhere in His Majesty's Dominions, which it might be necessary or convenient for the said Company to acquire, in order to the carrying of such Charter into more complete Effect; and further, that Interest, calculated to the Tenth Day of *July* One thousand eight hundred and twenty-six, should, within One Month from the Date of the said Charter, be payable to the Members of the said Company, at and after the Rate of Four *per Centum per Annum*, from the respective Periods at which the Deposit and subsequent Calls (if any) on their Shares should have been paid, to be calculated upon and in respect of such Deposit and Calls, and on the Tenth Day of *January* and Tenth Day of *July* One thousand eight hundred and twenty-seven, and on each and every Tenth Day of *January* and Tenth Day of *July* until and ending with the Tenth Day of *January* One thousand eight hundred and thirty-one, further Interest at the like Rate should be calculated and become payable to the said Members upon the said Deposit and upon the Amount of the several Calls which should have been made upon and paid by them, and from and after the Tenth Day of *January* in the Year One thousand eight hundred and thirty-one it should be lawful to and for the Court of Proprietors, twice in every Year, in the said Months of *June* and *December*, if the State of the Affairs of the said Company should warrant the same, to declare such Dividend to and amongst the Members of the said Company for the Half Year ending on the Tenth Day of *July* and the Tenth Day of *January* next succeeding such respective General Court as to the said Court of Proprietors should appear proper, in addition to such Payment of Interest as aforesaid; and that in declaring such Dividends respectively due regard should be had to all the Debts and Engagements of the said Company, and the Risks and Contingencies affecting their Assets and Securities, and so as no Dividend or Interest after the said Tenth Day of *January* One thousand eight hundred and thirty-one should be in any Case paid out of the Capital of the said Company, or otherwise than as a Division of the whole or Part of the Gains and Profits of the said Company: And whereas an Act of Parliament was passed in the Ninth Year of the Reign of His said late Majesty King *George the Fourth*, intituled *An Act to alter and amend an Act for enabling His Majesty to grant to a Company to be incorporated by Charter, to be called the Canada Company, certain Lands in the Province of Upper Canada*, and thereby certain additional Powers were given to the said Company: And whereas the Sum of Thirty-two Pounds Ten Shillings *per Share* has been paid up on each Share, and the paid-up Capital of the said Company now consists of the Sum of Two hundred and eighty-nine thousand seven hundred and thirty-seven Pounds Ten Shillings, divided into Eight thousand nine hundred and fifteen Shares: And whereas Lands in the Province of *Upper Canada* to the Extent of Two millions four hundred and eighty-four thousand four hundred and thirteen Acres were purchased by the Company, who expended large Sums in improving the same, and a considerable Portion of such Lands have been sold at Prices considerably exceeding the Monies expended in purchasing and improving the same, but the Value of the unsold Portion of such Lands very far exceeds the Amount of the paid-up Capital of the Company, and of all the Liabilities of the Company, and the Company hold Mortgages and other Securities for Lands sold or contracted to be sold, and for other Monies owing to them, and other Securities for Money: And whereas Doubts have arisen whether the Company can divide as Profit the whole of the Monies arising from the Sale of Lands in which the Monies of the Company have been invested, and it is desirable that such Doubts should be removed, and that such additional Powers as after mentioned should be given to the Company: And whereas it is not in the Contemplation of the Company to purchase additional Land: And whereas such Objects and Purposes as aforesaid cannot be effectually carried into effect without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

9 G. 4. c. 61.

Short Title.

I. In citing this Act for any Purpose whatsoever it shall suffice to use the Expression "The *Canada Company's Amendment Act, 1856.*"

For ascertaining what shall be deemed to be the Capital.

II. For the Purpose of ascertaining the Funds applicable to be divided among the Proprietors of the Company as and by way of Dividend, under the Provisions of the said Charter of Incorporation, it shall be lawful for the Court of Directors of the said Company from Time to Time to set apart or reserve such Part or Parts of the Lands of the said Company, whether contracted to be sold or not, and such Part or Parts of the Mortgages and other Securities for Money for the Time being held by the said Company, as they in their Judgment shall deem to be sufficient, having regard to the Value of the said Lands, Mortgages, and other Securities, to be ascertained by such Estimates or Valuations as to the said Court of Directors shall be satisfactory, to answer the said Sum of Two hundred and eighty-nine thousand seven hundred and thirty-seven Pounds Ten Shillings, and from Time to Time to alter and vary the Lands, Mortgages, and Securities, so set apart, for others, and without Prejudice to the Right of the Company to realize and sell the same or any Part thereof, and the Land, Mortgages, and other Securities, for the Time being remaining so set apart and reserved, and the Proceeds thereof, shall for the Purposes aforesaid be deemed to be and to represent the Capital of the Company.

III. All

*Canada Company.**Juvenile Convict Prison (Ireland).*

III. All Monies to arise from the annual Rents and Profits of the Lands, and from the Interest and Profits of the Mortgages and other Securities of the Company, including the Lands, Mortgages, and Securities, for the Time being so set apart and reserved, and all the Monies to arise and be received by Sale or otherwise for and in respect of all other the Lands, Property, and Effects of the Company, other than and except what under the Provisions of this Act shall for the Time being be set apart as representing the Capital of the Company, shall for all Intents and Purposes be treated as Gains and Profits of the Company, and, after deducting and retaining thereout so much as may be necessary to meet the Debts and Liabilities of the Company, the Residue thereof shall be applicable towards Payment of Interest on the paid-up Capital of the Company, and the Dividends from Time to Time to be declared on the Shares therein.

For ascertain-  
ing what shall  
be deemed  
Profits of the  
Company.

IV. It shall not be lawful for the Directors to call up any further Part of the subscribed Capital of the Company.

No further  
Part of Capital  
to be called up.  
Power to wind  
up and dissolve  
the Company.

V. It shall be lawful for the Proprietors of the Company, at a Special General Court called for the Purpose, by a Resolution to be passed by a Majority of Votes given at such Court by Proprietors duly qualified to vote, and according to the Number of Shares held by them respectively, in accordance with the Provisions of the said Charter, to direct that the Affairs of the said Company shall be wound up, and that the Company shall be dissolved, which Resolution shall be submitted to the Proprietors at a subsequent Special General Court to be also specially called for the Purpose, and held at an Interval of not less than One Calendar Month nor more than Two Calendar Months from the Special General Court at which the Resolution shall have passed; and such Second Special General Court shall, if required by any Nine Proprietors present thereat, be adjourned to a Time and Place to be then appointed by the Chairman, for the Purpose only of taking the Votes of the Proprietors on such Resolution; and in case the said Resolution shall be confirmed by a Majority of the Votes given at such Second Special General Court or adjourned General Court, as the Case may be, by Proprietors duly qualified as aforesaid, the Directors of the Company shall with all convenient Speed pay and discharge all Debts and Liabilities of the Company, and sell and convert into Money the Land and other Property of the Company then remaining undisposed of, and from Time to Time distribute the Monies arising from such Sales and Conversion, and the other Monies from Time to Time in their Hands, amongst the Shareholders of the Company, either by way of Interest and Dividends, or by way of Return of Capital, according as the Property from which such Monies shall have arisen ought to be treated as Gains and Profits or Capital of the Company.

VI. Notwithstanding such Resolution for winding up the Affairs of the Company shall have been passed at such Two General Courts as aforesaid, the Company shall remain incorporated; and all and every the Powers and Authorities which by this Act and the said recited Acts, or any of them, or by the said Charter, are given to the Company, or to the Directors or other Officers thereof, or to the General Courts or Special General Courts of Proprietors of the Company, shall, subject to the Restrictions contained in this Act, remain in full Force, and the Shares in the said Company shall continue transferable, and Interest and Dividends shall be payable, and the Directors and other Officers of the Company shall continue to be appointed, until the passing such Resolution as after mentioned.

Powers of the  
Company to  
continue until  
the same is  
wound up.

VII. In case any Resolution for winding up the Affairs of the Company shall be passed at such Two General Courts as aforesaid, then and in that Case, when and so soon as all the Debts and Liabilities of the Company shall have been paid and satisfied, and all the Assets thereof shall have been realized, and divided amongst the Shareholders in the Company, the Directors shall make out a final Balance Sheet of the Affairs of the Company, and submit the same for the Approval of a General Court of Proprietors specially called for the Purpose of considering and approving such Balance Sheet, and for authorizing the final Dissolution of the Company; and if such General Court shall, by a Resolution passed thereat by a Majority of Votes given in accordance with the Provisions of the said Charter, approve of the said Balance Sheet, and authorize the final Dissolution of the Company, the Company shall as on the Day after the passing of such Resolution be dissolved.

Directors to  
render final  
Balance Sheet  
of Liquidation.

VIII. This Act shall extend to and be in force in the said Provinces of *Upper Canada* and *Lower Canada*, as well as in the United Kingdom of *Great Britain* and *Ireland*, and shall be judicially taken notice of as such by all Judges, Justices, and others, in the said Provinces as well as in the United Kingdom aforesaid, without being specially pleaded.

Public Act.

IX. The Costs, Charges, and Expenses of and incident to the obtaining and passing of this Act shall be paid by the Company.

Expenses of  
Act.

## C A P. XXIV.

An Act for enabling the Commissioners of Public Works in *Ireland* to acquire certain Lands for the Site of a Prison for the Reception of Juvenile Convicts. [23d June 1856.]

WHEREAS by an Act passed in the Session of the Tenth Year of Her present Majesty, Chapter Twenty-six, the Commissioners of Public Works in *Ireland* were incorporated, and authorized to purchase, as therein mentioned, Land for Prisons in *Ireland*: And whereas it is expedient to erect a suitable Prison for the Reception of Juvenile Convicts in *Ireland*, and certain Lands called the

10 & 11 Vict.  
c. 26.

*Juvenile Convict Prison (Ireland).*

“Racecourse Commons,” situate in the Parish of *Lusk* in the Barony of *Balrothery East* and County of *Dublin*, which are no longer used for a Racecourse, and are now lying waste and unproductive, would be a suitable Site for such Prison and the Purposes connected therewith, which Lands are described in the Schedule to this Act, and delineated on a Plan thereof, of which Copies have been deposited for public Inspection at the Office of the Clerk of the Peace for the County of *Dublin*: And whereas it is expedient that the said Commissioners should obtain compulsory Powers for the Purchase of the Estate, Interest, and Rights of all Persons in the said last-mentioned Lands; but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Construction of Terms.

I. In the Construction of this Act the following Words and Expressions shall, if not inconsistent with the Context, have the Meaning herein-after assigned to them; (that is to say,) the Word “Commissioners” shall mean the Commissioners of Public Works in *Ireland*, or any Two of them; “Lord Lieutenant” shall mean the Chief Governor or Chief Governors of *Ireland* for the Time being; and “Lands” shall include Houses and Tenements and all Estates and Interests therein.

Short Title.

II. This Act may be cited for all Purposes as “The Juvenile Convict Prisons Act, 1856.”

Provisions of 10 Vict. c. 26., except Section 4, and of 8 & 9 Vict. c. 18., extended to this Act.

III. The several Provisions of the said recited Act passed in the Tenth Year of Her present Majesty, Chapter Twenty-six, except Section Four, and the several Provisions of “The Lands Clauses Consolidation Act, 1845,” shall so far as the same may be applicable to and are not inconsistent with or modified by the Provisions of this Act, be incorporated with and form Part of this Act, and shall be applicable to the Purposes thereof; and in the Construction of this Act, and the said incorporated Act, this Act shall be deemed to be the Special Act: Provided always, that all Things by the Lands Clauses Consolidation Act, 1845, required or authorized to be done by the Promoters of the Undertaking may be done by any Two of the Commissioners.

Power to purchase Land, and erect a Prison thereon.

IV. It shall be lawful for the Commissioners, with the Approval and under the Direction of the Commissioners of Her Majesty’s Treasury, and subject to the Provisions herein and in the “Lands Clauses Consolidation Act, 1845,” contained, to purchase, compulsorily or by Agreement, and hold, the whole or any Part of the Lands mentioned and described in the Schedule to this Act annexed, and delineated on the Map or Plan deposited as aforesaid, which shall be required for the Site of the said Prison, and the Lands and Premises to be occupied therewith, and to erect, establish, and maintain thereon or any Part thereof a Prison for the Reception of Juvenile Convicts, with all necessary Enclosures and Erections, and to lay out the same with all such Paths and Roads as the Commissioners may deem necessary, and after the Completion of such Purchase all Commonable Rights in, over, or affecting the said Lands shall be extinguished, and the said Lands shall be vested in the said Commissioners in trust for Her Majesty, Her Heirs and Successors.

Compulsory Purchase of Lands limited.

V. The Powers of the Commissioners for the compulsory Purchase or taking of Lands shall not be exercised after the Expiration of Five Years from the passing of this Act.

Commissioners to deliver Maps, Schedules, and Estimates at the Office of the Directors of Convict Prisons, Dublin Castle, and deposit Copies with Clerk of the Peace and Clerk of Union.

VI. In order to acquire the said Lands without Delay and at the least possible Expense, the Commissioners shall cause to be made out, and to be signed by their Secretary, Maps or Plans and Schedules of the Lands, (for the Purchase of which, or of all the several Interests in which, the Commissioners shall not have contracted,) together with the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the said Lands respectively, so far as the same can be reasonably ascertained, with Estimates of the separate and distinct Value of the Interest of every Party therein whose Interest the Commissioners shall not have contracted to purchase, so far as the same can be reasonably ascertained; and every such Map or Plan shall be upon a Scale of not less than One Inch to every Two hundred Feet; and all Lands, Buildings, Yards, and Courtyards, and Lands within the Curtilage of any Building and Ground, cultivated as a Garden, shall be marked thereon with distinct Numbers corresponding with the Numbers marked upon the Map or Plan herein-before referred to, showing the Lands required for the Site of the said intended Prison, and the Lands and Premises to be occupied therewith; and the Commissioners shall deposit such Maps or Plans, Schedules, and Estimates at the Office of the Directors of Convict Prisons, *Dublin Castle*, and a Copy of such Maps or Plans, Schedules, and Estimates with the Clerk of the Peace of the County of *Dublin*, and a Copy of the said Maps or Plans, Schedules, and Estimates with the Clerk of the Poor Law Union in which the said Parish of *Lusk* is included.

Power to appoint an Arbitrator, on Application of Commissioners.

VII. After such Deposit at the Office of the Directors of Convict Prisons as aforesaid, it shall be lawful for the Lord Lieutenant, upon the Application of the Commissioners, to appoint a fit Person to be Arbitrator under this Act; and if any such Arbitrator die, or refuse or become incapable to act, the Lord Lieutenant may appoint an Arbitrator in his Place, who shall have the same Powers and Authorities as the Arbitrator first appointed.

Arbitrator may call for Documents and administer Oaths.

VIII. The Arbitrator may call for the Production of any Documents in the Possession or Power of the Commissioners or of any Party making any Claim under the Provisions of this Act which such Arbitrator may think necessary for determining any Question or Matter to be determined by him under this

*Juvenile Convict Prison (Ireland).*

this Act, and may examine any such Party and his Witnesses, and the Witnesses for the Commissioners, on Oath, and administer the Oaths necessary for that Purpose.

IX. Before any Arbitrator shall enter upon any Inquiry he shall, in the Presence of a Justice of the Peace, make and subscribe the following Declaration; that is to say,

‘ I A.B. do solemnly and sincerely declare, That I will faithfully and honestly, and to the best of my Skill and Ability, hear and determine the Matters referred to me under the Provisions of “The Juvenile Convict Prisons Act, 1856.”

‘ Made and subscribed in the Presence of

And such Declaration shall be annexed to the Award when made; and if any Arbitrator, having made such Declaration, wilfully act contrary thereto, he shall be guilty of a Misdemeanor.

X. Upon the First Appointment of an Arbitrator as aforesaid the Directors of Convict Prisons shall deliver to such Arbitrator the Maps or Plans, Schedules, and Estimates deposited at their Office as herein-before required; and the Commissioners shall forthwith after such Appointment publish Notice of such Appointment and of such Deposits as herein-before directed with such Clerk of the Peace and Clerk of Poor Law Union as aforesaid once in the “*Dublin Gazette*,” and once in each of Three successive Weeks in some one and the same Newspaper circulated in the County of *Dublin*, stating the Times and Places of such Deposits, and requiring all Persons claiming to have any Right to or Interest in the Lands required for the Purposes of this Act and specified in such Maps or Plans, or to have Compensation for any Injury to any Lands injuriously affected by the Exercise of the Powers of the Commissioners, to deliver to the Arbitrator, on or before a Day fixed by the Arbitrator and named in such Notice (and which Day shall not be earlier than Thirty-one Days from the Date of the Insertion of the last of such Newspaper Notices), a short Statement in Writing of the Nature of such Claim; and upon the Appointment of any Arbitrator in the Place of an Arbitrator dying, or refusing, declining, or becoming incapable to act, all the Documents relating to the Matter of the Arbitration which were in the Possession of such Arbitrator shall be delivered to the Arbitrator appointed in his Place, and the Commissioners shall publish Notice of such Appointment in the “*Dublin Gazette*.”

XI. The Arbitrator shall, after the Expiration of the Period within which such Claims are required to be delivered to him as aforesaid, proceed to inquire into and adjudicate upon the Value of the several Rights to or Interests in such Lands in respect of which no Agreement shall have been come to between the Commissioners and the Persons entitled thereto, and the Purchase Money to be paid for such Rights or Interests, and the Compensation to be paid for Injury to any Lands injuriously affected by the Exercise of the Powers of the Commissioners, regard being had by the Arbitrator to such Provisions of the “*Lands Clauses Consolidation Act, 1845*,” as may be applicable to and as are not inconsistent with or modified by the Provisions of this Act; and the Arbitrator shall, after due Inquiry and Examination, frame a Draft Award setting forth the Price or Compensation to be paid by the Commissioners in respect of the several Rights to or Interests in the Lands so required and specified or injuriously affected; and where any Inquiry relates, not only to the Value of the Rights or Interests in the Lands to be purchased, but also to Compensation claimed for Injury done or to be done to any Lands held therewith, the Arbitrator shall award separate and distinct Sums to be paid for the Purchase of any Rights or Interests in such Lands to which the Inquiry may relate, and for the Damage (if any) to be sustained by reason of the severing of the Lands taken from the other Lands, or otherwise injuriously affecting such other Lands by the Exercise of the Powers of the Commissioners; and such Draft Award and Copies thereof shall be deposited as herein-before directed concerning the said Maps or Plans, Schedules, and Estimates as aforesaid; and the Arbitrator shall cause Notice of such Award to be given to all Persons entitled to Payment or Compensation under the same, where the same may be known to the Arbitrator, or who shall have been heard before such Arbitrator, as Claimants for Compensation, and also shall cause Notice to be published as herein-before directed concerning Notice of the Deposit of Copies of the said Maps or Plans, Schedules, and Estimates as aforesaid, and of the Deposit of Copies of such Draft Award as aforesaid, and shall in such Notices appoint a Time and Place or Times and Places for holding a Meeting or Meetings to hear Objections against such Draft Award (the First such Meeting to be not earlier than Twenty-one Days after the last Day of Publication of the said Notice), and shall hold such Meeting or Meetings accordingly, and thereat hear and determine any Objections which may then and there be made to such Draft Award by any Person interested therein, or adjourn the further Hearing thereof, if the Arbitrator see fit, to a future Meeting, and may take any Measures which he may deem proper for ascertaining the Value of any such Rights or Interests as aforesaid, or the Justice or Propriety of any other Matter of such Draft Award, and may from Time to Time, if he see Occasion, appoint and hold further Meetings for hearing and determining Objections to such Draft Award, of which further Meetings, when not holden by Adjournment, Notice shall be given in manner herein-before directed; and when the Arbitrator has heard and determined all such Objections, and made such Inquiries as he may think necessary in relation thereto, and made such Alterations (if any) as he may deem proper in the Draft Award, he shall make his Award under his Hand and Seal accordingly; and every such Award shall be binding and conclusive, subject to the Provisions concerning Traverse herein-after contained, upon all Persons whomsoever; and no such Award shall be set aside for Irregularity in Matter of Form; and every such Award, and Copies thereof, shall be deposited as herein-before directed with respect to the said Maps or

Plans,

Arbitrator to make and subscribe Declaration.

Maps, &c. deposited with Directors of Convict Prisons to be delivered to Arbitrator. Notice of Appointment of Arbitrator, &c. to be published.

Arbitrator to adjudicate upon Compensation to be paid for Lands.

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Plans, Schedules, and Estimates as aforesaid; and the Commissioners shall thereupon publish Notice as herein-before directed concerning Notice of the Deposit of Copies of such Maps or Plans, Schedules, and Estimates as aforesaid, of the Deposit of Copies of such Award as aforesaid, and requiring all Persons claiming to have any Right to or Interest in the Lands the Price or Compensation to be paid in respect of which is ascertained by such Award to deliver to the Commissioners, on or before a Day to be named in such Notice (such Day not being earlier than Thirty-one Days from the Date of the last Publication of the Notice), a short Statement in Writing of the Nature of such Claim, and a short Abstract of the Title on which the same is founded, and such Statement and Abstract shall be paid for by the Commissioners.

Clerk of the Peace, &c. to take charge of Documents deposited as provided by 7 W. 4. & 1 Vict. c. 83.

Expenses of the Arbitrator to be borne by the Commissioners.

As to Costs of Parties.

Certificates of Amount of Compensation to be delivered by Commissioners.

Amount mentioned in Certificates to be paid to Parties, on Demand, &c.

When Amount mentioned in Certificates is paid to Parties Commissioners may take possession.

Receipts duly stamped to operate as a Conveyance.

Payment of Monies where Parties making Claims deemed

XII. The Clerk of the Peace and the Clerk of the Union aforesaid are hereby respectively required to retain the Documents to be deposited with them respectively under this Act in their Custody, and to permit all Persons interested to inspect the same, and to make Copies and Extracts of and from the same, in the like Manner, and upon the like Terms, and under the like Penalty for Default, as is provided by an Act of the Session holden in the Seventh Year of King *William* the Fourth and First Year of Her present Majesty, Chapter Eighty-three.

XIII. The Salary or Remuneration, travelling and other Expenses of the Arbitrator, and all Costs, Charges, and Expenses (if any) which shall be incurred in carrying the Provisions of this Act into execution, shall be paid by the Commissioners; and the Amount of such Costs, Charges, and Expenses shall from Time to Time be certified by the Chief or Under Secretary at *Dublin Castle*, after first hearing any Objections that may be made to the Reasonableness of any such Costs, Charges, and Expenses, by or on behalf of the Commissioners.

XIV. It shall be lawful for the Arbitrator, where he thinks fit, upon the Request of any Party by whom any Claim has been made before him, to certify the Amount of the Costs properly incurred by such Party in relation to the Arbitration, and the Amount of the Costs so certified shall be paid by the Commissioners.

XV. At any Time after the Delivery of such Statement and Abstract as aforesaid to the Commissioners, the Commissioners shall, where it appears to them that any Person so claiming is absolutely entitled to the Lands, Estate, Rights, or Interest claimed by him, deliver to such Person, on Demand, a Certificate under the Commissioners Seal, stating the Amount of the Price or Compensation to which he is entitled under the said Award; and where more Lands than are included in One Number shall be claimed by the same Person, such Lands or the Rights or Interests therein may be included in One Certificate, if the Commissioners think fit, such Certificates to be prepared by and at the Costs of the Commissioners; and where any Agreement has been entered into in respect of the Value of the Rights or Interest of any Person in any Lands, or his Right to Compensation, the Commissioners may, where it appears to them that such Person is absolutely entitled, deliver to such Person a like Certificate.

XVI. The Commissioners shall, on Demand, pay to the Party to whom any such Certificate is given, or otherwise as herein provided in the Cases herein-after mentioned, the Amount of Monies specified to be payable by such Certificate to the Party to whom or in whose Favour such Certificate is given, his or her Executors, Administrators, or Assigns; and if the Commissioners wilfully make default in such Payment as aforesaid, then the Party named in such Certificate shall be entitled to enter up Judgment against the Commissioners in the Court of Queen's Bench in *Ireland* for the Amount of the Sums specified in such Certificate, in the same Manner in all respects as if he had been by Warrant of Attorney from the Commissioners authorized to enter up Judgment for the Amount mentioned in the Certificate with Costs, as is usual in like Cases; and all Monies payable under such Certificates, or to be recovered by such Judgments as aforesaid, shall at Law and in Equity be taken as Personal Estate as from the Time of the Commissioners entering on any such Lands as aforesaid.

XVII. When and so soon as the Commissioners have paid to the Party to whom any such Certificate as aforesaid is given, or otherwise as herein provided in the Cases herein-after mentioned, the Amount specified to be payable by such Certificate to the Party to whom or in whose Favour the Certificate is given, his Executors, Administrators, or Assigns, it shall be lawful for the Commissioners, upon obtaining such Receipt as herein-after mentioned, from Time to Time to enter upon any Lands in respect of which such Certificate is given, and thenceforth to hold the same for the Estate or Interest in respect of which the Amount specified in such Certificate was payable.

XVIII. In every Case in which any Monies are paid by the Commissioners, under the Provisions of this Act, for such Price or Compensation as aforesaid, the Party receiving such Monies shall give to the Commissioners a Receipt for the same, and such Receipt shall have the Effect of a Grant, Release, and Conveyance of all the Estate, Right, and Interest of such Party, and of all Parties claiming under or through him, in the Lands in respect of which such Monies are paid, so as such Receipt shall have an *ad valorem* Stamp of the same Amount impressed thereon in respect of the Purchase Monies mentioned in such Certificate (but exclusive of the Amount of Compensation for Damage by Severance or other Injury) as would have been necessary if such Receipt had been an actual Conveyance of such Estate, Right, or Interest, every such Receipt to be prepared by and at the Costs of the Commissioners.

XIX. If it appear to the Commissioners, from any such Statement and Abstract as aforesaid, or otherwise, that the Party making any such Claim as aforesaid is not absolutely entitled to the Lands, Estate, Right, or Interest in respect of which his Claim is made, or is under any Disability, or if the Title to

such

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such Lands, Estate, Right, or Interest be not satisfactorily deduced to the Commissioners free from Incumbrance, then and in every such Case the Amount to be paid by the Commissioners in respect of such Lands, Estate, Right, or Interest as aforesaid shall be paid and applied as provided by the Clauses of "The Lands Clauses Consolidation Act, 1845," with respect to the Purchase Money or Compensation coming to Parties having limited Interests, or prevented from treating, or not making Title.

XX. Where any Person claiming any Right or Interest in any Lands shall refuse to produce his Title to the same, or where the Commissioners have taken possession of any Lands under the Provisions of this Act, in respect of the Price or Compensation whereof, or of any Estate, Right, or Interest wherein, no Claim has been made within One Year from the Time of the said Commissioners taking possession, or if any Party to whom any such Certificate has been given or tendered refuse to receive such Certificate, or to accept the Amount therein specified as payable to him, then and in any such Case the Amount payable by the Commissioners in respect of such Lands, Estate, Right, or Interest, or the Amount specified in such Certificate, shall be paid into the Bank of *Ireland*, in the Name and with the Privity of the Accountant General of the Court of Chancery in *Ireland*, in manner provided by the last-mentioned Clauses of "The Lands Clauses Consolidation Act, 1845," and the Amount so paid into the said Bank shall be accordingly dealt with as by the said Act provided; and no Monies paid into the Bank under this Act shall be liable to Usher's Poundage.

XXI. Nothing herein contained shall prevent the Commissioners from requiring any further Abstract or Evidence of Title respecting any Lands included in such Award as aforesaid, in addition to the Abstract or Statement herein-before mentioned, if they think fit, so as the same be obtained at the Costs of the said Commissioners.

XXII. If from any Reason whatever the Commissioners shall not deliver the Certificate aforesaid to any Party claiming to be entitled to any Right or Interest in any Lands the Possession whereof has been taken by the Commissioners as aforesaid, then the Right to have a Certificate according to the Provisions of this Act may, at the Costs and Charges of the Commissioners, be enforced by any Party or Parties, by Application to the High Court of Chancery in *Ireland* in a summary Way by Petition; and all other Rights and Interests of any Party or Parties arising under the Provisions of this Act may be in like Manner enforced against the said Commissioners by such Application as aforesaid.

XXIII. Where the Commissioners are desirous, for the Purposes of this Act, of entering upon any Lands before they would be entitled to enter thereon under the Provisions herein-before contained, it shall be lawful for the Commissioners, at any Time after the Arbitrator shall have framed his Draft Award, upon depositing in the Bank of *Ireland* as herein directed such Sum as the Arbitrator may certify to be in his Opinion the proper Amount to be so deposited in respect of any Lands authorized to be purchased or taken by the Commissioners, and mentioned in such Draft Award, to enter upon and use such Lands for the Purposes of this Act; and the Arbitrator shall, upon the Request of the Commissioners, at any Time after he shall have so framed such Draft Award, certify under his Hand the Sum which in his Opinion should be so deposited by the Commissioners in respect of any Lands mentioned in such Draft Award, before they enter upon and use the same as aforesaid; and the Sum to be so certified shall be the Sum or the Amount of the several Sums set forth in such Draft Award as the Sum or Sums to be paid by the Commissioners in respect of such Lands, or such greater Amount as to the Arbitrator, under the Circumstances of the Case, may seem proper; and, notwithstanding such Entry as aforesaid, all Proceedings for and in relation to the Completion of the Award, the Delivery of Certificates, and other Proceedings under this Act, shall be had and Payments made as if such Entry and Deposit had not been made; provided that the Commissioners shall, where they enter upon any Lands by virtue of this present Provision, pay Interest at the Rate of Five Pounds *per Centum per Annum* upon the Purchase and Compensation Money payable by them in respect of any Lands so entered upon, from the Time of their Entry until the Time of the Payment of such Money and Interest to the Party entitled thereto, or where, under the Provisions of this Act, such Purchase Money or Compensation is required to be paid into the said Bank, then until the same, with such Interest, is paid into such Bank accordingly; and where, under this Provision, Interest is payable on any Purchase or Compensation Money, the Certificate to be delivered by the said Commissioners in respect thereof shall specify that Interest is so payable, and the same shall be recoverable in like Manner as the Principal Money mentioned in such Certificate.

XXIV. The Money to be deposited as aforesaid in respect of any Lands shall be paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the Court of Chancery in *Ireland*, to be placed to his Account there to the Credit of the Commissioners, in the Matter of "The Juvenile Convict Prisons Act, 1856," and of the Lands in respect of which the same is paid, subject to the Control and Disposition of the said Court; and upon such Deposit the Cashier of the said Bank shall give to the Commissioners, or to the Party paying in such Money by their Direction, a Receipt for the same.

XXV. The Money so deposited as last aforesaid shall remain in the Bank by way of Security to the Parties interested in the Lands which shall so have been entered upon, for the Payment of the Money to become payable by the Commissioners in respect thereof under the Award of the Arbitrator; and

not entitled, or are under Disability, or Title not satisfactorily deduced.

Where no Claim made, or Parties refuse to accept Sum certified, Money to be paid into the Bank.

Commissioners may require further Evidence, &c.

Delivery of Certificate may be enforced by Application to the Court of Chancery.

After Deposit of Draft Award, Commissioners may, upon Deposit of such Amount as Arbitrator may think fit, enter upon Lands.

Commissioners to pay Interest from Time of Entry.

Mode of Deposit.

Deposit to remain as a Security, and to be applied

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under the Direction of the Court of Chancery.

the Money so deposited may, on the Application by Petition of the Commissioners, be ordered to be invested in Bank Annuities or Government Securities, and accumulated; and upon such Payment as aforesaid by the Commissioners it shall be lawful for the Court of Chancery in *Ireland*, upon a like Application, to order the Money so deposited, or the Funds in which the same shall have been invested, together with the Accumulation thereof, to be repaid or transferred to the Commissioners; or in default of such Payment as aforesaid by the Commissioners, it shall be lawful for the said Court to order the same to be applied, in such Manner as it shall think fit, for the Benefit of the Parties for whose Security the same shall so have been deposited.

Commissioners may deposit Money by way of Security while the Office of the Accountant General is closed.

XXVI. If at any Time the Commissioners be unable, by reason of the closing of the Office of the Accountant General of the said Court of Chancery, to obtain his Authority in respect of the Payment of any Sum of Money so authorized to be deposited in the Bank of *Ireland* by way of Security as aforesaid, it shall be lawful for the Commissioners to pay into the Bank, to such Credit as aforesaid, (subject nevertheless to being dealt with as herein provided,) such Sum of Money as the Commissioners shall by some Writing signed by their Secretary or Solicitor for the Time being, addressed to the Governor and Company of the Bank of *Ireland*, in that Behalf request; and upon any such Payment being made the Cashier of the Bank shall give a Certificate thereof; and in every such Case, within Ten Days after the re-opening of the said Accountant General's Office, the Solicitor for the said Commissioners shall there bespeak the Direction for the Payment of such Sum into the Name of the Accountant General; and upon Production of such Direction at the said Bank of *Ireland* the Money so previously paid in shall be placed to the Credit of the said Accountant General accordingly, and the Receipt for the said Payment be given to the Party making the same in the usual Way, for the Purpose of being filed at the Report Office.

Parties dissatisfied with Award may enter a Traverse.

XXVII. Where the Party named in any Certificate issued under the Provisions herein-before contained of the Amount of the Price or Compensation ascertained by any Award under this Act (or any Party claiming under the Party so named) shall be dissatisfied with the Amount in such Certificate certified to be payable, and where any Party claiming any Interest in any Monies so paid into Court as aforesaid shall be dissatisfied with the Amount of the Price or Compensation in respect of which such Monies shall be so paid into Court, it shall be lawful for such Party, in the Presenting Term for the County of *Dublin* next following the giving of such Certificate, or the Payment of such Money into Court, or the making the Award, or where such Term begins within less than Twenty-one Days after the giving of such Certificate, or the Payment of such Money, or the making of the Award, then in the next subsequent Term, upon giving Ten Days Notice in Writing previously to such Term to the Secretary of the Commissioners of the Amount intended to be claimed, to have a Traverse for Damages entered in the Crown Book in respect of such Claim, and thereupon such Traverse shall be tried in like Manner, and like Proceedings shall be had in respect thereof, and such Traverse shall be subject to like Provisions, as far as the same can be applied, as in the Case of Traverses entered for Damages under the Acts for consolidating and amending the Laws for the Regulation of Grand Jury Presentments in the County of *Dublin*: Provided always, that the Sum to be awarded or allowed as to the Costs, Charges, and Expenses of the Trial of every such Traverse for Damages shall in no Case exceed the Sum of Ten Pounds; and further, that no Party shall have any other Remedy for the Purpose of impeaching the Amount of any Price or Compensation ascertained by any such Award as aforesaid, other than by means of such Traverse as aforesaid, anything in any Act to the contrary notwithstanding: Provided also, that the Jury which shall try such Traverse shall be sworn a true Verdict to give, whether any and what Damages will be sustained by the Traverser, regard being had to the Value of the Lands of such Traverser required, and to the Injury to any Lands or Houses of such Traverser injuriously affected by the said Commissioners, or to the like Effect respectively, as the Case may be.

Verdict on Traverse to have Effect of Judgment.

XXVIII. The Entry of the Verdict of the Jury in case of each Traverse in the Crown Book shall be a final Decision, and binding upon all Parties interested, and shall have the Effect of a Judgment at Law obtained in the Court of Queen's Bench in *Ireland* against the Commissioners, and may be enforced by like Remedies against the Commissioners as in the Case of a Judgment at Law by all Parties interested therein; and in each Case where a Certificate shall have been delivered such Damages shall be taken and recovered in lieu of the Monies expressed to be payable by the Certificate, and which shall, on Payment of the Damages, and any Costs payable by the Commissioners, be delivered up to the Commissioners; and such Receipt for Damages shall be given as is herein provided in Cases of Payment of Monies on such Certificates as aforesaid; and where such Damages shall be given in respect of any Land the Amount of the Price or Compensation in respect of which, as ascertained by an Award under this Act, shall have been paid into Court, then, if the Amount of such Damages shall be less than the Amount paid into Court, the Commissioners shall, on a summary Application by Petition, be entitled to receive the Difference between the Amount of such Damages and the Amount of the Sum paid into Court; but if the Amount of such Damages shall exceed the Amount of the Monies paid into Court, then the Difference between the Amount paid in and the Damages shall, at the Costs of the Commissioners, be paid into Court; and the Payment of such Difference into Court, and the Payment of any Costs



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Costs payable by the Commissioners in respect of such Traverse, shall be a good Discharge to the Commissioners on any such Verdict in the Nature of a Judgment as aforesaid.

XXIX. It shall be lawful for the Commissioners, for the Purpose of enclosing any Land which they shall have taken under the Provisions of this Act, to stop up, divert, or alter all or any of the Ways, Paths, or Watercourses which now lead into or over any Part or Parts of the said Lands. Power to stop up indirect Watercourses, &c.

XXX. The Purchase Money or Compensation to be paid by the Commissioners in respect of any Interest in the Lands authorized to be taken under the Provisions of this Act, and for any Damage to any Lands injuriously affected by the Exercise of the Powers of the Commissioners, and all Costs, Charges, and Expenses attending or incidental to the acquiring such Lands, or to the applying for and obtaining this Act, shall be paid by the Commissioners out of any Monies appropriated or to be appropriated by Parliament for building a Juvenile Reformatory Prison for Convicts in *Ireland*. Expense of Site for Prison and for obtaining Act.

SCHEDULE to which this Act refers.

*The Parish of Lusk in the Barony of Balrothery East and County of Dublin.*

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
1	Pasture Land (Commonage), interspersed with Furze, Knolls, Pits, &c.	Lord of the Manor, Archbishop of Dublin or the Earl of Howth.	- - -	Arthur Forbes, Mark Taylor, Christopher Archbold, and others - - -
2	Small Cottage or Cabin -	Same - - -	- - -	Christopher Dunn.
3	Small Fields in Pasture -	Same - - -	- - -	Robert Aungier.
4	Two small Fields in Pasture.	Same - - -	- - -	Michael Fleming.
5	Cottage and small Garden	Same - - -	- - -	Catherine Stafford, Widow.
6	Cottage and small Garden	Same - - -	- - -	Patrick Kiernan.
7	Small Cottage or Cabin -	Same - - -	- - -	John Reilly.
8	Cottage and small Garden	Same - - -	- - -	Thomas Moore.
9	Cottage, Garden, and small Field in Tillage.	Same - - -	- - -	James Doran.
10	Small Field in Tillage -	Same - - -	- - -	John Sweetman.
11	Cottage, Garden, and small Field in Tillage.	Same - - -	- - -	Jane M'Carroll.

Freeholders of the Parish of Lusk.

C A P. XXV.

An Act to amend the Law relating to Drafts on Bankers.

[23d June 1856.]

WHEREAS Doubts have arisen as to the Obligations of Bankers with respect to cross-written Drafts: And whereas it would conduce to the Ease of Commerce, the Security of Property, and the Prevention of Crime, if Drawers or Holders of Drafts on Bankers payable to Bearer or to Order on Demand were enabled effectually to direct the Payment of the same to be made only to or through some Banker: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. In every Case where a Draft on any Banker made payable to Bearer or to Order on Demand bears across its Face an Addition, in written or stamped Letters, of the Name of any Banker, or of the Words "and Company," in full or abbreviated, either of such Additions shall have the Force of a Direction to the Bankers upon whom such Draft is made that the same is to be paid only to or through some Banker, and the same shall be payable only to or through some Banker.

Draft crossed with Banker's Name, &c. to be payable only to or through some Banker.

II. In the Construction of this Act the Word "Banker" shall include any Person or Persons, or Corporation, or Joint Stock or other Company, acting as a Banker or Bankers.

Construction.

*Public Health Supplemental Act.*

## C A P. XXVI.

An Act to confirm Provisional Orders of the General Board of Health applying the Public Health Act, 1848, to the Districts of *Waterloo with Seaforth*, *West Ham*, *Sowerby Bridge*, and *Moss-side*; for Alteration of the Boundaries of the Districts of *Rusholme* and *Bishop Auckland*; and for other Purposes. [23d June 1856.]

‘ WHEREAS the General Board of Health have, in pursuance of the Public Health Act, 1848, made, published, and deposited, according to the Provisions of that Act, certain Provisional Orders in the Schedule to this Act contained, and it is expedient that the said Orders should be confirmed, and further Provisions made in relation thereto:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That—

Provisional Orders of the General Board of Health confirmed.

Power for Halifax Local Board to raise Money for purchasing Gasworks.

First Election of Local Board of Waterloo with Seaforth. Constitution of West Ham Local Board of Health.

First Election of Local Board of West Ham.

First Election of Local Board of Sowerby Bridge.

First Election of Local Board of Moss-side.

11 & 12 Vict. c. 63, incorporated herewith. Short Title.

I. The provisional Orders of the General Board of Health contained in the Schedule hereunto annexed shall, from and after the passing of this Act, so far as the same are authorized by the said Public Health Act, be absolute, and be as binding, and of the like Force and Effect, as if the Provisions of the same had been expressly enacted in this Act.

II. ‘Whereas by the *Halifax* Gas Act, 1855, the Local Board of Health for the District of the Borough of *Halifax* having, under an Act of the Fourth Year of *George* the Fourth therein recited, Power to light with Gas the Streets within the District, were authorized and required to purchase the Undertaking of the *Halifax* Gaslight and Coke Company, and it is expedient that the Local Board be authorized to raise the Money required for the Purchase:’ Therefore the Local Board may, with the Approval of the General Board of Health, borrow on Mortgage of the Gasworks, and the Income therefrom, and the General District Rates for their District or any of them, the Money required for the Purchase of the Gasworks, and any necessary Extensions thereof, and from Time to Time may reborrow such Part thereof as is not paid off by means of a Sinking Fund; and for the Purposes of this Enactment the Clauses “with respect to Mortgages to be executed by the Commissioners” of the Commissioners Clauses Act, 1847, are incorporated with this Act.

III. The First Election of the Local Board of Health for the District of *Waterloo with Seaforth*, for the Purposes of the said Public Health Act, shall take place on the Thirtieth Day of *July* in the Year of our Lord One thousand eight hundred and fifty-six.

IV. Three of the Members of the Local Board of Health for the District of *West Ham*, to be constituted in pursuance of the *West Ham* Provisional Order set forth in the Schedule to this Act, and of this Act, shall from Time to Time be delegated by the Court of Commissioners of Sewers for the *Dagenham* and *Havering* Levels; and the Twelve remaining Members of the said Board shall be elected for the whole of the said District of *West Ham* by the Owners of and Ratepayers in respect of Property in the said District.

V. The First Election of the Local Board of Health for the District of *West Ham*, for the Purposes of the said Public Health Act, shall take place on the Fifth Day of *August* in the Year of our Lord One thousand eight hundred and fifty-six.

VI. The First Election of the Local Board of Health for the District of *Sowerby Bridge*, for the Purposes of the said Public Health Act, shall take place on the Thirtieth Day of *July* in the Year of our Lord One thousand eight hundred and fifty-six.

VII. The First Election of the Local Board of Health for the District of *Moss-side*, for the Purposes of the said Public Health Act, shall take place on the Thirtieth Day of *July* in the Year of our Lord One thousand eight hundred and fifty-six.

VIII. This Act shall be deemed to be incorporated with the Public Health Act, and shall be as if this Act and the Public Health Act, 1848, were One Act.

IX. In citing this Act in any other Act of Parliament, or in any Proceeding, Instrument, or Document whatsoever, it shall be sufficient to use the Words and Figures “The Public Health Supplemental Act, 1856.”

## SCHEDULE to which this Act refers.

## WATERLOO WITH SEAFORTH.

*Provisional Order for the Application of the Public Health Act to the District of Waterloo with Seaforth, in the County Palatine of Lancaster.*

## GENERAL BOARD OF HEALTH.

WHEREAS, upon the petition of not less than one-tenth of the inhabitants rated to the relief of the poor of and within the townships of Great Crosby and Litherland, in the parish of Sefton and county palatine of Lancaster, the General Board of Health appointed for the purposes of the Public Health Act,

Act,

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Act, 1848, have, in pursuance of the provisions of that Act, directed Robert Rawlinson, a Superintending Inspector, appointed for the purposes of the said Act, to visit the said townships, within and throughout the boundaries thereof, and to make public inquiry, and to examine witnesses as to the sewerage, drainage, and supply of water, the state of the burial-grounds, the number and sanitary condition of the inhabitants, and as to any Local Acts of Parliament in force within the said townships for paving, lighting, cleansing, watching, regulating, supplying with water, or improving the said townships, or having relation to the purposes of the said Act; also, as to the natural drainage areas, and the existing municipal, parochial, or other local boundaries, and the boundaries which might be most advantageously adopted for the purposes of the said Act.

And whereas the said Superintending Inspector, having previously given the notices directed by the said Act, proceeded upon the said inquiry, and hath reported in writing to the said General Board upon the several matters with respect to which he was directed to inquire, and upon certain other matters in respect of which he deemed it expedient to report for the purposes of that Act.

And whereas copies of the said Report, accompanied by a notice stating that written statements might be forwarded to the said Board with respect to any matter contained in or omitted from the said Report, or any amendment proposed to be made therein, have been duly published and deposited as directed by the said Public Health Act, and the time for forwarding such statements has now elapsed, and all such statements as have been received by the said Board have been duly deposited as required by that Act.

And whereas it having appeared to the said General Board that the boundaries which might be most advantageously adopted for the purposes of the Act were not the same as those of the said townships, with respect to which the said inquiry had been made, the said Board caused Alfred Lamerte Dickens, another of the Superintending Inspectors appointed for the purposes of the said Act, to visit the parts within the boundaries proposed to be adopted for the purposes of the said Act.

And whereas the said last-mentioned Superintending Inspector, after having given such notice as is required by the said Act, did hear all persons desirous of being heard before him on the subject of the said Report, and did make further inquiry and report according to the directions of the said Board.

And whereas copies of such further Report, accompanied by a notice stating that, within the time directed by the said Act, written statements might be forwarded to the said Board with respect to any matter contained in or omitted from the said last-mentioned Report, or any amendment proposed to be made therein, have been duly published and deposited as required by the said Act, and the time for forwarding such statements has now elapsed; and no such statements have been received by the said Board in relation to such Report.

And whereas it appears to the said General Board to be expedient that the said Public Health Act, except as herein-after mentioned, should be applied to so much of the said townships of Great Crosby and Litherland as is included within the boundary described in the Schedule to this Order; but the same cannot be done without the authority of Parliament.

Now therefore, in pursuance of the powers vested in the said Board by the Public Health Act, 1848, the Public Health Act, 1854 (17 & 18 Vict. c. 95.), and the General Board of Health Continuance Act, 1855 (18 & 19 Vict. c. 115.), We, the said General Board of Health, do, by this Provisional Order, under the hand of the President of the said Board and the official seal of that Board, direct:—

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

1. The Public Health Act, 1848, except the Section numbered 50 in the copies of that Act printed by Her Majesty's Printers, shall apply to so much of the said townships of Great Crosby and Litherland, in the parish of Sefton in the county palatine of Lancaster, as is described in the Schedule to this Order annexed, and that the said District shall be called "Waterloo with Seaforth."
2. The Local Board of Health for the said district shall consist of nine persons, and the entire number shall be elected for the whole of the said district.
3. That one third in number of the said Local Board shall go out of office on the 25th day of March in each year subsequently to that in which the first election takes place; but in case the day as appointed shall fall on a Sunday, or on a day appointed for a Public Fast or Thanksgiving, then that such one third shall go out of office on the day next following.
4. That every person shall, at the time of his election as member of the said Local Board, and so long as he shall continue in office by virtue of such election, be resident as in the Public Health Act, 1848, is required, and be seised and possessed of real or personal estate, or both, to the value or amount of not less than one thousand pounds, or shall be so resident and rated to the relief of the poor of some parish, township, or place of which some part is within the said district, upon an annual value of not less than thirty pounds.
5. That, at the first election of the said Local Board, William Hall, of Seaforth near Liverpool, in the said county palatine of Lancaster, Esquire, shall have the powers and perform the duties vested in or imposed upon the Chairman of the Local Board of Health by the Public Health Act, 1848, in relation to any election by owners of property and ratepayers, and shall perform all other duties which it may be requisite for him to perform in conducting and completing the said first election; and in case the said William Hall, Esquire, from illness or other sufficient cause, shall be unable to exercise or discharge such powers or duties, or shall be absent or shall refuse to act, then William

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Gillibrand Unsworth, of Waterloo near Liverpool aforesaid, Esquire, shall exercise and perform such of the said powers and duties as then remain to be exercised or performed.

6. That the fourteen days notice of qualification required by the Public Health Act, 1848, to be given by owners of property in order to entitle them to vote at the said first election shall be given to the said William Hall, at his residence at Seaforth aforesaid, or in case he shall refuse or be unable to receive the same then to the said William Gillibrand Unsworth, at his residence at Waterloo aforesaid.

Given under my Hand and under the Seal of the General Board of Health, this sixth day of May, in the year of our Lord One thousand eight hundred and fifty-six.

(L.S.)

(Signed) W. COWPER.

*Schedule to which this Order refers.*

The following is the Description of the Boundary of the district of Waterloo with Seaforth referred to in the above Order :—

Commencing on the north at the point where a drain or gutter called "the Warrenhouse Gutter," falls into the estuary of the river Mersey, and following in an eastwardly direction the course of the same drain or gutter on the north side thereof, passing under the Liverpool, Crosby, and Southport Railway, unto and across a certain lane called Marsh Lane ; then turning off at a right angle and running southwardly along the eastern side of the same lane, and on the western side of the said drain or gutter until the junction of the said lane with a road called "The Liverpool Road," and then crossing the said Liverpool Road and following for a short distance the southern line of an old watercourse in a field belonging to John Myers, Esq., now covered in and supposed to be a part of the aforesaid drain or gutter, until such watercourse reaches a thorn fence on the east side of the same field near a gate, and there turning a little south-eastwardly and running in a southerly direction along a continuation of the same fence in Mr. Myers' land, to the northern side of a lane called "Sware Lane," where such lane terminates westwardly, and is met by another lane running thence westwardly called "Makin's Lane ;" then proceeding southwardly in a direct line, slightly bearing eastwardly, across the end of "Sware Lane," and over a plantation shrubbery and two fields belonging to the trustees of the will of John Hicks, Esq., skirting in its course the eastern end of a long and narrow plantation, also belonging to the same trustees, until such line comes to a point where it meets the boundary line dividing the townships of Great Crosby and Litherland ; then turning again at a right angle and proceeding in an eastwardly direction along such boundary line until it reaches the northern end of a lane or occupation road called "Brickfield Lane," where it again turns off angularly and follows in a south-westwardly direction the eastern side of such lane until it passes under the said Liverpool, Crosby, and Southport Railway, at which point it again turns south-eastwardly and follows the western side of the same railway to a point where such railway crosses the boundary line dividing the townships of Litherland and Linacre, and thence turning westwardly follows the said boundary line in a westwardly direction to its western termination ; the whole of the western side of the boundary intended to be hereby described being defined by the estuary of the river Mersey.

## WEST HAM.

*Provisional Order for the Application of the Public Health Act, 1848, to the Parish of West Ham, in the County of Essex.*

## GENERAL BOARD OF HEALTH.

WHEREAS upon the Petition of not less than one tenth of the inhabitants rated to the relief of the poor of and within the Parish of West Ham, in the County of Essex, such Parish having a known and defined boundary (the number of such petitioners greatly exceeding thirty in the whole), the General Board of Health, appointed for the purposes of the Public Health Act, 1848, have, in pursuance of the provisions of that Act, directed Alfred Lamerte Dickens, a Superintending Inspector appointed for the purposes of the same Act, to visit the said Parish, and to make public inquiry, and to examine witnesses as to the sewerage, drainage, and supply of water, the state of the burial grounds, and the number and sanitary condition of the inhabitants, and as to any Local Acts of Parliament in force within the said Parish for paving, lighting, cleansing, watching, regulating, supplying with water, or improving the said Parish, or having relation to the purposes of the said Public Health Act ; also as to the natural drainage areas, and the existing municipal, parochial, or other local boundaries, and the boundaries which might be most advantageously adopted for the purposes of the Act.

And whereas the said Superintending Inspector, having previously given the notices required by the said Act, proceeded upon the said inquiry in the manner directed by the said Act, and hath reported in writing to the said General Board upon the several matters with respect to which he was so directed to inquire as aforesaid, and upon certain other matters in respect of which he deemed it expedient to report for the purposes of the said Act.

And whereas copies of the said Report, accompanied by a notice stating that, within the time directed by the said Act, written statements might be forwarded to the said Board with respect to any matter contained in or omitted from the said Report, or any amendment proposed to be made therein, have been duly

*Public Health Supplemental Act.*

duly published and deposited as required by the said Act, and the time for forwarding such statements has now elapsed, and all such statements as have been received by the said Board have been duly deposited, as required by that Act.

And whereas it appears upon such Report that there is a certain Local Act in force within the said Parish having relation to the purposes of the said Public Health Act, that is to say,

An Act passed in the Session of the Seventeenth and Eighteenth Years of the Reign of Her present Majesty, intituled "An Act to extend the Powers of the Commissioners of Sewers for the Levels of Havering, Dagenham, and other Places, and to enable them to construct Sewers in the Parishes of West Ham, East Ham, and North Woolwich."

And whereas it appears to the said General Board to be expedient that the said Public Health Act should be applied to the said Parish, but the same cannot be done without the authority of Parliament.

Now, therefore, in pursuance of the powers vested in the said Board by the Public Health Act, 1848, We, the said General Board of Health, do, by this Provisional Order, under the hand of the President and the official seal of the Board, direct, that from and after the day appointed for the first election of the Local Board of Health by any Act of Parliament confirming this Order:—

1. The Public Health Act, 1848, and every part thereof, except the Section numbered 50 the copies of that Act printed by Her Majesty's Printers, shall apply to the Parish of West Ham, in the County of Essex; and the said Parish shall be a District for the purposes of the said Public Health Act.
2. The Local Board of Health for the said Parish shall consist of fifteen persons, and shall be constituted as provided in the Act of Parliament confirming this Order.
3. One third in number of the elected members of the said Local Board shall go out of office on the day next after the expiration of a year from the day appointed by Parliament for the first election of the said Local Board, and so on annually.
4. Every such elected member of the Local Board shall, when elected, and while he continues a member of the said Local Board, be resident as in the Public Health Act, 1848, is required, and be possessed of real or personal estate, or both, to the amount of not less than five hundred pounds, or shall be so resident and rated to the relief of the poor of the said Parish, or of some township or place of which some part is within the said district, upon an annual value of not less than twenty-five pounds.
5. At the first election of the said Local Board, Samuel Riles, of Chesterton House, Plaistow, in the Parish of West Ham, in the County of Essex, gentleman, shall perform the duties which it may be requisite for him to perform in conducting the said first election; and in case the said Samuel Riles, from illness or other sufficient cause, shall be unable to discharge such duties, or shall be absent, or shall refuse to act, then Alfred Robinson, of Plaistow, in the said Parish of West Ham, gentleman, shall perform such of the said duties as then remain to be performed.
6. The fourteen days notice of qualification required by the Public Health Act, 1848, to be given by owners of property, in order to entitle them to vote at the said first election, shall be given to the said Samuel Riles, at Rokeby House, at Stratford, in the said Parish of West Ham, or in case he shall refuse or be unable to receive the same, then to the said Alfred Robinson, also at Rokeby House, aforesaid.

Given under my Hand and under the Seal of the General Board of Health, this Eighth day of May, in the year of our Lord One thousand eight hundred and fifty-six.

(L.S.)

(Signed) W. COWPER.

SOWERBY BRIDGE.

*Provisional Order for the Application of the Public Health Act to the District of Sowerby Bridge, in the County of York.*

GENERAL BOARD OF HEALTH.

WHEREAS the General Board of Health have, upon the joint petition of not less than one tenth of the inhabitants rated to the relief of the poor of and within the township of Warley, in the County of York, (the number of the said petitioners exceeding thirty in the whole,) directed William Ranger, one of their Superintending Inspectors, to visit the said township, and to make public inquiry and to examine witnesses as to the sewerage, drainage, and supply of water, the state of the burial grounds, the number and sanitary condition of the inhabitants, and as to any Local Acts of Parliament in force within the said township for paving, lighting, cleansing, watching, regulating, supplying with water, or improving the said township, or having relation to the purposes of the said Act; also as to the natural drainage areas, and the existing parochial or other local boundaries, and the boundaries which might be most advantageously adopted for the purposes of the said Act.

And whereas the said Superintending Inspector, having previously given the notices required by the said Act, proceeded upon the said inquiry in the manner directed by the said Act, and hath reported in writing to the said General Board upon the several matters with respect to which he was so directed to inquire

*Public Health Supplemental Act.*

inquire as aforesaid, and upon certain other matters in respect of which he deemed it expedient to report for the purposes of the said Act.

And whereas copies of the said Report, accompanied by a notice, stating that, within the time directed by the said Act, written statements might be forwarded to the said Board with respect to any matter contained in or omitted from the said Report, or any amendment proposed to be made therein, have been duly published and deposited as required by the said Act, and the time for forwarding such statements has now elapsed; and all such statements as have been received by the said Board have been duly deposited as required by that Act.

And whereas it having appeared to the said General Board that the boundaries which might be most advantageously adopted for the purposes of the Act were not the same as those of the said township with respect to which the said inquiry had been made, the said Board caused the said William Ranger to visit the parts within the boundaries proposed to be adopted for the purposes of the said Act.

And whereas the said Superintending Inspector, after having given such notice as is required by the said Act, did hear all persons desirous of being heard before him on the subject of the said Report, and did make further inquiry and report according to the directions of the said Board.

And whereas copies of such further Report, accompanied by a notice stating that, within the time directed by the said Act, written statements might be forwarded to the said Board with respect to any matter contained in or omitted from the said last-mentioned Report, or any amendment proposed to be made therein, have been duly published and deposited as required by the said Act, and the time for forwarding such statements has now elapsed; and all such statements as have been received by the said Board have been duly deposited as required by that Act.

And whereas it appears to the said General Board to be expedient that the said Public Health Act, except as herein-after mentioned, should be applied not only to so much of the said township of Warley, but also to so much of the several adjoining townships of Skircoat, Norland, and Sowerby as is included within the boundary described in the Schedule to this Order, being the same as the boundary marked by a pink line on the map accompanying the said further Report of the said William Ranger, and being the same within which the said inquiry and further inquiry have been made; but the same cannot be done without the authority of Parliament.

Now, therefore, in pursuance of the powers vested in the said Board by the Public Health Act, 1848, the Public Health Act, 1854 (17 & 18 Vict. c. 95.), and the General Board of Health Continuance Act, 1855 (18 & 19 Vict. c. 115.), We, the said General Board of Health, do, by this Provisional Order, under the hand of the President of the said Board and the official seal of that Board, direct:—

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

1. The Public Health Act, 1848, except the Section numbered 50 in the copies of that Act printed by Her Majesty's Printers, shall apply to so much of the said several townships of Warley, Skircoat, Norland, and Sowerby as is comprised within the pink line on the plan annexed to the said further Report, referred to on that plan as "the boundary of the proposed district," and described in the Schedule to this Order annexed, and that the said district shall be called the Sowerby Bridge district.
2. The Local Board of Health for the said district shall consist of twelve persons, and the entire number shall be elected for the whole of the said district.
3. One third in number of the persons so elected shall go out of office on the Twenty-fifth day of March in each year subsequent to that of the first election of the said Local Board.
4. Every person shall, at the time of his election as member of the said Local Board, and so long as he shall continue in office by virtue of such election, be resident as in the Public Health Act, 1848, is required, and be seised and possessed of real or personal estate, or both, to the value or amount of not less than one thousand pounds, or shall be so resident and rated to the relief of the poor of some parish, township, or place of which some part is within the said district, upon an annual value of not less than thirty pounds.
5. At the first election of the said Local Board, Thomas Nicholl, Esquire, of Halifax, shall have the powers and perform the duties which it may be requisite for him to perform in conducting the said first election; and in case the said Thomas Nicholl, from illness or other sufficient cause, shall be unable to discharge such duties, or shall be absent, or shall refuse to act, then Thomas Wood, Esquire, of Hollins in Warley, shall perform such of those duties as then remain to be exercised or performed.
6. The fourteen days notice of qualification required by the Public Health Act, 1848, to be given by owners of property in order to entitle them to vote at the said first election shall be given to the said Thomas Nicholl, at the house of Mr. Thomas Sutcliffe, of Sowerby Bridge, grocer, or, in case he shall refuse or be unable to receive the same, then to the said Thomas Wood, at his house in Hollins in Warley.

Given under my Hand and under the Seal of the General Board of Health, this Eighth day of March, in the year of our Lord One thousand eight hundred and fifty-six.

(L.S.)

(Signed) W. COWPER.

*Schedule*

*Public Health Supplemental Act.**Schedule to which this Order refers.*

The following is the description of the boundary of the district of Sowerby Bridge referred to in the above Order :—

Commencing on the Skircoat side of Mearclough or Mearclough Bottom Bridge up and including the road to Clap Lane Bar ; from thence up what was lately known as Clap Lane to the park wall of Henry Edwards, Esquire ; along the under side of the said park wall on what was lately called Crow Wood Lane to the bottom of Pye Nest Walk ; from thence to and on the back of Crow Wood House, including the wood or plantation attached thereto, to and including Upper Broad Gates ; from thence up the east side of the Blackstone Edge turnpike road leading from Rochdale to Halifax, crossing the said road opposite to the small garden gate at or near to Upper Willow Hall, or Willow Field Lodge ; from thence along the upper side of the field known as the Pump Field, and along the north and west sides of the next field as far as Barstow Lane, and from thence up and including Barstow Lane to Cote Hill, in the township of Warley ; from thence along the south side of the turnpike road known as the Burnley Road to the top of the road at Friendly leading to Gate Head, then down to Gate Head, but not including Gate Head Farm House ; from thence to Hill Top, then across the field and over the Rochdale Canal to the west end of the garden in the occupation of Mr. Richardson at Hollin's Mill ; from thence to Hollin's Mill dam stones, including the whole of Hollin's Mills, and from the said dam stones, entering into the township of Sowerby, down the Calder Side to the division fence dividing property now or lately belonging to Messrs. Waterhouse, and the property of James Walton, Esquire ; from thence along the said division fence to the end of the said James Walton's property, and along the south side of the said property to the property of the Lancashire and Yorkshire Railway Company ; from thence by the fences dividing the lands of the said Railway Company ; and from thence the boundary line is the east and south-east fence of the meadow belonging to Upper Bentley Royd Farm as far as Upper Bentley Royd, including the farm house and barn there, and from thence along and including the road to Quarry Hill ; from thence and including the road to Watson Mill past and including Watson Mill in the township of Norland ; from thence including the road to Scar Head ; from thence by the foot road to Harper Royd ; from thence and including the road to Fall Lane Top ; and from thence including Fall Lane to and including the said Mearclough or Mearclough Bottom Bridge, which said boundary is denoted by a pink line on the plan attached to the Second Report of William Ranger, Esquire.

## MOSS-SIDE.

*Provisional Order for the Application of the Public Health Act to the District of Moss-side, in the County Palatine of Lancaster.*

## GENERAL BOARD OF HEALTH.

WHEREAS, upon the petition of not less than one tenth of the inhabitants rated to the relief of the poor of and within the township of Moss-side, in the parish of Manchester and county palatine of Lancaster, the General Board of Health appointed for the purposes of the Public Health Act, 1848; in pursuance of the provisions of that Act, directed Robert Rawlinson, a Superintending Inspector, appointed for the purposes of the said Act, to visit the said township within and throughout the boundaries thereof, and to make public inquiry, and to examine witnesses as to the sewerage, drainage, and supply of water, the state of the burial-grounds, the number and sanitary condition of the inhabitants, and as to any Local Acts of Parliament in force within the said township for paving, lighting, cleansing, watching, regulating, supplying with water, or improving the said township, or having relation to the purposes of the said Act ; also as to the natural drainage areas, and the existing municipal, parochial, or other local boundaries, and the boundaries which might be most advantageously adopted for the purposes of the said Act.

And whereas the said Superintending Inspector, having previously given the notices directed by the said Act, proceeded upon the said inquiry, and hath reported in writing to the said General Board upon the several matters with respect to which he was directed to inquire, and upon certain other matters in respect of which he deemed it expedient to report for the purposes of that Act.

And whereas copies of the said Report, accompanied by a notice stating that written statements might be forwarded to the said Board with respect to any matter contained in or omitted from the said Report, or any amendment proposed to be made therein, have been duly published and deposited as directed by the said Public Health Act, and the time for forwarding such statements has now elapsed, and all such statements as have been received by the said Board have been duly deposited as required by that Act.

And whereas it having appeared to the said General Board that the boundaries which might be most advantageously adopted for the purposes of the Act were not the same as those of the said township, with respect to which the said inquiry had been made, the said Board caused Alfred Lamerte Dickens, another of the Superintending Inspectors appointed for the purposes of the said Act, to visit the parts within the boundaries proposed to be adopted for the purposes of the said Act.

And whereas the said last-mentioned Superintending Inspector, after having given such notice as is required by the said Act, did hear all persons desirous of being heard before him on the subject of the said Report, and did make further inquiry and report according to the directions of the said Board.

And

*Public Health Supplemental Act.*

And whereas copies of such further Report, accompanied by a notice stating that, within the time directed by the said Act, written statements might be forwarded to the said Board with respect to any matter contained in or omitted from the said last-mentioned Report, or any amendment proposed to be made therein, have been duly published and deposited as required by the said Act, and the time for forwarding such statements has now elapsed; and all such statements as have been received by the said Board in relation to such Report have been duly deposited, as required by that Act.

And whereas it appears to the said General Board to be expedient that the said Public Health Act except as herein-after mentioned, should be applied to so much of the township of Moss-side aforesaid, as is included within the red line on the map accompanying the aforesaid Report of Mr. Rawlinson to the General Board of Health, dated February 1855, together with so much of the adjoining township of Withington as is surrounded by a blue line on the said map, the said boundary being more fully described in the Schedule to this Order; but the same cannot be done without the authority of Parliament.

Now, therefore, in pursuance of the powers vested in the said Board by the Public Health Act, 1848, the Public Health Act, 1854 (17 & 18 Vict. c. 95.), and the General Board of Health Continuance Act, 1855 (18 & 19 Vict. c. 115.), the said General Board of Health do, by this Provisional Order, under the hand of the President of the said Board, and the official seal of that Board, direct:—

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

1. The Public Health Act, 1848, except the Section numbered 50 in the copies of that Act printed by Her Majesty's Printers, shall apply to so much of the said townships of Moss-side and Withington in the parish of Manchester, in the county palatine of Lancaster, as is described in the Schedule to this Order annexed, and that the said district shall be called the "Moss-side District."
2. The Local Board of Health for the said district shall consist of twelve persons, and the entire number shall be elected for the whole of the said district.
3. That one third in number of the said Local Board shall go out of office on the 25th day of March in each year subsequently to that in which the first election takes place.
4. That every person shall at the time of his election as member of the said Local Board, and so long as he shall continue in office by virtue of such election, be seised and possessed of real or personal estate, or both, to the value or amount of not less than one thousand pounds, or shall be rated to the relief of the poor of some parish, township, or place of which some part is within the said district, upon an annual value of not less than thirty pounds.
5. That, at the first election of the said Local Board, William Medcalf, of Heald Grove, Moss-side, Esquire, shall have the powers and perform the duties vested in or imposed upon the Chairman of the Local Board of Health by the Public Health Act, 1848, in relation to any election by owners of property and ratepayers, and shall perform all other duties which it may be requisite for him to perform in conducting and completing the said first election; and in case the said William Medcalf, from illness or other sufficient cause, shall be unable to exercise or discharge such powers or duties, or shall be absent, or shall refuse to act, then Samuel Brooks, of Whalley Range, Esquire, shall exercise and perform such of the said powers and duties as then remain to be exercised or performed.
6. That the fourteen days notice of qualification required by the Public Health Act, 1848, to be given by owners of property in order to entitle them to vote at the said first election shall be given to the said William Medcalf, at his residence, Heald Grove, Moss-side, or in case he shall refuse or be unable to receive the same, then to the said Samuel Brooks, at his residence, Whalley Range.

Given under my Hand and under the Seal of the General Board of Health, this Twentieth day of May, in the year of our Lord One thousand eight hundred and fifty-six.

(L.S.)

(Signed) W. COWPER.

*Schedule to which this Order refers.*

The following is the Description of the Boundary of the district of Moss-side referred to in the above Order:—

This boundary will include the whole of the township of Moss-side, except the detached portion called Longsight, and will also include a portion of the township of Withington, coloured blue on the map accompanying the report of Mr. Rawlinson to the General Board of Health, dated February 1855. This portion of Withington, commencing at the northern end of Dog Kennel Lane, runs in an easterly direction along the southern side of Moss-grove to the north-western corner of a detached portion of the township of Moss-side abutting upon Moss-grove; thence in an easterly and southerly direction along the boundary of the township of Withington to the south-western corner of a paddock attached to a dwelling-house in the occupation of Mr. John Southam; thence in a westerly direction along the course of a small brook called the Clothes-field ditch, until such brook reaches Dog Kennel Lane; thence westerly along the before-mentioned brook to the boundary of Moss-side, and thence along the boundary of the said township to the point from which this description commences.

RUSHOLME.



*Public Health Supplemental Act.*

## RUSHOLME.

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

## GENERAL BOARD OF HEALTH.

WHEREAS, by an Order of Her most Gracious Majesty in Council, bearing date the Eleventh day of February 1851, the Public Health Act, 1848, has been duly applied to the Township of Rusholme, in the County Palatine of Lancaster.

And whereas it appears to the General Board of Health appointed for the purposes of the said Act that the Boundaries of the said District, as determined by the said Order, should be altered and amended in the manner prescribed by the said Act.

And whereas the said General Board have, in pursuance of the provisions of the said Act, directed Alfred Lamerte Dickens, a Superintending Inspector appointed for the purposes of the said Act, to visit the said District, and to make public inquiry, and to examine witnesses as to the boundaries, not being the boundaries of the said Township so fixed as aforesaid, which might most advantageously be adopted for the purposes of the said Act.

And whereas the said Superintending Inspector, having previously given the notices directed by the said Public Health Act, proceeded upon the said further inquiry in the manner directed by the said Act, and hath reported in writing to the said General Board upon the said matter with respect to which he was directed to inquire.

And whereas copies of the Report on such further inquiry, accompanied by a notice stating that written statements might be forwarded to the said Board with respect to any matter contained in or omitted from the said Report, or any amendment proposed to be made therein, have been duly published and deposited as directed by the said Public Health Act, and the time for forwarding such statements has now elapsed, and all such statements as have been received by the said Board have been duly deposited as required by that Act.

And whereas the alteration of the boundaries of the said District cannot be effected without the authority of Parliament.

Now therefore, in pursuance of the Power vested in the said General Board of Health by the Public Health Act, 1848, the said General Board of Health do, by this Provisional Order, under my hand and seal of office, order and direct as follows; that is to say:—

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

1. The provisions of the Public Health Act of 1848, and every part thereof, except the Section numbered 50 in the copies of that Act printed by Her Majesty's Printers, shall apply to and be in force within and throughout the entire area comprised within the boundary coloured red on the plan prefixed to the said further Report made by Mr. A. L. Dickens to the General Board of Health, and bearing date October 1855; and the parts within the said boundary shall be and constitute a district for the purposes of the said Public Health Act accordingly, under the name of the "Rusholme District."
2. The present Local Board of Health for the time being for the district of Rusholme as originally constituted by the herein-before recited Order in Council shall, from and after the passing of the Act of Parliament confirming this Order, be the Local Board of Health for the District constituted by this Order and the Act of Parliament confirming the same.
3. At every election of members of the said Local Board which shall take place after the passing of the Act of Parliament confirming this Order, the members to be elected shall be elected for the whole of the District constituted by this Order, and by the votes of owners of and ratepayers in respect of property situate within the said District; and any person residing in the said District, or within seven miles thereof, may be elected a member of the said Local Board; but the number and qualification of such members, and the day of such election, shall remain as fixed by the herein-before recited Order in Council, dated the Eleventh day of February 1851.

Given under my Hand and under the Seal of the General Board of Health, this Twentieth day of May, in the year of our Lord One thousand eight hundred and fifty-six.

(L.S.)

(Signed) W. COWPER.

## BISHOP AUCKLAND.

*Provisional Order for altering the Boundaries of the District of Bishop Auckland, in the County of Durham, as constituted for the Purposes of the Public Health Act, 1848.*

## GENERAL BOARD OF HEALTH.

WHEREAS, by a Provisional Order of the General Board of Health, bearing date the 24th day of January 1854, made under the provisions of the Public Health Act, 1848, and confirmed by the Public Health Supplemental Act, 1854, the said Public Health Act has been duly applied to the District of Bishop Auckland, in the County of Durham.

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*Public Health Supplemental Act.*

And whereas it appears to the General Board of Health appointed for the purposes of the said Act, that the boundaries of the said District, as determined by the said Order, shall be altered, in the manner prescribed by the said Act.

And whereas the said General Board have, in pursuance of the provisions of the said Act, directed William Ranger, a Superintending Inspector appointed for the purposes of the said Act, to visit the said District, and to make further public inquiry, and to examine witnesses as to the alteration of the said boundaries.

And whereas the said Superintending Inspector, having previously given the notices directed by the said Act, proceeded upon the said further inquiry in the manner directed by the said Act, and hath reported in writing to the said General Board upon the said matter with respect to which he was directed to inquire.

And whereas copies of the Report on such further inquiry, accompanied by a notice stating that written statements might be forwarded to the said Board with respect to any matter contained in or omitted from the said Report, or any amendment proposed to be made therein, have been duly published and deposited as directed by the said Public Health Act, and the time for forwarding such statements has now elapsed, and no such statements have been received by the said Board.

And whereas it appears to the said General Board to be expedient that the boundaries of the said District should be altered, as recommended by the said Superintending Inspector, but the same cannot be done without the authority of Parliament.

Now therefore, in pursuance of the power vested in the said General Board of Health by the Public Health Act, 1848, We, the said General Board of Health, do, by this Provisional Order, under the hand of the President of the said Board, and under the official seal of that Board, order and direct as follows; that is to say:—

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

1. The provisions of the Public Health Act of 1848, and every part thereof, except the Section numbered 50 in the copies of that Act printed by Her Majesty's Printers, shall apply to and be in force throughout a district comprising the existing District of Bishop Auckland, in the County of Durham, as constituted by the aforesaid Provisional Order, confirmed by the Public Health Supplemental Act, 1854, together with all such parts of the Township of Pollard's Lands as are situated within the boundary marked by the dotted line, described as "the Boundary of the proposed District;" on the plan prefixed to the said Report made by Mr. Ranger to the General Board of Health, and which boundary is described at length in the Schedule to this Order annexed; and the said district shall be called the "Bishop Auckland" District.
2. The present Local Board of Health for the time being for the district of Bishop Auckland, as originally constituted by the herein-before recited Provisional Order, shall, from and after the passing of the Act of Parliament confirming this Order, be the Local Board of Health for the District constituted by this Order and the Act of Parliament confirming the same.
3. At every election of members of the said Local Board which shall take place after the passing of the Act of Parliament confirming this Order, the members to be elected shall be elected for the whole of the District constituted by this Order, and by the votes of owners of and ratepayers in respect of property situate within the said District; and any person residing in the said District, or within seven miles thereof, may be elected a member of the said Local Board; but the number and qualification of such members, and the day of such election, shall remain as fixed by the herein-before recited Provisional Order of the General Board of Health, dated the 24th day of January 1854, and confirmed by the aforesaid "Public Health Supplemental Act, 1854."

Given under my Hand and under the Seal of the General Board of Health, this Eighth day of May, in the year of our Lord One thousand eight hundred and fifty-six.

(L.S.)

(Signed) W. COWPER.

*Schedule to which this Order refers.*

The following is the description of the boundary of the BISHOP AUCKLAND District, referred to in the preceding Order:—

The boundary of the District of Bishop Auckland, in the County of Durham (as marked by a dotted line drawn on the plan of the said township, prefixed to the Report on Bishop Auckland, made by Mr. Ranger to the General Board of Health, dated 12th January 1854, and described on that Plan as the "Boundary of the proposed District"), commences at the centre of the Staindrop-road, and of a road leading from South Church and Etherley-green respectively, at their points of intersection with Cabin-gate; and the line follows the centre of the road running in a westerly direction, which forms the southern boundary of Cockton-hill Farm, belonging to Richard Bowser, Esq., up to the western side of a field on the north side of the aforesaid road, marked on the said Plan No. 1; then along the west fence of that field, in a northerly direction; then westerly along a portion of the south fence of a field, marked No. 2, and belonging to Richard Bowser, Esq.; then northerly, along a fence which forms the western boundary of fields, marked Nos. 2, 3, and 4, up to and across the road leading from Bishop Auckland to Etherley Grange,

*Public Health Supplemental Act. Pawnbrokers.*

Grange, along a fence which forms the western boundary of two fields, marked Nos. 5 and 6, and belonging to Richard Bowser, Esq., up to a fence forming the south boundary of the Auckland and Weardale Railway; thence, still in a northerly direction, across such railway, and along a fence forming the western boundary of a field, marked No. 7, belonging to the Auckland and Weardale Railway Company, and along a fence forming the west boundary of a field, marked No. 8, up to the river Wear; then along the southern bank of the river Wear, up to the point where the river Gaunless falls into the said river; then along the western bank of the river Gaunless to the south-east corner of a field adjoining the river Gaunless aforesaid, belonging to Messrs. William, Luke, and Robert Seymour, commonly called "Penny Bat Field," and marked No. 9; thence, westerly, along a fence forming the south boundary of the said field, and across a road called the South Church-lane, leading from Bishop Auckland to South Church; and along fences forming the south boundary of the fields, marked Nos. 10, 11, and 12, belonging to Richard Bowser, Esq.; and along a fence forming the south boundary of a field, marked No. 13, belonging to the Bishop of Durham; and into the road leading from Bishop Auckland to Cabin-gate; and thence, southerly, along the centre of such road to the first-mentioned point.

The following is the description of Lands, being part of the Township of Pollard's Land, which are included in the District of Bishop Auckland, by Order:—

No. on Plan.	Late or Present Owners.	Late or Present Occupiers.	Description.
44	Thomas Peacock - - -	Himself - - - - -	Skinnergarth.
43	Ditto - - - - -	Ditto - - - - -	Paddock.
32	Ditto - - - - -	Thomas Fletcher and others	Houses.
30	Ditto - - - - -	— Cummins - - - - -	House and garden.
31	Margaret Easton - - -	Margaret Easton and others	Cottages and garden.
29	Cuthbert Heron - - -	Himself and others - - -	House and gardens.
27	James Thompson - - -	John Proud - - - - -	House.
—	Ditto - - - - -	Himself and others - - -	Orchard and cottages.
33	Robert Mackenzie Hall	Adjutant Scott - - - - -	House and garth.
23	Bishop of Durham - - -	Ralph Powton - - - - -	Hedworth Close.
24	Rev. G. E. Green - - -	Himself - - - - -	Parsonage house and gardens.
25	Ann Briggs - - - - -	Herself and another - - -	House, granaries, and stable.
26	Thomas Dawson - - -	Robert Adamson and others	Cottages and gardens.
34 } 35 } 36 }	Rev. G. E. Green and } others - - - - - }	James Thompson and } Ralph Powton - - }	Town fields.
37	William Trotter - - -	William Humes, jun. - - -	Grass fields.
38	Ditto - - - - -	John Waggett - - - - -	Close of land.
39	Ditto - - - - -	William Humes - - - - -	Grass field.
40	Auckland and Weardale Railway Company.	Henry Stobart, Esq. - - -	Part of Snail Croft.
42 } 41 }	Ditto - - - - -	Themselves - - - - -	Railway.
—	Richard Bowser - - -	Thomas Sutton - - - - -	Tillage field. } now coloured
—	Ditto - - - - -	Josiah Jewett - - - - -	Three grass fields. } blue.

And three portions of land marked by the names of William Trotter, William Gibbon, and George Maw, respectively.

C A P. XXVII.

An Act to amend the Acts relating to Pawnbrokers.

[23d June 1856.]

WHEREAS under and by virtue of an Act passed in the Twenty-fifth Year of the Reign of King George the Third, Chapter Forty-eight, all Persons using or exercising the Trade or Business of a Pawnbroker in Great Britain are required to take out a Licence annually for that Purpose in the Manner prescribed by the said Act, under the Penalty of Fifty Pounds for any Neglect in that Behalf; and such Licences are, chargeable with certain Stamp Duties granted and imposed thereon by an Act passed in the Fifty-fifth Year of the said King's Reign, Chapter One hundred and eighty-four: And whereas an Act was passed in the Thirty-ninth and Fortieth Years of the said King's Reign, Chapter Ninety-nine, for better regulating the Business of Pawnbrokers: And whereas Attempts are made to evade the Provisions of the said Acts by Persons who receive Goods and Chattels into their Possession,

*Pawnbrokers.**Reformatory Schools (Scotland).*

‘ session, and advance Money thereon, under the Pretence that the Transaction is a Sale and Purchase of such Goods and Chattels, and not a receiving or taking of the same by way of Pawn or Pledge ; and it is expedient to amend the said Acts with a view to prevent such Evasions and the Mischiefs arising therefrom.’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

Persons herein described deemed to be Pawnbrokers.

I. The following shall be deemed to be Persons using and exercising the Trade and Business of a Pawnbroker within the Meaning of the several Acts aforesaid, and subject and liable to all the Provisions and Regulations thereof in relation to Pawnbrokers, as well as the Persons who by or under the said Acts or any of them are declared or deemed to be Persons using or exercising the said Trade or Business ; (that is to say,) every Person who shall keep a House, Shop, or other Place for the Purchase or Sale of Goods or Chattels or for taking in Goods or Chattels, by way of Security for Money advanced thereon, and shall purchase or receive or take in any Goods or Chattels, and pay or advance or lend thereon any Sum of Money not exceeding Ten Pounds, with or under any Agreement or Understanding, express or implied, or which from the Nature or Character of the Dealing may reasonably be inferred, that such Goods or Chattels may be afterwards redeemed or re-purchased on any Terms whatever.

Penalty on Persons declared or deemed to be Pawnbrokers not taking out proper Licences.

II. If any Person by or under this Act or the several Acts aforesaid or any of them declared or deemed to be a Person using and exercising the Trade or Business of a Pawnbroker shall neglect or omit to take out the proper Licence in that Behalf he shall forfeit the Sum of Fifty Pounds, which shall be recoverable by Information before any Justice of the Peace in the Name of an Officer of Inland Revenue prosecuting for the same on behalf of Her Majesty ; and in every Information or other Proceeding for the Recovery of such Penalty it shall be a sufficient Description of the Offence to charge that the Defendant did use and exercise the Trade and Business of a Pawnbroker without taking out a proper Licence in that Behalf ; and upon the Conviction of such Defendant the like Proceedings shall be had for the levying of the Penalty or for the recording of such Conviction, and for the Appeal of the Defendant if he shall feel himself aggrieved thereby, as are provided by Law, and may be adopted with regard to any Penalty incurred under the said Act of the Thirty-ninth and Fortieth Years of King George the Third : Provided always, that it shall be lawful for the Justice before whom any such Defendant shall be convicted to mitigate or lessen the said Penalty, if he shall think fit, to any Sum not less than One Fourth thereof ; provided also, that any Proceeding authorized or directed by the said recited Acts or this Act to take place before a Justice of the Peace may, in *Scotland*, take place before the Sheriff of the County in which the Proceeding is instituted, or his Substitute ; but no Appeal shall lie from the Judgment of any Sheriff to the Quarter Sessions of the Peace, nor shall any other Appeal lie, save from the Judgment of the Sheriff Substitute to the Sheriff, whose Decision shall in all Cases be final, and not subject to Review.

Penalties recoverable by summary Information.

Power to Justices to mitigate Penalties.

## C. A. P. XXVIII.

An Act to make further Provision for rendering Reformatory and Industrial Schools in *Scotland* more available for the Benefit of Vagrant Children. [23d June 1856.]

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

17 & 18 Vict. c. 74. Decree against Parents for Support of Children in Reformatory Schools may be for Payment of weekly Sum, enforceable weekly.

I. In every Case in which any young Person in *Scotland* shall have been sent to a Reformatory or Industrial School or other similar Institution, under the Provisions of the Act of the Seventeenth and Eighteenth Years of Queen Victoria, Chapter Seventy-four, “ to render Reformatory and Industrial Schools in *Scotland* more available for the Benefit of Vagrant Children,” or under the Provisions of this Act, it shall be lawful for the Inspector of the Poor of the Parish which may be either in the first instance or ultimately liable for the Support of such young Person at such School or Institution ; as well as for the Treasurer or other Officer thereof, to raise an Action against the Parents or Step-parents of such young Person or other Persons who may be liable for his or her Support, for Payment of a weekly Sum, to be applied to the Cost of Support and other Expenses incurred or to be incurred by the Directors or other Managers of such School or Institution in regard to such young Person, and such Action may be brought in the Sheriff’s Small Debt Court of the County in which the Order to send such young Person to such School or Institution was pronounced, or of the County in which the Defender in such Action may happen to reside ; and it shall be lawful for the Sheriff before whom such Action, whether at the Instance of such Inspector or of such Treasurer or other Officer as aforesaid, is brought, to inquire into the Circumstances of the Party sued, and to pronounce Decree, with Warrant of Assessment and Pounding, for such weekly Sum as he shall think fit, not exceeding Five Shillings per Week, during the Period of the Continuance at such School or Institution of such young Person, or, in his Discretion, to dismiss the Action ; and such Decree shall be held to be and shall have all the Effect of a Decree in each Week for Payment of the Sum decerned to be paid for such Week ; and under the Warrant for Arrestment therein contained it shall be lawful to arrest weekly, for Payment of such weekly Sum as aforesaid, the Wages of the Defender due and current, and such Arrestment shall attach

*Reformatory Schools (Scotland).*

attach not only the Wages due and payable to the Defender at the Date thereof, but also the Wages current for the Week or other Term or Period in the course of which such Arrestment is executed ; and the Inspector of the Poor recovering any such weekly Sums shall every Quarter of a Year pay over the Amount received by him to the Treasurer or other Officer of such School or Institution, and the same shall be imputed, *pro tanto*, in satisfaction of the Claim of the Directors or other Managers of such School or Institution against such Inspector in respect of such young Person ; and such Managers or other Directors shall, once every Quarter of a Year, render to the Inspector of any Parish liable in Payment of Expenses incurred in respect of any young Person at their School or Institution an Account of the Sums claimed by them in respect of such young Persons for the Quarter immediately preceding.

II. Where any young Person falling within the Provisions of the First Section of the said recited Act shall be brought before any Sheriff, Magistrate, or Justice of the Peace, it shall be lawful for such Sheriff, Magistrate, or Justice of the Peace, when he sees fit, and before ordering the Transmission of such young Person to any such School or Institution as aforesaid, to pronounce an Order authorizing such young Person to be kept in Custody for such Period as he may deem necessary for Intimations and Inquiry, but not exceeding in any Case Forty-eight Hours, in the Poor's-house of the Parish or Combination within which such young Person was found, or where there is no such Poor's-house, or where it is at an inconvenient Distance, in such other Place of Custody, not being a Prison, as he may appoint, and to be again brought before him or any acting Magistrate or Justice of the Peace within such Period ; and the Keeper of such Poor's-house shall be bound to receive and retain such young Person therein, providing him with sufficient Food ; and any other Person whom such Sheriff, Magistrate, or Justice of the Peace shall authorize to take charge of such young Person shall, by virtue of such Authority, be entitled to keep him in Custody for the Period authorized and in the Place appointed as aforesaid, at such Charge as the Sheriff, Magistrate, or Justice of the Peace shall fix, and which the Inspector of the Poor of the Parish in which such Person was found shall in the first instance be bound to defray ; and when such young Person shall, in pursuance of such Order as aforesaid, be again brought before any such Sheriff, Magistrate, or Justice of the Peace, such Sheriff, Magistrate, or Justice of the Peace may, if he sees fit, pronounce an Order for transmitting him or her to any such School or Institution, according to the Provisions of the said recited Act and this Act.

III. Where any such young Person as aforesaid brought before any Sheriff or Magistrate shall have been so brought, by virtue of the Provisions contained in any Local or General Police Act, on a Charge of Begging or Vagrancy, the said recited Act and this Act shall be held as incorporated in such Police Act to the Effect of enabling such Sheriff or Magistrate, sitting as Judges of Police, if he shall think fit, to pronounce, in the Form of the Schedule (A.) to this Act annexed, an Order for transmitting such young Person to any such Reformatory or Industrial School or other Institution as aforesaid, instead of any Sentence which under such Police Act it would have been competent for him to pronounce ; all the Powers of Apprehension and Detention provided for Cases of Begging or Vagrancy being hereby reserved in full Force and Effect, with reference to such young Person, till Liberation upon Caution in Terms of the said recited Act and this Act, or in failure thereof till the pronouncing of such Order of Transmission as aforesaid.

IV. Where the Inspector of the Poor of any Parish liable in the first instance for the Support of any such young Person as aforesaid shall have incurred any Expense or made any Payment in respect of the Custody of such Person as aforesaid before the pronouncing of an Order for transmitting him or her to a Reformatory or Industrial School or other similar Institution, or shall have made any Payment towards the Support of such young Person in such School or Institution, such Inspector shall be entitled to sue for the same the Inspector of the Parish ultimately liable for the Support of such young Person, notwithstanding that no previous Notice of Chargeability may have been given ; provided always, that within Eight Days after any such Payment shall have been made or any such Expense shall have been incurred due Notice thereof shall have been given to the Inspector of the Parish so ultimately liable.

V. Where Security for the good Behaviour of any such young Person as aforesaid, in Terms of the Provisions of the First Section of the said recited Act, shall, whether before or after the pronouncing of an Order for transmitting him or her to any such School or Institution, be offered by any Person, other than his or her Parent or Guardian, or nearest surviving Relative, or the Inspector of the Poor of any Parish which may be ultimately liable for his or her Support, and in which there shall have been established by the Parochial Board thereof a Reformatory or Industrial School, sanctioned under the said recited Act, it shall be lawful for the Sheriff, Magistrate, or Justice of the Peace before whom such Security is offered, to inquire into the Way in which such young Person is to be disposed of, and the Means to be provided for his Up-bringing ; and if he shall not be satisfied with the Result of such Inquiry, it shall be lawful for him, in his Discretion, to refuse to receive the Security so offered : Provided always, that when Security shall be received from any Inspector, the Amount thereof shall be restricted to the minimum Sum prescribed by the said recited Act.

VI. It shall be lawful for any Sheriff, Magistrate, or Justice of the Peace, on the Application of the Directors or Managers of any School or Institution to which any such young Person may have been transmitted, under the Provisions of the said recited Act or of this Act, or of the Inspector of the Poor of the Parish in the first instance or ultimately liable for his or her Support, if satisfied that a suitable

Young Persons may be kept in Custody for Forty-eight Hours before pronouncing Order for Transmission to School.

Where young Persons are brought up under any Police Act, Procedure may go on thereunder, till Order for Transmission to School.

Inspector may recover, notwithstanding no previous Notice of Chargeability.

Discretionary, in certain Cases, to admit or refuse Security for good Behaviour.

Power to discharge from School before Expiry of Period of Attendance.

*Reformatory Schools (Scotland).**National Gallery.*

Opening of Employment for him has occurred, or if he shall otherwise see Cause, to discharge such young Person from such School or Institution before the Expiry of the Period for which he may have been sent there.

Local Reformatories may receive Youthful Offenders and Vagrant Children, sent under 17 & 18 Vict. c. 74., 17 & 18 Vict. c. 86., 18 & 19 Vict. c. 87., or this Act.

New Schedules substituted for those in 17 & 18 Vict. c. 74.

Inspector of Poor deemed the Inspector to whom Intimation is to be made.

Schools not to be certified both under cc. 74. and 86. of 17 & 18 Vict. Short Titles.

VII. Where in any City, Town, or Place, there has been erected, under Local Act of Parliament or otherwise, any House of Refuge for Youthful Offenders, or any Reformatory or Industrial School or other similar Institution, it shall be lawful for the Commissioners, Directors, or Managers thereof to receive and maintain therein, if willing so to do, all such young Persons as may be sent thereto under the said recited Act or this Act, or the Act of the Seventeenth and Eighteenth Years of Queen *Victoria*, Chapter Eighty-six, "for the better Care and Reformation of Youthful Offenders in *Great Britain*," or the Act of the Eighteenth and Nineteenth Years of Queen *Victoria*, Chapter Eighty-seven, to amend the said recited Acts, or under any of them, and to apply such Portion of the Fund under their Control as they may think proper for their Training, Maintenance, and Disposal, such House of Refuge, School, or Institution having always been previously sanctioned under the said recited Acts or either of them, as the Case may be.

VIII. Instead of the Schedules (A.) and (B.) to the said recited Act of the Seventeenth and Eighteenth Years of Queen *Victoria*, Chapter Seventy-four, annexed, the Schedules (A.) and (B.) to this Act annexed shall respectively be substituted and used.

IX. The Inspector of the Poor of the Parish in which any young Person brought before any Sheriff, Magistrate, or Justice of the Peace, under the Provisions of the said recited Act of the Seventeenth and Eighteenth Years of Queen *Victoria*, Chapter Seventy-four, has been found, is hereby declared to be and shall be deemed the Inspector of the Poor to whom Intimation is by the First Section thereof directed to be made: Provided always, that when the Parent or Parents of such young Person shall be stated by him or her to reside in an immediately adjoining Parish, Intimation shall also be made to the Inspector of the Poor of such Parish.

X. No Reformatory or Industrial School or other similar Institution shall hereafter be sanctioned or certified under both of the said recited Acts, Chapters Seventy-four and Eighty-six, of the Seventeenth and Eighteenth Years of Queen *Victoria*.

XI. The said recited Act of the Seventeenth and Eighteenth Years of Queen *Victoria*, Chapter Seventy-four, and this Act, may respectively be cited for all Purposes as "The Reformatory Schools (*Scotland*) Act, 1854," and "The Reformatory Schools (*Scotland*) Act, 1856."

## SCHEDULES.

## SCHEDULE (A.)

At the Day of  
I *A.B.* [Sheriff, or Magistrate, or Justice of the Peace of *as the Case may be*], under the Powers of the Reformatory Schools (*Scotland*) Acts, 1854 and 1856, hereby order that *C.D.*, apparently of the Age of Years, be taken to the School at thereat to remain, under the Powers and Provisions of the said Acts, for the Period of or until he be discharged therefrom, or attain the Age of Fifteen Years.

Given under my Hand, Date and Place foresaid.

## SCHEDULE (B.)

I [*or We*] [*name and design the Cautioners*] do hereby judicially enact myself [*or ourselves*] in the Books of the Court at , and bind and oblige myself [*or ourselves*], and my [*or our*] Heirs, Executors, and Successors, jointly and severally, under the Penalty of , payable to and recoverable by the Procurator Fiscal of Court for the Time being, for the good Behaviour of *C.D.*, and especially that he shall not commit any Offence, nor resort to common Begging, nor be found wandering being without any settled Place of Abode or proper Guardianship, and that for the Period of Calendar Months, all in Terms of the Reformatory Schools (*Scotland*) Acts, 1854 and 1856.

Subscribed by me [*or us*] at this Day of before these Witnesses, *E.F.* and *G.H.* [*designing them respectively*].

## C A P. XXIX.

An Act to extend the Powers of the Trustees and Director of the National Gallery, and to authorize the Sale of Works of Art belonging to the Public. [23d June 1856.]

WHEREAS Pictures and other Works of Art acquired for the National Gallery by Purchases out of Monies granted by Parliament, and by Bequests and Donations, have been placed under the Care and Ordering of Trustees and a Director (appointed by the Commissioners of Her Majesty's Treasury for that Purpose): And whereas it is expedient that Power should be given to dispose of such of the Pictures and other Works of Art under the Care and Ordering of the said Trustees and Director

*National Gallery.**Sir William Fenwick Williams' Annuity.*

' as they may adjudge to be unfit or not required for a National Collection, and that Pictures and other Works of Art given to or for the Benefit of the Nation should, where no other Provision is made by the Donors, vest in and be under the Care and Ordering of the said Trustees and Director : Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

I. The Trustees and Director of the National Gallery, or any Three or more of them, of whom the Director shall be one, present at any Meeting specially assembled for that Purpose, by Fourteen Days previous Notice, may from Time to Time, with the Consent in Writing of the Commissioners of Her Majesty's Treasury, order that any of the Pictures and Works of Art for the Time being under the Care of the said Trustees and Director, which have not been bequeathed or given to or for the Benefit of the Nation, and which the Trustees and Director, or any Three or more of them, as aforesaid, may adjudge to be unfit for or not required as Part of the National Collection, be sold by Public Auction, and a detailed Account of the Monies arising therefrom shall be laid before Parliament in the annual Report of the Trustees and Director ; provided, that if it shall be deemed fit by the Authorities aforesaid, with such Consent as aforesaid, to sell any Pictures which were not given or bequeathed to or for the Benefit of the Nation, but which have become Part of the National Collection, and as such been exhibited in the National Gallery, Copies of the Order to make such Sale, and of such Consent thereto, shall be laid on the Table of both Houses of Parliament Six Weeks previously to such Sale.

Pictures, &c. unfit to be preserved in the National Gallery may be sold.

II. The Receipt of the Person authorized by the said Trustees and Director to sell such Pictures and Works of Art shall be a sufficient Discharge for the Money arising from such Sale, and such Money shall be paid over by the Person receiving the same into the Exchequer, and shall become Part of the Consolidated Fund of *Great Britain and Ireland*.

Proceeds of Sale.

III. All Pictures and Works of Art which have already been or may hereafter be from Time to Time given or bequeathed to the Public or to the Nation, or given or bequeathed by Words showing an Intention that the Gift or Bequest should enure to or for the Benefit of the Public or the Nation, shall (unless the Donor or Testator shall have made other Provision for the Care thereof) vest in and be under the Care and Ordering of the said Trustees and Director of the National Gallery ; provided, that in each Case of Bequest the said Trustees and Director may select such of the Pictures and Works of Art so bequeathed as they may deem fit to become Part of the National Collection, and the Remainder of the Pictures and Works of Art comprised in such Bequest, unless otherwise disposed of by any Testamentary Provision, shall become Part of the Residuary Estate of the Testator.

Pictures given to the Nation to vest in the Trustees and Director. As to the Disposal of such Pictures as are bequeathed and not added to National Collection.

## C A P. XXX.

An Act to settle an Annuity on Sir *William Fenwick Williams*, in consideration of his eminent Services. [23d June 1856.]

' Most Gracious Sovereign,

' **W**HEREAS Your Majesty, by Your most Gracious Message, hath been pleased to signify that Your Majesty, being desirous of conferring a signal Mark of Your Favour and Approbation on Major General Sir *William Fenwick Williams*, K.C.B., for the eminent and distinguished Services rendered by him as Your Majesty's Commissioner at the Head Quarters of the *Turkish Army in Asia*, and particularly in the gallant Defence of *Kars*, recommended to us to enable Your Majesty to make Provision for securing to Sir *William Fenwick Williams* a Pension of One thousand Pounds *per Annum* for the Term of his natural Life : Therefore we, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain and Ireland* in Parliament assembled, duly considering Your Majesty's Gracious Intention, do 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 :

I. That an Annuity of One thousand Pounds shall be paid to Sir *William Fenwick Williams*, Baronet, K.C.B., for the Term of his natural Life, and the said Annuity shall be deemed to have commenced and taken effect from the Eighth Day of *May* One thousand eight hundred and fifty-six, and the First Payment of a proportionate Part thereof, for the Period from such Commencement to the Fifth Day of *July* One thousand eight hundred and fifty-six, shall be made on the said Fifth Day of *July* One thousand eight hundred and fifty-six ; and such Annuity shall thereafter be paid quarterly, (that is to say,) on the Tenth Day of *October*, the Fifth Day of *January*, the Fifth Day of *April*, and the Fifth Day of *July* in every Year, and shall issue and be payable out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland* ; and the Receipt of the said Sir *William Fenwick Williams*, or of such other Person as shall be duly authorized and appointed by him to receive such Annuity or any Part thereof, shall be a good and sufficient Discharge for the Payment thereof ; and the said Annuity shall be clear of all Taxes and all other Charges whatsoever, except Income Tax.

An Annuity of 1,000*l.* to be paid to Sir *W. F. Williams*, Bart., during his Life.

*Oxford University.*

## C A P. XXXI.

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*. [23d June 1856.]

17 & 18 Vict. c. 81. **WHEREAS** an Act was passed in the Session of Parliament holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter Eighty-one, "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*," and it is expedient to extend the Provisions of the said Act as herein-after mentioned: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

The Powers of the Act to be exercised notwithstanding Foundations, &c. by Act of Parliament, &c. I. The several Powers given by Sections Twenty-eight, Twenty-nine, and Thirty-seven of the said Act may be exercised notwithstanding anything contained in any Act of Parliament, Decree, or Order constituting either wholly or in part an Instrument of Foundation or Endowment, or confirming or varying any Foundation or Endowment, or otherwise regulating any College or Hall, in respect of which any such Power may be exercised, in like Manner as if such Acts of Parliament, Decrees, and Orders had been expressly mentioned in the said Sections Twenty-eight and Twenty-nine.

Statutes approved under the Act may be amended during the Continuance of the Commission. II. It shall be lawful for any College of or in relation to which any Regulation, Ordinance, or Statute shall have been approved by Her Majesty in Council under Section Thirty-six of the said Act, from Time to Time, with the Approval of the Commissioners, and during the Continuance of their Powers under the said Act, to amend or alter such Regulation, Ordinance, or Statute, subject to the same Conditions and Provisions as to the Approbation of Her Majesty in Council and all other Conditions and Provisions as are imposed by the Act in relation to the making of the original Regulation, Ordinance, or Statute.

Christ Church Canonries to be deemed College Emoluments. III. The Canonries of *Christ Church* in *Oxford* which are not annexed by Law or Custom to any Professorship or Archdeaconry shall be deemed College Emoluments within the Meaning and for the Purposes of the said Act.

Power to sever Benefices from Headships of Colleges, &c. IV. Where any Benefice with Cure of Souls is annexed to the Headship of a College or Hall, or where any Advowson is held in trust for the Head of such College or Hall, it shall be lawful for the College, or, where the Annexation or Trust affects the Headship of a Hall, for the University (at any Time during the Continuance of the Commission), without Prejudice to any existing Interest of any Member of such College or Hall, and notwithstanding anything contained in any Act of Parliament or in any Deed or Instrument whatever, to make a Statute or Statutes for putting an end to such Annexation or Trust and for selling the Advowson of the Benefice so annexed or the Advowson so held in trust, or, if it be thought fit in the Case of a College, for adding such Advowson to those in the Patronage of the College, and for making, out of the College Revenues, or in the Case of a Hall out of the Proceeds of the Sale or the Investment of such Proceeds, adequate Compensation to the Head for the consequent Diminution of his Income: Provided always, that all such Statutes shall be laid before the Commissioners, who shall have Power by Writing, under their Common Seal, to approve of or reject the same, or to remit the same from Time to Time for further Consideration or Revision, with Amendments or Alterations therein.

Elections to Emoluments may be suspended on the Application of the University or College. V. Where, upon an Application of the University as to any University Emolument, or upon the Application of any College as to any Emolument within such College, it may appear to the Commissioners that it would be advisable, for the Purposes of the said Act, to suspend for a limited Period the Election to such Emolument (not being the Headship of a College or Hall), it shall be lawful for the Commissioners, by Instrument under their Common Seal, to authorize the University or such College, as the Case may be, to suspend such Election accordingly, for such a Time as may appear to the Commissioners sufficient for the Purposes aforesaid.

Regulations, &c. framed by Commissioners subject to Provisions of said Act. VI. All Regulations, Ordinances, and Statutes framed by the Commissioners under Section Thirty-six of the said Act shall be subject to all the Conditions and Provisions contained in the said Act in relation to Regulations, Ordinances, or Statutes framed by the said Commissioners under the other Powers thereby conferred on them.

Certain Parts of 8 & 9 Vict. c. 18. incorporated herewith. 17 & 18 Vict. c. 81. VII. The Lands Clauses Consolidation Act, 1845, except the Parts and Enactments of that Act with respect to the Purchase and taking of Lands otherwise than by Agreement, and with respect to the Recovery of Forfeitures, Penalties, and Costs, and with respect to Lands required by the Promoters of the Undertaking, but which shall not be wanted for the Purposes thereof, shall be incorporated with and form Part of this Act, and of the *Oxford University Act*, 1854, so far as relates to Land within One Mile and a Half of *Carfax* in the City of *Oxford* required for the Erection of any Buildings for the Extension of the Buildings of the said University, or of any College therein, and as if the Corporate Name of the University or College, as the Case may be, had been inserted therein instead of the Expression "the Promoters of the Undertaking."



*Whichwood Forest.*

## C A P. XXXII.

An Act to amend the *Whichwood* Disafforesting Act, 1853.

[23d June 1856.]

WHEREAS by the *Whichwood* Disafforesting Act, 1853, it was amongst other things provided, that the Commissioners therein mentioned should ascertain the Boundaries of the said Forest, and should set out and award such Parts of the said Forest for Common Fields and Common of Pasture, as therein mentioned; and on making their Award, the said Forest should be for ever thereafter disafforested, and the Forestal Rights of Her Majesty were to cease as therein is mentioned: And whereas it is expedient that certain of the Provisions of the said Act should be altered and amended, and that further Powers should be granted to the said Commissioners: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

16 & 17 Vict.  
c. 73.

I. The Time by the said Act limited for making the Award of the Commissioners, to be appointed as therein is mentioned, and acting under the said Act, shall be and is hereby extended until the First Day of August One thousand eight hundred and fifty-seven.

Time for making the Award extended to 1st August 1857.

II. The Commissioners may by their Award allot to Her Majesty, Her Heirs, Successors, and Assigns, any Parts of the Purlieu Coppices or Purlieu Wastes belonging to The Lord *Churchill*, adjoining to the Forest, in Exchange for any Lands, Portion of the Forest; and the Purlieu Coppices or Purlieu Wastes so allotted to Her Majesty shall thenceforward be free from all Rights of Common and other Rights, of what Nature or Kind soever, and if any Rights of Common or other Rights attached to the Purlieu Coppices or Purlieu Wastes so allotted to Her Majesty such Rights shall after such Allotment attach to the Forest Lands allotted in lieu thereof; but no such Allotment by way of Exchange shall be made by the Commissioners without the Consent of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or either of them, acting on the Part of Her Majesty, Her Heirs and Successors, and also the Consent of the Persons having such Interest in the Soil of the Purlieu Coppices or Purlieu Wastes so to be allotted in Exchange as would render them Persons interested in Land within the Definitions contained in "the Acts for the Inclosure, Exchange, and Improvement of Land."

The Commissioners may allot Parts of Purlieu Coppices or Wastes to the Crown, in Exchange for Portions of the Forest.

III. The Commissioners may, with the Consent of The Lord *Churchill* in the said Act mentioned, or in case of his Death with the Consent of the Persons designated in the Twenty-third Section of the "*Whichwood* Disafforesting Act, 1853," allot and set out as Common Fields, for the exclusive Pasturage of the Commonable Cattle and Sheep of Persons having Rights of Common and Sheepwalks respectively over the said Forest, any Parts of the Purlieu Wastes and Purlieu Coppices of which The Lord *Churchill* is Owner of the Soil, making to The Lord *Churchill* adequate Compensation in respect of such Allotment of exclusive Pasturage, by exonerating from Rights of Common all or any Portion of the Forest Land allotted to The Lord *Churchill* by virtue of the Powers conferred on the Commissioners by the Seventh Section of the "*Whichwood* Disafforesting Act, 1853;" but such Allotment of Purlieu Lands as Common Fields shall not affect The Lord *Churchill's* Title or Claim to the Ownership of the Soil of such Purlieu Lands.

Commissioners may set out Purlieu Wastes as Common Fields, and exonerate The Lord *Churchill's* Allotment of Forest Land as Compensation.

IV. The Commissioners may, if they shall deem it expedient, for the Convenience of the Commoners, and with the Consent of The Lord *Churchill*, or in case of his Death with the Consent of the Persons designated in the Twenty-third Section of the "*Whichwood* Disafforesting Act, 1853," by their Award exonerate any Lands within the Purlieu adjoining to the said Forest whereof The Lord *Churchill* now is or by virtue of the Allotments to be made by the Commissioners Award may become Owner, or any Lands within the said Forest whereof the said Lord *Churchill* by virtue of the Allotments to be made under the said Award may become Owner, from any Rights of Common or other Rights, and place such Rights of Common or other Rights upon any other Lands whereof the Lord *Churchill* now is or by virtue of the Allotment made by the Commissioners Award may become Owner, and the Declaration of the said Commissioners to this Effect in their Award shall be valid and effectual for this Purpose, and binding upon all Parties.

16 & 17 Vict.  
c. 36. s. 7.Commissioners may transfer Rights of Common, &c. to other Portions of Lord *Churchill's* Lands.

V. The said Commissioners shall by their Award determine whether the whole or what Portion or Portions of the said Forest shall constitute the Parish of *Whichwood*, and shall fix the Boundary of such Parish, and their Decision as regards such Boundary shall be final.

Constitution of Parish of *Whichwood*.

VI. It shall not be obligatory on the said Commissioners to cause all or any of the Roads or Ways which, in pursuance of the said *Whichwood* Disafforesting Act, 1853, they may set out and allot, either to be made or fenced; and the Award of the said Commissioners alone shall be sufficient and conclusive Evidence that all Roads and Ways therein mentioned to be set out and allotted have been duly and properly set out and allotted, and that all such Roads so set out and allotted, and therein mentioned to have been made and fenced by the said Commissioners, have been duly and properly made and fenced.

Roads may be set out without being made.

VII. It shall be lawful for the said Commissioners, at their sole Discretion, to sell so much and such Part or Parts of the said Forest, or of the Purlieu thereof, belonging to The Lord *Churchill*, as they shall think necessary, to raise a Fund sufficient to defray such Costs, Charges, and Expenses as they shall determine to have been properly incurred by them or on their Behalf in carrying out the Provisions

Commissioners empowered to sell Land to defray Expenses.

*Whichwood Forest. Insurance on Lives (Abatement of Income Tax) Continuance. Excise.*

sions of this Act, for which Purpose their Conveyance shall vest an indefeasible Estate of Inheritance in the Purchaser or Purchasers ; and the Receipts in Writing of the said Commissioners, or any Two of them, shall be a sufficient Discharge for all Purchase Monies ; and no Purchaser shall be bound to inquire as to the Propriety of any such Sale ; and the said Commissioners shall, by and out of such Fund, after retaining to their own Use a Sum not exceeding Five hundred Pounds for the Time and Labour bestowed by them in carrying this Act into execution, pay all such Costs, Charges, and Expenses, and shall pay the Surplus (if any) to the said Commissioners of Woods, Forests, and Land Revenues, as Part of the Land Revenues of Her Majesty.

16 & 17 Vict.  
c. 36. to re-  
main in force.  
Short Title.

VIII. Subject to the Provisions herein contained, all and every the Provisions of the said *Whichwood* Disafforesting Act, 1853, shall remain in force, and as if this Act had not been passed.

IX. It shall be sufficient for all Purposes to cite this Act as "The *Whichwood* Disafforesting Amendment Act, 1856."

## C A P. XXXIII.

An Act to continue the Act for extending for a limited Time the Provision for Abatement of Income Tax in respect of Insurance on Lives. [30th June 1856.]

16 & 17 Vict.  
c. 91.

18 & 19 Vict.  
c. 35.

‘ WHEREAS an Act was passed in the Session of Parliament holden in the Sixteenth and Seventeenth Years of Her Majesty’s Reign, Chapter Ninety-one; intituled *An Act to extend for a limited Time the Provision for Abatement of Income Tax in respect of Insurance on Lives*, and was limited to continue in force until the Fifth Day of *July* One thousand eight hundred and fifty-four : And whereas, by certain other Acts subsequently passed, and more especially by an Act passed in the last Session of Parliament, Chapter Thirty-five, the said first-mentioned Act has been amended and extended, and now stands limited to continue in force until the Fifth Day of *July* One thousand eight hundred and fifty-six, and it is expedient further to continue the same so amended for such Period as herein-after mentioned : Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

16 & 17 Vict.  
c. 91. continued  
until 5th July  
1857.

I. The said first-mentioned Act so amended as aforesaid shall be and the same is hereby continued in force until and upon the Fifth Day of *July* One thousand eight hundred and fifty-seven.

## C A P. XXXIV.

An Act to grant Allowances of Excise Duty on Malt in Stock ; to alter and regulate certain Drawbacks and Allowances in respect of Malt Duty ; to repeal and re-impose the Excise Duty on Sugar used in brewing Beer ; and to amend the Law relating to Malt Roasters. [30th June 1856.]

17 & 18 Vict.  
c. 27.

‘ WHEREAS by an Act passed in the Seventeenth and Eighteenth Years of Her Majesty’s Reign, Chapter Twenty-seven, certain Duties of Excise on Malt, and certain Allowances and Drawbacks of Excise for or in respect of Malt used in the distilling of Spirits and brewing of Beer respectively, were granted and made payable respectively in lieu of all other Duties, Allowances, and Drawbacks of Excise on Malt payable under any Act or Acts in force, to continue and be charged and paid during the then present War, and until and upon the Fifth Day of *July* next after the Ratification of a Definitive Treaty of Peace, and no longer ; and it was by the said Act provided, that upon the ceasing of the said Duties on the Event and at the Time aforesaid the Duties of Excise on Malt, and the several Allowances and Drawbacks of Excise for or in respect of Malt used in the distilling of Spirits and brewing of Beer respectively, granted or payable respectively under the several Acts in force in that Behalf immediately before the passing of the said Act, should revive, and be charged and allowed respectively in lieu of the Duties, Allowances, and Drawbacks by the said recited Act granted upon or in respect of Malt : And whereas a Definitive Treaty of Peace has been recently signed and ratified, and by reason thereof the said Duties granted by the said recited Act on Malt will cease immediately after the Fifth Day of *July* One thousand eight hundred and fifty-six ; and it is expedient to grant an Allowance on the Stock of Malt which will then be in the Possession of the Malt Traders herein-after mentioned in respect of the Duties paid or charged thereon under the said recited Act in Excess of the Duties which will be payable on Malt after the said Fifth Day of *July* One thousand eight hundred and fifty-six ; and it is also expedient to alter and regulate the Allowances and Drawbacks of Excise on Malt which will revive and become payable after the said last-mentioned Day : Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

As to the Term  
"Malt Trader."

I. The Term "Malt Trader" used in this Act shall be deemed to mean and include every Maltster or Maker of Malt for Sale, and every Dealer in or Seller or Retailer of Malt, and every Roaster of Malt, licensed Brewer, and Vinegar Maker.

II. There

*Excise.*

II. There shall be paid or allowed to every Malt Trader for all dry unground Malt produced to and taken account of by the proper Officer of Excise, and the Quantity thereof ascertained in manner herein-after mentioned, between the Third and Fifth Days of *July* One thousand eight hundred and fifty-six, both Days inclusive, as the Stock and in the Custody and Possession of such Malt Trader, and for which the Duties under the said recited Act shall have been paid or charged, the several Allowances and Sums of Money following; (that is to say,)

For every Bushel of such Malt made in *England* from Barley or any other Corn or Grain, One Shilling and Threepence Halfpenny :

For every Bushel of such Malt made in *Scotland* or *Ireland* from Barley or any other Corn or Grain, except Bear or Bigg, One Shilling and Threepence Halfpenny :

And for every Bushel of such Malt made in *Scotland* or *Ireland* from Bear or Bigg only, without any Mixture of Barley or any other Corn or Grain therewith, One Shilling.

III. Provided always, That from the Quantity ascertained by Gauge or Measurement of all Brown or Porter Malt and roasted or Black Malt there shall be deducted Twenty *per Cent.* for the Swell and Increase thereof over the Quantity of such Malt charged with Duty, but if such Malt shall be screened and cleaned it shall be lawful for the Commissioners of Inland Revenue to make such less Rate of Deduction as shall appear to them to be reasonable and just in consideration of the Combing and Dust taken out by such Screening, and from all other unscreened Malt there shall be deducted Seven and a Half *per Cent.*, and the said Allowance by this Act granted shall be computed and paid or allowed only on the remaining Quantity of such Malt after making such Deductions respectively as aforesaid.

IV. All Malt in respect of which any such Allowance as aforesaid shall be claimed shall be previously completely dried and finished, and every Malt Trader who shall claim to be entitled to any such Allowance shall give Notice in Writing to the proper Officer of Excise Two Days previously to the Third Day of *July* One thousand eight hundred and fifty-six of his Name and Place of Abode, and the Description of Business carried on by him as a Malt Trader, and also of the particular House or Place where any such Malt in respect of which he intends to claim any such Allowance shall be kept or deposited, and whether such Malt is screened or unscreened; and he shall also before the said Third Day of *July* One thousand eight hundred and fifty-six place all such Malt in such Form as shall enable the Officer of Excise conveniently to gauge the same and ascertain the Quantity thereof; but in case any Corn or Grain which shall be in operation for the making thereof into Malt at any Time between the said Third and Fifth Days of *July* One thousand eight hundred and fifty-six inclusively shall be actually made into Malt, dried, and finished before the Time when the Officer of Excise shall first take an Account of the dry unground Malt in the Stock of such Malt Trader, then and in such Case such Malt Trader shall be entitled to claim such Allowance as aforesaid in respect of such Malt upon giving previous Notice in Writing to the proper Officer of Excise by the Space of Twelve Hours of his Intention to make such Claim, specifying the Quantity of such Malt, and the Place where the same shall be deposited, and whether such Malt is screened or unscreened, and such Malt Trader shall place and keep all such Malt separate and apart from all other Malt, and in such Form as shall enable the Officer conveniently to gauge the same and take an Account thereof; and if any Malt Trader shall neglect or fail in any respect to comply with the Regulations or Directions in this Act contained or authorized to be made or given, or shall do anything contrary thereto, he shall not have or be entitled to any Allowance in respect of any Malt in his Stock, Custody, or Possession: Provided always, that if from any inevitable Accident or unforeseen Circumstance any Malt Trader shall be prevented from receiving into his Stock before the said Third Day of *July* One thousand eight hundred and fifty-six, and in Time to enable him to comply with the Regulations hereinbefore contained, any Malt which shall have been delivered to any Common Carrier to be conveyed to such Malt Trader for the Space of Seven Days previously to the said last-mentioned Day, it shall be lawful for the Commissioners of Inland Revenue, upon Proof of the Facts to their Satisfaction, and upon being satisfied that no Fraud has been committed or intended with regard to such Malt, to grant to such Malt Trader the proper Allowance in respect thereof, under and subject to such Regulations and Directions as they shall think proper to make or give in that Behalf.

V. After any Malt in respect of which any such Allowance may be claimed shall have been placed in such Form as is directed by this Act, no Malt Trader shall on any Pretence whatever alter the Position thereof, or remove or send away such Malt or any Part thereof from the House or Place in which the same shall have been gauged until after the Fifth Day of *July* One thousand eight hundred and fifty-six, and after the Officer shall have gauged or measured the same and taken his Account thereof, upon pain of forfeiting the Sum of Two hundred Pounds for any Breach of the Prohibition in this Clause contained.

VI. Provided always, That if any licensed Brewer shall be desirous of making use of any such Malt after the same shall have been placed in such Form as aforesaid, and shall give to the proper Officer of Excise previous Notice in Writing by the Space of Twenty-four Hours of his Intention to make use of any such Malt, so that the Officer may attend and take an Account thereof, specifying in such Notice the Quantity so intended to be used, such licensed Brewer shall be at liberty to make use of such Quantity of his Malt in respect of which he shall claim any such Allowance without being liable to any Penalty or Forfeiture in that respect, so as the Residue of such Malt shall be left unaltered and in such Form and

As to Allowances granted to Malt Traders on Malt in Stock.

Deduction to be made from Brown or Black Malt for the Swell thereof, and from all unscreened Malt.

Regulations to be observed by Malt Trader on claiming Allowance.

Position of Malt not to be altered or removed until an Account be taken of the Quantity.

Brewer may make use of Malt on giving Notice and the Officer taking an Account thereof.

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Position as to enable the Officer to gauge the same and ascertain the Quantity thereof in the Manner herein-before directed.

Officer may enter Premises to examine and take Account of Malt on which Allowance is claimed.

Penalty for obstructing Officer in taking Account, &c., or for committing Fraud with regard to Malt on which Allowance is claimed.

Forfeiture of Malt fraudulently mixed.

Malt Trader to assist Excise Officer to examine, &c. Malt on which Allowance is claimed.

Certificate of the Quantity of Malt, and Amount of Allowance to be given to the Malt Trader.

On Production of Certificate to the proper Collector, and Declaration made as to certain Particulars, the Sum specified in the Certificate to be paid in manner herein mentioned.

Penalty for forging Certificate.

VII. It shall be lawful for any and every Officer of Excise at his free Will and Pleasure at any Time or Times in the Daytime, between the Third and Fifth Days of *July* One thousand eight hundred and fifty-six inclusively, or at any Time during the Space of Three Days after the Officer shall have first gauged and taken his Account of any such Malt, to enter and go into every House or other Place where any such Malt in respect of which any such Allowance shall be claimed shall be put or deposited, and to inspect and examine such Malt, and take a true and particular Account, and ascertain the exact Quantity thereof by Gauge or Measurement; and if any Person shall prevent, obstruct, or hinder any Officer of Excise from entering or going into any such House or other Place, or from inspecting or examining such Malt, or taking such Account, or ascertaining the Quantity thereof as aforesaid, or in the Execution of any of the Powers or Authorities to such Officer given by or under this Act, or if any Person shall mix or lay under, with, or amongst any such Malt any Barley, or undried Malt, or any unmalted Corn or Grain, or any Malt-dust or Combing or other Thing, with Intent to increase the Quantity or apparent Quantity of such dried unground Malt, or if any Person shall bring or receive into, or put or place with his Stock, any Malt which has been before taken an Account of under this Act, or any Malt of or belonging to any Person not being a Malt Trader within the Meaning of this Act, or if any Person shall make use of or practise, or cause to be made use of or practised, any Art, Contrivance, or Device whatever whereby any Officer of Excise may be obstructed in gauging, taking an Account of, or ascertaining the true Quantity of such dried unground Malt, or may be deceived therein, or whereby Her Majesty may be defrauded, every Person so offending in any of the Cases aforesaid shall for every such Offence forfeit the Sum of Two hundred Pounds; and all Malt which shall be found by any Officer of Excise so mixed as aforesaid, or under, with, or amongst which any Barley, or undried Malt, or unmalted Corn or Grain, or any Malt-dust or Combing or other Thing, is found to be laid or placed, with Intent to increase the Quantity or apparent Quantity of Malt dried and unground, or by which Her Majesty may be defrauded, and all Malt which shall be brought or received by any Malt Trader into or put or placed with his Stock, such Malt having been before taken an Account of under this Act, or not belonging to some Malt Trader, shall be forfeited, and may be seized by any Officer of Excise.

VIII. Every Malt Trader who shall claim any Allowance under this Act in respect of Malt in his Stock, Custody, or Possession shall with his Servants and Workmen, whenever thereto required by any Officer of Excise, aid and assist such Officer in such Manner as he shall require for the better enabling him to examine, gauge, or measure, and take an Account of all or any such Malt, upon pain of forfeiting the Sum of Two hundred Pounds for any Neglect or Refusal to aid and assist such Officer in manner aforesaid.

IX. When and so soon as such Account shall have been finally taken of the Malt belonging to any Malt Trader, and the Quantity thereof ascertained as aforesaid, the proper Officer of Excise in that Behalf shall with all convenient Speed give to the Malt Trader entitled to the Allowance in respect of such Malt a Certificate expressing the true Quantity of the Malt for which he shall be entitled to such Allowance, and the Amount of such Allowance, and specifying the Name and Place of Abode of the Person entitled thereto, and the Description of Business carried on by him as such Malt Trader.

X. On the Production of such Certificate by such Malt Trader or his Agent to the Collector of Excise of the Collection in which the same was granted, and on a solemn Declaration being made by such Malt Trader before a Justice of the Peace or such Collector that such Malt Trader believes that all the proper Duties of Excise have been paid or charged for or in respect of the whole Quantity of the Malt specified in such Certificate, and that the said Malt, or any Part thereof, hath not been taken account of for the Purpose of obtaining such Allowance more than once, or in any Place save and except in the Stock, Custody, or Possession of the Person making the said Declaration, and claiming the Allowance in respect of such Malt, and that the whole Quantity of the said Malt of the respective Kinds mentioned in such Certificate was at the Time therein specified in his Custody and Possession, and was the sole Property of the said Person, or was held by him as the Property of and for the Use of some other Malt Trader, and that the said Certificate is true to the best of his Knowledge and Belief, and that no false Statement, Art, or Contrivance was used to deceive the Officer taking an Account of such Malt or any Part thereof, or to render the Account or Amount thereof expressed in such Certificate untrue, such Collector as aforesaid being satisfied of the Truth of such Declaration shall, out of the Money in his Hands on account of any of the Duties of Excise, pay to the Malt Trader entitled to the same, or to his Agent, the Sum of Money specified in such Certificate, by Four equal Instalments, on the usual sitting Days, commencing on the Twenty-fifth Day of *August*, the Thirteenth Day of *October*, and the Twenty-fourth Day of *November* in the Year One thousand eight hundred and fifty-six, and the Twelfth Day of *January* One thousand eight hundred and fifty-seven: Provided always, that the Sum of Money specified in such Certificate as aforesaid may be deducted by such Instalments as aforesaid from any Duties of Excise which may be due and payable by the Malt Trader entitled to the said Sum of Money at the several Times herein-before appointed for Payment of the said Instalments.

XI. If any Person shall forge or counterfeit or cause to be forged or counterfeited any Certificate by this Act required or directed, or shall knowingly or willingly give any false or untrue Certificate, or shall

## Excise.

shall alter or erase or cause to be altered or erased any such Certificate granted by any Officer of Excise, or shall make use of or in any Manner utter any such Certificate knowing the same to be forged, counterfeited, false, untrue, altered, or erased, or if any Person shall knowingly or wilfully make any false Declaration in relation to any such Certificate or any of the Matters therein expressed or contained, every Person so offending shall for every such Offence forfeit the Sum of Five hundred Pounds.

XII. All Corn or Grain in operation for the making thereof into Malt by any Maltster or Maker of Malt for Sale at the Time when the Officer of Excise shall take an Account of the dry unground Malt in the Stock, Custody, or Possession of such Maltster or Maker of Malt under or by virtue of this Act, shall be chargeable only with such Rate of the Duties of Excise as will be payable in respect of Malt of the like Description made after the Fifth Day of *July* One thousand eight hundred and fifty-six, provided such Corn or Grain which shall be actually dried, finished, and made into Malt by such Maltster or Maker of Malt after such Officer shall have taken such Account as aforesaid, and before the Sixth Day of *July* One thousand eight hundred and fifty-six, shall be kept separate and apart from all other Corn, Grain, or Malt until the said last-mentioned Day, and that it be produced to the Sight of the proper Officer of Excise in order that he may take an Account, and ascertain the true Quantity thereof, if he shall think fit so to do, at any Time on or before the said last-mentioned Day, and that no Allowance be claimed or made by virtue of this Act in respect thereof.

XIII. ' And whereas Malt Traders may have made Sales or Deliveries, or Contracts or Agreements for the Sale or Delivery, of Malt as Malt in respect of which the Rates of the Duties of Excise chargeable before the Sixth Day of *July* One thousand eight hundred and fifty-six were paid or charged, but for which, as Part of the Stock of such Malt Traders, the Allowance under this Act may be made thereon, or such Malt may be charged only with the reduced Rate of Duty on Malt payable after the Fifth Day of *July* One thousand eight hundred and fifty-six, and it is reasonable that Provision should be made for the Relief of the Buyers of such Malt so far as the Amount of the Duty hereby allowed or remitted formed a Part of the Price of the Malt so sold or delivered, or for which such Contracts or Agreements have been made : ' Be it therefore enacted, That every Malt Trader who shall have sold or delivered, or contracted or agreed to sell or deliver, any Malt in respect of which any Allowance or Remission of Duty is granted by or under this Act, and which Malt was so sold or delivered or contracted or agreed for as Malt which had paid or been charged with the full Duties of Excise on Malt payable before the Sixth Day of *July* One thousand eight hundred and fifty-six, shall abate and deduct, and if the Purchase Money has been paid shall refund and return to the Buyer of such Malt, from the Price for which such Malt was so sold or delivered, or contracted or agreed for, the whole of the Allowance or Remission of Duty granted by this Act, and received by or remitted to the Seller of such Malt in respect thereof, and shall stand and be possessed of the Amount of such Allowance or Remission of Duty as Money had and received to the Use of the Buyer of such Malt ; and no Action or Suit at Law or in Equity shall be brought or be maintainable against the Buyer of any such Malt by any Malt Trader, being the Seller thereof, for so much of the Price of such Malt as shall be equal to the Amount of the Allowance or Remission of Duty granted by this Act, and so received by or remitted to such Seller ; and all Proceedings brought or instituted for the Recovery thereof shall be null and void to all Intents and Purposes whatsoever.

XIV. ' And whereas by an Act passed in the Eighteenth Year of Her Majesty's Reign, Chapter Twenty-two, a Duty of Excise at the Rate of Three Shillings and Ninepence *per* Hundredweight was granted and imposed upon Sugar used in the brewing or making of Beer, such Rate of Duty, together with the Duties of Customs on Sugar, being deemed to be an Equivalent for the increased Rate of Duty of Excise granted by the said Act of the Seventeenth and Eighteenth Years of Her Majesty's Reign on the Malt for which such Sugar might be substituted in the brewing or making of Beer, and which said increased Rate of Duty on Malt will cease and determine after the Fifth Day of *July* One thousand eight hundred and fifty-six : ' Be it therefore enacted, That from and after the Fifth Day of *July* One thousand eight hundred and fifty-six, the said Duty of Excise granted and imposed by the said last-mentioned Act on Sugar used in the brewing or making of Beer shall also cease and determine until the Fifth Day of *April* One thousand eight hundred and fifty-eight ; and inasmuch as the Duties of Customs on Sugar will then cease to be an Equivalent for the Duty on Malt when such Sugar is used in the brewing or making of Beer, there shall be charged and paid on all Sugar so used after the said last-mentioned Day a Duty of Excise at the Rate of Two Shillings *per* Hundredweight over and above all other Duties of Excise or Customs.

XV. And as to the Drawback upon the Exportation of Beer to Foreign Parts, be it enacted, That notwithstanding anything contained in the said Act of the Seventeenth and Eighteenth Years of Her Majesty's Reign, the Rates of Drawback by the said Act granted, and specified and set forth in Schedule (B.) thereof, on Beer exported from any Part of the United Kingdom to Foreign Parts as Merchandise, shall continue to be allowed and paid in lieu of all other Drawbacks on such Beer in respect of all Beer brewed between the Eighth Day of *May* One thousand eight hundred and fifty-four and the Sixth Day of *July* One thousand eight hundred and fifty-six, and which shall be duly exported as aforesaid at any Time before the Sixth Day of *January* One thousand eight hundred and fifty-eight ; and in respect of all Beer

cate or uttering a forged or false Certificate.

Malt in operation to be charged only with the Rate of Duty payable after 5th July 1856.

Malt Traders having contracted for the Sale of Malt to abate the Price and allow to the Purchaser the Amount of Allowance or Remission of Duty obtained in respect of such Malt.

Excise Duty on Sugar used in brewing Beer to cease after 5th July 1856, and to be reimposed after 5th April 1858.

As to Drawbacks on Exportation of Beer after 5th July 1856, and before 6th January 1858.

*Excise.*

As to Drawbacks on Exportation of Beer after 5th January 1858.

Beer brewed at any other Time than as aforesaid, whensoever the same shall be so exported; and in respect of all Beer which shall be so exported at any Time after the Fifth Day of *January* One thousand eight hundred and fifty-eight, whensoever the same may have been brewed, the following Rates of Drawback shall be allowed and paid in lieu of all other Drawbacks on such Beer; (that is to say,)

For and upon every Barrel of Thirty-six Gallons, and so in proportion for any greater Quantity, of Beer brewed or made by any entered or licensed Brewer of Beer for Sale in the United Kingdom, in the brewing of which Beer the Worts used before Fermentation were of the Specific Gravity herein-after mentioned, the following Rates of Drawback; (that is to say,)

If the Specific Gravity of the Worts was not less than—	Drawback per Barrel.		
	£	s.	d.
1041°	-	0	4 1
1054°	-	0	5 5
1068°	-	0	6 9
1081°	-	0	8 1
1095°	-	0	9 6
1108°	-	0	10 10
1122°	-	0	12 2

Mode of determining the original Specific Gravity of Worts from which Beer entered for Exportation was made.

XVI. Upon the Entry for Exportation of any Beer on which Drawback shall be claimed, the Specific Gravity of the Worts from which such Beer was made shall be ascertained and determined in the following Manner; (that is to say,) a definite Quantity by Measure of such Beer shall be distilled, and the Distillate and the Spent Beer respectively shall be made up with distilled Water each of them to the original Measure of the Beer before Distillation, and the Specific Gravities thereof respectively shall be then ascertained, and the Number of Degrees and Parts of a Degree of Specific Gravity by which such Distillate shall be less than the Specific Gravity of distilled Water shall be deemed to be the Degree of Spirit Indication of such Distillate, and the actual Specific Gravity of such Spent Beer added to the Degrees of original Gravity set forth in the Table contained in the Schedule annexed to this Act opposite to the Degree of Spirit Indication of the Distillate contained in the same Table shall be deemed to be the original Specific Gravity of the Worts from which such Beer was made before Fermentation; and for the Purposes aforesaid all the Weighings and Measurements that may be necessary to be made of the respective Liquids shall be made when the same are at the Temperature of Sixty Degrees of *Fahrenheit's* Thermometer, and at that Temperature distilled Water shall be considered as One thousand.

Allowances or Drawbacks in respect of Malt used in the distilling of Spirits not to be deemed to be revived.

XVII. ' And whereas an Act was passed in the Eighteenth and Nineteenth Years of Her Majesty's Reign, Chapter Ninety-four, to allow Malt to be used Duty-free in the distilling of Spirits, and by the Fourth Section of the same Act all Allowances and Drawbacks of Excise granted by any former Act in respect of the Malt used in the making of Spirits were made to cease and determine: Be it enacted, That nothing in the said Act of the Seventeenth and Eighteenth Years of Her Majesty's Reign, Chapter Twenty-seven, shall be deemed or construed to extend to revive at any Time hereafter, or on any Event whatever, any Allowances or Drawbacks of Excise whatever in respect of Malt used in the distilling of Spirits.

Duties, &c. to be under the Management of the Commissioners of Inland Revenue, and to be collected and paid under the Provisions of Acts relating to Excise.

XVIII. The said several Duties, Allowances, and Drawbacks of Excise by this Act granted and imposed and allowed respectively shall be under the Management of the Commissioners of Inland Revenue, and shall be charged, collected, recovered, paid, applied, and allowed respectively in such and the like Manner, and by the same Ways, Means, and Methods, by which other Duties, Allowances, and Drawbacks of Excise upon or in respect of Goods or Commodities of the same Sorts or Kinds respectively are or may be respectively charged, collected, recovered, allowed, paid, and applied; and all Acts relating to the Duties, Allowances, and Drawbacks of Excise respectively, and all Fines, Forfeitures, Pains, and Penalties for any Offence against or in breach of any Act or Acts for securing the Duties of Excise, or any of them, or for the Regulation or Improvement thereof, and the several Clauses, Provisions, Powers, and Directions contained in such Acts, shall and are hereby directed and declared (except as altered by this Act) to extend to and shall be respectively applied, practised, and put in execution for and in respect of the said Duties, Allowances, and Drawbacks hereby granted, imposed, and allowed respectively in as full and ample a Manner to all Intents and Purposes as if all and every the said Acts, Clauses, Provisions, Powers, and Directions, Pains, Penalties, and Forfeitures, were particularly repeated and re-enacted in the Body of this Act with reference to the said Duties, Allowances, and Drawbacks hereby respectively granted, imposed, and allowed as aforesaid.

What shall be deemed to be unmalted Grain in the Possession of a Malt Roaster.

XIX. ' And whereas an Act was passed in the Second Session of Parliament holden in the Fifth Year of Her Majesty's Reign, Chapter Thirty, to provide Regulations for preparing and using roasted Malt in colouring Beer, and by the same Act any Roaster of Malt or Dealer in roasted Malt is prohibited under the Penalties and Forfeitures therein mentioned from having in his Custody or Possession any raw or unmalted Corn or Grain of any Description, roasted or unroasted, mixed or not mixed with any Malt: Be it enacted, That all Corn or Grain found in the Custody or Possession of any Roaster

*Excise.*

Roaster of Malt or Dealer in roasted Malt, which Corn or Grain shall not have germinated to such a Degree that the Plumule thereof shall have been elongated to the Extent of One Half of the Length of the Grain, shall be deemed to be unmalted Corn or Grain within the Meaning of the said last-mentioned Act; but no Penalty or Forfeiture shall be incurred in respect of any Malt by reason of its being found to contain a Proportion not exceeding Five *per Cent.* of Grain which may not have germinated to the Extent aforesaid, provided reasonable Evidence shall be adduced to prove that such last-mentioned Grain has been subjected to the usual legal Process for the making of Malt.

## SCHEDULE,

Containing a Table to be used in determining the original Specific Gravity of Worts of Beer.

Degrees of Spirit Indication.	Degrees of original Specific Gravity.	Degrees of Spirit Indication.	Degrees of original Specific Gravity.	Degrees of Spirit Indication.	Degrees of original Specific Gravity.	Degrees of Spirit Indication.	Degrees of original Specific Gravity.
·1	·3	4·1	15·5	8·1	34·3	12·1	54·9
·2	·6	4·2	16·0	8·2	34·8	12·2	55·4
·3	·9	4·3	16·4	8·3	35·4	12·3	55·9
·4	1·2	4·4	16·8	8·4	35·9	12·4	56·4
·5	1·5	4·5	17·3	8·5	36·5	12·5	56·9
·6	1·8	4·6	17·7	8·6	37·0	12·6	57·4
·7	2·1	4·7	18·2	8·7	37·5	12·7	57·9
·8	2·4	4·8	18·6	8·8	38·0	12·8	58·4
·9	2·7	4·9	19·1	8·9	38·6	12·9	58·9
1·0	3·0	5·0	19·5	9·0	39·1	13·0	59·4
1·1	3·3	5·1	19·9	9·1	39·7	13·1	60·0
1·2	3·7	5·2	20·4	9·2	40·2	13·2	60·5
1·3	4·1	5·3	20·9	9·3	40·7	13·3	61·1
1·4	4·4	5·4	21·3	9·4	41·2	13·4	61·6
1·5	4·8	5·5	21·8	9·5	41·7	13·5	62·2
1·6	5·1	5·6	22·2	9·6	42·2	13·6	62·7
1·7	5·5	5·7	22·7	9·7	42·7	13·7	63·3
1·8	5·9	5·8	23·1	9·8	43·2	13·8	63·8
1·9	6·2	5·9	23·6	9·9	43·7	13·9	64·3
2·0	6·6	6·0	24·1	10·0	44·2	14·0	64·8
2·1	7·0	6·1	24·6	10·1	44·7	14·1	65·4
2·2	7·4	6·2	25·0	10·2	45·1	14·2	65·9
2·3	7·8	6·3	25·5	10·3	45·6	14·3	66·5
2·4	8·2	6·4	26·0	10·4	46·0	14·4	67·1
2·5	8·6	6·5	26·4	10·5	46·5	14·5	67·6
2·6	9·0	6·6	26·9	10·6	47·0	14·6	68·2
2·7	9·4	6·7	27·4	10·7	47·5	14·7	68·7
2·8	9·8	6·8	27·8	10·8	48·0	14·8	69·3
2·9	10·2	6·9	28·3	10·9	48·5	14·9	69·9
3·0	10·7	7·0	28·8	11·0	49·0	15·0	70·5
3·1	11·1	7·1	29·2	11·1	49·6	15·1	71·1
3·2	11·5	7·2	29·7	11·2	50·1	15·2	71·7
3·3	12·0	7·3	30·2	11·3	50·6	15·3	72·3
3·4	12·4	7·4	30·7	11·4	51·2	15·4	72·9
3·5	12·9	7·5	31·2	11·5	51·7	15·5	73·5
3·6	13·3	7·6	31·7	11·6	52·2	15·6	74·1
3·7	13·8	7·7	32·2	11·7	52·7	15·7	74·7
3·8	14·2	7·8	32·7	11·8	53·3	15·8	75·3
3·9	14·7	7·9	32·2	11·9	53·8	15·9	75·9
4·0	15·1	8·0	32·7	12·0	54·3	16·0	76·5
			33·				

*West India Loans.**Peace Preservation (Ireland).*

## C A P. XXXV.

An Act to authorize the *West India* Relief Commissioners to grant further Time for the Repayment of Monies advanced by them in certain Cases. [30th June 1856.]

2 & 3 W. 4.  
c. 125.  
5 & 6 W. 4.  
c. 51.  
3 & 4 Vict.  
c. 40.  
7 Vict. c. 17.  
8 & 9 Vict.  
c. 50.  
11 & 12 Vict.  
c. 38.

‘ WHEREAS an Act was passed in the Second and Third Years of the Reign of His late Majesty King *William* the Fourth, Chapter One hundred and twenty-five: And whereas another Act was passed in the Fifth and Sixth Years of the Reign of His said late Majesty, Chapter Fifty-one: And whereas another Act was passed in the Third and Fourth Years of the Reign of Her present Majesty Queen *Victoria*, Chapter Forty: And whereas another Act was passed in the Seventh Year of the Reign of Her present Majesty, Chapter Seventeen: And whereas another Act was passed in the Eighth and Ninth Years of the Reign of Her present Majesty, Chapter Fifty: And whereas another Act was passed in the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter Thirty-eight: And whereas it is expedient that the Commissioners for the carrying into execution the above-mentioned Acts should have such further Powers as are herein-after mentioned:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Commissioners may grant Extension of Time on certain Conditions.

I. It shall be lawful for the Commissioners for the Time being acting in the Execution of the said recited Acts and this Act, or any Three of them, to grant any Extension of the Time limited for the Repayment of any Loan which shall have been made under the Authority of the aforesaid Acts, or any Part of any such Loan, so as such Extension of Time shall be made in every Case on Condition that the whole Amount of such Loan shall be secured to be paid by Instalments of such Amount as the said Commissioners shall think fit, and so as in every Case of Extension of Time under the Powers of this Act such further Security be given as the said Commissioners shall think proper; and any such Extension of Time may be made upon such other Terms and Conditions (if any) as the said Commissioners may require, and every such further Security shall be made in such Form and to such Person or Persons as the said Commissioners shall direct: Provided, nevertheless, that no such Extension of Time shall be granted in pursuance of the Powers of this Act, except with the Consent in Writing of the Lord High Treasurer for the Time being, or of any Two or more of the Commissioners of Her Majesty’s Treasury for the Time being; provided also, that every Application for such Extension of Time be made in Writing within Two Years from the passing of this Act.

Applications for Extension to be within Two Years.

On Payment of Interest due, Commissioners to forbear compelling Payment of Principal, upon certain Conditions.

II. From and after Payment (if made within Six Calendar Months from the passing of this Act) of all Interest which may be due at the Time of the passing thereof in respect of any such Loan, the said Commissioners for the Time being acting in the Execution of the said recited Acts and this Act shall forbear from compelling Payment of the Principal Monies due in respect of such Loan as long as a Sum equal to One Twentieth Part of the Principal Monies which may be due or owing in respect of any such Loan at the passing of this Act, together with Interest thereon, or on so much thereof as may from Time to Time remain unpaid, be paid annually, the first of such annual Payments to begin and be made at the Expiration of One Year from the passing of this Act; and for the Purposes of this Provision no Grant of Extension of Time shall be necessary; but if Default shall be made in Payment of any Instalment or any Interest contrary to this Provision, the Principal and Interest remaining unpaid at the passing of this Act, or at the Time of such Default, as the Case may be, shall become immediately due and payable and be recoverable in the same Manner as if this Act had not been passed.

Extension of Time not to prejudice existing Securities.

III. No such Extension of Time to be granted as aforesaid shall in anywise alter or prejudice the existing Security for any Loan either originally made or under any Extension of Time already made, and the same, except as the same may be agreed to be altered by the said Commissioners under the Powers of this Act, shall be and remain in full Force in every respect as if no Extension of Time had been granted under the Powers of this Act.

## C A P. XXXVI.

An Act for the better Preservation of the Peace in *Ireland*.

[30th June 1856.]

‘ WHEREAS it is expedient to make Provision for the better Preservation of the Peace in *Ireland* in certain Cases:’ 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.

I. This Act may be cited for all Purposes as “The Peace Preservation, *Ireland*, Act, 1856.”

Certain Sections of 11 & 12 Vict. c. 2. continued, save that Punishments under Sections 9 & 12 are reduced.

II. The several Sections of the Act passed in the Session of Parliament held in the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter Two, (except the Preamble to the First Section, and except the Sixteenth, Seventeenth, Eighteenth, Nineteenth, Twentieth, Twenty-second, and Twenty-third Sections of said Act,) shall respectively henceforth continue and be in full Force and Operation as fully and effectually as if the same were severally repeated herein, save that the Punishment to which Parties are liable on Conviction under the Ninth and Twelfth Sections of said Act respectively shall henceforth



*Peace Preservation (Ireland).**Transfer of Works (Ireland).*

henceforth be reduced from Imprisonment for any Period not exceeding Two Years, with or without Hard Labour, to Imprisonment for any Period not exceeding One Year, and save also that Licences under this Act to have or carry Arms shall be in the Forms in the Schedules (A.) and (B.) to this Act annexed, or to the like Effect.

III. All Proclamations made and Notices given, and all Licences issued, and all Matters and Things done and now valid and in force, under the said Statute Eleventh *Victoria*, Chapter Two, or any Act continuing the same, shall remain in force until revoked or altered under this Act. Proclamations, &c. to remain in force.

IV. This Act shall come into operation on the First Day of *July* in the Year of our Lord One thousand eight hundred and fifty-six, and continue in force until the First Day of *July* in the Year of our Lord One thousand eight hundred and fifty-eight. Commencement of Act.

## SCHEDULES to which the foregoing Act refers.

## A.

*Form of Licence to have Arms, &c. in a Dwelling House only.*

I [A.B.], having been duly appointed in that Behalf under "The Peace Preservation Act, 1856," do hereby grant to [C.D.] of [here insert the Name, Description, and Place of Residence] a Licence to have in his [or her] Dwelling House situate at \_\_\_\_\_, and not elsewhere [One Gun, or other Arm or Arms, and Ammunition (as the Case may be)].

Dated this \_\_\_\_\_ Day of \_\_\_\_\_ 185

Signed [A.B.]

## B.

*Form of Licence to carry and have Arms, &c. in Proclaimed District.*

I [A.B.], having been duly appointed in that Behalf under "The Peace Preservation Act, 1856," do hereby grant to [C.D.] of [here insert the Name, Description, and Place of Residence], a Licence to carry and have One Gun [or other Arm or Arms, or Ammunition, as the Case may be] within the County [County of a City, County of a Town, Barony, Half Barony, or other District, as the Case may be] of \_\_\_\_\_

Dated this \_\_\_\_\_ Day of \_\_\_\_\_ 185

Signed [A.B.]

## C A P. XXXVII.

An Act to amend the Act for transferring to Counties in *Ireland* certain Works constructed wholly or in part with the Public Money. [30th June 1856.]

WHEREAS an Act was passed in the Session holden in the Sixteenth and Seventeenth Years of Her Majesty, Chapter One hundred and thirty-six, "for enabling Grand Juries in *Ireland* to borrow Money from private Sources on the Security of Presentment, and for transferring to Counties certain Works constructed wholly or in part with Public Money:" And whereas the several Piers, Canal, and Works mentioned in the Schedule to this Act were omitted to be included in the Second Schedule to the said recited Act annexed, and 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:

I. It shall be lawful for the Commissioners of Public Works, by and with the Consent and Direction of the Commissioners of Her Majesty's Treasury, by Warrant under the Hands of the said Commissioners of Public Works or any Two of them, from Time to Time and at any Time hereafter to direct that any Work mentioned in the Schedule hereto annexed shall be deemed and become the public Property of the County in which the same is situate, and from and after the Date of any such Warrant such Work, together with all Ways, Rights, Members, and Appurtenances thereto belonging, and all Lands held therewith, shall be deemed and taken to be the public Property of such County, and be held, maintained, and preserved by the Grand Jury of the County mentioned in such Warrant in like Manner as any Public or County Road, or Bridge within such County, the Expense of which is or may be chargeable to such County or any Barony thereof.

Works mentioned in the Schedule may be transferred to the Counties, in which they are situated.

II. From and after the Date of any such Warrant, all and every the Enactments and Provisions in the said recited Acts contained, as regards the several Harbours, Piers, Quays, Landing Places, and other Works in the Second Schedule to said recited Act mentioned, shall be held to apply and be applied to the Work mentioned in the Schedule to this Act annexed, and transferred by such Warrant, in the same Manner as if such last-mentioned Work had been included in the said Second Schedule to the said recited Act annexed.

Certain Provisions of 16 & 17 Vict. c. 136, applicable to Works transferred under this Act.

III. And whereas it is by the said recited Act enacted, that where any Sum of Money under the Final Award of the said Commissioners, already made or thereafter to be made, should be payable by any County and District, or either of them, in respect of Monies advanced by way of Loan for or in respect of any Harbour, Pier, Quay, Landing Place, or other Work, under the Provisions of the Act therein mentioned,

Extension of the Time within which Money payable under a Final Award of

*Transfer of Works (Ireland).*

*Factories.*

the Commis-  
sioners of Pub-  
lic Works may  
be ordered to  
be paid.

mentioned, the same should be payable by the Grand Jury of such County; and the Secretary of the said Commissioners should certify to the Secretary of such Grand Jury the Amount of such Sum of Money, and the Instalments and Manner by and in which the same was payable under the Award of the said Commissioners; and such Grand Jury are thereby required, without Application to Presentment Sessions, to make Presentment of the Amount mentioned in such Certificate, to be payable at the Times and in the Manner stated in such Certificate, to be raised off the County at large and District, or either of them, as the Case might be; and in default of such Presentment the Court at such or the next Assizes should order the Amount mentioned in such Certificate to be raised off such County and District, or either of them, as the Case might be, and that such Order should have the Force and Effect of a Presentment: And whereas it is expedient that the Time within which it is by the said Act provided that the Court should order the Amount mentioned in any such Certificate to be raised as aforesaid should be extended: In all Cases where the Secretary of the said Commissioners of Public Works shall have heretofore certified or may hereafter certify to the Secretary of any Grand Jury the Amount of Money, and the Instalments and Manner by and in which the same is payable, under the Award of the said Commissioners of Public Works, in respect of any Harbour, Pier, Quay, Landing Place, or other Work, and the Grand Jury of such County shall have made or may make default in presenting the Amount mentioned in any such Certificate, the Court shall at any Assizes hereafter to be held for such County, on an Application on behalf of the Commissioners of Public Works, order the Amount mentioned in such Certificate to be raised off the County or District, or either of them, (as the Case may be,) and such Order shall have the Force and Effect of a Presentment, and the Treasurer of such County shall insert such Amount as shall be so presented or ordered as aforesaid in his Warrant or Warrants, and the same shall be apportioned, raised, and levied, sued for and recovered, by such and the same Ways and Means as any Grand Jury Cess; and when and so soon as such Amount as aforesaid shall be raised and received by the Treasurer of the County, such Treasurer shall immediately pay the same to the Paymaster of Civil Services in Ireland for the Time being, and the same shall be by him paid over and applied in such Manner as the Commissioners of Her Majesty's Treasury shall from Time to Time direct in discharge of the Loan mentioned in any such Award, and chargeable to such County and District, or either of them.

IV. That the said recited Act and this Act shall be construed together as One Act.

Recited Act  
and this Act to  
be as One.

SCHEDULE referred to in the foregoing Act.

Where situate.	Pier, Canal, or other Work, as the Case may be.	County in which situate.
Belmullet - - -	Navigable Cut or Canal - -	Mayo.
Burrin - - -	Pier - - -	Cork.
Ring - - -	Pier - - -	Cork.

C A P. XXXVIII.

An Act for the further Amendment of the Laws relating to Labour in Factories.

[30th June 1856.]

7 & 8 Vict.  
c. 15.

WHEREAS an Act was passed in the Session of Parliament held in the Seventh and Eighth Years of Her present Majesty's Reign, Chapter Fifteen, intituled *An Act to amend the Laws relating to Labour in Factories*: And whereas by Section Twenty-one of the said Act it was amongst other things enacted, that all Parts of the Mill-gearing in a Factory should be securely fenced; and by Section Forty-three of the said Act Provision was made for referring to competent Persons as Arbitrators all Questions relating to Machinery which an Inspector or Sub-Inspector might observe in a Factory not securely fenced, and which he might deem to be likely to cause bodily Injury, and of which he should give Notice to the Occupier of a Factory; and by Sections Fifty-nine and Sixty certain Penalties are incurred for not fencing such Machinery, and for any Accident arising from such Non-fencing, and for any Disobedience of the Notice given by such Inspector or Sub-Inspector: And whereas Doubts have arisen as to the true Construction of the said several Sections; and it is expedient that such Doubts should be removed, and that the aforesaid Provision of the said Act should be explained and amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. This Act may be cited for any Purpose as "The Factory Act, 1856."

II. This Act shall commence and take effect on and from the First Day of June One thousand eight hundred and fifty-six.

III. The said recited Act and this Act shall be construed and executed as if they were One Act.

IV. The

Short Title.  
Commence-  
ment of Act.  
Recited Act  
and this Act  
to be One.

*Factories.**Sardinian Loan.*

IV. The said Section Twenty-one, so far as the same refers to the Mill-gearing, shall apply only to those Parts thereof with which Children and young Persons and Women are liable to come in contact, either in passing or in their ordinary Occupation in the Factory. Application of Section 21.

V. The Word "Machinery" in the said Section Forty-three shall be considered as applicable to and including all other Parts of the Mill-gearing in a Factory with which Children and young Persons are not liable to come in contact in passing or in their ordinary Occupation in the Factory; and the Word "Machinery," in the Twenty-fourth, Forty-second, Fifty-ninth, and Sixtieth Sections of the said Act, shall be considered as applicable to and as including Mill-gearing. The Word "Machinery" in Sect. 43. to extend to other Mill-gearing.

VI. Where, under the said Section Forty-three as amended by this Act, an Inspector or Sub-Inspector gives Notice in Writing to the Occupier of a Factory or his Agent in relation to any Part of the Machinery or any Driving Strap or Band not securely fenced which such Inspector or Sub-Inspector deems likely to cause bodily Injury to any Person employed in the Factory, if the Occupier of such Factory do not within the Time in this Behalf limited by the said Section make Application in Writing for referring the Question of the fencing of the Machinery, Strap, or Band to which the Notice refers to Arbitration, and with the least possible Delay appoint an Arbitrator, or if the Decision in any such Arbitration be that it is necessary and possible to fence the said Machinery, Strap, or Band, the Occupier of the Factory shall be liable to a Penalty of not less than Five Pounds and not more than Twenty Pounds if he do not within a reasonable Time after such Notice or Decision (as the Case may be) cause such Machinery, Strap, or Band to be well and securely fenced, and at all Times thereafter keep the same well and securely fenced. Penalty for not fencing Machinery after Notice.

## C A P. XXXIX.

An Act to carry into effect a Convention respecting a Loan by Her Majesty to the King of *Sardinia*. [30th June 1856.]

WHEREAS, by a Convention concluded on the Twenty-sixth Day of *January* One thousand eight hundred and fifty-five between Her Majesty and His Majesty the King of *Sardinia*, and afterwards duly ratified, Her Majesty undertook to recommend to Her Parliament to enable Her to advance, by way of Loan to the King of *Sardinia*, the Sum of One million Pounds Sterling, by Two Instalments, and further to recommend to Her Parliament to enable Her, if the War should not have been brought to a Close at the Expiration of Twelve Months after Payment of the First Instalment of the said Loan, to advance to the King of *Sardinia*, in the same Proportions, a like Sum of One million Pounds Sterling: And whereas by an Act of the last Session of Parliament, Chapter Seventeen, Her Majesty was enabled to carry into effect the said Convention: And whereas the Sum of One million Pounds Sterling was in consequence advanced to the King of *Sardinia* in Two Instalments of Five hundred thousand Pounds each, the First Payment of which was completed on the Third Day of *May* One thousand eight hundred and fifty-five, and the Second on the Third Day of *November* One thousand eight hundred and fifty-five: And whereas if the War had continued the conditional Engagement of Her Majesty to advance to the King of *Sardinia* a like Sum of One million Pounds Sterling would have come into operation on the Third Day of *May* One thousand eight hundred and fifty-six, but the War was brought to a Close Six Days previously, namely, on the Twenty-seventh Day of *April* One thousand eight hundred and fifty-six, by the Exchange on that Day of the Ratifications of a Treaty of Peace: And whereas His *Sardinian* Majesty had already incurred those Expenses for the Prosecution of the War during the current Year which the said like Sum of One million Pounds was intended to enable him to provide for: And whereas a Convention was on the Third Day of *June* One thousand eight hundred and fifty-six concluded between Her Majesty and the King of *Sardinia* (and has since been ratified), by which it has been agreed as follows: 18 & 19 Vict. c. 17.

ARTICLE I.—Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland* undertakes to recommend to Her Parliament to enable Her to advance, by way of Loan, to His Majesty the King of *Sardinia* the further Sum of One million Pounds Sterling, contemplated by the Convention of the Twenty-sixth Day of *January* One thousand eight hundred and fifty-five, in like Manner, Instalments, and Proportions, and subject in all respects to the same Conditions as if the War had not been brought to a Close at the Expiration of Twelve Months from the Payment of the First Instalment of the First Sum of One million Pounds Sterling:

ARTICLE II.—His Majesty the King of *Sardinia* engages to accept the Advance mentioned in the preceding Article on the same Conditions in all respects, especially as to the Calculation and Payment of the Interest, as if such Advance had been made under and by virtue of the said Convention concluded and signed at *Turin* on the Twenty-sixth Day of *January* One thousand eight hundred and fifty-five:

And whereas in pursuance of Her Majesty's gracious Recommendations in this Behalf it is expedient that Her Majesty should be enabled to carry into effect the last-mentioned Convention? 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:

*Sardinian Loan.**Industrial and Provident Societies.**Seamen's Savings Banks.*

Power to the Treasury to direct the Sums required for the further Loan to Sardinia to be issued out of Consolidated Fund.

I. It shall be lawful for the Commissioners of Her Majesty's Treasury, by Warrant under their Hands, to direct and cause to be issued to Her Majesty's Paymaster General from Time to Time out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, or out of the growing Produce thereof, such Sums of Money as shall be required for the Advance to His Majesty the King of *Sardinia* of the further Sum of One million Pounds Sterling, in pursuance of the said Convention of the Third Day of *June* One thousand eight hundred and fifty-six, by the Instalments and at the Times provided or referred to by the said Convention, conformably to Her Majesty's Engagements in this Behalf; and all the Provisions of the said Act of the last Session of Parliament shall be in force and be applicable in relation to the said further Loan of One million Pounds Sterling, and the Interest and Sinking Fund in respect of the same, and the Accounts thereof respectively, in the same Manner as if the War had not been brought to a Close at the Expiration of the Twelve Months before mentioned, and as if the Sums hereby authorized to be issued had been authorized to be issued under the said Act.

## C A P. XL.

An Act to amend an Act of the Seventeenth and Eighteenth Years of Her present Majesty relating to Industrial and Provident Societies. [7th July 1856.]

17 & 18 Vict.  
c. 25.

WHEREAS by an Act passed in the Seventeenth and Eighteenth Years of Her Majesty, Chapter Twenty-five, intituled *An Act to amend the Industrial and Provident Societies Act, 1852*, provision is made for the better Conduct of legal Proceedings in Matters concerning Societies constituted under the said Act: And whereas Doubts have arisen whether such Provisions apply to Societies so constituted after the passing of the Seventeenth and Eighteenth *Victoria*, Chapter Twenty-five, and it is expedient that such Doubts should be removed, and that the said Act should be otherwise explained: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Recited Act to apply to all Societies constituted under the same.

I. The Act passed in the Seventeenth and Eighteenth Years of Her Majesty, intituled *An Act to amend the Industrial and Provident Societies Act, 1852*, shall apply to all Societies which at the Time of the passing of this Act are or thereafter may be constituted under the Industrial and Provident Societies Act, 1852.

Time fixed by recited Act for Appointment of Officers to sue and be sued extended.

II. The Time fixed by the Second Section of the Seventeenth and Eighteenth *Victoria*, Chapter Twenty-five, for the Appointment of Officers to sue and be sued by any such Society shall be extended, in the Case of any Societies so constituted at the passing of this Act for which such Officers are not then appointed, to One Calendar Month after the passing of this Act, and, in the Case of any Society to be constituted after the Act is passed, to One Calendar Month after the Date of Certificate of Registration of such Society.

Certain Appointments made by Trustees confirmed.

III. Any Appointment already made by the Trustees of any Society constituted after the passing of the Seventeenth and Eighteenth *Victoria*, Chapter Twenty-five, of any Member thereof as an Officer to sue and be sued, of which a Return has been made as is required by the said Act, shall be taken to have been duly made under the Second Section thereof.

As to Power of removing Officers.

IV. The Right of Removal given by the Second Section of the said Act shall apply to any such Officer appointed thereunder by the Trustees of any Society constituted under the Industrial and Provident Societies Act, 1852, as fully as if he had been appointed by such Society.

## C A P. XLI.

An Act to make further Provision for the Establishment of Savings Banks for Seamen.

[7th July 1856.]

WHEREAS by the Merchant Shipping Act, 1854, certain Powers were given to the Commissioners for the Reduction of the National Debt for the Purpose of establishing Savings Banks for Seamen: And whereas it has since been found to be expedient that the immediate Management and Control of such Savings Banks should be placed in the Hands of the Board of Trade: 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:

Power to Board of Trade to establish Savings Banks for Seamen.

I. The Board of Trade may establish in *London* a Central Savings Bank for Seamen, together with Branch Savings Banks at such Ports and Places in the United Kingdom as they may think expedient, and they may receive at such Banks Deposits from or on account of Seamen, or the Wives, Widows, and Children of Seamen, so, however, that the aggregate Amount of Deposit standing at any One Time in the Name of any One Depositor shall not exceed Two hundred Pounds.

Power to constitute Shipping Offices Branch Savings Banks.

II. The Board of Trade may constitute any Shipping Office established under the Merchant Shipping Act, 1854, a Branch Savings Bank for the Purposes of this Act, and may require any Shipping Master belonging to such Office to act as Agent of the said Board in carrying this Act into effect, and his Duties

as

*Seamen's Savings Banks.**Stock in Trade Exemption.**Annuities Redemption.*

as such Agent shall thereupon be deemed to be Part of his Duties within the Meaning of the Merchant Shipping Act, 1854.

III. The Commissioners for the Reduction of the National Debt may from Time to Time, on the Request of the Board of Trade signified by Writing by One of the Secretaries or Assistant Secretaries of such Board, receive from Her Majesty's Paymaster General the Monies received by the said Board as Deposits in Savings Banks established under this Act; and may also from Time to Time, on the like Request signified in like Manner, repay to Her Majesty's Paymaster General to the Account of the said Board the Monies so received by them as aforesaid; and the said Commissioners shall invest all Monies so received by them as aforesaid in the same Manner in which Monies received from Trustees of Savings Banks are invested by them, and shall pay to Her Majesty's Paymaster General, to the Account of the Board of Trade, Interest upon the Monies so received by them as aforesaid so long as the same continue in their Hands, at the same Rate at which they pay Interest for the Time being upon the Monies received by them from the Trustees of Savings Banks.

Commissioners for Reduction of National Debt to receive Deposits and pay Interest.

IV. The Board of Trade may make and from Time to Time alter such Regulations as they may think fit with respect to the Persons entitled to become Depositors, to the making and Withdrawal of Deposits, the Amount of Deposits, the Rate and Payment of Interest, the Rights, Claims, and Obligations of Depositors, and with respect to all other Matters incidental to carrying this Act into execution; and all Regulations so made shall be binding on the Parties interested in the Subject Matter thereof to the same Extent as if such Regulations formed Part of this Act; and no legal Proceeding shall be instituted against the Board of Trade, or against any Shipping Master or other Public Officer employed on or about such Savings Banks, on account of any such Regulations, or on account of any Act done or left undone in pursuance thereof, or on account of any Refusal, Neglect, or Omission to pay any Deposit or Interest thereon, unless such Refusal, Neglect, or Omission arise from Fraud or wilful Misbehaviour on the Part of the Person against whom Proceedings are instituted.

Board of Trade to make Regulations for Conduct of Savings Banks.

V. All Sums of Money due from the Board of Trade to the Estate of any deceased Person entitled to any Deposit in any Savings Bank established under this Act shall be paid and applied by such Board to the same Persons to whom and in the same Manner and subject to the same Conditions on and subject to which the Money and Effects of a deceased Seaman are payable and applicable under the Provisions of the Merchant Shipping Act, 1854.

Application of Deposits of deceased Depositor.

VI. Every Person who, for the Purpose of obtaining, either for himself or for another, any Money deposited in any Savings Bank established under this Act, or any Interest thereon, forges, assists in forging, or procures to be forged, or fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any Document purporting to show or assist in showing a Right to any such Money or Interest, and every Person who for the Purpose aforesaid makes use of any such forged or altered Document as aforesaid, or who for the Purpose aforesaid gives or makes, or procures to be given or made, or assists in giving or making or procuring to be given or made, any false Evidence or Representation, knowing the same to be false, shall on Conviction be punishable with Penal Servitude for a Term not exceeding Four Years, or with Imprisonment, with or without Hard Labour, for any Period not exceeding Two Years, or, if summarily prosecuted and convicted, by Imprisonment, with or without Hard Labour, for any Period not exceeding Six Months.

Punishment for Forgery or for making false Representations in order to obtain Deposits or Interest.

VII. The Board of Trade may, out of the Interest paid by the Commissioners for the Reduction of the National Debt on the Monies paid to them under this Act, pay any Expenses incurred in carrying this Act into effect.

Expenses of Act how to be defrayed.

VIII. An annual Account of all Deposits received and repaid by the Board of Trade under the Authority of this Act, and of the Interest thereon, shall be laid before both Houses of Parliament; and a Copy of all Regulations made by this Board under the Authority of this Act shall likewise be laid before both Houses of Parliament.

Accounts and Copy of Regulations to be laid before Parliament.

IX. All Criminal Proceedings under this Act shall be carried on in the same Manner as similar Proceedings under the Merchant Shipping Act, 1854, and all Rules of Law, Practice, and Evidence which are applicable to such last-mentioned Proceedings shall be applicable to Criminal Proceedings under this Act.

Mode of Criminal Proceeding.

## C A P. XLII.

An Act to continue the Act for the Exemption of Stock in Trade from Rating.

[7th July 1856.]

[3 & 4 Vict. c. 89. continued until 1st October 1859.]

## C A P. XLIII.

An Act to authorize Issues out of the Consolidated Fund for the Redemption of certain Annuities charged on Branches of the gross Revenue.

[7th July 1856.]

' WHEREAS the Annuities or Parts of Annuities mentioned in the Schedule to this Act are now charged on Branches of the gross Revenue mentioned in such Schedule, and it is expedient to authorize such Issues for the Redemption thereof as herein-after mentioned: Be it therefore enacted by

*Annuities Redemption.**Exchequer Bills (£4,000,000).**Magdalen Hospital, Bath.*

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 Treasury to redeem, out of the Consolidated Fund, the Annuities in the Schedule.

I. In case the Commissioners of Her Majesty's Treasury shall agree with the Persons or Person entitled thereto for the absolute Purchase of the said Annuities or Parts of Annuities, or any of them, or any Part thereof respectively, for such Sum or respective Sums as may appear to the said Commissioners to be a just Equivalent for the same, it shall be lawful for the said Commissioners, upon the Execution in each Case of such a Release of the Annuity or Part of Annuity so purchased as the said Commissioners shall approve, to cause the Purchase Money for the same to be paid, as such Commissioners shall direct, out of the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*; and no Issue for the Payment of such Purchase Money shall be made out of the gross Revenue charged with such Annuity or Part of Annuity.

If Hereditary Revenues cease to form Part of Consolidated Fund, an annual Equivalent to Annuities redeemed to be charged on such Revenues.

II. In case, upon the Decease of Her Majesty (whom God long preserve), or at any Time afterwards, any Hereditary Revenues chargeable with any Annuity or Part of Annuity which shall be redeemed under this Act, or heretofore chargeable with any Annuity or Part of Annuity which has been redeemed during Her Majesty's Reign, cease to be carried to or form Part of the said Consolidated Fund, an annual Sum equal to the net annual Amount of the Annuity or Part of Annuity so redeemed shall from the Time of such Cesser be a Charge on the Hereditary Revenues on which the same was charged at the Time of the Redemption of such Annuity or Part of Annuity, and be paid to and form Part of the said Consolidated Fund so long as such Hereditary Revenues cease to be carried to and form Part of such Fund.

## SCHEDULE.

The Moiety of an Annuity granted by King Charles the Second to the Earl of Bath and his Heirs, and charged upon the Excise Revenue, the net annual Amount payable in respect of which Moiety is - - - - -	£ s. d.
	1,200 0 0

The Moiety of an Annuity granted by King William the Third and Queen Mary to Henry de Nassau D'Auverquerque, his Heirs and Assigns, and charged upon the Land Revenue in South Wales, the net annual Amount payable in respect of which Moiety is -	375 16 0
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An Annuity now payable to the Duke of Grafton, charged upon the Post Office Revenue by Letters Patent of the Twentieth Year of King Charles the Second, confirmed by Act of Parliament, the net annual Amount payable in respect of which Annuity is - - -	3,384 0 0
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The Three Fourth Parts of an Annuity granted by King George the First to Maynard Duke of Schoenberg and his Heirs, and charged upon the Post Office Revenue, the net annual Amount payable in respect of which Three Fourth Parts is - - - - -	2,160 0 0
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## C A P. XLIV.

An Act for raising the Sum of Four Millions by Exchequer Bills and Exchequer Bonds, for the Service of the Year One thousand eight hundred and fifty-six. [14th July 1856.]

## C A P. XLV.

An Act for confirming a Scheme of the Charity Commissioners for *Saint Mary Magdalen Hospital near Bath*. [14th July 1856.]

3d Report, dated 28th Feb. 1856.

‘ WHEREAS the Charity Commissioners for *England and Wales*, in their Report to Her Majesty of their Proceedings during the Year One thousand eight hundred and fifty-five, have reported that they have provisionally approved and certified (among other Schemes for the Application and Management of Charities) a Scheme for the Hospital of *Saint Mary Magdalen at Holloway near the City of Bath*, and such Scheme is set out in the Appendix to the said Report, and is also set out in the Schedule to this Act: And whereas it is expedient that the said Scheme should be confirmed:’ 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:

Scheme confirmed.

I. The said Scheme shall be confirmed and take effect.

## SCHEDULE.

## SCHEME

For the REGULATION of the HOSPITAL of SAINT MARY MAGDALEN in HOLLOWAY, near the City of Bath, and the Possessions thereof.

Dissolution of the existing Corporation.

1. The Corporation of the Hospital, by the name of the Master, Co-brethren, and Sisters of the Hospital of Saint Mary Magdalen in Holloway, near the City of Bath, or by any other name, so far as the same Corporation has now, or is capable of legal subsistence, shall be dissolved, and the Charity, under

*Magdalen Hospital, Bath.*

under the name of the Magdalen Charity, with all the real and personal estates thereof, shall be henceforth managed and administered by the trustees hereby appointed, and for the purposes only hereby declared.

2. The trustees for the time being of the Municipal Charities of the City of Bath shall be the trustees of the Charity, under the name, for this purpose, of Trustees of the Magdalen Charity, and they shall have power, with the approbation of the Charity Commissioners for England and Wales, to associate with themselves in the management of the Charity, or any department thereof, any person from among benefactors of the Charity, or from among the trustees or managers of any other Charity to be united therewith, who respectively may stipulate for such participation in the management thereof, upon making any such benefaction, or upon any such union of Charities.

The charity to be managed by trustees.

Power to enlarge the number of the trustees.

3. All the real estate belonging to or held in trust for the said hospital (subject to the subsisting leases thereof), and the benefit of all covenants, conditions, and securities made or reserved to the former Corporation of the said Hospital, or to any preceding trustees of the Charity as hereby constituted, and all the personal estate thereof (subject to the following provisions as to the legal tenure of stock in the public funds), and the right to sue for and recover all choses in action recoverable for the benefit of the same Charity, shall from time to time vest in the trustees of the Magdalen Charity for the time being, by force and for the purposes and according to the provisions of this scheme, without conveyance, assignment, or other assurance; and a right to sue upon and enforce all covenants, conditions, and securities made or reserved to the said former corporation, or to any preceding trustees of the Charity, shall be exercisable by and in the names of the trustees for the time being thereof, as fully and effectually as the same right might be exercised by such corporation if not dissolved, or by such preceding trustees, if still retaining their office; and all contracts and liabilities of the said corporation before the dissolution thereof, or of any preceding trustees of the said Charity, may be enforced against the trustees thereof for the time being to the extent of the property or assets thereof.

The possessions of the charity to be vested in the trustees for the time being.

4. Leases and other instruments for the letting or disposal of the Charity Estate may be made by any five trustees thereof for the time being on behalf and as the act of the whole of them, according to any resolution of the trustees made at a meeting of their body, duly convened, and shall have the same effect as if executed by all the trustees; and the recital of any such resolution, contained in any deed or instrument by which any such lease or other disposition shall be effected, shall be *primâ facie* evidence of the same resolution.

Leases and other instruments may be executed by five trustees.

5. The trustees may appoint four or more of their number to be a Stock Committee, and any stock in the public funds from time to time belonging to or held in trust for the Charity may be transferred either into the names of such Stock Committee, or, under the order of the Charity Commissioners for England and Wales, to the Official Trustees of Charitable Funds; and as often as the number of the Stock Committee, continuing to be trustees of the Charity, shall be reduced to two or a less number, then the trustees shall appoint a sufficient number of the other members of their body to be members of the Stock Committee, jointly with the continuing members of such committee, to make up the number of the committee to four or more, and the stock held by the former members of the Stock Committee shall be transferred to the Stock Committee so newly constituted.

Stock committee.

6. The sum of 70*l.* sterling paid to the Rev. John Allen, the late master of the Hospital, by the Great Western Railway Company, as a consideration for land of the Charity taken by the said Company, and which sum is now in the hands of the personal representative of the said John Allen, shall be paid to the trustees hereby constituted of the said Charity; and the same, or so much thereof as shall not be otherwise applicable under the provisions of this scheme, shall be invested by them in the public funds in the names of the Stock Committee, or with the authority of the said Commissioners in the name of the Official Trustees of Charitable Funds, and the dividends of such stock shall be applicable as part of the general income of the Charity. All sums of stock transferred to the Accountant General of the Court of Chancery, upon any trust for the benefit of the said Hospital, shall be held upon like trusts for the benefit of the Charity as constituted by this scheme, and shall be transferred, upon the application of the trustees of the Charity for the time being, to the Stock Committee, or to the Official Trustees of Charitable Funds, for the benefit of the said Charity.

Trusts declared of certain funds for the charity.

7. All the rents, dividends, interest, and income arising from any real or personal estate of the said Hospital, and which have become due or payable since the decease of the last master thereof, including all monies payable otherwise than as rent in respect of the occupation of any part of the Charity Estate, and which income or monies would be respectively due to the corporation of the said Hospital, if subsisting when this scheme shall come into operation, or to the master thereof; and all pew rents, or sums due in respect of any pews or sittings in the chapel of the said Hospital, occupied or used since the decease of the said late master, shall be due to and collected by the trustees hereby appointed, and shall be applicable by them according to the provisions of this scheme.

Income of charity accrued since the death of the late master to be collected.

8. The chapel and buildings belonging thereto, and all houses and buildings on the Charity Estates, not in the tenure or occupation of any tenants or persons bound to repair the same, shall be maintained in proper repair, and be also insured against fire by the trustees out of the income arising from the same premises respectively, or otherwise, so far as such income shall extend; but, as to the chapel, subject to the primary applicability of the pew rents to the repair thereof.

Chapel and houses to be kept in repair.

9. The

*Magdalen Hospital, Bath.*

The chapel and services to be maintained.

9. The chapel belonging to the said hospital, with its burial ground and precincts, shall be appropriated and used exclusively for the purposes of religious worship and rites, according to the ordinances and doctrines of the Church of England, and the religious services shall be continued therein by the chaplain to be appointed as herein-after provided, unless or until after the establishment of the objects of the Charity in any locality distant from the site of the present Hospital, or upon the services of the said chapel being found to be not beneficial; or from any sufficient cause the trustees, with the written approval of the Lord Chancellor, to whom in right of the Crown the appointment of the master of the said Hospital has hitherto belonged, shall direct the same services to be suspended or discontinued.

Chaplain to be appointed.

10. There shall be a Chaplain of the Charity, to be called "The Chaplain of the Magdalen Charity," and the Lord Chancellor, in right of the Crown, shall be entitled from time to time to appoint such Chaplain, unless the services of the chapel shall have been discontinued as aforesaid; and the appointment of any such Chaplain may be for such time, subject to such regulations and conditions as to the Lord Chancellor shall seem fit; and until such appointment shall be made or the services of the said chapel shall be discontinued as aforesaid, the trustees shall provide for the continuance of the same service at the expense of the Charity.

Chaplain subject to jurisdiction of Bishop.

11. The Chaplain shall be subject to the jurisdiction of the bishop of the diocese, who shall have power to suspend or deprive him for neglect of duty or other sufficient cause.

Chaplain to perform Divine service on Sundays.

12. The Chaplain shall perform Divine service in the chapel at least once on every Sunday throughout the year, and all such religious services at or near to the same chapel, for the benefit of the objects and officers and servants of or employed for the purposes of the Charity, as the trustees shall reasonably require.

As to the use of the burial ground.

13. The Burial Ground belonging to the chapel shall be used for the interment of objects of the Charity, and the servants and others employed for the purposes thereof and of other persons, under such restrictions and regulations and subject to such orders as shall from time to time be made by the trustees.

Clerk, organist, &c. of chapel to be appointed by trustees.

14. The appointment and removal of the Clerk, Organist, Pew Openers, and other persons employed for the purposes of the chapel, or in the care thereof, shall belong to the trustees by whom the respective salaries of the same several officers and persons shall be fixed and paid.

Pew rents may be taken.

15. The trustees may require such moderate rents as they shall think fit to be paid to them for all or any of the pews or sittings in the chapel which shall not be occupied or used by the objects or officers or servants of the Charity.

Application of pew rents.

16. The Rents payable for pews or sittings in the said chapel, herein-after called by the general name of Pew Rents, shall be payable to the trustees, and shall be applicable in the first instance to the repair, insurance, and maintenance of the chapel and its precincts, and to the payment of the salaries of the clerk and organist, and the pew openers and other servants employed for the purposes, or in the care of the chapel, and to the providing of the necessary furniture and fittings of the chapel, and to the payment of the general expenses incident to the services thereof; and the residue of such Pew Rents which shall remain after answering those purposes shall be paid by the trustees to the chaplain for his own use, and as far as conveniently may be, by half-yearly payments on the 25th day of March and the 29th day of September in every year.

The stipend of chaplain to be made up to stated amount.

17. In case and so often as the Pew Rents payable to the Chaplain in any year shall be less than the clear sum of 60*l.* the amount thereof shall be made up to the sum of 60*l.* for the benefit of the Chaplain by the trustees out of the general income of the Charity, so far as such income, after providing for the other payments hereby directed to be primarily paid thereout, shall be sufficient for that purpose, and the stipend or income of the Chaplain, including his share of the pew rents, may hereafter be made up by the trustees in like manner to any yearly sum not exceeding 100*l.* out of the general income of the Charity, with the approbation of the said Charity Commissioners under their seal, if and when on account of the increase of the duties of the Chaplain, or in consideration of the improved resources of the Charity, or for other reasons to be submitted by the trustees to the said Commissioners, it shall be thought expedient so to do.

Stipend to be paid in respect of the services since the death of the late master.

18. All the pew rents which have become due since the death of the late master, and all the rents, dividends, interest, and general income of the Charity which respectively have accrued or become due since the same event, which shall be collected by or on account of the trustees under the foregoing direction, shall be applied by them, in the first place, in or towards the payment of all such salaries, wages, and monies as have become due during the same period to any persons or person on account of the maintenance of the said chapel and the services therein other than to the minister by whom such services have been performed or provided for, and of all expenses incurred in the maintenance or for the benefit of the last inmate of the said hospital until her decease, or on account of her burial; and the surplus of all such rents and income shall be applied in or towards the payment to the minister, by whom the services of the said chapel have been performed or provided for during the same period, of a stipend in respect of such services at the rate of 60*l.* per annum, to be computed from the decease of the late master, for the whole period during which he has so discharged or provided for the same services; and if such surplus rents and income shall be insufficient for the last-mentioned purpose, then the said stipend shall be made up to the said minister out of the before-mentioned principal sum of 70*l.*,

or



*Magdalen Hospital, Bath.*

or some other capital, funds, or property of the Charity, and in the meantime shall be a charge on all the same funds and property, and the income thereof.

19. All the clear residues or surplus of the income of the Charity which remain after providing for the several payments herein-before directed to be made thereout shall be received by the trustees, and invested by them from time to time in the public funds in the names of the Stock Committee, or, under the authority of the said Commissioners, in the name of the Official Trustees of Charitable Funds; and the dividends and income arising from such investments shall also be invested and accumulated by the trustees from time to time in like manner until the stock so accumulated shall amount to 5,000*l.* or more.

As to the application of the surplus money.

20. When the stock to be so accumulated shall amount to or exceed 5,000*l.*, the trustees shall apply the same, and the dividends thereof, and the then future general income of the Charity which shall remain after answering the purposes herein-before provided for, in or towards the establishment, endowment, and maintenance of an Hospital or Asylum, to be called the Magdalen Hospital, to be governed and managed according to the provisions of this scheme, for the reception, maintenance, and improvement of poor idiots.

Hospital for idiots to be established.

21. The hospital shall be established as near as conveniently may be to the said chapel, if suitable buildings, or a suitable site for buildings to be erected for the purposes thereof, shall be obtainable in the vicinity of the said chapel, and shall be approved by the said Commissioners for this purpose, or the said Hospital may, for any special reasons or considerations of advantage to the Charity, to be submitted to and approved by the said Commissioners, be established in any other locality not distant more than ten miles from the Abbey Church, in the City of Bath.

Situation of the hospital.

22. The trustees, with the sanction of the said Commissioners, may appropriate any suitable buildings or land belonging to the Charity for the purposes of, or as a site for, the said Hospital, and may purchase or obtain the surrender for that purpose of any leasehold or other interest subsisting in such building or site, or, with the like sanction, may obtain, by way of purchase, exchange, demise, or otherwise, any other suitable buildings or land for the same purposes, and may erect, alter, enlarge, improve, adapt, and also furnish and fit up any buildings necessary for the purposes of the Charity, and apply to the purposes aforesaid, or any of them, any principal funds belonging to the Charity, or may raise any funds for the same purposes upon the security of the Charity Estates, with the approval of the Charity Commissioners for England and Wales, under their seal.

Power to appropriate or acquire buildings or site for the purposes of the Charity, and to erect or adapt and fit up buildings.

23. The Hospital shall be for the reception, maintenance, training, and improvement, to the utmost attainable extent, of poor idiot children, of whom those born or whose parents or next friends shall be resident within the City of Bath, or within thirty miles thereof, shall be entitled to a preference of election, and all of whom at the time of their admission shall be under the age of fifteen years, and shall be free from any contagious or loathsome disease; all such children may be retained in the Hospital for such periods, to be determined particularly with reference to their continuing or supposed capacity of improvement, as shall be prescribed or permitted by any general rules established by the trustees for the government or regulation of the Charity.

Objects of the charity.

24. The trustees may require the payment on behalf of such poor children of any such yearly sums, not exceeding 10*l.* each, towards the expenses of the institution, as the circumstances of the Charity for the time being may render necessary or expedient, or such yearly sums, not exceeding twenty pounds each, for the same purposes, as the Charity Commissioners shall from time to time, upon the application of the trustees, authorize to be taken, but may also remit such payments, wholly or partially, in any cases where the poverty or condition of the inmates, or of their parents or next friends, shall render the payment of such yearly sums impracticable or specially onerous.

Payments to be required from the inmates.

The trustees may also receive from time to time into the institution any idiot children not exceeding the before-mentioned age, or afflicted with any such disease as aforesaid, whose parents or next friends, in order to obtain for them the benefits of maintenance and discipline therein, shall be willing to pay on their behalf such larger yearly sums as shall be required by the trustees for the profit or benefit of the institution, so, nevertheless, that the reception of any such children other than poor idiots shall not be the means of preventing the reception or maintenance in the said hospital of any such poor idiots as aforesaid, for whose reception or maintenance the income of the Charity for the time being shall be sufficient.

25. The whole rents, dividends, interest, and yearly income of the Charity which shall not be applicable to such purposes as are herein-before directed to be primarily provided for therewith, and which shall remain after payment also of the necessary outgoings, including the expenses of repair and insurance, and rent (if any) payable in respect of the buildings and premises used for the purposes of the Charity, and also all the yearly or other sums to be received from any inmates of the Hospital, shall be applied by the trustees to the maintenance, medical treatment, training, instruction, and care of the inmates of the Hospital, of whom so many shall be received and maintained therein from time to time as the capacity of the buildings and the income and yearly resources of the Charity will permit.

The whole residuary income of the Charity to be applied for the benefit of the inmates of the Hospital.

26. The trustees, so soon as the said Charity shall be brought into active operation, or previously, shall make such general rules for the government and regulation thereof as in their judgment shall be best calculated to develop and extend its benefits, particularly in promoting the health and comfort and moral improvement of the inmates, according to the experience which may then have been acquired of

Rules for the government of the Charity to be established.

*Magdalen Hospital, Bath.*

*Joint Stock Companies. (Part I. Constitution, &c.)*

the wants of the locality, and of the means by which the improvement and benefit of such patients may be most effectually advanced, and shall submit such rules for approval to the said Commissioners, and the same rules, so far as they may be approved by the said Commissioners, shall be established and thenceforth binding on all parties to whom they shall be applicable, but may from time to time be altered, extended, or annulled by the like means and authority as occasion may require.

Power to accelerate the foundation of the Charity in case of any sufficient means being obtained, or to unite it to any similar Charity.

27. The trustees, also with the sanction of the said Commissioners, may bring the said Charity into active operation before accumulating the prescribed sum of 5,000*l.* stock, and in the same manner, and subject to the same regulations, as if such accumulation had been made, in case by the aid of benefactions to the Charity, or by the improved management of the estates thereof, or by commutting any leases of such estates now subsisting for terms of life into leases for terms of years at larger present rates, or by the yearly or other subscriptions of benevolent persons, or any other means, the income for the time being of the Charity shall be rendered sooner sufficient for that purpose, or they may, with such sanction as aforesaid, agree to and effect the union of the Charity with any other Charity established for the like purposes, and within the distance of ten miles from the Abbey Church in the City of Bath, in order to render both Charities more effective, so, nevertheless, that the income of the Magdalen Charity shall be applicable only to such purposes as are hereby prescribed, and according to the regulations herein contained, with such modifications only, if any, required upon such union thereof, as shall have been submitted to and approved by one of the Judges of the Court of Chancery, or the said Commissioners.

Scheme to be printed.

28. This scheme shall be printed, and any person interested in the Charity shall have access thereto, under any reasonable regulations to be prescribed for that purpose by the trustees.

C A P. XLVI.

An Act to exempt Imprisonments under the Act 5 Geo. 4. c. 96. from the Operation of the Act abolishing in *Scotland* Imprisonment for Civil Debts of small Amount. [14th July 1856.]

5 G. 4. c. 96.

‘ WHEREAS by an Act passed in the Fifth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to consolidate and amend the Laws relative to the Arbitration of Disputes between Masters and Workmen*, Justices of the Peace are empowered to commit Persons to Prison in certain Cases therein mentioned: And whereas an Act was passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for abolishing in Scotland Imprisonment for Civil Debts of small Amount*: And whereas it is expedient to encourage the Settlement of all Disputes between Masters and Workmen by Arbitration: 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.

5 & 6 W. 4. c. 70.

I. That nothing in the last-recited Act contained shall apply to Imprisonment under the first-recited Act.

Nothing in 5 & 6 W. 4. c. 70. to apply to Imprisonment under 5 G. 4. c. 96.

C A P. XLVII.

An Act for the Incorporation and Regulation of Joint Stock Companies and other Associations. [14th July 1856.]

‘ WHEREAS it is expedient that the Law relating to the Incorporation and Regulation of Joint Stock Companies and other Associations should be consolidated and amended: Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. This Act may be cited for all Purposes as “The Joint Stock Companies Act, 1856.”

Act not to apply to Banking and Insurance Companies.

II. This Act shall not apply to Persons associated together for the Purpose of Banking or Insurance.

PART I

CONSTITUTION AND INCORPORATION OF COMPANIES AND ASSOCIATIONS.

*Registry.*

Formation of an Incorporated Company.

III. Seven or more Persons, associated for any lawful Purpose, may, by subscribing their Names to a Memorandum of Association, and otherwise complying with the Requisitions of this Act in respect of Registration, form themselves into an Incorporated Company, with or without Limited Liability.

Penalty on Partnerships exceeding a certain Number.

IV. Not more than Twenty Persons shall, after the Third Day of *November* One thousand eight hundred and fifty-six, carry on in Partnership any Trade or Business having Gain for its Object, unless they are registered as a Company under this Act, or are authorized so to carry on Business by some Private Act of Parliament or by Royal Charter or Letters Patent, or are engaged in working Mines within and subject to the Jurisdiction of the Stannaries; and if any Persons carry on Business in Partnership contrary to this Provision, every Person so acting shall be severally liable for the Payment of the whole Debts of the Partnership, and may be sued for the same without the Joinder in the Action or Suit of any other Members of the Partnership.

V. The

*Joint Stock Companies. (Part I. Constitution, &c.)*

V. The Memorandum of Association shall contain the following Things ; (that is to say,)

1. The Name of the proposed Company ;
2. The Part of the United Kingdom, whether *England, Scotland, or Ireland*, in which the registered Office of the Company is to be established ;
3. The Objects for which the proposed Company is to be established ;
4. The Liability of the Shareholders, whether it is to be limited or unlimited ;
5. The Amount of the nominal Capital of the proposed Company ;
6. The Number of Shares into which such Capital is to be divided, and the Amount of each Share ; subject to the following Restriction :

That in the Case of a Company formed with Limited Liability, and herein-after called a Limited Company, the Word "Limited" shall be the last Word in the Name of the Company.

VI. No Company shall be registered under a Name identical with that by which a subsisting Company is already registered, or so nearly resembling the same as to be calculated to deceive ; and if any Company, through Inadvertence or otherwise, is registered by a Name identical with that by which a subsisting Company is registered, or so nearly resembling the same as to be calculated to deceive, such first-mentioned Company may, with the Sanction of the Registrar, change its Name, and upon such Change being made the Registrar shall enter the new Name on the Register in the Place of the former Name, but no such Alteration of Name shall affect any Rights or Obligations of the Company, or render defective any legal Proceedings instituted or to be instituted by or against the Company, and any legal Proceedings may be continued or commenced against the Company by its new Name that might have been continued or commenced against the Company by its former Name.

VII. The Memorandum of Association shall be in the Form marked A. in the Schedule hereto, or as near thereto as Circumstances admit, and it shall, when registered, bind the Company and the Shareholders therein to the same Extent as if each Shareholder had subscribed his Name and affixed his Seal thereto or otherwise duly executed the same, and there were in such Memorandum contained, on the Part of himself, his Heirs, Executors, and Administrators, a Covenant to conform to all the Regulations of such Memorandum, subject to the Provisions of this Act.

VIII. Every Subscriber of the Memorandum of Association shall take One Share at the least in the Company : The Number of Shares taken by each Subscriber shall be set opposite his Name in such Memorandum of Association, and upon the Incorporation of the Company he shall be entered in the Register of Shareholders herein-after mentioned as a Shareholder to the Extent of the Shares he has taken.

IX. The Memorandum of Association may be accompanied by or have annexed thereto or endorsed thereon Articles of Association, signed by the Subscribers to the Memorandum of Association, and prescribing Regulations for the Company ; but if no such Regulations are prescribed, or so far as the same do not extend to modify the Regulations contained in the Table marked B. in the Schedule hereto, such last-mentioned Regulations shall, so far as the same are applicable, be deemed to be the Regulations of the Company, and shall bind the Company and the Shareholders therein to the same Extent as if they had been inserted in Articles of Association, and such Articles had been registered.

X. The Articles of Association shall be in the Form marked C. in the Schedule hereto, or as near thereto as Circumstances admit : They shall, when registered, bind the Company and the Shareholders therein to the same Extent as if each Shareholder had subscribed his Name and affixed his Seal thereto or otherwise duly executed the same, and there were in such Articles contained, on the Part of himself, his Heirs, Executors, and Administrators, a Covenant to conform to all the Regulations of such Articles, subject to the Provisions of this Act.

XI. The Memorandum of Association and the Articles of Association shall respectively bear the same Stamps as if they were Deeds : Any Person signing a printed Copy of the Memorandum of Association or Articles of Association shall be deemed to have signed such Memorandum and Articles respectively, and where the proper Stamp has been duly fixed on such Memorandum of Association or Articles of Association it shall not be necessary to stamp any printed Copy so signed : The Execution by any Person of the Memorandum of Association or Articles of Association shall be attested by One Witness at the least ; and Attestation by One Witness shall be sufficient Attestation in *Scotland* as well as in *England and Ireland*.

XII. The Memorandum of Association and Articles of Association shall be delivered to the Registrar of Joint Stock Companies, who shall retain and register the same : There shall be paid to the Registrar of Joint Stock Companies, in respect of the several Matters mentioned in the Table marked D. in the Schedule hereto, the several Fees therein specified, or such smaller Fees as the Board of Trade may from Time to Time direct ; and all Fees so paid shall be paid into the Receipt of Her Majesty's Exchequer, and be carried to the Account of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*.

XIII. Upon any such Memorandum of Association, either with or without Articles of Association as aforesaid, being registered, the Registrar shall certify under his Hand that the Company is incorporated, and in the Case of a Limited Company that the Company is limited : The Subscribers of the Memorandum of Association, together with such other Persons as may from Time to Time become Shareholders

Matters required to be prescribed by Memorandum of Association.

Prohibition against Identity of Names in registered Companies.

Form of Memorandum of Association.

Shares to be taken by Subscribers of Memorandum of Association.

Special Regulations may be prescribed by Articles of Association.

Form and Effect of Articles of Association.

Stamp on Memorandum of Association and Articles of Association, and Use of printed Copies.

Registration of Memorandum of Association and Articles of Association.

Effect of Registration.

*Joint Stock Companies. (Part I. Constitution, &c.)*

in the Company, shall thereupon be a Body Corporate by the Name prescribed in the Memorandum of Association, having a perpetual Succession and a Common Seal, with Power to hold Lands; but with such pecuniary Liability on the Part of the Shareholders as is herein-after mentioned: The Certificate of Incorporation given by the Registrar shall be conclusive Evidence that all the Requisitions of this Act in respect of Registration have been complied with; and the Date of such Certificate shall be deemed to be the Date of the Incorporation of the Company.

Directors to be liable for Debts if Dividend be paid when the Company is known by them to be insolvent.

XIV. If the Directors of any such Company shall declare and pay any Dividend when the Company is known by them to be insolvent, or any Dividend the Payment of which would to their Knowledge render it insolvent, they shall be jointly and severally liable for all the Debts of the Company then existing, and for all that shall be thereafter contracted, so long as they shall respectively continue in Office: Provided always, that the Amount for which they shall all be so liable shall not exceed the Amount of such Dividend; and that if any of the Directors shall be absent at the Time of making the Dividend or Dividends so declared or paid; or shall object thereto, and shall file their Objection in Writing with the Clerk of the Company, they shall be exempted from the said Liability.

Issue of Shares by Company.

XV. As soon as a Certificate of Incorporation has been granted by the Registrar of Joint Stock Companies, the Company may issue Certificates of Shares to the Subscribers to the Memorandum of Association, and to all other Persons to whom Shares may be allotted, of such Number and Amount as may be prescribed by the Memorandum of the Association, but not of any greater Number or Amount: The Shares so issued shall be Personal Estate, and shall not be of the Nature of Real Estate: And each Share shall be distinguished by its appropriate Number.

*Register of Shareholders.*

Register of Shareholders.

XVI. Every Company registered under this Act, herein-after referred to as "the Company," shall cause to be kept in One or more Books a Register of Shareholders, and there shall be entered therein the following Particulars:

- (1.) The Names, Addresses, and Occupations, if any, of the Shareholders in the Company, and the Shares held by each of them, distinguishing each Share by its Number:
- (2.) The Amount paid on the Shares of each Shareholder:
- (3.) The Date at which the Name of any Person was entered in the Register as a Shareholder:
- (4.) The Date at which any Person ceased to be a Shareholder in respect of any Share.

Annual List of Shareholders on Register.

XVII. Once at the least in every Year a List shall be made of all Persons who on the Fourteenth Day succeeding the Day on which the Ordinary General Meeting of the Company, or, if there is more than One Ordinary Meeting in each Year, the First of such Ordinary General Meetings is held, are Holders of Shares in the Company; and such List shall state the Names, Addresses, and Occupations of all the Persons therein mentioned, and the Number of Shares held by each of them, and shall contain a Summary specifying the following Particulars:

- (1.) The Amount of the nominal Capital of the Company, and the Number of Shares into which it is divided:
- (2.) The Number of Shares taken from the Commencement of the Company up to the Date of the Summary:
- (3.) The Amount of Calls made on each Share:
- (4.) The total Amount of Calls that have been received:
- (5.) The total Amount of Calls unpaid:
- (6.) The total Amount of Shares forfeited:

The above List and Summary shall be contained in a separate Part of the Register, and shall be in the Form marked E. in the Schedule hereto, or as near thereto as Circumstances admit; such List and Summary shall be completed within Seven Days after such Fourteenth Day as is mentioned in this Section, and a Copy thereof authenticated by the Seal of the Company shall forthwith be forwarded to the Registrar, and any Person may inspect and take Copies of the same, subject to the Regulations under which a Person is herein-after declared to be entitled to inspect and take Copies of any Documents kept by the Registrar.

Penalty on Company not keeping a proper Register.

XVIII. If any Company registered under this Act makes default in keeping a Register of Shareholders, or in sending a Copy of such List and Summary as aforesaid to the Registrar, in compliance with the foregoing Rules, such Company shall incur a Penalty not exceeding Five Pounds for every Day during which such Default continues.

Restrictive Definition of Shareholder.

XIX. No Notice of any Trust, express or implied or constructive, shall be entered on the Register or receivable by the Company; and every Person who has accepted any Share in a Company registered under this Act, and whose Name is entered in the Register of Shareholders, and no other Person (except a Subscriber to the Memorandum of Association in respect of the Shares subscribed for by him) shall for the Purposes of this Act be deemed to be a Shareholder.

Transfer of Shares.

XX. The Transfer of any Share in the Company shall be in the Form marked F. in the Schedule hereto, or to the like Effect, and shall be executed both by the Transferor and Transferee: The Transferor shall be deemed to remain a Holder of such Share until the Name of the Transferee is entered in the Register Book in respect thereof.

XXI. A

*Joint Stock Companies. (Part I. Constitution, &c.) (Part II. Management, &c.)*

XXI. A Certificate, under the Common Seal of the Company, specifying any Share or Shares held by any Shareholder, shall be *prima facie* Evidence of the Title of the Shareholder to the Share or Shares therein specified. Certificate of Shares.

XXII. The Amount of Calls for the Time being unpaid on any Share shall be deemed to be a Debt due from the Holder of such Share to the Company. Calls a Debt to Company.

XXIII. The Register of Shareholders commencing from the Incorporation of the Company shall be kept at the registered Office of the Company herein-after mentioned; except when closed as herein-after mentioned, it shall during Business Hours, but subject to such reasonable Restrictions as the Company in General Meeting may impose, so that not less than Two Hours in each Day be appointed for Inspection, be open to the Inspection of any Shareholder *gratis*, and to the Inspection of any other Person on the Payment of One Shilling, or such less Sum as the Company may prescribe for each Inspection; and every such Shareholder or other Person may require a Copy of such Register, or of any Part thereof, on Payment of Sixpence for every One hundred Words required to be copied; if such Inspection or Copy is refused, the Company shall incur for each Refusal a Penalty not exceeding Two Pounds, and a further Penalty not exceeding Two Pounds for every Day during which such Refusal continues. Inspection of Register.

XXIV. The Company may, upon giving Notice by Advertisement in some Newspaper circulating in the District in which the registered Office of the Company is situated, close the Register of Shareholders for any Time or Times not exceeding on the whole Twenty-one Days in each Year, and the Period during which the Books are closed shall not be reckoned as Part of the Time within which a Transfer is to be registered. Power to close Register.

XXV. If the Name of any Person is without sufficient Cause entered or omitted to be entered in the Register of Shareholders of any Company, such Person, or any Shareholder of the Company, may, as respects Companies registered in *England* or *Ireland*, by Motion in any of Her Majesty's Superior Courts of Law or Equity, and as respects Companies registered in *Scotland* by summary Petition to the Court of Session, apply to such Court for an Order that the Register may be rectified, and the Court may either refuse such Application, with or without Costs, to be paid by the Applicant, or it may, if satisfied of the Justice of the Case, make an Order for the Rectification of the Register, and may direct the Company to pay all the Costs of such Motion or Petition, and any Damages the Party aggrieved may have sustained; and if the Company makes default or is guilty of unnecessary Delay in registering any Transfer of Shares, they shall be responsible to any Person injured by such Default or Delay for the Amount of Damage he may thereby have sustained. Remedy for improper Entry or Omission of Entry in Register.

XXVI. The Register of Shareholders shall be Evidence of any Matters by this Act directed or authorized to be inserted therein. Register to be Evidence.

XXVII. Copies of the Memorandum of Association and Articles of Association shall be forwarded to every Shareholder, at his Request, on Payment of the Sum of One Shilling for each Copy, or such less Sum as may be prescribed by the Company. Copies of Memorandum and Articles of Association to be given to Shareholders.

## PART II.

### MANAGEMENT AND ADMINISTRATION OF COMPANIES.

#### *General.*

XXVIII. The Company shall have a registered Office to which all Communications and Notices may be addressed: If any Company registered under this Act carries on Business without having such an Office, it shall incur a Penalty not exceeding Five Pounds for every Day during which Business is so carried on. Registered Office of Company.

XXIX. Notice of the Situation of such registered Office, and of any Change therein, shall be given to the Registrar of Joint Stock Companies, and recorded by him: Until such Notice is given the Company shall not be deemed to have complied with the Provisions of this Act with respect to having a registered Office. Notice of Situation of registered Office.

XXX. Every Limited Company registered under this Act shall paint or affix, and shall keep painted or affixed, its Name on the Outside of every Office or Place in which the Business of the Company is carried on, in a conspicuous Position, in Letters easily legible, and shall have its Name engraven in legible Characters on its Seal, and shall have its Name mentioned in legible Characters in all Notices, Advertisements, and other official Publications of such Company, and in all Bills of Exchange, Promissory Notes, Endorsements, Cheques, and Orders for Money or Goods purporting to be signed by or on behalf of such Company, and in all Bills of Parcels, Invoices, Receipts, and Letters of Credit of the Company. Publication of Name by a Limited Company.

XXXI. If any Limited Company registered under this Act does not paint or affix, and keep painted or affixed, its Name in manner aforesaid, it shall be liable to a Penalty not exceeding Five Pounds for not so painting or affixing its Name, and for every Day during which such Name is not so kept painted or affixed; and if any Officer of such Company, or any Person on its Behalf, uses any Seal purporting to be a Seal of the Company whereon its Name is not so engraven as aforesaid, or issues or authorizes the Issue of any Notice, Advertisement, or other official Publication of such Company, or signs or authorizes to be signed on behalf of such Company any Bill of Exchange, Promissory Note, Endorsement, Cheque, Order for Money or Goods, or issues or authorizes to be issued any Bill of Parcels, Invoice, Receipt Penalties on Non-publication of Name.

*Joint Stock Companies. (Part II. Management, &c.)*

Receipt or Letter of Credit of the Company, wherein its Name is not mentioned in manner aforesaid, he shall be liable to a Penalty of Fifty Pounds, and shall further be personally liable to the Holder of any such Bill of Exchange, Promissory Note, Cheque, or Order for Money or Goods, for the Amount thereof, unless the same is duly paid by the Company.

General Meetings.

Company may alter Regulations by Special Resolution.

Definition of Special Resolution.

Registry of Special Resolutions.

Copies of Special Resolutions.  
Notice to Registrar of Increase of Capital.

Prohibition against holding Land.

Prohibition against carrying on Business with less than Seven Shareholders.

Evidence of Proceedings at Meetings.

Contracts how made.

XXXII. A General Meeting of the Company shall be held once at the least in every Year.

XXXIII. Any Company registered under this Act may in General Meeting, from Time to Time, by such Special Resolution as is herein-after mentioned, alter and make new Provisions in lieu of or in addition to any Regulations of the Company contained in the Articles of Association or the Table marked B. in the Schedule.

XXXIV. A Resolution shall be deemed to be a Special Resolution of the Company whenever the same has been passed by Three Fourths in Number and Value of such Shareholders of the Company for the Time being entitled to vote as may be present in Person or by Proxy (in Cases where, by the Regulations of the Company, Proxies are allowed) at any Meeting of which Notice specifying the Intention to propose such Resolution has been duly given, and such Resolution has been confirmed by a Majority of such Shareholders for the Time being entitled to vote as may be present in Person or by Proxy at a subsequent Meeting, of which Notice has been duly given, and held at an Interval of not less than One Month, nor more than Three Months, from the Date of the Meeting at which such Special Resolution was first passed: Unless a Poll is demanded by at least Five Shareholders a Declaration of the Chairman of any such Meeting as is mentioned in this Section, that a Special Resolution has been carried, shall be deemed conclusive Evidence of the Fact, without Proof of the Number or Proportion of the Votes recorded in favour of or against the same: Notice of any Meeting shall, for the Purposes of this Section, be deemed to be duly given, and the Meeting to be duly held, whenever such Notice is given and Meeting held in manner prescribed by the Regulations of the Company.

XXXV. A Copy of any Special Resolution that is passed by any Company registered under this Act shall be forwarded to the Registrar of Joint Stock Companies, and recorded by him: If such Copy is not so forwarded within Fifteen Days from the Date of the passing of the Resolution, the Company shall incur a Penalty not exceeding Two Pounds for every Day after the Expiration of such Fifteen Days during which such Copy is omitted to be forwarded.

XXXVI. A Copy of any Special Resolution shall be given to any Shareholder on Payment of One Shilling, or of such less Sum as the Company may direct.

XXXVII. The Company, if authorized so to do by its Regulations, may increase its nominal Capital in manner directed by such Regulations, but Notice of any Increase so made shall be given to the Registrar of Joint Stock Companies within Fifteen Days from the Date of the passing of the Resolution by which such Increase has been authorized, and the Registrar shall forthwith record the Amount of such Increase: If such Notice is not given within the Period aforesaid the Company shall incur a Penalty not exceeding Five Pounds for every Day during which such Neglect to give Notice continues.

XXXVIII. No Company that is not for the Time being carrying on a Trade or Business having Gain for its Object shall be entitled, without the Sanction of the Board of Trade, to hold more than Two Acres of Land, but the Board of Trade may empower any such Company to hold Lands in such Quantity and subject to such Conditions as they think fit, and may for that Purpose grant a Licence in the Form marked G. in the Schedule hereto, or to the like Effect.

XXXIX. If any Company registered under this Act carries on Business when the Number of its Shareholders is less than Seven, for a Period of Six Months after the Number has been so reduced, then every Person who is a Shareholder in such Company during the Time that it so carries on Business after such Period of Six Months shall be severally liable for the Payment of the whole Debts of the Company contracted during such Time, and may be sued for the same without the Joinder in the Action or Suit of any other Shareholder.

XL. The Company shall cause Minutes of all Resolutions and Proceedings of General Meetings of the Company to be duly entered in Books to be from Time to Time provided for the Purpose, and any such Minute as aforesaid, if signed by any Person purporting to be the Chairman of such Meeting, shall be receivable in Evidence in all legal Proceedings, and until the contrary is proved every General Meeting in respect of the Proceedings of which Minutes have been so made shall be deemed to have been duly held and convened.

*Legal Instruments of Company.*

XLI. Contracts on behalf of any Company registered under this Act may be made as follows; (that is to say.)

- (1.) Any Contract which if made between private Persons would be by Law required to be in Writing, and if made according to *English Law* to be under Seal, may be made on behalf of the Company in Writing under the Common Seal of the Company, and such Contract may be in the same Manner varied or discharged:
- (2.) Any Contract which if made between private Persons would be by Law required to be in Writing, and signed by the Parties to be charged therewith, may be made on behalf of the Company in Writing signed by any Person acting under the express or implied Authority of the Company, and such Contract may in the same Manner be varied or discharged:

(3.) Any

*Joint Stock Companies. (Part II. Management, &c.)*

- (3.) Any Contract which if made between private Persons would by Law be valid although made by Parol only, and not reduced into Writing, may be made by Parol on behalf of the Company by any Person acting under the express or implied Authority of the Company, and such Contract may in the same Way be varied or discharged :

And all Contracts made according to the Provisions herein contained shall be effectual in Law, and shall be binding upon the Company and their Successors, and all other Parties thereto, their Heirs, Executors, or Administrators, as the Case may be.

*Deeds.*

XLII. Any Company registered under this Act may, by Instrument or Writing under their Common Seal, empower any Person either generally or in respect of any specified Matters, as their Attorney, to execute Deeds on their Behalf in any Place not situate in the United Kingdom; and every Deed signed by such Attorney, on behalf of the Company, and under his Seal, shall be binding on the Company to the same Extent as if it were under the Common Seal of the Company. Execution of Deeds abroad.

XLIII. A Promissory Note or Bill of Exchange shall be deemed to have been made, accepted, or endorsed on behalf of any Company registered under this Act, if made, accepted, or endorsed in the Name of the Company by any Person acting under the express or implied Authority of the Company. Promissory Notes and Bills of Exchange.

XLIV. In any Mortgage made according to *English Law* by any Company registered under this Act there shall be implied the following Covenants (unless Words expressly negating such Implication are contained therein); that is to say, a Covenant on the Part of the Company to pay the Money thereby secured, and Interest thereon, at the Time and Rate therein mentioned; a Covenant that they have Power to convey or assure the Property declared to be conveyed or assured to the Mortgagee free from Incumbrances; and a Covenant for further Assurance of such Property, at the Expense of the Company, to the Mortgagee or any Person claiming through, under, or in trust for him; and if a Power of Sale is thereby given such Power shall imply an Authority to sell by Public Auction or Private Contract, altogether or in Parcels, and to make, rescind, or vary Contracts for Sale or Resale without being liable for Loss, and also an Authority to give effectual Receipts for Purchase Monies, and such Mortgage may be in the Form marked H. in the Schedule hereto, or as near thereto as Circumstances admit. Mortgages according to English Law.

XLV. In any Bond and Disposition in Security made according to *Scotch Law* by any Company registered under this Act there shall be implied the following Obligations and Undertakings (unless Words expressly negating such Implication are contained therein); that is to say, an Obligation on the Part of the Company to pay the Money thereby secured, and Interest thereon, at the Time and Rate therein mentioned; an Undertaking that they have Power to convey the Property declared to be conveyed to the Heritable Creditor free from Incumbrances; and an Obligation to make and execute, at the Expense of the Company, in favour of the Heritable Creditor, or any Person claiming through, under, or in trust for him, any further Deed necessary to give Effect and Validity to the Security; and if a Power of Sale is thereby given, such Power shall imply an Authority to sell by Public Auction or Private Contract, altogether or in Parcels, and to make, rescind, or vary Contracts of Sale or Resale, without being liable for Loss, and also an Authority to give effectual Receipts for Purchase Monies; and such Bond and Disposition in Security may be in the Form marked I. in the Schedule hereto, or as near thereto as Circumstances admit, and shall be registered in the General or Particular or Burgh Register of Sasines, as the Case may be, and being so registered shall be equivalent to a Bond and Disposition in Security in ordinary Form, containing Power of Sale, with Sasine thereon, duly recorded in the Register of Sasines. Bond and Disposition in Security according to Scotch Law.

XLVI. In any Conveyance or Assurance made according to *English Law* by any Company registered under this Act there shall be implied (unless Words expressly negating such Implication are contained therein) the following Covenants on the Part of the Company; (that is to say,) Conveyances according to English Law.

A Covenant that, notwithstanding any Act or Default done by the Company, they were at the Time of the Execution of such Conveyance or Assurance seised or possessed of the Lands or Premises thereby conveyed or assured for an indefeasible Estate of Inheritance in Fee Simple, free from Incumbrances occasioned by them, or otherwise for such Estate or Interest as therein expressed to be assured, free from Incumbrances occasioned by them :

A Covenant that the Person to whom such Lands or Premises are conveyed or assured, his Heirs, Successors, Executors, Administrators, and Assigns, (as the Case may be,) shall quietly enjoy the same against the Company and their Successors, and all other Persons claiming under them, and be indemnified and saved harmless by the Company and their Successors from all Incumbrances occasioned by the Company :

A Covenant for further Assurance of such Lands or Premises at the Expense of the Person to whom the same are conveyed or assured, his Heirs, Successors, Executors, Administrators, or Assigns, (as the Case may be,) by the Company or their Successors, and all other Persons claiming under them.

XLVII. In any Disposition of Heritable Property granted according to *Scotch Law* by any Company registered under this Act there shall be implied, unless Words expressly excluding such Implication are contained therein, an Obligation of absolute Warrantice, and an Obligation to complete the Company's Title at its own Expense so far as necessary to validate or give full Effect to such Disposition, and an Obligation Disposition in Security according to Scotch Law.

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Obligation to grant also at its own Expense any further Deeds which may be necessary to render such Disposition effectual.

*Examination of Affairs of Company.*

Inspection of Affairs of Company by Board of Trade.

XLVIII. Upon the Application of One Fifth in Number and Value of the Shareholders of any Company registered under this Act, the Board of Trade may appoint One or more competent Inspectors to examine into the Affairs of the Company, and to report thereon in such Manner as the Board of Trade directs.

Power of Inspectors.

XLIX. It shall be the Duty of all Officers and Agents of the Company to produce for the Examination of the Inspectors all Books and Documents in their Custody or Power: Any Inspector may examine upon Oath the Officers and Agents of the Company in relation to its Business, and may administer such Oath accordingly: If any Officer or Agent refuses to produce any such Book or Document, or to answer any Question relating to the Affairs of the Company, he shall incur a Penalty not exceeding Five Pounds in respect of each Offence.

Result of Examination how dealt with.

L. Upon the Conclusion of the Examination the Inspectors shall report their Opinion to the Board of Trade: Such Report shall be written or printed, as the Board of Trade directs: A Copy shall be forwarded by the Board of Trade to the registered Office of the Company, and a further Copy shall, at the Request of the Shareholders upon whose Application the Inspection was made, be delivered to them or to any One or more of them: All Expenses of and incidental to any such Examination as aforesaid shall be defrayed by the Shareholders upon whose Application the Inspectors were appointed.

Power of Company to appoint Inspectors.

LI. Any Company registered under this Act may in General Meeting appoint Inspectors for the Purpose of examining into the Affairs of the Company: The Inspectors so appointed shall have the same Powers and perform the same Duties as Inspectors appointed by the Board of Trade, with this Exception, that, instead of making their Report to the Board of Trade, they shall make the same in such Manner and to such Persons as the Company in General Meeting directs, and the Officers and Agents of the Company shall incur the same Penalties, in case of any Refusal to produce any Book or Document to such Inspectors, or to answer any Question, as they would have incurred if such Inspectors had been appointed by the Board of Trade.

Report of Inspectors to be Evidence.

LII. A Copy of the Report of any Inspectors appointed under this Act, authenticated by the Seal of the Company into whose Affairs they have made Inspection, shall be admissible as Evidence in any legal Proceeding.

*Notices.*

Services of Notices on Company.

LIII. Any Summons or Notice requiring to be served upon the Company may, except in Cases where a particular Mode of Service is directed, be served by leaving the same, or sending it through the Post addressed to the Company, at their registered Office, or by giving it to any Director, Secretary, or other principal Officer of the Company.

Rule as to Notices by Letter.]

LIV. Notices by Letter shall be posted in such Time as to admit of the Letter being delivered in the due Course of Delivery within the Period (if any) prescribed for the giving of such Notice; and in proving such Service it shall be sufficient to prove that such Notice was properly directed, and that it was put into the Post Office at such Time as aforesaid.

Authentication of Notices of Company.

LV. Any Summons, Notice, Writ, or Proceeding requiring Authentication by the Company may be signed by any Director, Secretary, or other authorized Officer of the Company, and need not be under the Common Seal of the Company, and the same may be in Writing or in Print, or partly in Writing and partly in Print.

*Legal Proceedings.*

Recovery of Penalties.

LVI. All Offences under this Act made punishable by any Penalty may be prosecuted summarily before Two or more Justices, as to *England* in manner directed by an Act passed in the Session holden in the Eleventh and Twelfth Years of the Reign of Her Majesty Queen *Victoria*, Chapter Forty-three, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within England and Wales with respect to Summary Convictions and Orders*; and as to *Scotland*, before Two or more Justices or the Sheriff of the County, in the Manner directed by the Act passed in the Session of Parliament holden in the Seventeenth and Eighteenth Years of the Reign of Her Majesty Queen *Victoria*, Chapter One hundred and four, intituled *An Act to amend and consolidate the Acts relating to Merchant Shipping*, as regards Offences in *Scotland* against that Act, not being Offences by that Act described as Felonies or Misdemeanors; and as to *Ireland*, in the Manner directed by the Act passed in the Session holden in the Fourteenth and Fifteenth Years of the Reign of Her Majesty Queen *Victoria*, Chapter Ninety-three, intituled *An Act to consolidate and amend the Acts regulating the Proceedings of Petty Sessions, and the Duties of Justices of the Peace out of Quarter Sessions in Ireland*, or any Act passed for the Amendment of the above-mentioned Acts.

Application of Penalties.

LVII. The Justices or Sheriff imposing any Penalty under this Act may direct the whole or any Part thereof to be applied in or towards Payment of the Costs of the Proceedings, or in or towards the rewarding the Person upon whose Information or at whose Suit such Penalty has been recovered; and, subject



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subject to such Direction, all Penalties shall be paid into the Receipt of Her Majesty's Exchequer, in such Manner as the Treasury may direct, and shall be carried to and form Part of the Consolidated Fund of the United Kingdom.

*Alteration of Forms.*

LVIII. The Board of Trade may from Time to Time make such Alterations in the Forms and Tables contained in the Schedule hereto as they deem requisite: They shall publish any Form or Table when altered in the *London Gazette*, and upon such Publication being made, it shall have the same Force as if it were included in the Schedule to this Act.

Board of Trade may alter Forms in Schedule.

**PART III.****WINDING-UP.***Preliminary.*

LIX. The Provisions of this Act relating to the Winding-up of Companies shall apply to all Companies registered under this Act, and to all Companies registered under the Act passed in the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and ten, and intituled *An Act for the Registration, Incorporation, and Regulation of Joint Stock Companies* from and after the Date at which they have obtained Registration under this Act in manner herein-after mentioned, but not any other Companies.

Application of Part III. of Act.

LX. The Expression "the Court," as used in the Third Part of this Act, shall mean the following Authorities; (that is to say)

Definition of "the Court."

In the Case of a Company engaged in working any Mine within and subject to the Jurisdiction of the Stannaries, the Court of the Vice-Warden of the Stannaries:

In the Case of a Limited Company registered in *England* that is not engaged in working any such Mine as aforesaid, the Court of Bankruptcy having Jurisdiction in the Place in which the registered Office of the Company is situate:

In the Case of a Limited Company registered in *Ireland*, whose registered nominal Capital does not exceed Five thousand Pounds, the Commissioners of Bankrupt in *Ireland*:

In all Cases not herein-before provided for, the Court shall mean, as respects Companies registered in *England* the High Court of Chancery of *England*, as respects Companies registered in *Scotland* the Court of Session in either Division thereof, and as respects Companies registered in *Ireland* the Court of Chancery of *Ireland*.

And any Court to which Jurisdiction is given by the Third Part of this Act, not being the Court of Chancery or the Court of Session, shall, in addition to its ordinary Powers, have the same Power of enforcing any Orders made by it in pursuance of this Act, if in *England*, as the Court of Chancery has, if in *Ireland*, as the Court of Chancery in *Ireland* has, in relation to Matters within the Jurisdiction of such Courts respectively.

LXI. In the event of any Company being wound-up by the Court or voluntarily, the existing Shareholders shall be liable to contribute to the Assets of the Company to an Amount sufficient to pay the Debts of the Company, and the Costs, Charges, and Expenses of winding-up the same, with this Qualification, that if the Company is limited no Contribution shall be required from any Shareholder exceeding the Amount, if any, unpaid on the Shares held by him.

Liability of present Shareholders in respect of Debts.

LXII. In the event of any Company other than a Limited Company being wound-up by the Court or voluntarily, any Person who has ceased to be a Shareholder within the Period of Three Years prior to the Commencement of the Winding-up shall be deemed, for the Purposes of Contribution towards Payment of the Debts of the Company, and the Costs, Charges, and Expenses of winding-up the same, to be an existing Shareholder, and shall have in all respects the same Rights, and be subject to the same Liabilities to Creditors, as if he had not so ceased to be a Shareholder, with this Exception, that he shall not be liable in respect of any Debt of the Company contracted after the Time at which he ceased to be a Shareholder.

Liability of former Shareholders in a Company other than a Limited Company with respect to Debts.

LXIII. In the event of any Limited Company being wound-up by the Court or voluntarily, any Person who has ceased to be a Holder of any Share or Shares within the Period of One Year prior to the Commencement of the Winding-up shall be deemed, for the Purposes of Contribution towards Payment of the Debts of the Company, and the Costs, Charges, and Expenses of winding-up the same, to be an existing Holder of such Share or Shares, and shall have in all respects the same Rights and be subject to the same Liabilities to Creditors as if he had not so ceased to be a Shareholder.

Liability of former Shareholders in a Limited Company with respect to Debts.

LXIV. The Winding-up shall, if the Company is wound-up by the Court, be deemed to commence at the Time of the Presentation of such Petition as is herein-after required to be presented to the Court, and if the Company is wound-up voluntarily, be deemed to commence at the Time of the passing of the Resolution authorizing such Winding-up.

Commencement of Winding-up of Company defined.

LXV. Any existing or former Shareholder upon whom Calls are authorized to be made by the Third Part of this Act is herein-after called "a Contributory," and the Representatives of any deceased Contributory shall be liable in a due Course of Administration to the same Extent as such Contributory would be liable under the Third Part of this Act, if alive.

Definition of "Contributory," and legal Character of his Liability.

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Rights of Contributories between themselves.

LXVI. For the Purpose of ascertaining the Liability of existing and former Shareholders as between themselves, the following Rule shall be adopted ; (that is to say,)

- (1.) In the Case of a Company other than a Limited Company every Transferree of Shares shall, in a Degree proportioned to the Shares transferred, indemnify the Transferrer against all existing and future Debts of the Company :
- (2.) In the Case of a Limited Company every Transferree shall indemnify the Transferrer against all Calls made or accrued due on the Shares transferred subsequently to the Transfer.

*Winding-up by Court.*

Circumstances under which Company may be wound-up by Court.

LXVII. A Company may be wound-up by the Court under the following Circumstances ; (that is to say,)

- (1.) Whenever the Company in General Meeting has passed a Special Resolution requiring the Company to be wound-up by the Court :
- (2.) Whenever the Company does not commence its Business within a Year from its Incorporation, or suspends its Business for the Space of a whole Year :
- (3.) Whenever the Shareholders are reduced in Number to less than Seven :
- (4.) Whenever the Company is unable to pay its Debts :
- (5.) Whenever Three Fourths of the Capital of the Company have been lost or become unavailable.

Company when deemed unable to pay its Debts.

LXVIII. A Company shall be deemed to be unable to pay its Debts,

- (1.) Whenever a Creditor to whom the Company is indebted in a Sum exceeding Fifty Pounds then due has served on the Company, by leaving the same at their registered Office, a Demand under his Hand requiring the Company to pay the Sum so due, and the Company have for the Space of Three Weeks succeeding the Service of such Demand neglected to pay such Sum, or to secure or compound for the same to the Satisfaction of the Creditor :
- (2.) Whenever, in *England* and *Ireland*, Execution issued on a Judgment, Decree, or Order obtained in any Court in favour of any Creditor in any Suit or other legal Proceeding instituted by such Creditor against the Company is returned unsatisfied, in whole or in part, by the Sheriff of the County in which the registered Office of the Company is situate :
- (3.) Whenever, in *Scotland*, the Induciae of a Charge for Payment on an Extract Decree, or an Extract registered Bond, or an Extract registered Protest, have expired without Payment being made.

Application for winding-up to be by Petition.

LXIX. Any Application for the winding-up of a Company shall be by Petition, and there shall be filed or lodged at the Time when such Petition is presented an Affidavit verifying the same : Such Petition may, in Cases where the Company is unable to pay its Debts, be presented either by a Creditor or a Contributory, but where any other Ground is alleged for winding-up the Company a Contributory alone is entitled to present the Petition.

Course to be pursued by Court on Petition of a Creditor.

LXX. Upon the Hearing of any Petition presented by a Creditor, the Court may dismiss such Petition, with or without Costs, to be paid by the Petitioner, or it may make an Order or pronounce an Interlocutor directing the Company, by a Day to be named in the Order or Interlocutor, to pay or secure Payment to the Creditor of all Monies that may be proved due to him, together with such Costs as the Court may direct ; or the Court may, if it so thinks fit, on the Hearing of such Petition, make an Order or Decree for winding-up the Company in the first instance, or such other Order as it deems just.

Order for winding-up Company.

LXXI. If at the Expiration of the Time named in such Order or Interlocutor such Payment is not made, or Security given, the Court may thereupon make an Order or Decree for winding-up the Company.

Course to be pursued by Court on Petition, &c.

LXXII. Upon the Hearing of a Petition presented by a Contributory, the Court may dismiss such Petition, with or without Costs, to be paid by the Petitioner, or it may make an Order or Decree directing the Company to be wound-up, or such other Order or Decree as it deems just.

Effect of the Order for winding-up Company.

LXXIII. After the Date of such Order or Decree for winding-up the Company, all Suits and Actions against the Company shall, if the Court so orders, be stayed : No Director or other Officer of the Company shall, without the Sanction of the Court, dispose of any of the Property, Effects, or Things in Action of the Company, and no Transfer of any Shares shall be valid without the Sanction of the Court : A Copy of such Order or Decree shall forthwith be reported by the Company to the Registrar of Joint Stock Companies, who shall make a Minute thereof in his Books relating to the Company.

Power of Court of Chancery to remit Winding-up to Court of Bankruptcy.

LXXIV. In Cases where the Court of Chancery in *England* or *Ireland* makes an Order for winding-up a Company, it may, if it thinks fit, direct all or any subsequent Proceedings for winding-up the same to be had in the Court of Bankruptcy having Jurisdiction in the Place in which the registered Office of the Company is situate, or if the Company is formed for the Purpose of working any such Mine as is within and subject to the Jurisdiction of the Stannaries, in the Court of the Vice-Warden of the Stannaries ; and upon such Order being made the Court therein named shall have the same Jurisdiction and exercise the same Powers with respect to winding-up such Company as it would have and exercise in a Case by this Act declared to be within its Jurisdiction.

Collection and Application of Assets.

LXXV. As soon as may be after making an Order or Decree for winding-up the Company the Court shall cause the Assets of the Company to be collected, and applied in discharge of its Liabilities in a due Course of Administration.

LXXVI. Any

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LXXVI. Any such Conveyance, Mortgage, Delivery of Goods, Payment, Execution, or other Act relating to Property, as would, if made or done by or against any individual Trader, be deemed in the event of his Bankruptcy to have been made or done by way of undue or fraudulent Preference of any Creditor of such Trader, shall, if made or done by or against any Company registered under this Act, be deemed, in the event of an Order being made for winding-up such Company, to have been made or done by way of undue or fraudulent Preference of such Creditor of such Company, and shall be invalid accordingly; and for the Purposes of this Section the Presentation of a Petition for winding-up a Company shall be deemed to correspond with the filing of a Petition for Adjudication of Bankruptcy in the Case of an individual Trader; and any Conveyance or Assignment made by any Company registered under this Act of all its Estate and Effects to Trustees for the Benefit of all its Creditors shall be void to all Intents.

Fraudulent Preference.

LXXVII. The Court may, after it has made an Order or Decree for winding-up the Company, summon before it any Person known or suspected to have in his Possession any of the Estate or Effects of the Company, or supposed to be indebted to the Company, or any Person whom the Court may deem capable of giving Information concerning the Trade, Dealings, Estate, or Effects of the Company; and the Court may require any such Person to produce any Books, Papers, Deeds, Writings, or other Documents in his Custody or Power which may appear to the Court requisite to the full Disclosure of any of the Matters which the Court thinks necessary to be inquired into for the Purpose of winding-up the Company; and if any Person so summoned refuses to come before the Court at the Time appointed, having no lawful Impediment (made known to the Court at the Time of its sitting, and allowed by it), the Court may by Warrant authorize and direct the Persons therein named for that Purpose to apprehend such Person, and bring him before the Court for Examination.

Power of Court to summon Persons suspected of having Property of Company.

LXXVIII. The Court may examine upon Oath, either by Word of Mouth or upon written Interrogatories, any Person appearing or brought before them in manner aforesaid, concerning the Trade, Dealings, Estate, or Effects of the Company, and may reduce into Writing the Answers of every such Person, and require him to sign and subscribe the same.

Examination of Parties by Court.

LXXIX. If any Director, Officer, or Contributory of any Company for the winding-up of which an Order or Decree has been made under this Act destroys, mutilates, alters, or falsifies any Books, Papers, Writings, or Securities, or makes or is privy to the making of any false or fraudulent Entry in any Register, Book of Account, or other Document belonging to the Company, with Intent to defraud the Creditors or Contributories of such Company or any of them, every Person so offending shall be deemed to be guilty of a Misdemeanor, and upon being convicted shall be liable to Imprisonment for any Term not exceeding Two Years, with or without Hard Labour.

Penalty on Falsification of Books.

LXXX. If any Attachment, Sequestration, or Execution is issued against any Company, by virtue whereof the Estate and Effects of the Company, or any of them, may be attached, sequestered, or taken in Execution at any Time within Three Months next before the filing or Presentation of the Petition for winding-up the Company, such Attachment, Sequestration, or taking in Execution shall be void in favour of the Liquidators of the Company, as against the attaching, sequestrating, or Execution Creditor, whether the same has been completely executed or not, except that such Creditor shall, if the Attachment, Sequestration, or Execution would have been valid but for this Provision, be entitled to retain out of any Money already realized, his Costs of Suit, and of the Attachment, Sequestration, or Execution, or to proceed with the Attachment, Sequestration, or Execution for the Purpose of realizing such Costs; but on Satisfaction of such Costs, or on Tender of the Amount thereof by the Liquidators to the Creditor, it shall be lawful for the Liquidators to recover from such Creditor the Property so attached, sequestered, and taken in Execution, and the Proceeds of such Property, or the Residue thereof, as the Case may be.

Attachments, Sequestrations, and Executions within Three Months of Petition to be void.

LXXXI. All Books, Accounts, and Documents of the Company, and of the Liquidators herein-after mentioned, shall, as between the Contributories of the Company, be *prima facie* Evidence of the Truth of all Matters therein contained, and purporting to be therein recorded.

Books of Company to be Evidence.

LXXXII. The Court may, at any Time after making an Order or Decree for winding-up a Company, and before it has ascertained the Sufficiency of the Assets of the Company, or the Debts in respect of which the several Classes of Contributories are liable, make Calls on all or any of the Contributories, to the Extent of their Liability, for Payment of all or any Sums it deems necessary to satisfy the Debts of the Company and the Costs of winding it up, and it may, in making a Call, take into consideration the Probability that some of the Contributories upon whom the same is made may partly or wholly fail to pay their respective Portions of the same.

Power of Court to make Calls.

LXXXIII. All Monies received under the Direction of the Court on account of the Sale or Conversion of any of the Assets of the Company, or in respect of Calls made on any Contributories, or of any other Matter, with the Exception of such Balance, if any, as the Official Liquidators may, with the Sanction of the Court, retain in their Hands for the Payment of current Expenses, shall in *England* be paid into the Bank of *England* or some Branch thereof, and in *Ireland* into the Bank of *Ireland* or some Branch thereof, and in *Scotland* into One of the incorporated or chartered Banks in *Scotland*, to the Credit of such Account as the Court may direct; and no Money standing to such Account shall be paid out by the Bank except upon Cheques signed in such Manner as the Court directs.

Payment of Money into the Bank.

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**Power of Court to grant Injunction or Interdict.** LXXXIV. The Court may, at any Time after the Presentation of a Petition for winding-up a Company, and either before or after making an Order for winding-up the same, upon the Application by Motion of any Creditor or Contributory of such Company, restrain further Proceedings in any Action or Suit against the Company, or appoint a Receiver of the Estate and Effects of the Company; it may also, by Notice or Advertisement, require all Creditors to present and prove their Claims within a certain Time, or be precluded from the Benefit of any Distribution which may be made before such Claim is proved.

**Power of Court to stay Proceedings.** LXXXV. The Court may, at any Time after an Order or Decree has been made for winding-up a Company, upon the Application by Motion of any Creditor or Contributory of the Company, and upon Proof to the Satisfaction of the Court that all Proceedings in relation to such Winding-up ought to be stayed, make an Order staying the same, either altogether or for a limited Time, on such Terms and subject to such Conditions as it deems fit.

**Power of Court to adjust Rights of Contributories.** LXXXVI. As soon as the Creditors are satisfied, the Court shall proceed to adjust the Rights of the Contributories amongst themselves; and to distribute any Surplus that may remain amongst the Parties entitled thereto, and for the Purposes of such Adjustment it may make Calls on the Contributories to the Extent of their Liability for Payment of such Sums as it deems necessary; and it may, in making a Call, take into consideration the Probability that some of the Contributories upon whom the same is made may partly or wholly fail to pay their respective Portions of the same.

**Power of Court to order Costs.** LXXXVII. The Court may make such Order as to the Priority and Payment out of the Estate of the Company of the Costs, Charges, and Expenses incurred in winding-up any Company as it thinks just.

*Official Liquidators.*

**Appointment of Official Liquidators.** LXXXVIII. For the Purpose of conducting the Proceedings in winding-up a Company, and assisting the Court therein, there shall be appointed a Person or Persons to be called an Official Liquidator or Official Liquidators; and such Appointment shall be made as follows; that is to say,

In Cases within the Jurisdiction of the Court of Chancery in *England* or *Ireland*, or of the Court of Session in *Scotland*, or of the Court of the Stannaries, the Court having Jurisdiction may, after requiring due Security, appoint such Persons or Person, either provisionally or otherwise, as it thinks fit, to the Office of Official Liquidators; it may from Time to Time remove any Person or Persons so appointed, and fill up any Vacancy occasioned by such Removal or by the Death or Resignation of any such Appointee or Appointees; if One Person only is appointed, he shall have all the Powers hereby given to several Liquidators; if more Persons than One are appointed, the Court shall declare whether any Act hereby required or authorized to be done by the Official Liquidators may be done by all or any One or more of such Persons:

In Cases within the Jurisdiction of any Court of Bankruptcy, the Official Assignee to be named by the Court shall be the Official Liquidator; but it shall be lawful, in Cases where the Winding-up takes place at the Suit of a Creditor, for the major Part in Value of the Creditors assembled at a Meeting to be held for the Purpose, and in Cases where the Winding-up takes place at the Suit of a Contributory, for the major Part in Value of the Contributories assembled at a Meeting to be held for the Purpose, to appoint an Official Liquidator to act concurrently with the Official Liquidator so named by the Court.

**Style and Duties of Official Liquidators.** LXXXIX. The Official Liquidators or Liquidator shall be described by the Style of the Official Liquidators or Official Liquidator of the particular Company in respect of which they or he are or is appointed, and not by their or his individual Names or Name; they or he shall take into their or his Custody all the Property, Effects, and Things in Actions of the Company, and shall perform such Duties in reference to the winding-up of the Company as may be imposed by the Court.

**Powers of Official Liquidators.** XC. The Official Liquidators shall have Power, with the Sanction of the Court, to do the following Things:—

To bring or defend any Action, Suit, or Prosecution, or other legal Proceeding, Civil or Criminal, in the Name and on behalf of the Company:

To carry on the Business of the Company, so far as may be necessary for the beneficial Winding-up of the same:

To sell the Real and Personal and Heritable and Moveable Property, Effects, and Things in Action of the Company by Public Auction or Private Contract, with Power, if they think fit, to transfer the whole thereof to any Person or Company, or to sell the same in Parcels:

To execute, in the Name and on behalf of the Company, all Deeds, Receipts, and other Documents they may think necessary, and for that Purpose to use, when necessary, the Company's Seal:

To refer Disputes to Arbitration, and compromise any Debts or Claims:

To prove, claim, rank, and draw a Dividend, in the Matter of the Bankruptcy or Insolvency or Sequestration of any Contributory, for any Balance against the Estate of such Contributory, and to take and receive Dividends in respect of such Balance, in the Matter of Bankruptcy or Insolvency or Sequestration, as a separate Debt due from such Bankrupt or Insolvent, and rateably with the other separate Creditors:

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To draw, accept, make, and endorse any Bill of Exchange or Promissory Note, and also to raise upon the Security of the Assets of the Company from Time to Time any requisite Sum or Sums of Money; and the drawing, accepting, making, or endorsing of every such Bill of Exchange or Promissory Note as aforesaid on behalf of the Company shall have the same Effect with respect to the Liability of such Company as if such Bill or Note had been drawn, accepted, made, or endorsed by such Company in the course of carrying on the Business thereof:

To do and execute all such other Things as may be necessary for winding-up the Affairs of the Company and distributing its Assets.

XCI. The Official Liquidators may, with the Approval of the Court, appoint a Solicitor or Law Agent, and such Clerks or Officers as may be necessary to assist them in the Performance of their Duties: There shall be paid to such Solicitor or Law Agent, Clerks and Officers, such Remuneration by way of Fees or otherwise as may be allowed by the Court.

Appointment of Solicitor to Official Liquidators.

XCII. There shall be paid to the Official Liquidators such Salary or Remuneration, by way of Percentage or otherwise, as the Court directs.

Remuneration of Official Liquidators.

XCIII. When the Affairs of the Company have been completely wound-up, the Court shall make an Order or Decree declaring the Company to be dissolved from the Date of such Order or Decree, and the Company shall be dissolved accordingly.

Dissolution of Company.

XCIV. Any Order or Decree so made shall be reported by the Official Liquidators to the Registrar of Joint Stock Companies, who shall make a Minute accordingly in his Books of the Dissolution of such Company.

Minute of Dissolution of Company.

XCv. In *England*, the Lord Chancellor of *Great Britain*, with the Advice and Consent of the Master of the Rolls and any One of the Vice-Chancellors for the Time being, or with the Advice and Consent of any Two of the Vice-Chancellors, may, as often as Circumstances require, make such Rules concerning the Mode of proceeding to be had for winding-up a Company in the Court of Chancery as may from Time to Time seem necessary; but, until such Rules are made, the general Practice of the Court of Chancery, including the Practice hitherto in use in winding-up Companies, shall, so far as the same is applicable, and not inconsistent with this Act, apply to all Proceedings for winding-up a Company, and Official Liquidators shall be considered as occupying in all respects the Place of an Official Manager.

Power of Lord Chancellor of Great Britain to make Rules.

XCvi. In *Ireland*, the Lord Chancellor of *Ireland* may, as respects the winding-up of Companies in *Ireland*, with the Advice and Consent of the Master of the Rolls in *Ireland*, exercise the same Power of making Rules as is by this Act herein-before given to the Lord Chancellor of *Great Britain*; but, until such Rules are made, the general Practice of the Court of Chancery in *Ireland*, including the Practice hitherto in use in *Ireland* in winding-up Companies, shall, so far as the same is applicable, and not inconsistent with this Act, apply to all Proceedings for winding-up a Company, and Official Liquidators shall in all respects be considered as occupying the Place of an Official Manager.

Power of Lord Chancellor of Ireland to make Rules.

XCvii. In *Scotland*, the Court of Session may, by Act of Sederunt, exercise the same Power of making Rules of Practice as is herein-before given to the Lord Chancellor of *Great Britain* as regards *England*, but, until such Rules are made, the general Practice of the Court of Session in Suits pending in such Court shall, so far as the same is applicable, and not inconsistent with this Act, apply to all Proceedings for winding-up a Company, and Official Liquidators shall in all respects be considered as possessing the same Powers as any Trustee on a Bankrupt Estate.

Power of Court of Session in Scotland to make Rules.

XCviii. The Vice-Warden of the Stannaries may from Time to Time, with the Approval of the Lord Chancellor of *Great Britain*, make such General Rules as may be necessary or expedient for the Purpose of carrying into execution the Powers conferred by this Act upon the Court of the said Vice-Warden; but, subject to such Rules, the general Practice of the said Court in Cases within the Jurisdiction thereof shall, so far as the same is applicable, and not inconsistent with this Act, apply to all Proceedings under this Act, and any Order made by the Vice-Warden of the Stannaries may be enforced in the same Manner in which Orders made in Proceedings within the ordinary Jurisdiction of such Court are enforced; and for the Purpose of Jurisdiction any Company registered under this Act engaged in working any Mine within and subject to the Jurisdiction of the Stannaries shall be deemed to be resident within the Stannaries, and at the Place where such Mine is situate: It shall be competent for the Vice-Warden in any Suit instituted against any Shareholder or Contributory of a Company so registered to authorize the Service of Process on such Shareholder or Contributory in any Part of *England* or *Wales*; provided, that it shall be lawful for the Lord Warden to remit at once any Cause or Matter pending before him on Appeal against any Decree or Order of the Court made in pursuance of the Power conferred upon it by this Act for the winding-up of such a Company to the Court of Appeal in Chancery, which shall thereupon have Power to hear and determine such Appeal, and to make such Order or Orders therein as may seem fit.

Power of Vice-Warden of Stannaries to make Rules.

Court of Stannaries.

Service of Process.

Appeal in Cases of Winding-up.

XCix. Any Two Commissioners of Bankruptcy appointed by the Lord Chancellor of *Great Britain* may, as respects the Courts of Bankruptcy in *England*, and the Commissioners of Bankrupt in *Ireland* may, as respects the Courts of Bankruptcy in *Ireland*, make Rules as they respectively from Time to Time, but subject to the Approval of the Lord Chancellors of *Great Britain* and *Ireland* respectively, think fit, for the Purpose of regulating the Proceedings in such Courts for winding-up Companies, but, subject

Power of Commissioners of Bankruptcy to make Rules.

*Joint Stock Companies. (Part III. Winding-up.)*

subject to such Rules, the general Practice of the Courts of Bankruptcy in *England* and *Ireland* respectively, in Cases within the ordinary Jurisdiction of such Courts, shall, so far as the same is applicable, and not inconsistent with this Act, apply to all Proceedings under this Act; and any Order made by any Commissioner of Bankruptcy in such Proceedings may be enforced in the same Manner in which Orders made in Proceedings within the ordinary Jurisdiction of such Court are enforced.

Rules with respect to Fees.

C. The Lord Chancellor of *Great Britain* as respects the Courts of Chancery and Bankruptcy in *England*, the Lord Chancellor of *Ireland* as respects the Courts of Chancery and Bankruptcy in *Ireland*, the Court of Session in *Scotland* by Act of Sederunt as respects Proceedings in such Court, may make Rules specifying the Fees to be paid in respect of Proceedings taken under the Third Part of this Act for winding-up a Company in such Courts respectively, and the Fees so paid in any Court of Chancery or Bankruptcy shall be applied in the Manner in which Fees taken in such Courts in ordinary Proceedings are applied; and as respects Fees to be paid in like Proceedings in the Court of the Vice-Warden of the Stannaries, it shall be lawful for the Vice-Warden to authorize Fees to be taken not exceeding in Number or Amount the Fees so authorized from Time to Time by the Lord Chancellor of *Great Britain* to be paid in Courts of Bankruptcy, and the Council of the Prince of *Wales*, or the Special Commissioners for managing the Affairs of the Duchy of *Cornwall*, as the Case may be, may direct in what Manner the Monies arising from such Fees are to be applied towards the annual Expenses of the Court of the Stannaries, or towards the Payment or in augmentation of the present official Salaries.

Special Commissioners for receiving Evidence.

CI. The District Commissioners of the Court of Bankruptcy and the Judges of the County Courts in *England* who sit at Places more than Twenty Miles from the General Post Office, and the Commissioners of Bankruptcy and the Assistant Barristers and Recorders in *Ireland*, and the Sheriffs of Counties in *Scotland*, shall be Commissioners for the Purpose of taking Evidence under the Third Part of this Act in Cases where any Company is wound-up by the Courts of Chancery in *England* or *Ireland* or by the Court of Session in *Scotland*; and it shall be lawful for such Court to refer the whole or any Part of the Examination of any Witnesses under the Third Part of this Act to any such Commissioner, although such Commissioner is out of the Jurisdiction of the Court by which the Order or Decree for winding-up the Company was made; and every such Commissioner shall, in addition to any Power of summoning and examining Witnesses, and requiring the Production or Delivery of Documents, and certifying or punishing Defaults by Witnesses, which he might lawfully exercise as a District Commissioner of the Court of Bankruptcy, Judge of a County Court, Commissioner of Bankruptcy, Assistant Barrister, or Recorder, or as a Sheriff of a County, have in the Matter so referred to him all the same Powers of summoning and examining Witnesses, and requiring the Production or Delivery of Documents, and punishing Defaults by Witnesses, and allowing Costs and Charges and Expenses to Witnesses, as the Court which made the Order for winding-up the Company has; and the Examination so taken shall be returned or reported to such last-mentioned Court in such Manner as it directs.

*Voluntary Winding-up of Company.*

Circumstances under which Company may be wound-up voluntarily.

CII. A Company may be wound up voluntarily,

- (1.) Whenever the Period, if any, fixed for the Duration of the Company by the Articles of Association expires, or whenever the Event, if any, occurs, upon the Occurrence of which it is provided by the Articles of Association that the Company is to be dissolved:
- (2.) Whenever the Company in General Meeting has passed a Special Resolution requiring the Company to be wound-up voluntarily.

Whenever a Company is wound-up voluntarily the Company shall, from the Date of the Commencement of such Winding-up, cease to carry on its Business, except in so far as may be required for the beneficial Winding-up thereof, but its Corporate State and all its Corporate Powers shall, notwithstanding any Provision to the contrary in its Articles of Association, continue until the Affairs of the Company are wound-up.

Notice of Resolution to wind-up voluntarily.

CIII. Notice of any Special Resolution to wind-up a Company voluntarily shall be given, as respects Companies registered in *England* in the *London Gazette*, as respects Companies registered in *Scotland* in the *Edinburgh Gazette*, and as respects Companies registered in *Ireland* in the *Dublin Gazette*.

Consequences of voluntary Winding-up.

CIV. The following Consequences shall ensue upon the voluntary Winding-up of a Company:

- (1.) The Property of the Company shall be applied in satisfaction of its Liabilities, and, subject thereto, shall, unless it be otherwise provided by the Articles of Association, be distributed amongst the Shareholders in proportion to their Shares:
- (2.) Liquidators shall be appointed for the Purpose of winding-up the Affairs of the Company and distributing the Property:
- (3.) The Company in General Meeting may appoint such Person or Persons as it thinks fit to be a Liquidator or Liquidators, and may fix the Remuneration to be paid to them:
- (4.) If One Person only is appointed, all the Provisions herein contained in reference to several Liquidators shall apply to him:
- (5.) When several Liquidators are appointed, every Power hereby given may be exercised by any Two of them:

(6.) The

*Joint Stock Companies. (Part III. Winding-up.) (Part IV. Registration Office.)*

- (6.) The Liquidators may at any Time after the passing of the Resolution for winding-up the Company, and before they have ascertained the Sufficiency of the Assets of the Company, or the Debts in respect of which the several Classes of Contributories are liable, call on all or any of the Contributories to the Extent of their Liability to pay all or any Sums they deem necessary to satisfy the Debts of the Company and the Costs of winding it up, and they may in making a Call take into consideration the Probability that some of the Contributories upon whom the same is made may partly or wholly fail to pay their respective Portions of the same :
- (7.) The Liquidators shall have all Powers herein-before vested in Official Liquidators, and may exercise the same without the Intervention of the Court :
- (8.) All Books, Papers, and Documents in the Hands of the Liquidators shall at all reasonable Times be open to the Inspection of the Shareholders :
- (9.) When the Creditors are satisfied, the Liquidators shall proceed to adjust the Rights of the Contributories amongst themselves, and for the Purposes of such Adjustment they may make Calls on all the Contributories to the Extent of their Liability for any Sums they may deem necessary, and they may in making a Call take into consideration the Probability that some of the Contributories upon whom the same is made may partly or wholly fail to pay their respective Portions of the same :
- (10.) As soon as the Affairs of the Company are fully wound-up, the Liquidators shall make up an Account showing the Manner in which such Winding-up has been conducted, and the Property of the Company disposed of ; and such Account, with the Vouchers thereof, shall be laid before such Person or Persons as may be appointed by the Company to inspect the same ; and upon such Inspection being concluded the Liquidators shall proceed to call a General Meeting of the Shareholders for the Purpose of considering such Account ; but no such Meeting shall be deemed to be duly held unless One Month's previous Notice, specifying the Time, Place, and Object of such Meeting, has been published, as respects Companies registered in *England* in the *London Gazette*, and as respects Companies registered in *Scotland* in the *Edinburgh Gazette*, and as respects Companies registered in *Ireland* in the *Dublin Gazette* :
- (11.) Such General Meeting shall not enter upon any Business except the Consideration of the Account ; but the Meeting may proceed to the Consideration thereof, notwithstanding the Quorum required by any Regulation of the Company to be present at General Meetings is not present thereat ; and if, on Consideration, the Meeting is of opinion that the Affairs of the Company have been fairly wound-up, they shall pass a Resolution to that Effect, and thereupon the Liquidators shall publish a Notice of such Resolution, as respects Companies registered in *England* in the *London Gazette*, and as respects Companies registered in *Scotland* in the *Edinburgh Gazette*, and as respects Companies registered in *Ireland* in the *Dublin Gazette*, and shall also make a Return to the Registrar of Joint Stock Companies of such Resolution, and on the Expiration of One Month from the Date of the Registration of such Return the Company shall be deemed to be dissolved :
- (12.) If within One Year after the passing of a Resolution for a Winding-up the Affairs of the Company such Affairs are not wound up, the Liquidators shall immediately thereafter make up an Account showing the State of the Affairs and the Progress which has been made in winding-up down to that Date, and they shall add thereto a Report stating the Reason why the Winding-up has not been completed, and a General Meeting shall be called to consider the same, and so on from Year to Year until the Winding-up of the Affairs of the Company is completed :

All Costs, Charges, and Expenses properly incurred in the voluntary Winding-up of a Company, including the Remuneration of the Liquidators, shall be payable out of the Assets of the Company in priority to all other Claims.

CV. The voluntary Winding-up of a Company shall not prejudice the Right of any Creditor of such Company to institute Proceedings for the Purpose of having the same wound-up by the Court.

Saving of Rights of Creditors.

#### PART IV.

##### *Registration Office.*

CVI. The Registration of Companies shall be conducted as follows ; (that is to say,)

- (1.) The Board of Trade may from Time to Time appoint such Registrars, Assistant Registrars, Clerks, and Servants as they may think necessary for the Registration of Companies under this Act, and remove them at pleasure :
- (2.) The Board of Trade may make such Regulations as they think fit with respect to the Duties to be performed by any such Registrars, Assistant Registrars, Clerks, and Servants as aforesaid :
- (3.) The Board of Trade may from Time to Time determine the Place or Places at which Offices for the Registration of Companies are to be established : Provided always, that there shall be at all Times maintained in each of the Three Parts of the United Kingdom at least One such Office, and that no Company shall be registered except at an Office within that Part of the United Kingdom in which by the Memorandum of Association the registered Office of the Company is declared to be established :

Constitution of Registration Office.

(4.) The

*Joint Stock Companies. (Part IV. Registration Office.) (Part V. Repeal, &c.)*

- (4.) The Board of Trade may from Time to Time direct a Seal or Seals to be prepared for the Authentication of any Documents required for or connected with the Registration of Companies :
- (5.) Every Person may inspect the Documents kept by the Registrar of Joint Stock Companies ; and there shall be paid for such Inspection such Fees as may be appointed by the Board of Trade, not exceeding One Shilling for each Inspection ; and any Person may require a Copy or Extract of any Document or any Part of any Document, to be certified by the Registrar ; and there shall be paid for such certified Copy or Extract such Fee as the Board of Trade may appoint, not exceeding Sixpence for each Folio of such Copy or Extract, or in *Scotland* for each Sheet of Two hundred Words ; and such certified Copy shall be *prima facie* Evidence of the Matters therein contained in all legal Proceedings whatever :
- (6.) The existing Registrar, Assistant Registrars, Clerks, and other Officers and Servants in the Office for the Registration of Joint Stock Companies, shall, during the Pleasure of the Board of Trade, hold the Offices and receive the Salaries hitherto held and received by them, but they shall in the Execution of their Duties conform to any Regulations that may be issued by the Board of Trade :
- (7.) There shall be paid to any Registrar, Assistant Registrar, Clerk, or Servant that may hereafter be employed in the Registration of Joint Stock Companies such Salary as the Board of Trade may, with the Sanction of the Commissioners of the Treasury, direct :
- (8.) Whenever any Act is herein directed to be done to or by the Registrar of Joint Stock Companies, such Act shall, until the Board of Trade otherwise directs, be done in *England* to or by the existing Registrar of Joint Stock Companies or in his Absence by the Assistant Registrar, in *Scotland* to or by such Officer as the Board of Trade may appoint, and in *Ireland* to or by the existing Assistant Registrar of Joint Stock Companies for *Ireland* ; but in the event of the Board of Trade altering the Constitution of the existing Registry Office, such Act shall be done to or by such Officer or Officers and at such Place or Places with reference to the local Situation of the registered Offices of the Companies to be registered as the Board of Trade may appoint.

**PART V.**

REPEAL OF FORMER ACTS, AND TEMPORARY PROVISIONS.

*Repeal.*

Repeal of  
7 & 8 Vict.  
c. 110.,  
10 & 11 Vict.  
c. 78., and  
18 & 19 Vict.  
c. 133.

CVII. There shall be repealed,—

- (1.) The Act passed in the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and ten :
- (2.) An Act passed in the Eleventh Year of the Reign of Her present Majesty, Chapter Seventy-eight, intituled *An Act to amend an Act for the Registration, Incorporation, and Regulation of Joint Stock Companies* :
- (3.) The Limited Liability Act, 1855 :

But such Repeal shall not take effect with respect to any Company completely registered under the said Act of the Eighth Year of Her present Majesty until such Company has obtained Registration under this Act, as herein-after mentioned.

Provisions of  
11 Vict. c. 45.  
12 & 13 Vict.  
c. 108.  
7 & 8 Vict.  
c. 111., and  
8 & 9 Vict.  
c. 98. not to  
apply to Com-  
panies regis-  
tered under this  
Act, &c.

CVIII. The following Acts, that is to say,

- (1.) An Act passed in the Eleventh Year of the Reign of Her present Majesty, Chapter Forty-five, and intituled *An Act to amend the Acts for facilitating the Winding-up of the Affairs of Joint Stock Companies unable to meet their pecuniary Engagements, and also to facilitate the Dissolution and Winding-up of Joint Stock Companies and other Partnerships* :
- (2.) An Act passed in the Thirteenth Year of the Reign of Her present Majesty, Chapter One hundred and eight, and intituled *An Act to amend the Joint Stock Companies Winding-up Act, 1848* :
- (3.) An Act passed in the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and eleven, and intituled *An Act for facilitating the winding-up the Affairs of Joint Stock Companies unable to meet their pecuniary Engagements* :
- (4.) An Act passed in the Ninth Year of the Reign of Her present Majesty, Chapter Ninety-eight, and intituled *An Act for facilitating the winding-up the Affairs of Joint Stock Companies in Ireland unable to meet their pecuniary Engagements* :

shall not apply to Companies registered under this Act, nor to Companies registered under the said Act of the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and ten, from and after the Date at which they have obtained Registration under this Act, as herein-after mentioned.

CIX. No Repeal hereby enacted shall affect—

- (1.) Anything duly done under any Acts hereby repealed before such Repeal comes into operation :
- (2.) Any Right acquired or Liability incurred under any such Acts before such Repeal comes into operation :
- (3.) Any Penalty, Forfeiture, or other Punishment incurred or to be incurred in respect of any Offence against any such Acts committed before such Repeal comes into operation :
- (4.) Any Proceeding to be taken in the Prosecution of any Order for winding-up a Company made before such Repeal comes into operation.

Saving Clause  
as to Repeal.

*Temporary*



*Joint Stock Companies. (Part V. Repeal, &c.)**Temporary Provisions.*

CX. Every Company completely registered under the said Act of the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and ten, shall on or before the Third Day of *November* One thousand eight hundred and fifty-six, and any other Company duly constituted by Law previously to the passing of this Act, and consisting of Seven or more Shareholders, may at any Time hereafter register itself as a Company under this Act, with or without Limited Liability, subject to this Proviso, that no Company shall be registered under this Act as a Limited Company unless either a Certificate of Complete Registration with Limited Liability under the "Limited Liability Act, 1855," has been obtained by it, or an Assent to its being so registered has been given by Three Fourths in Number and Value of such of its Shareholders as may have been present, personally or by Proxy, in Cases where Proxies are allowed by the Regulations of the Company, at some General Meeting summoned for that Purpose.

Registration of existing Companies.

CXI. Previously to the Registration under this Act of any existing Company, there shall be delivered to the Registrar of Joint Stock Companies the following Documents; that is to say,

Requisitions for Registration by existing Companies.

(1.) In the Case of a Company completely registered under the said Act of the Eighth Year of Her present Majesty, Chapter One hundred and ten, if such Company is not intended to be registered as a Limited Company, a List showing the Names, Addresses, and Occupations of all Persons who on the Day of Registration are Holders of Shares in the Company, with the Addition of the Shares held by such Persons respectively, distinguishing each Share by its Number :

(2.) If such Company as last aforesaid has obtained a Certificate of Complete Registration with Limited Liability under the Limited Liability Act, 1855, or if it has not obtained such a Certificate, but is intended to be registered as a Limited Company under the Provisions of this Act, the above List shall be accompanied with a Statement specifying the following Particulars ;

The nominal Capital of the Company, and the Number of Shares into which it is divided ;

The Number of Shares taken and the Amount paid on each Share ;

Such Statement shall also contain, in case the Company has not previously obtained a Certificate of Limited Liability, but is intended to be registered as a Limited Company under this Act,

The Name of such Company, with the Addition of the Word "Limited" as the last Word thereof :

(3.) In the Case of any other Company duly constituted by Law previously to the passing of this Act, and consisting of Seven or more Shareholders, if it is not intended to be registered as a Limited Company, there shall be delivered to the Registrar of Joint Stock Companies such List of Shareholders as is herein-before mentioned, and also a Copy of any Act of Parliament, Royal Charter, Letters Patent, Deed of Settlement, or other Instrument constituting or regulating the Company :

(4.) If any such Company as last aforesaid is intended to be registered as a Limited Company, the above List and Copy shall be accompanied by a Statement specifying the following Particulars ; that is to say,

The nominal Capital of the Company, and the Number of Shares into which it is divided ;

The Number of Shares taken, and the Amount paid on each Share ;

The Name of the Company, with the Addition of the Word "Limited" as the last Word thereof.

CXII. The List of Shareholders and any other Particulars relating to the Company hereby required to be delivered to the Registrar shall be verified by a Declaration of the Directors of the Company delivering the same, or any Two of them, or of any Two other principal Officers of the Company, made in pursuance of the Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, Chapter Sixty-two ; but no Fees shall be charged in respect of the Registration under this Act of any Company completely registered under the said Act of the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and ten, in Cases where the Liability of the Shareholders is not intended to be limited, or where such Company has already obtained a Certificate of Complete Registration with Limited Liability.

Authentication of Statements of existing Companies.

CXIII. Upon Compliance with the foregoing Requisitions, the Registrar of Joint Stock Companies shall certify under his Hand that the Company so applying for Registration is incorporated as a Company under this Act, and in the Case of a Limited Company, that it is limited, and thereupon such Company shall be incorporated accordingly, and all Provisions contained in any Deed of Settlement, Act of Parliament, Royal Charter, or Letters Patent, or other Instrument constituting or regulating the Company, shall be deemed to be Regulations of the Company within the Meaning of this Act, and all the Provisions of this Act shall apply to such Company in the same Manner in all respects as if it had been originally incorporated under this Act ; subject, nevertheless, to the Reservations herein-after contained with respect to the existing Rights of Creditors and other Persons ; and subject to this Proviso, that, except in so far as is herein-after permitted, no Company constituted by Act of Parliament shall have Power to alter any of the Provisions contained in such Act of Parliament, and no Company constituted by Royal Charter or Letters Patent shall have Power, by Special Resolution or otherwise, to alter any of the Provisions contained in such Charter or Letters Patent, without the Sanction of the Board of Trade.

Certificate of Registration of existing Companies.

*Joint Stock Companies. (Part V: Repeal, &c.) (Form A.) (Table B.)*

Company may  
change Name.  
Certificate to be  
Evidence of  
Compliance  
with Act.

Saving Rights  
of Creditors.

CXIV. Any existing Company may, for the Purpose of obtaining Registration with Limited Liability, change its Name by adding thereto the Word "Limited," or do any other Act that may be necessary.

CXV. The Certificate of Incorporation given to any existing Company, in pursuance of this Act, shall be conclusive Evidence that all the Requisitions herein contained in respect of Registration under this Act have been complied with, and the Date of such Certificate shall be deemed to be the Date at which the Company is incorporated under this Act.

CXVI. The Registration of any existing Company under this Act shall not, nor shall any Act of the Company subsequent to such Registration, prejudice any Right which previously to such Registration has, or which would, if no such Registration had taken place, have accrued to any Creditor or other Person against the Company in its Corporate Capacity, or against any Person then being or having been a Member of such Company, but every such Creditor or other Person shall be entitled to all such Remedies against the Company in its Corporate Capacity, and against every Person then being or having been a Member of such Company, as he would have been entitled to in case such Registration had not taken place.

SCHEDULE.

FORM A. -

Section VII.

Memorandum of Association of the "Eastern Steam Packet Company, Limited."

- 1st. The Name of the Company is "The Eastern Steam Packet Company, Limited."
- 2d. The registered Office of the Company is to be established in England.
- 3d. The Objects for which the Company is established are, "the Conveyance of Passengers and Goods in Ships or Boats between such Places as the Company may from Time to Time determine, and the doing all such other Things as are incidental or conducive to the Attainment of the above Object."
- 4th. The Liability of the Shareholders is "Limited."
- 5th. The nominal Capital of the Company is Two hundred thousand Pounds, divided into One thousand Shares of Two hundred Pounds each.

WE, the several Persons whose Names and Addresses are subscribed, are desirous of being formed into a Company, in pursuance of this Memorandum of Association, and we respectively agree to take the Number of Shares in the Capital of the Company set opposite our respective Names.

Names and Addresses of Subscribers.	Number of Shares taken by each Subscriber.
" 1. John Jones of            in the County of            -	200
" 2. John Smith of           in the County of           -	25
" 3. Thomas Green of        in the County of           -	30
" 4. John Thompson of      in the County of           -	40
" 5. Caleb White of          in the County of           -	15
" 6. Andrew Brown of        in the County of           -	5
" 7. Cæsar White of          in the County of           -	10
Total Shares taken        - - - -	325

Dated the 22d Day of November 1856.

Witness to the above Signatures,

A.B., No. 13, Hute Street, Clerkenwell, Middlesex.

Section IX.

TABLE B.

REGULATIONS FOR MANAGEMENT OF THE COMPANY.

SHARES.

- (1.) No Person shall be deemed to have accepted any Share in the Company unless he has testified his Acceptance thereof by Writing under his Hand, in such Form as the Company from Time to Time directs.
- (2.) The Company may from Time to Time make such Calls upon the Shareholders in respect of all Monies unpaid on their Shares as they think fit, provided that Twenty-one Days Notice at least is given of each Call, and each Shareholder shall be liable to pay the Amount of Calls so made to the Persons and at the Times and Places appointed by the Company.
- (3.) A Call shall be deemed to have been made at the Time when the Resolution authorizing such Call was passed.

(4.) If

*Joint Stock Companies. (Table B.)*

- (4.) If before or on the Day appointed for Payment any Shareholder does not pay the Amount of any Call to which he is liable, then such Shareholder shall be liable to pay Interest for the same at the Rate of Five Pounds per Cent. per Annum from the Day appointed for the Payment thereof to the Time of the actual Payment.
- (5.) The Company may, if they think fit, receive from any of the Shareholders willing to advance the same all or any Part of the Monies due upon their respective Shares beyond the Sums actually called for; and upon the Monies so paid in advance, or so much thereof as from Time to Time exceeds the Amount of the Calls then made upon the Shares in respect of which such Advance has been made, the Company may pay Interest at such Rate as the Shareholder paying such Sum in advance and the Company agree upon.
- (6.) If several Persons are registered as joint Holders of any Share, any One of such Persons may give effectual Receipts for any Dividend payable in respect of such Share.
- (7.) The Company may decline to register any Transfer of Shares made by a Shareholder who is indebted to them.
- (8.) Every Shareholder shall, on Payment of such Sum, not exceeding One Shilling, as the Company may prescribe, be entitled to a Certificate under the Common Seal of the Company, specifying the Share or Shares held by him, and the Amount paid up thereon.
- (9.) If such Certificate is worn out or lost, it may be renewed on Payment of such Sum, not exceeding One Shilling, as the Company may prescribe.
- (9a.) The Transfer Books shall be closed during the Fourteen Days immediately preceding the Ordinary General Meeting in each Year.

## TRANSMISSION OF SHARES.

- (10.) The Executors or Administrators of a deceased Shareholder shall be the only Persons recognized by the Company as having any Title to his Share.
- (11.) Any Person becoming entitled to a Share in consequence of the Death, Bankruptcy, or Insolvency of any Shareholder, or in consequence of the Marriage of any Female Shareholder, or in any way other than by Transfer, may be registered as a Shareholder upon such Evidence being produced as may from Time to Time be required by the Company.
- (12.) Any Person who has become entitled to a Share in any way other than by Transfer may, instead of being registered himself, elect to have some Person to be named by him registered as a Holder of such Share.
- (13.) The Person so becoming entitled shall testify such Election by executing to his Nominee a Deed of Transfer of such Share.
- (14.) The Deed of Transfer shall be presented to the Company accompanied with such Evidence as they may require to prove the Title of the Transferor, and thereupon the Company shall register the Transferee as a Shareholder.

## FORFEITURE OF SHARES.

- (15.) If any Shareholder fails to pay any Call due on the appointed Day, the Company may, at any Time thereafter, during such Time as the Call remains unpaid, serve a Notice on him, requiring him to pay such Call, together with any Interest that may have accrued by reason of such Non-payment.
- (16.) The Notice shall name a further Day, and a Place or Places, being a Place or Places at which Calls of the Company are usually made payable, on and at which such Call is to be paid: It shall also state that in the event of Nonpayment at the Time and Place appointed the Shares in respect of which such Call was made will be liable to be forfeited.
- (17.) If the Requisitions of any such Notice as aforesaid are not complied with, any Share in respect of which such Notice has been given may be forfeited by a Resolution of the Directors to that Effect.
- (18.) Any Shares so forfeited shall be deemed to be the Property of the Company, and may be disposed of in such Manner as the Company thinks fit.
- (19.) Any Shareholder whose Shares have been forfeited shall, notwithstanding, be liable to pay to the Company all Calls owing upon such Shares at the Time of the Forfeiture.

## INCREASE IN CAPITAL.

- (20.) The Company may, with the Sanction of the Company previously given in General Meeting, increase its Capital.
- (21.) Any Capital raised by the Creation of new Shares shall be considered as Part of the original Capital, and shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls, or the Forfeiture of Shares on Nonpayment of Calls, or otherwise, as if it had been Part of the original Capital.

## GENERAL MEETINGS.

- (22.) The First General Meeting shall be held at such Time, not being more than Twelve Months after the Incorporation of the Company, and at such Place, as the Directors may determine.

*Joint Stock Companies. (Table B.)*

- (23.) Subsequent General Meetings shall be held at such Time and Place as may be prescribed by the Company in General Meeting ; and if no other Time or Place is prescribed, a General Meeting shall be held on the First Monday in February in every Year, at such Place as may be determined by the Directors.
- (24.) The above-mentioned General Meetings shall be called Ordinary Meetings; all other General Meetings shall be called Extraordinary.
- (25.) The Directors may, whenever they think fit, and they shall upon a Requisition made in Writing by any Number of Shareholders holding in the aggregate not less than One Fifth Part of the Shares of the Company, convene an Extraordinary General Meeting.
- (26.) Any Requisition so made by the Shareholders shall express the Object of the Meeting proposed to be called, and shall be left at the registered Office of the Company.
- (27.) Upon the Receipt of such Requisition the Directors shall forthwith proceed to convene a General Meeting : If they do not proceed to convene the same within Twenty-one Days from the Date of the Requisition, the Requisitionists, or any other Shareholders holding the required Number of Shares, may themselves convene a Meeting.
- (28.) Seven Days Notice at the least, specifying the Place, the Time, the Hour of Meeting, and the Purpose for which any General Meeting is to be held, shall be given by Advertisement, or in such other Manner, if any, as may be prescribed by the Company.
- (29.) Any Shareholder may, on giving not less than Three Days previous Notice, submit any Resolution to a Meeting beyond the Matters contained in the Notice given of such Meeting.
- (30.) The Notice required of a Shareholder shall be given by leaving a Copy of the Resolution at the registered Office of the Company.
- (31.) No Business shall be transacted at any Meeting except the Declaration of a Dividend, unless a Quorum of Shareholders is present at the Commencement of such Business ; and such Quorum shall be ascertained as follows ; that is to say, if the Shareholders belonging to the Company at the Time of the Meeting do not exceed Ten in Number, the Quorum shall be Five ; if they exceed Ten there shall be added to the above Quorum One for every Five additional Shareholders up to Fifty, and One for every Ten additional Shareholders after Fifty, with this Limitation, that no Quorum shall in any Case exceed Forty.
- (32.) If within One Hour from the Time appointed for the Meeting the required Number of Shareholders is not present, the Meeting, if convened upon the Requisition of the Shareholders, shall be dissolved : In any other Case it shall stand adjourned to the following Day, at the same Time and Place ; and if at such adjourned Meeting the required Number of Shareholder is not present, it shall be adjourned sine die.
- (33.) The Chairman (if any) of the Board of Directors shall preside as Chairman at every Meeting of the Company.
- (34.) If there is no such Chairman, or if at any Meeting he is not present at the Time of holding the same, the Shareholders present shall choose some One of their Number to be Chairman of such Meeting.
- (35.) The Chairman may, with the Consent of the Meeting, adjourn any Meeting from Time to Time and from Place to Place, but no Business shall be transacted at any adjourned Meeting other than the Business left unfinished at the Meeting from which the Adjournment took place.
- (36.) At any General Meeting, unless a Poll is demanded by at least Five Shareholders, a Declaration by the Chairman that a Resolution has been carried, and an Entry to that Effect in the Book of Proceedings of the Company, shall be sufficient Evidence of the Fact, without Proof of the Number or Proportion of the Votes recorded in favour of or against such Resolution.
- (37.) If a Poll is demanded in manner aforesaid the same shall be taken in such Manner as the Chairman directs, and the Result of such Poll shall be deemed to be the Resolution of the Company in General Meeting.

## VOTES OF SHAREHOLDERS.

- (38.) Every Shareholder shall have One Vote for every Share up to Ten ; he shall have an additional Vote for every Five Shares beyond the First Ten Shares up to One hundred, and an additional Vote for every Ten Shares held by him beyond the First Hundred Shares.
- (39.) If any Shareholder is a Lunatic or Idiot he may vote by his Committee, Curator bonis, or other legal Curator ; and if any Shareholder is a Minor he may vote by his Guardian, Tutor, or Curator, or any One of his Guardians, Tutors, or Curators, if more than One.
- (40.) If One or more Persons are jointly entitled to a Share or Shares the Person whose Name stands first in the Register of Shareholders as One of the Holders of such Share or Shares, and no other, shall be entitled to vote in respect of the same.
- (41.) No Shareholder shall be entitled to vote at any Meeting unless all Calls due from him have been paid, nor until he shall have been possessed of his Shares Three Calendar Months, unless such Shares shall have been acquired or shall have come by Bequest, or by Marriage, or by Succession to an Intestate's Estate, or by the Custom of the City of London, or by any Deed of Settlement  
after

*Joint Stock Companies. (Table B.)*

after the Death of any Person who shall have been entitled for Life to the Dividends of such Shares.

- (42.) Votes may be given either personally or by Proxies: A Proxy shall be appointed in Writing under the Hand of the Appointor, or if such Appointor is a Corporation, under their Common Seal.
- (43.) No Person shall be appointed a Proxy who is not a Shareholder, and the Instrument or Mandate appointing him shall be deposited at the registered Office of the Company not less than Forty-eight Hours before the Time of holding the Meeting at which he proposes to vote; but no Instrument or Mandate appointing a Proxy shall be valid after the Expiration of One Month from the Date of its Execution.

## DIRECTORS.

- (44.) The Number of the Directors, and the Names of the First Directors shall be determined by the Subscribers of the Memorandum of Association.
- (45.) Until Directors are appointed, the Subscribers of the Memorandum of Association shall for all the Purposes of this Act be deemed to be Directors.

## POWERS OF DIRECTORS.

- (46.) The Business of the Company shall be managed by the Directors, who may exercise all such Powers of the Company as are not by this Act or by the Articles of Association, if any, declared to be exercisable by the Company in General Meeting, subject nevertheless to any Regulations of the Articles of Association, to the Provisions of this Act, and to such Regulations, being not inconsistent with the aforesaid Regulations or Provisions, as may be prescribed by the Company in General Meeting; but no Regulation made by the Company in General Meeting shall invalidate any prior Act of the Directors which would have been valid if such Regulation had not been made.

## DISQUALIFICATION OF DIRECTORS.

- (47.) The Office of Director shall be vacated,—  
 If he holds any other Office or Place of Profit under the Company;  
 If he becomes bankrupt or insolvent;  
 If he is concerned in or participates in the Profits of any Contract with the Company;  
 If he participates in the Profits of any Work done for the Company:  
 But the above Rules shall be subject to the following Exceptions: That no Director shall vacate his Office by reason of his being a Shareholder in any incorporated Company which has entered into Contracts with or done any Work for the Company of which he is Director; nevertheless he shall not vote in respect of such Contract or Work; and if he does so vote his Vote shall not be counted, and he shall incur a Penalty not exceeding Twenty Pounds.

## ROTATION OF DIRECTORS.

- (48.) At the First Ordinary Meeting after the Incorporation of the Company the whole of the Directors shall retire from Office; and at the First Ordinary Meeting in every subsequent Year One Third of the Directors for the Time being, or if their Number is not a Multiple of Three, then the Number nearest to One Third, shall retire from Office.
- (49.) The One Third or other nearest Number to retire during the First and Second Years ensuing the Incorporation of the Company shall, unless the Directors agree among themselves, be determined by Ballot: In every subsequent Year the One Third or other nearest Number who have been longest in Office shall retire.
- (50.) A retiring Director shall be re-eligible.
- (51.) The Company at the General Meeting at which any Directors retire in manner aforesaid shall fill up the vacated Offices by electing a like Number of Persons.
- (52.) If at any Meeting at which an Election of Directors ought to take place no such Election is made, the Meeting shall stand adjourned till the next Day, at the same Time and Place; and if at such adjourned Meeting no Election takes place, the former Directors shall continue to act until new Directors are appointed at the First Ordinary Meeting of the following Year.
- (53.) The Company may from Time to Time, in General Meeting, increase or reduce the Number of Directors, and may also determine in what Rotation such increased or reduced Number is to go out of Office.
- (54.) Any casual Vacancy occurring in the Board of Directors may be filled up by the Directors, but any Person so chosen shall retain his Office so long only as the vacating Director would have retained the same if no Vacancy had occurred.

## PROCEEDINGS OF DIRECTORS.

- (55.) The Directors may meet together for the Despatch of Business, adjourn, and otherwise regulate their Meetings as they think fit, and determine the Quorum necessary for the Transaction of Business: Questions arising at any Meeting shall be decided by a Majority of Votes: In case of an Equality of Votes the Chairman, in addition to his original Vote, shall have a Casting Vote: A Director may at any Time summon a Meeting of the Directors.

(56.) The

*Joint Stock Companies. (Table B.)*

- (56.) The Directors may elect a Chairman of their Meetings, and determine the Period for which he is to hold Office ; but if no such Chairman is elected, or if at any Meeting the Chairman is not present at the Time appointed for holding the same, the Directors present shall choose some One of their Number to be Chairman of such Meeting.
- (57.) The Directors may delegate any of their Powers to Committees consisting of such Member or Members of their Body as they think fit : Any Committee so formed shall, in the Exercise of the Powers so delegated, conform to any Regulations that may be imposed on them by the Directors.
- (58.) A Committee may elect a Chairman of their Meetings : If no such Chairman is elected, or if he is not present at the Time appointed for holding the same, the Members present shall choose One of their Number to be Chairman of such Meeting.
- (59.) A Committee may meet and adjourn as they think proper : Questions at any Meeting shall be determined by a Majority of Votes of the Members present ; and in case of an equal Division of Votes the Chairman shall have a Casting Vote.
- (60.) All Acts done by any Meeting of the Directors, or of a Committee of Directors, or by any Person acting as a Director, shall, notwithstanding that it be afterwards discovered that there was some Defect in the Appointment of any such Directors or Persons acting as aforesaid, or that they or any of them were disqualified, be as valid as if every such Person had been duly appointed and was qualified to be a Director.
- (61.) The Directors shall cause Minutes to be made in Books provided for the Purpose,—
- (1.) Of all Appointments of Officers made by the Directors ;
  - (2.) Of the Names of the Directors present at each Meeting of Directors and Committees of Directors ;
  - (3.) Of all Orders made by the Directors and Committees of Directors ; and,
  - (4.) Of all Resolutions and Proceedings of Meetings of the Company, and of the Directors and Committees of Directors.

And any such Minute as aforesaid, if signed by any Person purporting to be the Chairman of any Meeting of Directors, or Committee of Directors, shall be receivable in Evidence without any further Proof.

- (62.) The Company, in General Meeting, may, by a special Resolution, remove any Director before the Expiration of his Period of Office, and appoint another qualified Person in his Stead : The Person so appointed shall hold Office during such Time only as the Director in whose Place he is appointed would have held the same if he had not been removed.

## DIVIDENDS.

- (63.) The Directors may, with the Sanction of the Company in General Meeting, declare a Dividend to be paid to the Shareholders in proportion to their Shares.
- (64.) No Dividend shall be payable except out of the Profits arising from the Business of the Company :
- (65.) The Directors may, before recommending any Dividend, set aside out of the Profits of the Company such Sum as they think proper as a reserved Fund to meet Contingencies, or for equalizing Dividends, or for repairing, or maintaining, the Works connected with the Business of the Company, or any Part thereof ; and the Directors may invest the Sum so set apart as a reserved Fund upon such Securities as they, with the Sanction of the Company, may select.
- (66.) The Directors may deduct from the Dividends payable to any Shareholder all such Sums of Money as may be due from him to the Company on account of Calls or otherwise.
- (67.) Notice of any Dividend that may have been declared shall be given to each Shareholder, or sent by Post or otherwise to his registered Place of Abode, and all Dividends unclaimed for Three Years, after having been declared, may be forfeited by the Directors for the Benefit of the Company.
- (68.) No Dividend shall bear Interest as against the Company.

## ACCOUNTS.

- (69.) The Directors shall cause true Accounts to be kept,—
- Of the Stock in Trade of the Company ;
  - Of the Sums of Money received and expended by the Company, and the Matter in respect of which such Receipt and Expenditure takes place ; and,
  - Of the Credits and Liabilities of the Company :

Such Accounts shall be kept, upon the Principle of Double Entry, in a Cash Book, Journal, and Ledger : The Books of Account shall be kept at the principal Office of the Company, and subject to any reasonable Restrictions as to the Time and Manner of inspecting the same that may be imposed by the Company in General Meeting, shall be open to the Inspection of the Shareholders during the Hours of Business.

(70.) Once

*Joint Stock Companies. (Table B.)*

- (70.) Once at the least in every Year the Directors shall lay before the Company in General Meeting a Statement of the Income and Expenditure for the past Year, made up to a Date not more than Three Months before such Meeting.
- (71.) The Statement so made shall show, arranged under the most convenient Heads, the Amount of gross Income, distinguishing the several Sources from which it has been derived, and the Amount of gross Expenditure, distinguishing the Expense of the Establishment, Salaries, and other like Matters: Every Item of Expenditure fairly chargeable against the Year's Income shall be brought into Account, so that a just Balance of Profit and Loss may be laid before the Meeting; and in Cases where any Item of Expenditure which may in Fairness be distributed over several Years has been incurred in any One Year the whole Amount of such Item shall be stated, with the Addition of the Reasons why only a Portion of such Expenditure is charged against the Income of the Year.
- (72.) A Balance Sheet shall be made out in every Year, and laid before the General Meeting of the Company, and such Balance Sheet shall contain a Summary of the Property and Liabilities of the Company arranged under the Heads appearing in the Form annexed to this Table, or as near thereto as Circumstances admit.
- (73.) A printed Copy of such Balance Sheet shall, Seven Days previously to such Meeting, be delivered at or sent by Post to the registered Address of every Shareholder.

## AUDIT.

- (74.) The Accounts of the Company shall be examined and the Correctness of the Balance Sheet ascertained by One or more Auditor or Auditors to be elected by the Company in General Meeting.
- (75.) If not more than One Auditor is appointed, all the Provisions herein contained relating to Auditors shall apply to him.
- (76.) The Auditors need not be Shareholders in the Company: No Person is eligible as an Auditor who is interested otherwise than as a Shareholder in any Transaction of the Company; and no Director or other Officer of the Company is eligible during his Continuance in Office.
- (77.) The Election of Auditors shall be made by the Company at their Ordinary Meeting, or, if there are more than One, at their First Ordinary Meeting in each Year.
- (78.) The Remuneration of the Auditors shall be fixed by the Company at the Time of their Election.
- (79.) Any Auditor shall be re-eligible on his quitting Office.
- (80.) If any casual Vacancy occurs in the Office of Auditor, the Directors shall forthwith call an Extraordinary General Meeting for the Purpose of supplying the same.
- (81.) If no Election of Auditors is made in manner aforesaid, the Board of Trade may, on the Application of One Fifth in Number of the Shareholders of the Company, appoint an Auditor for the current Year, and fix the Remuneration to be paid to him by the Company for his Services.
- (82.) Every Auditor shall be supplied with a Copy of the Balance Sheet, and it shall be his Duty to examine the same, with the Accounts and Vouchers relating thereto.
- (83.) Every Auditor shall have a List delivered to him of all Books kept by the Company, and he shall at all reasonable Times have Access to the Books and Accounts of the Company: He may, at the Expense of the Company, employ Accountants or other Persons to assist him in investigating such Accounts, and he may in relation to such Accounts examine the Directors or any other Officer of the Company.
- (84.) The Auditors shall make a Report to the Shareholders upon the Balance Sheet and Accounts, and in every such Report they shall state whether, in their Opinion, the Balance Sheet is a full and fair Balance Sheet, containing the Particulars required by these Regulations, and properly drawn up so as to exhibit a true and correct View of the State of the Company's Affairs, and in case they have called for Explanations or Information from the Directors, whether such Explanations or Information have been given by the Directors, and whether they have been satisfactory; and such Report shall be read, together with the Report of the Directors, at the Ordinary Meeting.

## NOTICES.

- (85.) Notices requiring to be served by the Company upon the Shareholders may be served either personally, or by leaving the same or sending them through the Post in a Letter addressed to the Shareholders at their registered Places of Abode.
- (86.) All Notices directed to be given to the Shareholders shall, with respect to any Share to which Persons are jointly entitled, be given to whichever of the said Persons is named first in the Register of Shareholders; and Notice so given shall be sufficient Notice to all the Proprietors of such Share.
- (87.) All Notices required by this Act to be given by Advertisement shall be advertised in a Newspaper circulating in the District in which the registered Office of the Company is situate.





*Joint Stock Companies. (Form C.)*

## FORM C.

Memorandum of Association of the "Patent Stereotype Company, Limited," with Articles of Association annexed.

Section X.

## Memorandum of Association.

- 1st. The Name of the Company is "The Patent Stereotype Company."  
 2d. The registered Office of the Company is to be established in Ireland.  
 3d. The Objects for which the Company is established are "the working of a Patent Method of founding and casting Stereotype Plates, of which Method John Smith of is the sole Patentee."  
 4th. The Liability of the Shareholders is "Limited."  
 5th. The Capital of the Company is Two thousand Pounds, divided into Twenty Shares of One hundred Pounds each.

We, the several Persons whose Names are subscribed, are desirous of being formed into a Company, in pursuance of this Memorandum of Association, and we respectively agree to take the Number of Shares in the Capital of the Company set opposite our respective Names.

Names and Addresses of Subscribers.	Number of Shares taken by Subscribers.
" 1. John Jones of in the County of -	1
" 2. John Smith of in the County of -	5
" 3. Thomas Green of in the County of -	2
" 4. John Thompson of in the County of -	2
" 5. Caleb White of in the County of -	3
" 6. Andrew Brown of in the County of -	4
" 7. Abel Brown of in the County of -	1
Total Shares taken - - - - -	18

Witness to the above Signatures,  
 A.B., No. 20, Bond Street, Middlesex.

## Articles of Association of the Patent Stereotype Company, Limited.

- " It is agreed as follows :—  
 " 1st. No Shareholder shall transfer his Shares without the Consent of the Directors expressed in Writing.  
 " 2d. If any Shareholder feels aggrieved with the Refusal of the Directors to allow him to transfer his Shares, the Matter shall be settled by Arbitration.  
 " 3d. Calls on the Shares of the Company not considered as paid-up Shares shall be made at such Time as the Directors think fit ; but no Call shall exceed Ten Pounds per Share.  
 " 4th. The Company shall not be obliged to register the Transferree, under the Regulations numbered Twelve and Thirteen in the said Table, unless he is approved by the Directors, but in the event of their disapproving the Matter may be decided by Arbitration.  
 " 5th. The Regulations of Table B. as to General Meetings numbered 22, 23, and 25 shall not apply.  
 " 6th. The First General Meeting of the Company shall be held on the First of July next, and subsequent General Meetings shall be held on the First of July on every succeeding Year, or if that Day is a Sunday on the succeeding Monday.  
 " 7th. An Extraordinary General Meeting may be summoned at any Time by any Two Shareholders of the Company.  
 " 8th. All Matters in question between the Shareholders shall be decided by an Arbitrator appointed by the Manchester Chamber of Commerce.  
 " 9th. The Regulation of Table B. as to Votes of Shareholders, numbered Thirty-eight, shall not apply, and every Shareholder shall have One Vote in respect of every Share that he holds.  
 " The several Persons herein-after named, Subscribers to the Memorandum of Association, shall be the First Directors of the Company ; that is to say, John Jones, Thomas Green, John Thompson, Caleb White, Andrew Brown, and Abel Brown.

Joint Stock Companies. (Form C.)

Names and Addresses of Subscribers.

- " 1. John Jones of in the County of
- " 2. John Smith of in the County of
- " 3. Thomas Green of in the County of
- " 4. John Thomson of in the County of
- " 5. Caleb White of in the County of
- " 6. Andrew Brown of in the County of
- " 7. Abel Brown of in the County of

Witness to the above Signatures,  
A.B.,

No. 20, Bond Street, Middlesex.

TABLE D.

Section XII.

TABLE OF FEES.

	£	s.	d.
For Registration of a Company whose nominal Capital does not exceed 1,000 <i>l.</i>	-	-	5 0 0
For every 1,000 <i>l.</i> of nominal Capital, or Part of 1,000 <i>l.</i> , after the First 1,000 <i>l.</i> , and up to 100,000 <i>l.</i> , an additional Fee of	-	-	0 5 0
For every 1,000 <i>l.</i> or Part of 1,000 <i>l.</i> after the First 100,000 <i>l.</i> , an additional Fee of	-	-	0 1 0
For Registration of any Increase in the Capital of a Company for every 1,000 <i>l.</i> or Part of 1,000 <i>l.</i> , up to 100,000 <i>l.</i> in the whole	-	-	0 5 0
For every 1,000 <i>l.</i> or Part of 1,000 <i>l.</i> beyond the First 100,000 <i>l.</i> , an additional Fee of	-	-	0 1 0
For Registration of any existing Company, except such Companies as are by this Act exempted from Payment of Fees in respect of Registration under this Act, the same Fee as is charged for registering a new Company.	-	-	-
For registering any Document hereby required or authorized to be registered, other than the Memorandum of Association	-	-	0 5 0
For making a Record of any Fact hereby authorized or required to be recorded by the Registrar of Companies, a Fee of	-	-	0 5 0

Section XVI.

FORM E.

Summary of Capital and Shares of the Company, made up to the Day of .

Nominal Capital £ divided into Shares of £ each.

Number of Shares taken up to the Day of .

There has been called up on each Share £

Total Amount of Calls received £

Total Amount of Calls unpaid £

Total Amount of Shares forfeited £

List of Persons holding Shares in the Company on the Day of , and of Persons who have held Shares thereon at any Time during the Year immediately preceding the said Day of , showing their Names and Addresses, and an Account of the Shares so held.

Folio in Register Ledger containing Particulars.	NAMES, ADDRESSES, AND OCCUPATIONS.				ACCOUNT OF SHARES.				Remarks.	
	Surname.	Christian Name.	Address.	Occupation.	Shares held by existing Shareholders on the Day of	Additional Shares held by existing Shareholders during preceding Year.		Shares held by Persons no longer Shareholders.		
						Number.	Date of Transfer.	Number.		Date of Transfer.

*Joint Stock Companies. (Form F.)*

## FORM F.

Section XIX.

*Form of Transfer of Shares.*

I of (a) in consideration of the Sum of paid to me  
 by of do hereby transfer to the said Share [or Shares], (a) These  
 numbered in "The Company" standing in my Name in the Books of the Words will be  
 Company, to hold unto the said his Executors, Administrators, and Assigns, [or Suc- omitted if no  
 cessors and Assigns,] subject to the several Conditions on which I held the same at the Time of the Consideration  
 Execution hereof; and I the said do hereby agree to take the said Share [or Shares] is paid.  
 subject to the same Conditions. As witness our Hands, the Day of

## FORM G.

Section  
XXXVIII.*Licence to hold Lands.*

The Lords of the Committee of Privy Council appointed for the Consideration of Matters relating to  
 Trade and Foreign Plantations hereby license the " Association, Limited," to hold the  
 Lands hereunder described [*insert Description of Lands*]. The Conditions of this Licence are [*insert  
 Conditions, if any*].

## FORM H.

Section XLII.

*For England and Ireland.*

Indenture of Mortgage made between the "London Gas Company, Limited," of the one Part, and  
 "John Smith" of the other Part.

Whereas the said "John Smith" has advanced to the said Company the Sum of One thousand Pounds,  
 on condition that the Company will repay the same to him on the First Day of January next, with  
 Interest thereon in the meantime at the Rate of Five Pounds per Centum; and in the event of their not  
 repaying the same on the said First of January will, so long as the same remains unpaid, pay Interest  
 thereon at the Rate of Five Pounds per Centum by equal half-yearly Payments on the First Day of  
 July and the First Day of January in every Year:

Now it is hereby witnessed, that for securing the said Advance and Interest the Company hereby  
 grant to the said "John Smith" and his Heirs all the Lands described in the Schedule hereto, with all  
 their actual and reputed Appurtenances; and it is hereby declared, that if the Company fails in paying  
 the whole of the Principal and Interest Monies hereby secured on the said First of January, the said  
 "John Smith," or any Person for the Time entitled to such Monies, may, at any Time thereafter, upon  
 giving to the Company Three Months Notice, sell the said mortgaged Lands, and reimburse himself out  
 of the Monies arising from the Sale all Sums due on this Security, and all Expenses incurred by him in  
 respect of such Sale, rendering the Surplus, if any, to the Company or their Assigns. The Condition as  
 to Notice shall apply only between the Parties to this Indenture, and shall not affect a Purchaser, a Sale  
 to whom shall be valid notwithstanding such Notice may not have been given.

In witness, &amp;c.

## FORM I.

Section XLIII.

*For Scotland.*

Bond and Disposition in Security by the "Edinburgh Gas Company, Limited," to "John Smith."

Whereas the said "John Smith" has advanced to the said Company the Sum of One thousand Pounds,  
 on condition that the Company will repay the same to him on the First Day of January next, with  
 Interest thereon in the meantime at the Rate of Five Pounds per Centum; and in the event of their not  
 repaying the same on the said First of January will, so long as the same remains unpaid, pay Interest  
 thereon at the Rate of Five Pounds per Centum by equal half-yearly Payments on the First Day of July  
 and the First Day of January in every Year:

Therefore, for securing the said Advance and Interest, the said Company hereby dispone to the said  
 "John Smith," and his Heirs and Assignees whomsoever, all and whole (describe the Lands); and it is  
 hereby declared that if the Company fails in paying the whole of the Principal and Interest Monies  
 hereby secured on the said First of January, the said "John Smith," or any Person for the Time  
 entitled to such Monies, may, at any Time thereafter, upon giving to the Company Three Months Notice,  
 sell the said Lands, and reimburse himself out of the Monies arising from the Sale all Sums due on this  
 Security, and all Expenses incurred by him in respect of such Sale, rendering the Surplus, if any, to the  
 Company or their Assigns: The Condition as to Notice shall apply only between the Parties to this  
 Indenture, and shall not affect a Purchaser, a Sale to whom shall be valid notwithstanding such Notice  
 may not have been given.

In witness whereof.

(To be tested and signed in common Form.)

*Procedure before Justices (Scotland).**Turnpike Acts Continuance.*

## C A P. XLVIII.

An Act for amending the Procedure before Magistrates and Justices of Peace in *Scotland*.

[14th July 1856.]

9 G. 4. c. 29.

11 G. 4. &  
1 W. 4. c. 37.

‘ WHEREAS an Act was passed in the Ninth Year of the Reign of King *George* the Fourth, Chapter Twenty-nine, intituled *An Act to authorize additional Circuit Courts of Justiciary to be held, and to facilitate Criminal Trials, in Scotland*; and another Act was passed in the Eleventh Year of the Reign of His said Majesty and the First Year of the Reign of King *William* the Fourth, Chapter Thirty-seven, intituled *An Act to amend an Act of the Ninth Year of His late Majesty King George the Fourth, to facilitate Criminal Trials in Scotland, and to abridge the Period now required between the pronouncing of Sentence and Execution thereof in Cases importing a Capital Punishment*: And whereas it is expedient to facilitate the Procedure in Prosecutions for Offences before the Magistrates of Royal Burghs and before Her Majesty’s Justices of the Peace in *Scotland*:’ 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:

Pleadings, &c. need not be reduced to Writing in certain Cases.

I. Where the Prosecutor shall in his Libel conclude for a Fine not exceeding Five Pounds, exclusive of the Costs of the Prosecution, which the said Magistrates and Justices are hereby empowered to give, or for Imprisonment not exceeding Thirty Days, accompanied, when necessary, with Caution for good Behaviour or to keep the Peace for a Period not exceeding Three Months, and under a Penalty not exceeding Ten Pounds, it shall be lawful to try such Offences without the Pleadings or Evidence being reduced into Writing: Provided always, that a Record shall be preserved of the Charge and of the Judgment, including the Names of the Witnesses examined on Oath, unless where the accused pleads Guilty, which shall be made to appear on such Record.

Forms of Procedure, &c. in such Cases.

14 & 15 Vict. c. 27. as to Whipping, &c., and 17 & 18 Vict. c. 86., to apply to this Act.

Writers elected to Office of Magistrates may act as Justices of the Peace.

II. The Forms of Procedure and Regulations applicable to such Trials shall be those which are established by the said recited Acts in regard to the summary Trial of Offences before the Sheriffs of Counties, and the Note of the Evidence to be taken on such Trials shall be made by the Clerk of Court, and shall be initialed at the End of each Witness’s Evidence by the presiding Magistrate or Justice.

III. The Provisions of the Act Fourteen and Fifteen *Victoria*, Chapter Twenty-seven, in regard to the Whipping of Juvenile Offenders, and in regard to Sentences to Hard Labour, and the Provisions of the Act Seventeen and Eighteen *Victoria*, Chapter Eighty-six, shall extend and apply to Sentences pronounced under this Act.

IV. Any Writer, Attorney, Procurator, or Solicitor who may be elected to the Office of Magistrate or Dean of Guild of any Burgh, the Magistrates or Dean of Guild of which are *ex officio* Justices of the Peace by virtue of their Election to such Offices, shall, so long as he holds any such Office, be entitled to act as a Justice of the Peace, provided he intimates to the Clerk of the Peace for the County in which such Burgh is situated that he and any Partner or Partners in Business with him cease to practise before any Justice of the Peace Court in such County, so long as he continues to hold such Office as aforesaid; and it shall not be lawful for him or them thereafter, and during his Continuance in Office, so to practise.

Act not to supersede Local Acts.

V. Nothing in this Act contained shall be held to supersede the Provisions of any Local Act regulating the Procedure before Magistrates or Justices of the Peace in any Burgh or County.

## C A P. XLIX.

An Act to continue certain Turnpike Acts in *Great Britain*.

[14th July 1856.]

‘ WHEREAS it is expedient to continue for limited Times the Acts herein-after specified:’ Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

All Turnpike Acts which will expire on or before the End of next Session continued to 1st Oct. 1857, &c., with certain Exceptions.

Acts in Schedule to this Act continued till 1st Nov. 1857. Short Title.

Extent of Act.

I. Every Act now in force for regulating, making, amending, or repairing any Turnpike Road in *Great Britain*, which will expire on or before the End of the next Session of Parliament shall be continued until the First Day of *October* One thousand eight hundred and fifty-seven, and to the End of the then next Session of Parliament, except an Act of the Ninth Year of King *George* the Fourth, Chapter Sixty-eight, “for more effectually repairing the Road from *Great Grimsby Haven* to *Wold Newton Church*, and from *Nunns Farm* to the *Mill Field* in the Parish of *Irby*, in the County of *Lincoln*,” and except as herein-after mentioned.

II. The Acts mentioned in the Schedule to this Act annexed shall continue in force until the First Day of *November* One thousand eight hundred and fifty-seven, and no longer, unless Parliament shall in the meantime continue the same respectively.

III. In citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use the Expression “The Annual Turnpike Acts Continuance Act, 1856.”

IV. This Act shall not apply to *Ireland*.

SCHE-

*Turnpike Acts Continuance.*

## SCHEDULE.

- An Act for enlarging the Term and Powers of an Act of His present Majesty, for repairing the Road from the Neat Enstone and Chipping Norton Turnpike Road, through Bicester, to Weston-on-the Green, in the County of Oxford, and for making a new Branch of Road to communicate therewith. 53 G. 3. c. cxxxiii.
- An Act for enlarging the Term and Powers of Two Acts of His present Majesty, for repairing the Road from the Warwick Road near Solihull to the Guide Post in Kenilworth, and from Stonebridge to meet the aforesaid Road at Balsall Common in the County of Warwick, so far as respects the said Road from Stonebridge to Balsall Common, and from thence to the said Town of Kenilworth. 54 G. 3. c. xv.
- An Act for continuing the Term and enlarging the Powers of an Act of the Thirty-third Year of the Reign of His present Majesty, for repairing and widening the Road from Selby Ferry in the Parish of Hemingbrough to the Town of Market Weighton in the East Riding of the County of York. 54 G. 3. c. xxx.
- An Act to continue the Term and alter and enlarge the Powers of Three Acts of His present Majesty, for amending the Road from Besselsleigh through Wantage to Hungerford in the County of Berks, and other Roads in the said Acts mentioned, in the said County and in the County of Wilts. 54 G. 3. c. xlix.
- An Act for amending, widening, and keeping in repair the Road leading from Sturry Street to Herne Bay in the County of Kent. 54 G. 3. c. li.
- An Act for continuing and amending Two Acts of His present Majesty, for repairing the Road from the Guide Post at the West End of the Town of Hampton over Sunbury Common to the Town of Staines in the County of Middlesex. 54 G. 3. c. lix.
- An Act for repairing the Roads from Harrowgate through Ripley and Ripon to Hutton Moor, and from Kirkby Hill Moor to Ripon, in the County of York. 54 G. 3. c. cci.
- An Act for repairing the Road from Haslingden through New Church and Bacup to Todmorden, and for making and maintaining several Branches therefrom, all in the County Palatine of Lancaster. 55 G. 3. c. xiv.
- An Act for more effectually repairing the Road leading from Royston in the County of Hertford to Wandesford Bridge, and from the Town of Huntingdon to Somersham in the County of Huntingdon, so far as respects the Middle Division and separate District of the said Roads. 55 G. 3. c. xxxv.
- An Act to continue the Term and alter and enlarge the Powers of Two Acts of His present Majesty, for amending the Road from the Bottom of Galley Hill to the Cross in Clanfield in the County of Oxford. 55 G. 3. c. xxxvii.
- 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. 55 G. 3. c. xlviii.
- An Act for continuing and amending Three Acts of His late and present Majesty, for repairing the Roads from Brown's Lane in Great Staughton in the County of Huntingdon to the Way Post near Wellingborough Bridge in the County of Northampton, and from the Pound in Kimbolton to the Way Post near Brington Bridge in the said County of Northampton. 59 G. 3. c. xcix.
- An Act for continuing the Term and altering and enlarging the Powers of an Act of His late Majesty's Reign, for amending the Road leading out of the Highway from Wigan to Golborn and Warrington, into the Road from Wigan to Ashton, in Ashton in Mackerfield, in the County Palatine of Lancaster. 1 G. 4. c. xiv.
- An Act for enlarging the Term and Powers of an Act passed in the Thirty-seventh Year of His late Majesty, for repairing the Road from Hulmes Chapel in the County Palatine of Chester, to the South Bridge in Chelford in the said County. 1 G. 4. c. xvii.
- An Act for amending, diverting, altering, straightening, improving, completing, and keeping in repair several Roads leading from the Market House in the Town of Ludlow and elsewhere in the County of Salop. 1 G. 4. c. xxxiii.
- An Act for enlarging the Term and Powers of several Acts of King George the Second and of His late Majesty King George the Third, for repairing the High Road from the Borough of Ripon by Ingram Bank to the Town of Pateley Bridge in the County of York. 1 & 2 G. 4. c. xi.
- An Act to continue the Term and alter and enlarge the Powers of Three Acts, for repairing and widening several Roads leading from the Town of Bewdley in the County of Worcester to the several Places therein mentioned in the Counties of Worcester and Salop respectively. 1 & 2 G. 4. c. lxxxix.
- An Act for amending, widening, altering, and keeping in repair the Road from the upper Part of Leeming Lane in the Town of Mansfield, opposite to the End of Bath Lane, to the Turnpike Road leading from Worksop to Kelham at or near the Corner of Worksop Brecks, all in the County of Nottingham. 3 G. 4. c. xxxvii.
- 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 leading from the City of Canterbury to the Town of Ramsgate in the County of Kent; and for suspending and varying for a further limited Time so much of an Act passed in the Twenty-seventh Year of the Reign of His said late Majesty as relates to the Toll Gate and to the Tolls payable by virtue of the said Act on the Road leading from the said City of Canterbury to the Isle of Thanet in the said County of Kent; and for altering the Line of certain Parts of the said Road. 3 G. 4. c. xxxix.
- An Act for enlarging the Term and Powers of several Acts passed for repairing the Road from the Town of Guldeford to the Directing Post near the Town of Farnham in the County of Surrey. 3 G. 4. c. lxxvii.

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- 3 G. 4. c. lxxviii. An Act for more effectually repairing the South District of the Road from Royston in the County of Hertford to Wandesford Bridge in the County of Huntingdon.
- 3 G. 4. c. lxxxvi. An Act for continuing the Term and altering and enlarging the Powers of several Acts, passed in the Reign of King George the Second and His late Majesty King George the Third, for repairing the Road from Westwood Gate in the County of Bedford, through Rushden and Higham Ferrers, and over Artleborough Bridge, to Barton Seagrave Lane in the County of Northampton.
- 3 G. 4. c. lxxxix. An Act to continue the Term and alter and enlarge the Powers of an Act of His late Majesty King George the Third, for more effectually amending, widening, improving, and keeping in repair several Roads leading from the Hundred House in the County of Worcester, and also several other Roads therein mentioned.
- 4 G. 4. c. xxxi. An Act for repairing and improving the Road from Otley to Skipton in the County of York.
- 5 G. 4. c. xxx. An Act for repairing, improving, and maintaining several Roads leading to and from Cerne Abbas in the County of Dorset.
- 5 G. 4. c. lxxxvii. An Act for more effectually repairing and improving the Road from Wilmslow Bridge in the County of Chester, through Nether Alderley and Congleton, to or near the Red Bull in Church Lawton in the said County.
- 5 G. 4. c. xcvi. An Act for more effectually repairing and improving certain Roads leading to, through, and from the Towns of Langport, Somerton, and Castle Cary, in the County of Somerset, and for making and improving other Roads in the said County.
- 6 G. 4. c. xxvii. An Act for more effectually repairing and improving the Road from Stockport in the County Palatine of Chester to near New Houses in the County of York, and other Roads in the said Counties, and in the County Palatine of Lancaster; and for making and maintaining several new Branches to communicate therewith.
- 6 G. 4. c. lii. An Act for amending and repairing the Turnpike Road leading from the North End of the Town of Rotherham to the East Side of Tankersley Park in the County of York.
- 6 G. 4. c. lxxxvii. An Act for more effectually repairing and improving the Roads from Sheet Bridge to Portsmouth, and from Petersfield to the Alton and Alresford Turnpike Road near Ropley, in the County of Southampton; and for making and maintaining a new Branch of Road to communicate therewith.
- 6 G. 4. c. cxlvi. An Act for amending, repairing, and maintaining the Road from Worksop in the County of Nottingham to the North-east End of Attercliffe in the County of York.
- 7 & 8 G. 4. c. lvii. An Act for more effectually amending and improving the Road from Bawtry Bridge in the County of Nottingham to Hainton in the County of Lincoln, and other Roads therein mentioned.
- 9 G. 4. c. iv. An Act for repairing and improving the Road from Newcastle-under-Lyme to Leek, and several Branch Roads, all in the County of Stafford.
- 9 G. 4. c. xxxii. An Act for more effectually amending, widening, and keeping in repair Two several Districts of Road leading from High Bridges to Uttoxeter, and from the Newcastle Road at Spath, near Uttoxeter, to the Leek Road at or near Hanging Bridge in the County of Stafford.
- 9 G. 4. c. ci. An Act to alter, amend, and enlarge the Powers and Provisions of an Act for making a Turnpike Road from Wells next the Sea to Fakenham in the County of Norfolk, and other Roads connected therewith.
- 1 & 2 W. 4. c. xxxii. An Act for amending certain Roads in the County of Somerset, and for placing them and other Roads under the Care and Management of the Trustees of the Langport, Somerton, and Castle Cary Roads.

## C A P. L.

An Act to enable Parishioners and others, forming a numerous Class, to sell Advowsons held by or in trust for them, and to apply the Proceeds in providing Parsonage Houses, augmenting small Livings, and to other beneficial Purposes; and for giving other Powers to such Persons. [14th July 1856.]

WHEREAS it is expedient to authorize the Sale of Advowsons in Cases where the same are vested in, or in Trustees for, Inhabitants, Ratepayers, Freeholders, or other Persons, forming a numerous Class, and deriving no pecuniary Advantage therefrom, in order that the Monies arising from such Sales may be applied to the Erection, Rebuilding, or Improvement (where necessary) of Parsonage Houses, and to the Augmentation of the Livings (where the same are small), and to other beneficial Purposes as herein-after provided; and that other Powers should be conferred upon such Persons: 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. Unless there be something in the Subject or Context repugnant to or inconsistent with such Construction, the following Words shall have in this Section and elsewhere in this Act the respective Meanings hereby assigned to them; that is to say,

The Word "Advowson" means an Advowson vested in Inhabitants, Ratepayers, Freeholders, or other Persons, forming a numerous Class, or in Trustees appointed by or acting on behalf of such Persons, such

Interpretation  
of certain  
Terms.

*Advowsons.*

such Persons deriving no pecuniary Advantage from the Exercise of such Right, but does not mean an Advowson belonging to any endowed Charity within the Provisions of "The Charitable Trusts Act, 1853," and "The Charitable Trusts Amendment Act, 1855," or either of them :

The Word "Owners" means the Inhabitants, Ratepayers, Freeholders, or other Class of Persons in whom, or in Trustees for whom, an Advowson is vested, such Persons deriving no pecuniary Advantage therefrom :

The Words "existing Trustees" mean the Trustees in whom for the Time being an Advowson is vested, by virtue of any Act of Parliament, Deed, or other Instrument, in trust for or on behalf of such Owners, and includes the Survivors and Survivor of such Trustees :

The Words "elected Trustees" mean the Persons appointed by the Owners under the Provisions of this Act to effect the Sale of an Advowson, and includes the Survivors and Survivor of such Trustees :

The Word "Trustees," without the Addition of the Words "existing" or "elected," includes both Classes of Trustees herein-before defined :

The Word "Incumbent" means the Rector, Vicar, or Perpetual Curate, as the Case may be, of a Church or Ecclesiastical Benefice, the Advowson of which is to be dealt with under this Act, and includes the Officiating Clergyman for the Time being if the Incumbent reside abroad or be incapable of acting.

II. The Owners of an Advowson may direct the Sale of such Advowson ; and the Incumbent for the Time being of the Church or Benefice, if required in Writing by Ten Owners, shall convene a Meeting of the Owners, to be held at some convenient Place near to the Church, for the Purpose of deciding whether or not such Advowson shall be sold ; and every such Meeting shall be called by Public Advertisement, to be inserted once at least in Four consecutive Weeks in some Newspaper circulating in the County and Neighbourhood in which such Church shall be situate, the last of such Insertions being not more than Fourteen nor less than Seven Days prior to any such Meeting, and Notice of such Meeting shall also, not less than Fourteen Days prior to the holding thereof, be affixed upon the Door of such Church.

Power to direct Sale of an Advowson where required by Owners present at a Meeting convened for the Purpose.

III. At the Meeting so called the Incumbent for the Time being (if present) shall be the Chairman, and if he be absent, then One of the Owners present, being appointed by the other Owners present, shall be the Chairman, and the Decision of the Majority of the Owners then present shall bind the Minority and all absent Parties.

Majority of Owners present to bind Minority.

IV. Such Meeting shall consider and determine the Question whether the Advowson shall be sold, and if that Question be resolved in the Affirmative, the existing Trustees (if such there be) shall be the Persons to execute the Purposes of this Act ; but if there be no existing Trustees, the Owners shall proceed to appoint at that Meeting, or at some Adjournment thereof, not less than Five nor more than Eleven Persons, being Owners, to be "elected Trustees" for the Purposes of this Act, and the Incumbent for the Time being shall be *ex officio* an "elected Trustee" in addition to the Trustees so appointed.

Meeting to decide Question of Sale, &c.

V. A Certificate under the Hands of Two Justices (not being themselves Owners) having Jurisdiction in the Parish, Township, District, or Place within which the Church or Benefice in question is situate, certifying that the Consent of the Owners to a Sale of the Advowson has been duly obtained, and (in those Cases where it is necessary that "elected Trustees" be appointed) containing the Names, Residences, and Description of the "elected Trustees," shall be sufficient Evidence of such Consent and of such Appointment, and any Two Justices having Jurisdiction as aforesaid are hereby authorized and required, on Application to them made, and on being duly satisfied of the Truth of the Facts, to certify accordingly.

Certificate by Two Justices of Consent of Owners, and of Names of "elected Trustees" (if any), to be sufficient Evidence.

VI. Immediately upon the Grant of such Certificate the Advowson shall become absolutely vested in the Trustees for the Purpose of effecting such Sale, freed from all the Uses, Trusts, and Declarations for the Benefit of or otherwise relating to the Owners then affecting the same, but subject to the Right, Title, Estate, or Interest (if any) of every other Person therein ; and the Trustees shall, as soon thereafter as conveniently may be, sell the Advowson by Public Auction or by Private Contract, and subject to any special Conditions, as to them shall seem expedient, and may buy in the same at any Auction, and re-sell the same by Public Auction or by Private Contract, without being answerable for any Loss which may happen by such Re-sale, and shall have full Discretion in the Premises, and may execute and do all Contracts, Deeds, and other Acts necessary for effecting such Sale.

If determined to sell Advowson, the same to become absolutely vested in Trustees, and Trustees to proceed to a Sale.

VII. Any Conveyance of an Advowson in pursuance of this Act shall be by Deed (duly stamped) under the Hands and Seals of any Three of the Trustees, in which the Consideration shall be truly stated.

As to Conveyance of the Advowson.

VIII. The Receipt in Writing of Three of the Trustees for any Money paid to them by a Purchaser of the Advowson shall be an effectual Discharge to such Purchaser for the Sum which in such Receipt shall be acknowledged to be received, and such Purchaser shall not be obliged to see to the Distribution of such Money, or be otherwise answerable or accountable for the Loss, Misapplication, or Nonapplication thereof.

Receipts of Trustees to be sufficient Discharges.

IX. The

*Advowsons.*

Application of  
Monies.

IX. The Monies to be received by the Trustees from or by means of such Sale shall be applied by them in the following Order :

- 1st. In Payment of the Costs, Charges, and Expenses occasioned by any Meeting of Owners as aforesaid, and by the Execution of the Powers by this Act conferred upon the Trustees, or incident thereto, respectively :
- 2d. If there be no Parsonage House attached to the Advowson so sold, or if the Parsonage House attached thereto be dilapidated or insufficient, then in Payment of the Expense of erecting a Parsonage House, and of providing a Site for the same, or in the Reconstruction or Repair of the existing Parsonage House, or in making any requisite Additions thereto, as the Circumstances of the Case may require :
- 3d. If the Living be under the gross yearly Value of One hundred and fifty Pounds, then in investing a Sum sufficient to produce an annual Income which, together with the existing annual Income, will raise the yearly Value of the Living (exclusive of the Parsonage House) to not exceeding One hundred and fifty Pounds *per Annum* :
- 4th. If the Fabric of the Church be in such a State as to require immediate Repair, then in the Expenditure upon the Fabric of a Sum sufficient to place the same in sufficient Repair :
- 5th. In the Investment of a Sum the annual Income whereof will, in the Opinion of the Trustees, be sufficient to maintain the Fabric of the Church in complete Repair :
- 6th. In the Erection of Schools in connexion with the Church, or of a Chapel of Ease in the Parish, Township, Ecclesiastical District, or Place in which such Church is situate, or of a Parsonage House to a Chapel of Ease, or in providing a Site for a Chapel of Ease or Parsonage House, or in the Endowment of a Chapel of Ease, or in contributing to such Objects or any of them, as the Trustees may in their Discretion see fit :
- 7th. If there be no such Purposes to which such Monies are applicable, or if there be a Surplus of such Monies after answering such Purposes, then such Monies, or the Surplus thereof, as the Case may be, shall be invested, and the annual Income thereof shall be applied, in aid of the Rates levied for the Relief of the Poor of the Parish, Township, or Place in which the Church is situate, or in aid of any Improvement Rate levied therein :

Provided always, that the Owners at any Meeting convened and held in manner herein-before provided may determine that any One or more of the Objects mentioned in the Fifth, Sixth, and Seventh Heads of Application respectively shall have Priority over any other Object mentioned in those Heads.

As to investing  
of Monies.

X. The Trustees shall from Time to Time invest any Monies by this Act directed to be invested by them in the Purchase of any Government or Bank of *England* or *East India* Company's Stock or Securities, or on Mortgage of Freehold or Copyhold Lands in *England* or *Wales*, or in the Mortgages or Bonds of any Company incorporated by special Act of Parliament, as they may deem fit.

Resolutions  
of Trustees.

XI. The Concurrence of Two Thirds at least of the whole Number of Trustees shall be necessary to give effect to any Resolution of the Trustees, and every Resolution of the Trustees in which that Number shall concur shall be binding upon the other Trustees and upon the Owners on whose Behalf such Trustees are authorized to act.

For supplying  
Vacancies in  
the Number of  
Trustees.

XII. If any of the Trustees, before the complete Execution of the Trusts by this Act devolved upon them, should become incapable or unwilling to act, or reside abroad, the Vacancies may, in the Case of existing Trustees, be supplied in the Manner provided by the Act of Parliament, Deed, or Instrument regulating their Proceedings ; and in the Case of elected Trustees the Vacancies may be supplied by the Owners at any Meeting convened and held in manner herein-before provided with respect to the convening and holding of a Meeting of Owners for the Purpose of consenting to the Sale of an Advowson ; and a Certificate of Two such Justices as aforesaid, and which such Justices, on being satisfied of the Truth of the Facts, are hereby authorized and required to grant, that such Vacancies have been supplied, and containing the Names, Residences, and Descriptions of the new Trustees, shall be conclusive Evidence of the Facts, and thereupon such new Trustees shall have the same Property, Rights, and Powers in and with respect to the Advowson as the Trustees in whose Place they were appointed.

Trustees not to  
be accountable  
for involuntary  
Losses.

XIII. Trustees acting by virtue of this Act shall not be answerable or accountable for the Acts, Neglects, or Defaults of any Co-Trustee, or for any Agent or Banker appointed by the Trustees, or for any Loss, except such as shall happen through their own wilful Act, Negligence, or Default.

Vacancies in  
the Incumbency  
before Sale to  
be filled up.

XIV. In case of the Death, Cession, or Resignation of any Incumbent of a Benefice after the Owners shall have directed the Advowson of such Benefice to be sold, but before the Sale shall have been effected, then the Persons in whom the Right of Presentation and Nomination would but for this Act have been vested shall (under and subject to the Conditions under which such Right would but for this Act have been exercised) present and nominate a Person to such Benefice as if this Act had not been passed.

Owners may  
consent to ad-  
vance of Money  
for Purposes

XV. The Owners of an Advowson, at a Meeting convened and held in manner herein-before provided with respect to the convening and holding of a Meeting of Owners for the Purpose of consenting to the Sale of an Advowson, may consent to the borrowing of Money from "The Governors of the

" Bounty



*Advowsons. Distillation from Rice. Militia Ballots Suspension. Endowed School at Moulton.*

“Bounty of Queen *Anne* for the Augmentation of the Maintenance of the Poor Clergy,” or from any other Society or Persons, for the Purposes authorized by the Acts of the Seventeenth Year of King *George* the Third, Chapter Fifty-three, the Twenty-first Year of King *George* the Third, Chapter Sixty-six, the Seventh Year of King *George* the Fourth, Chapter sixty-six, and the First and Second Years of Queen *Victoria*, Chapter Twenty-three, as fully and effectually as any Patron absolutely entitled to an Advowson not within the Provisions of this Act may lawfully do.

authorized by  
17 G. 3. c. 53.,  
21 G. 3. c. 66.,  
7 G. 4. c. 66.,  
and 1 & 2 Vict.  
c. 23.

XVI. The Certificate of Two such Justices as aforesaid, which they are hereby authorized and required to grant on being satisfied of the Truth of the Fact, that such Consent has been duly given, shall be conclusive Evidence of the Fact, and such Certificate shall, for all Purposes whatever, be deemed the Consent of the Patron within the Meaning of those Acts.

Certificate of  
Justices Evi-  
dence of Con-  
sent.

XVII. This Act shall extend only to *England* and *Wales*.

Extent of Act.

### C A P. LI.

An Act to permit the Use of Rice in the Distillation of Spirits. [14th July 1856.]

‘WHEREAS under and by virtue of the Laws now in force relating to the Distillation of Spirits licensed Distillers may lawfully make or brew Worts or Wash and distil Spirits from Malt, Corn, or Grain, or any Mixture thereof, or from Potatoes only, or from Mangel Wurzel only, or from Sugar, Molasses, or Treacle, or any Mixture thereof, either alone or with Malt, Corn, or Grain: And whereas it is expedient to permit the Distillation of Spirits from Rice, or from any Mixture of all or any of the Articles or Materials aforesaid with or without Rice:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. From and after the passing of this Act it shall be lawful for any licensed Distiller in any Part of the United Kingdom to make or brew Worts or Wash and to distil Spirits from Rice, or from any of the several Articles or Materials aforesaid, or from any Mixture of all or any of the same, with or without Rice, anything contained in any former Act or Acts to the contrary notwithstanding.

Power to distil  
Spirits from  
Rice, &c.

II. Provided always, That where Sugar mixed with all or any of the other Materials aforesaid shall be used in the Distillation of Spirits, the Distiller shall be chargeable and charged with the Duty on Spirits in respect of such Sugar in the Manner and after the Rate or Proportion specified in the Third Section of the Act passed in the Eleventh and Twelfth Years of Her Majesty’s Reign, Chapter One hundred, with regard to Sugar used with any Mixture of Grain, Molasses, and Treacle.

How Duty to  
be charged in  
respect of Sugar  
used with other  
Materials.

### C A P. LII.

An Act to suspend the making of Lists and the Ballots for the Militia of the United Kingdom.

[14th July 1856.]

[This Act is the same, except as to Dates, as 18 & 19 Vict. c. 106.]

### C A P. LIII.

An Act for confirming a Scheme of the Charity Commissioners for the Endowed School at Moulton in the County of Lincoln. [14th July 1856.]

‘WHEREAS the Charity Commissioners for *England* and *Wales*, in their Report to Her Majesty of their Proceedings during the Year One thousand eight hundred and fifty-five, have reported that they have provisionally approved and certified (among other Schemes for the Application and Management of Charities) a Scheme for the Endowed School at Moulton in the County of Lincoln founded by the Will of *John Harrox*, and such Scheme is set out in the Appendix to the said Report, and is also set out in the Schedule to this Act: And whereas it is expedient that the said Scheme should be confirmed:’ 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:

3d Report,  
dated 28th Feb.  
1856.

I. The said Scheme shall be confirmed and take effect.

Scheme con-  
firmed.

## SCHEDULE.

### SCHEME.

#### AS TO GENERAL MANAGEMENT.

1. The existing incorporation of the above-mentioned school, by the name of “The Preceptor or Master of the Free School of John Harrox in Moulton,” or by any other name, is hereby dissolved, and the charity, and the estates and property thereof, shall from and after the establishment of this scheme be under the management and control of governors, to be called “The Governors of the Moulton Endowed Schools.” The full number of Governors shall be twelve, of whom the Vicar of Moulton,

Corporation  
dissolved, and  
charity estate  
vested in  
governors.

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the Vicar of Whaplode, the Rector of Fleet, and the Vicar of Weston respectively for the time being shall by virtue of their respective offices always be four; and in the first instance the following persons shall be the other eight governors; that is to say, John Tatam of Moulton aforesaid, Esquire; Robert King of the same place, Gentleman; Robert Everard of Fulney House, Spalding, in the same county, Esquire; (being the three present non-official trustees of the charity;) and the Right Honourable Sir John Trollope of Casewick House near Stamford in the same county, Baronet; John Richard Carter of Spalding in the same county, Esquire; Joseph Chamberlain Barker of Holbeach, Esquire; Thomas Cammack of Spalding aforesaid, Esquire, M.D.; and Matthew Clark of Goddard's Hall, Moulton, Esquire.

Succession of governors.

2. The death, resignation, bankruptcy, insolvency, or removal from residence in the county of Lincoln of any non-official governor, or his refusal or incapacity to act, or neglect for a period of two consecutive years to attend any meeting of the governors, shall respectively create a vacancy in the office of such governor; and as soon as conveniently may be after the occurrence of any such vacancy, the remaining governors for the time being shall appoint some fit and proper person resident within the said county of Lincoln to fill such vacancy, so as to keep up the full number of eight non-official governors.

Appointment of future governors.

3. Every appointment of a governor shall be made at some general or special meeting of the governors for the time being, and shall be forthwith notified by the chairman of the meeting or the clerk to the Charity Commissioners for England and Wales; and no such appointment shall be valid until approved by an order under the official seal of the said commissioners; and a minute or memorandum of every such appointment, when so approved, and of the order of the said commissioners approving thereof, shall be entered in the minute book kept for recording the proceedings of the governors, at the first meeting after the receipt of such order, and shall be signed by the chairman at such meeting; and such minute or memorandum shall be sufficient evidence of the appointment to which it relates.

The governors for the time being during any vacancy or vacancies in the governing body shall be competent to exercise all the authorities hereby vested in the governors.

Charity estate vested in governors for the time being.

4. All the real estate, of whatever tenure, now vested in the said corporation, or belonging to or held in trust for the charity, and all rights and privileges belonging to or held in trust for the charity, (subject to any subsisting leases thereof and charges thereon,) and the full benefit of all subsisting covenants, conditions, and securities made or entered into with or reserved to the said corporation, or any person or persons in trust for or for the benefit of the charity, and all the personal estate belonging to the charity, and the right to sue for and recover all choses in action recoverable for the benefit thereof, shall be immediately and shall from time to time vest and continue vested in "The Governors of Moulton Endowed School" for the time being, for the purposes and according to the provisions of this scheme, without any conveyance, assignment, surrender, or assurance; and the right to sue upon or enforce all or any covenants, conditions, or securities made, reserved, or contracted to or with the said corporation before its dissolution, or to or with any preceding governors of the said charity, shall be exercisable in the name of "The Governors of Moulton Endowed School," as fully and effectually as the same right might be exercised by such corporation if not dissolved, or by such preceding governors if still retaining their office; and in the same manner all contracts and liabilities of the said corporation before its dissolution, or of any preceding governors for the time being of the said charity, may be enforced against the governors thereof for the time being to the extent of the property or assets of the charity, but not against their private estates.

Copyholds.

5. The copyhold lands and hereditaments belonging to or held in trust for the charity may be enfranchised by the governors, with the consent of the person or respective persons who shall for the time being be in the actual possession or enjoyment of the manor or respective manors of which the same lands and hereditaments respectively shall be held, upon such terms and conditions as shall be approved by the Charity Commissioners for England and Wales; and in the meantime, and until such enfranchisement shall be effected, the lords or owners for the time being of the respective manors of which the same lands and hereditaments respectively shall be held shall be entitled to the same fines, rents, services, and other benefits (if any) in respect of such lands and hereditaments, as they respectively would or might have been legally entitled to if this scheme had not been established.

Houses and buildings to be kept repaired and insured by governors.

6. The schoolhouses and masters' residences, with the buildings attached thereto respectively, and the other houses and buildings belonging to the charity, (which shall not be kept repaired and insured by the tenants thereof under any covenant or agreement in that behalf,) shall be kept repaired and insured by the governors out of the income of the charity.

Governors to let and manage the property.

7. The governors shall have the control and management of the charity property, and shall let the same (with the exception of the schoolhouses and premises) at the best annual rents, provided that no lease of the charity property or any part thereof be granted in reversion or for a longer term than fourteen years, without the sanction of the Charity Commissioners for England and Wales, and that every such lease shall contain covenants by the lessees for the payment of rent, the repair and insurance of the houses and buildings comprised in such lease, a proviso for re-entry on nonpayment of rent or non-performance of the covenants, and all other usual and proper covenants applicable to the property comprised in the lease. No governor shall, either directly or indirectly, become a tenant or occupier of the charity estate or any part thereof, for his own benefit or for the benefit of any other person.

8. Leases

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8. Leases and other deeds and instruments for the letting or disposition of the charity estate or any part thereof may be executed and made by any five of the governors for the time being on behalf and as the act of the whole of them, according to any order of the governors made at any meeting, and shall have the same effect as if executed by all the said governors; and the recital of any such order contained in any deed or instrument by which any such lease or other disposition shall be effected shall be *prima facie* evidence thereof.

Leases to be executed and actions brought by any five governors.

9. The governors shall appoint some four of their number to be the persons into whose names any sums of stock to be purchased from time to time in trust for the charity shall be transferred, and who shall be called the "Stock Committee;" and as often as the number of the Stock Committee shall be reduced by vacancies to two, two other governors shall be appointed in like manner, into whose names the stock shall be transferred jointly with those of the two continuing members of such Stock Committee.

Stock committee.

10. The governors shall appoint a clerk and a receiver, who respectively shall be removable by them when and as they may think fit. The offices of clerk and receiver may be combined in one person. A master or assistant master of the Lower School may be appointed as clerk, but not as receiver. The governors may pay or allow to the clerk and receiver respectively, out of the income of the charity, such reasonable salary or remuneration as they may from time to time appoint. Any one of the governors may be appointed to execute the offices of clerk and receiver, or either of them, gratuitously. The receiver shall, unless he be one of the governors, give such security, before entering upon his office, as the governors shall direct.

Clerk and receiver.

11. The duties of the clerk shall be to attend the governors at their meetings, to attend and give information to any committees appointed by the governors, to enter the minutes of the proceedings at meetings of the governors, to keep the accounts of the charity, and to prepare and send such statements thereof as the governors are bound to furnish under "The Charitable Trusts Act, 1853," or otherwise; to preserve, subject to the directions of the governors, all vouchers for payments on behalf of the charity; to make-out annually a detailed account and statement of the receipts and payments in respect of the charity, and of its assets and liabilities (if any), which shall be vouched and passed before the governors at their first general meeting after Christmas Day; and to perform all such duties in respect of the charity and to the management thereof as the governors shall direct.

Duties of clerk

12. The receiver, subject to the control and direction of the governors, shall exercise a general supervision over the charity property and the lessees thereof, and shall collect and receive the rents and income, and shall submit to the governors annually a report showing the state and condition of the charity estate, and shall perform all such other duties and acts appertaining to the office of receiver in respect of the charity and its property, and the management thereof, as the governors shall direct.

Duties of receiver.

13. Notice in writing of every meeting, whether general, special, or adjourned, shall be delivered or sent by the clerk to each governor at his residence three clear days at the least previously to such meeting; and such notice shall specify the place and the day and hour for holding the meeting.

Notice of meetings.

14. The governors shall hold not less than four general meetings in each year for transacting the business of the charity. And such meetings shall be held on the Thursday fortnight after Lady Day, Midsummer Day, Michaelmas Day, and Christmas Day respectively. But the governors shall have power from time to time to appoint some other day within thirty days next after any of the respective quarter days aforesaid for holding the then next quarterly meeting. The meetings shall be held in the schoolhouse, or in some other convenient place in the parish of Moulton, to be determined from time to time by the governors.

General meetings.

15. If circumstances require it, any two or more of the governors for the time being may send a requisition to the clerk calling a special meeting; and the clerk shall, upon the receipt of such requisition, give notice in writing to each of the governors of the time, place, and object of such meeting; and no business shall be transacted at any special meeting which shall not be specified or sufficiently indicated in the notice.

Special meetings.

16. Five governors shall form a quorum at any meeting, and so soon after the time fixed for the holding of any meeting as a sufficient number of governors shall be present to form a quorum, they shall proceed to elect a chairman from amongst the governors then present, and in the event of an equality of votes on the election of chairman the choice between the two persons proposed shall be determined by lot. The act and proceedings of a majority of governors present at any meeting properly held shall be binding on the whole body, but such acts and proceedings or any of them may be revoked or altered from time to time, wholly or partially, by the governors, or the majority of them, at any subsequent meeting. The chairman of every meeting shall, in the event of an equality of votes, have, in addition to his original vote, a second or casting vote.

Quorum of meetings.

Majority of votes to be binding.

17. If after the space of one hour from the time appointed for holding any meeting a sufficient number of governors shall not be in attendance to form a quorum, the governors, or any one or more of them present, or the clerk, if no governor be present, may adjourn the meeting to a subsequent day. Any meeting may also be adjourned at any time by the chairman upon a resolution for adjournment being adopted at such meeting.

Adjournment of meetings.

18. The governors may at any meeting appoint three or more of their body as a committee for the purpose of making any inquiry, or superintending or performing any specific act or duty which in the

Appointment of a committee.

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judgment of the governors may be more conveniently referred to such committee; but the acts and proceedings of such committee shall be reported to the governors from time to time at the then next general meeting.

**Application of income.**

1. Interest on existing mortgage debt.
2. Interest on money to be raised for purpose of scheme.
3. Retiring pension to late master.
4. Salary of master of Upper School;
5. Of master of Lower School.
6. Stipends of assistant masters, &c.
7. Expense of examination and prizes.
8. Surplus income.

19. The governors shall apply the clear yearly income of the charity (which shall remain after providing for and defraying thereout the expense of repairing and keeping insured the houses and buildings belonging to the charity, the salaries of the clerk and receiver, and the other current and proper expenses of management, and of executing the trust in pursuance of this scheme,) in manner following:—

Firstly, In providing for the interest payable in respect of the principal mortgage debt with which the charity property now stands charged.

Secondly, In providing for the interest or annuity, and the instalments of principal in respect of the sum or sums (if any) to be raised for providing, building, altering, and fitting up the school buildings and premises as herein-after mentioned.

Thirdly, In paying to the Reverend Charles Moore, late master of the school, (who has consented to retire upon the annuity herein-after mentioned being secured to him,) an annuity of one hundred pounds during his natural life, by half-yearly payments, on the sixth day of April and the eleventh day of October in each year, the first of such half-yearly payments to be made on the eleventh day of October one thousand eight hundred and fifty-six.

Fourthly, In paying to the master of the Upper School the annual stipend herein-after mentioned.

Fifthly, In paying to the master of the Lower School the annual stipend herein-after also mentioned.

Sixthly, In paying the respective stipends of the assistant masters and teachers (if any) to be appointed for the Upper and Lower Schools respectively under the provisions of this scheme.

Seventhly, In paying the expense of the annual examinations at the said schools respectively, and of the prizes (if any) to be awarded thereat.

Eighthly, Any surplus income of the charity which shall remain after providing for the several payments aforesaid shall be invested periodically by the governors in the three pounds per cent. consolidated annuities, and the dividends thereon shall be invested from time to time in like manner, so as to form an "accumulation fund" of the amount and for the purposes herein-after mentioned; and, subject to the formation and continuance of such accumulation fund, such surplus income shall be applied by the governors in increasing the salaries of the masters or assistant masters of the schools respectively or otherwise for the benefit of the said schools or either of them, or to such other educational purposes for the benefit of the parish of Moulton and its vicinity as the governors shall, with the sanction of the Charity Commissioners for England and Wales, think fit. All proper expenses which shall have been incurred by the said late master or the present overseers or trustees in continuing the management of the charity or the conduct of the school up to the time when this scheme comes into actual operation shall be defrayed and paid by the governors out of the income of the charity.

**Accumulation Fund.**

20. The full amount of the "Accumulation Fund" to be raised and formed under the foregoing provision shall be one thousand pounds three pounds per cent. consolidated annuities, and no more. And such "Accumulation Fund" shall be applied by the governors, when and as it amounts to a suitable sum, and either before or after it reaches the said amount of one thousand pounds, in or towards the discharge (subject to the provision herein-after contained) of the said principal mortgage debt now charged on the charity estate, or of any principal debt to be hereafter borrowed by the governors on the security of the same estate under the provisions of this scheme, or, with the sanction of the Board of Charity Commissioners, in defraying the expense of any extraordinary repairs or additions to the buildings or other improvements of the charity estate or any part thereof. But the amount (if any) to be taken from time to time from the "Accumulation Fund" for any of the above purposes shall be replaced out of the annual surplus income of the charity, so as to keep up the same fund as far as possible to the aforesaid full amount of one thousand pounds. Subject to the foregoing provisions, whenever the "Accumulation Fund" shall be at the said full amount of one thousand pounds the dividends and annual income thereof shall be applied by the governors in or towards the expense of the ordinary repairs of the charity estate, and subject thereto shall be applicable as part of the surplus income of the charity.

No payment shall be made by the governors out of the "Accumulation Fund" in or towards the discharge of the aforesaid subsisting mortgage debt during the continuance of the annuity of one hundred pounds payable to the said Reverend Charles Moore during his life under this scheme, unless such payment shall be required by the mortgagees.

**Additions and alterations in school buildings.**

21. The governors, with the sanction of the Charity Commissioners for England and Wales, may make all requisite or proper alterations in, or additions to, the master's house and other buildings, and may provide other houses or buildings, (if requisite for the purposes of the schools or either of them,) and may fit up the same respectively with the necessary fittings and apparatus for carrying on such schools, and may appropriate and lay out a suitable piece or pieces of the charity land as a playground or playgrounds for the use of the boys at such schools respectively; and the governors shall be at liberty, under

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under the direction of the said commissioners, to raise on mortgage, or by way of annuity, upon the security of the whole or any part of the charity estate (except the schoolhouse and school buildings and premises), such sum or sums of money as may be necessary or proper for the foregoing purposes or any of them; and in the event of any sum being so raised on mortgage, the governors shall, out of the income of the charity, set aside annually, and vest in aid of the Accumulation Fund aforesaid, a sum of money equal to one thirtieth part at the least of the principal to be so raised.

Power to raise money.

22. The governors shall cause a proper minute book to be provided and kept, wherein shall be entered the names of the governors attending each meeting, and minutes of all proceedings at the meetings, the reports of committees, and all other transactions of the governors relating to the charity. The minutes of the proceedings at each meeting shall be signed by the chairman thereof.

Minutes of meetings.

23. The governors shall also cause proper account books to be provided and kept, wherein shall be regularly entered an account of the receipts and payments on behalf of the charity, and such other particulars as the governors shall direct. The year's account shall be examined, vouched, and audited annually at the first general meeting of the governors after Christmas Day, or at some adjournment thereof, and shall be signed by the chairman, and at least two of the other governors present at such meeting.

Accounts.

24. All cheques and orders for the payment of money shall be signed by the chairman at some meeting of the governors, and by one at least of the other governors present at such meeting, and shall be countersigned by the clerk or by the governor (if any) filling that office.

Cheques, &amp;c.

25. The governors may appoint a banker for the purposes of the trust, and may change such banker whenever they shall think fit.

Banker.

26. The governors shall cause to be provided and kept, in some suitable place, a box or safe, with a secure lock, wherein shall be deposited the deeds, vouchers, account books, and documents belonging to the charity, with a list thereof; and the contents of such box shall be examined by the governors at some meeting at least once in each year, and such box shall be kept locked.

Custody of documents.

27. This scheme shall be printed, and a copy given to every person who shall become a governor of the charity, and to every master and assistant master of the respective schools.

Scheme to be printed.

28. Upon application made by the governors to the Board of Charity Commissioners for England and Wales, any of the provisions of this scheme respecting the management of the charity, or the schools hereafter established, or either of them, which shall be found inconvenient or objectionable, may be modified or altered by an order of the said Board, provided that no alteration be made which shall be inconsistent with the main objects and provisions of this scheme.

Alteration of scheme.

29. A copy of this scheme shall be kept with the books of account and other documents belonging to the charity, and all persons interested in the charity shall be at liberty to take copies of this scheme or any part thereof, (upon making an application for that purpose to the governors,) at such times and subject to such reasonable conditions as may be prescribed by the governors.

Copies of scheme may be taken.

30. If any doubt or question shall arise amongst the governors, or any of them, as to the construction or proper application of any of the provisions of this scheme, or the management of the charity, application may be made by the governors to the Charity Commissioners for England and Wales, for their opinion and advice thereon, which, when given, shall be conclusive on the governors.

Doubts or disputes to be decided by Charity Commissioners.

31. In this scheme the following expressions, whenever used, shall respectively have the following meaning and effect; that is to say, the expression "the charity" shall mean the Moulton Endowed Schools established and regulated by this scheme.

Interpretation.

The expression "the governors" shall mean the governors of the Moulton Endowed Schools appointed and to be hereafter appointed as provided by this scheme.

The expression "the schools" shall mean the Moulton Endowed Schools as established by this scheme.

## AS TO THE UPPER SCHOOL.

32. The Upper School shall be carried on in the house and buildings hitherto used or appropriated as the residence for the master of the school, subject and according to the provisions of this scheme; and the said house and buildings may, if necessary, be altered, added to, adapted, and fitted up by the governors for the purposes of the school, in accordance with the provisions herein-before contained for that purpose.

Schoolhouse.

33. The first master shall be elected and appointed by the governors at a meeting to be held for that purpose as soon as conveniently may be after the establishment of this scheme; and in case of any vacancy in the mastership by the death, resignation, or removal of such master, or of any future master, the governors shall elect and appoint a new master at some meeting to be specially called for the purpose as soon as conveniently may be after the occurrence of the vacancy. The master shall be a member of the Church of England, and a graduate of one of the Universities of Oxford, Cambridge, Durham, or Dublin; and for the purpose of obtaining an efficient master the trustees shall, previously to such election, advertise in such newspapers, and receive such testimonials of candidates, as they may deem expedient.

Appointment and qualification of master.

34. The master shall be paid out of the income of the charity a fixed annual stipend of one hundred and fifty pounds, by half-yearly payments; and any master who shall die, resign, or be removed under

Stipend to master.

the

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the provisions of this scheme, shall be entitled to a due proportion of his stipend, and of the portion of capitation fees payable to the master under the provisions of this scheme, from the previous half-yearly day of payment thereof up to the day of his death, resignation, or removal.

Master to reside.

35. The master shall reside in and occupy the dwelling house and premises attached to the school, and not elsewhere; and he shall have the occupation and use of such house and premises in respect of his official character and duties, and not as tenant, and shall, if removed from his office, deliver up possession of the said house and premises, at such time and to such person or persons as the governors may direct.

Master not to underlet residence.

36. The master shall not underlet, or permit any person except himself and family, and the boarders to be taken by him under this scheme, to occupy the dwelling house and premises appropriated to him as a residence, or any part thereof.

Master not to have other employment.

37. The master shall give his personal attention to the duties of the school; and shall devote his time exclusively thereto; and during his tenure of office he shall not accept or hold any benefice having the cure of souls, or any office or appointment which, in the opinion of the Governors, may interfere with the proper performance of his school duties.

Master not to receive other than authorized fees.

38. Neither the master, nor any assistant master, shall receive or demand from any boy in the school, or from any person whomsoever on behalf of any such boy, any gratuity, fee, or payment, other than as is prescribed or authorized by this scheme.

Boarders.

39. The master shall be at liberty to receive in his official residence such a number of boys as boarders as the governors, having regard to the extent of accommodation and the interests of the school, may from time to time authorize or direct; but such boarders shall be instructed in the school in common with the other boys, without any distinction whatever. The scale of payments and other terms upon which boarders may be received by the master shall be authorized by the governors in the first instance, and shall be subject to revision by them, if and when they shall think fit.

Removal of master.

40. The master shall be liable to be removed from his office by the governors for any sufficient cause; and for the purpose of such removal a special meeting of the governors shall be called by notice upon a requisition to the clerk, signed by three at least of the governors; and if a resolution for the removal of the master shall be carried at such meeting by at least two thirds of the governors present, it shall be entered on the minutes, and signed by such of the governors as vote for the same; and the same resolution shall, after the interval of at least one calendar month, be submitted to another similar meeting duly called by notice, and if the same be confirmed by two thirds of the governors present at such last-mentioned meeting, such confirmation shall also be entered on the minutes; and a copy of such resolution and confirmation shall, within one week after the holding of such last-mentioned meeting, be forwarded by the governors or their clerk to the Charity Commissioners for England and Wales; and if the said Commissioners shall, by an order under their seal, signify their approval of such resolution, the master shall be considered as removed on the day of such approval, and his office shall be vacant on and from that day.

Declaration to be signed by master.

41. Every master, previously to entering into office, shall be required to sign a declaration, to be entered in the minute book of the governors, in the following form:—

“ I, \_\_\_\_\_, declare that I will always, to the best of my ability, discharge the duties of master of the Upper School at Moulton, during my tenure of the office, according to the provisions of the scheme for the regulation thereof, and that in case I shall be removed from the mastership by the governors, according to the provisions of the same scheme, I will acquiesce in such removal, and will thereupon relinquish all claim to the mastership and its future emoluments, and will deliver up possession of the school and school residence to the governors.”

Appointment of assistant master.

42. When in the judgment of the governors the assistance of an additional master shall be required, and the funds of the charity shall be sufficient for the purpose, the governors may appoint some proper qualified person as assistant master of the school, and may also from time to time appoint some suitable person to succeed to any vacancy in the office of assistant master. Every assistant master shall be a member of the Church of England, qualified to give instruction in the various branches of education to be provided at the school; and for the purpose of obtaining an efficient assistant master, the governors shall, previously to such election, advertise in such newspapers, and receive such testimonials of candidates, as they may deem expedient.

Removal of assistant master.

43. The assistant master shall hold office during the pleasure of the governors, who may remove him from his office, by a resolution passed for that purpose, at any meeting, either with or without assigning a cause for such removal.

Stipend of assistant master.

44. The assistant master shall be paid out of the income of the charity such an annual stipend as the governors may think fit, not exceeding the annual sum of 80*l.* Any assistant master who shall be removed by the governors for cause assigned shall be entitled to a proportionate part of his stipend, and of the fees payable to the assistant master under this scheme, up to the day of his removal; but any assistant master who shall be removed without cause assigned shall be entitled to a quarter's notice, and to receive his stipend and proportion of fees up to the expiration of such notice, or shall, in lieu of notice, at the option of the governors, be paid a sum equivalent to a quarter's stipend and a quarter's proportion of fees.

45. When-

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45. Whenever circumstances require it, and the income of the charity shall be sufficient for the purpose, the governors may appoint an additional teacher or teachers for the purposes of the school, and may pay to every such teacher such salary or stipend, not exceeding the annual sum of eighty pounds, as they shall see fit. Every such teacher shall hold office during the pleasure of the governors, and may be displaced by them at any time, with or without notice, as they shall see fit.

Additional teachers.

46. The instruction to be afforded in the school shall comprise the principles of the Christian religion, the Greek, Latin, French, and German languages and literature, elementary instruction in the sciences applicable to the practical arts, land surveying, drawing, and designing, mathematics, algebra, arithmetic, book and account keeping, general English literature and composition, sacred and profane history, geography and writing, and such other subjects of instruction as the governors may from time to time authorize or direct, with a view to providing a sound religious, moral, and useful education. But it shall be in the discretion of the governors to defer any portion of the instruction herein-before specified which the funds for the school for the time being shall be insufficient to provide.

Instruction.

The school may be divided into such departments or sections for the purposes of the instruction to be given thereat as the governors may from time to time direct.

47. Religious instruction shall be given by the master at such times as he shall think best by reading and explaining the Holy Scriptures to all the boys; and instruction in the liturgy and catechism of the Church of England shall also be given by the master in like manner to all the boys, except those whose parents, or persons standing in loco parentis, (being respectively persons not in communion with that Church,) shall state in writing to the governor or the master that they object to such last-mentioned instruction upon conscientious grounds.

Religious instruction.

48. Suitable prayers taken from the liturgy of the Church of England shall be read by the master every morning and evening in the school.

Prayers in school.

49. The boys, accompanied by the master, shall attend Divine Service at the parish church of Moulton regularly on Sundays, with the exception of those boys (if any) whose parents, or persons standing in loco parentis, (being respectively persons not in communion with the Church of England,) shall state in writing to the governors or the master that they object to such attendance upon conscientious grounds, and in such cases the master shall take care as far as possible that all such boys shall regularly attend some other place of religious public worship on Sundays.

Attendance at church.

50. All boys residing in the wapentake of Elloe, of the age of eight years and upwards, being of good character, and able to read and write, (unless unfitted by infectious disorder or other sufficient cause,) shall, to the extent and capacity of the school, be qualified for admission thereto and entitled to partake of all the benefits and advantages thereof, on payment of such sums as by this scheme are provided, but no boy shall be entitled to remain in the said school after he shall have attained the age of nineteen years. The admission and number of the boys, and their continuance in the school, shall be regulated from time to time by the governors, who may at any time order the admission into the school of boys residing elsewhere than in the wapentake of Elloe, if the accommodation at the school be sufficient for that purpose.

Qualification of boys.

51. The governors shall have the power of placing boys in the school, subject to any regulations which they may make from time to time at any meeting.

Election of boys.

52. A register shall be kept by the master of the number and description of boys from time to time in the school, and of the periods of their severally being admitted to and leaving the same, and such register shall always be open to the inspection of the governors, and of the persons authorized by them.

Register of boys.

53. The governors shall have the power of dismissing and expelling any boy from the school for any breach of the rules, or for immorality, theft, indecent conduct, or insubordination, or other sufficient cause, and the master may immediately suspend any boy guilty of any such misconduct from further attendance at the school until the case can be reported to the governors, and decided upon by them.

Suspension and expulsion of boys.

54. The boys attending the school shall pay capitation fees, as follows; viz.—Every boy under twelve years of age such sum not exceeding one pound per quarter, and every boy being twelve years of age and upwards, such sum not exceeding one pound five shillings per quarter, as the governors shall from time to time direct.

Capitation fees.

Such capitation fees shall be paid in advance quarterly to the master, and shall be accounted for by him to the governors, in order that the same may be applied by them as directed by this scheme.

55. The governors may, if they see fit, appoint boys from the Lower School to be foundation scholars in the Upper School, and may remit the payment of capitation fees in favour of such foundation scholars, either wholly or in part; provided that there shall not be more than six foundation scholars in the school at one time, and that no more than two such foundation scholars shall be appointed in any one year. The foundation scholars shall hold their respective appointments during such periods, and subject to such regulations and conditions, as the governors may from time to time prescribe; and such scholars (or any of them) may be appointed by the governors from time to time, upon the occasion of the annual examination of the Lower School, as herein-after mentioned.

Foundation scholars.

56. The capitation fees received from the boys shall be applied by the governors first in providing the prizes and paying the examiner for the purposes of the examination directed by this scheme, and the clear residue of such fees shall be divided half-yearly into three parts, and two of such third parts shall be

Application of capitation fees.

be

*Endowed School at Moulton.*

be paid to the master in augmentation of his stipend, and the remaining one third part shall be paid to the assistant master (if any) in like manner, and if there be no assistant master such one third part shall be carried to the general account of the charity. Such payments to the master and assistant master (if any) shall be made half-yearly, on such days as the governors may from time to time direct.

Stationery for scholars.

57. All printed books and stationery necessary for the use of the scholars shall be provided at the expense of the parents, relations, or friends of the scholars.

Firing and lights.

The master shall provide all requisite fuel, firing, and lights for the use of the school; and the governors, if they think fit, may allow and pay to the master out of the income of the charity such an annual sum not exceeding twenty pounds, as they may consider sufficient for those purposes.

Internal regulation of school.

58. Subject to the directions herein contained, and to such general regulations as the governors may from time to time prescribe, the discipline of the school, and the internal regulations and management thereof, and the holidays and vacations to be allowed, shall from time to time be under the direction and control of the master of the school.

Annual examination.

59. There shall be an annual examination of the boys at the school at such time as shall be appointed by the governors; and the governors shall appoint a suitable examiner, being a graduate of one of the English universities, or of the University of Dublin, to conduct such examination, and may pay the examiner any sum not exceeding three pounds three shillings, for his trouble and expenses; and such examination shall take place in the presence of the governors, or such of them as can conveniently attend, and of the master of the school, and such other persons as the governors may from time to time invite to attend the same.

Prizes.

60. The governors may yearly, upon the occasion of such examination, distribute such prizes as they may think fit among the meritorious scholars who shall distinguish themselves for learning or good conduct, and who in the judgment of the master of the school and the examiner shall be most deserving of the same; provided that no single prize shall exceed in value the sum of one pound, and that the whole amount to be expended in prizes in any one year shall not exceed the sum of five pounds.

## AS TO THE LOWER SCHOOL.

Schoolhouse.

61. The Lower School shall be carried on in the schoolhouse and premises hitherto used as the grammar school, subject and according to the provisions of this scheme. Such schoolhouse and premises may be adapted and fitted up by the governors for the purposes of the school, in accordance with the provisions herein-before contained for that purpose.

Appointment of master.

62. The master of the Lower School shall be appointed by the governors at a meeting to be held for that purpose as soon as conveniently may be after the establishment of this scheme; and every vacancy in such mastership shall be filled up by the governors from time to time by a fresh appointment to be made at a meeting to be specially called for the purpose as soon as conveniently may be after the occurrence of such vacancy. The master shall be a member of the Church of England, duly qualified to give instruction in the various branches of education contemplated by this scheme for the Lower School. And for the purposes of obtaining an efficient master, the governors shall, previously to making any appointment, advertise in such newspapers and receive such testimonials of candidates as they may deem expedient.

Stipend to master.

63. The master of the Lower School shall be paid out of the income of the charity, in half-yearly payments, such an annual stipend not exceeding the sum of seventy pounds as shall be fixed from time to time by the governors.

If the master shall be removed by the governors for cause assigned, he shall be entitled to a proportionate part of his stipend, and of the portion of capitation fees payable to the master under this scheme up to the day of his removal; but if he shall be removed without cause assigned, he shall be entitled to have a quarter's notice of such removal, and to receive his stipend and proportion of capitation fees up to the expiration of such notice, or in lieu of such notice he shall, at the option of the governors, be paid a sum equivalent to a quarter's stipend and a quarter's portion of fees.

Master not to have other employment. Master's residence.

64. The master shall not at any time during the tenure of his office hold or exercise any other office, appointment, or employment whatsoever, except as permitted by this scheme.

65. The governors, if they so think fit, may provide a suitable house and premises in the parish of Moulton for the residence of the master of the Lower School (either by renting, or by purchasing, or building the same,) out of the funds and resources of the charity; provided that no such house or premises shall be so purchased or built by the governors without the sanction of the Board of Charity Commissioners for England and Wales.

Master to reside.

66. The master shall reside in the parish of Moulton, and in case any residence shall be provided for him by the governors, in accordance with the foregoing provision, he shall reside therein, and have the use and occupation thereof in his official character, and not as tenant, and he shall not underlet or part with the possession of the same residence and premises, or any part thereof, and in case of his removal he shall deliver up possession thereof to the governors, or as they shall direct.

Removal of master.

67. The master shall hold office during the pleasure of the governors, who may from time to time remove him from his office as they shall see occasion, at a meeting to be duly convened for that purpose, either with or without assigning cause for such removal.

68. Every



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68. Every master previously to entering into office shall be required to sign a declaration to be entered in the minute book of the governors in the following form :—

“ I, \_\_\_\_\_, declare that I will always, to the best of my ability, discharge the duties of master of the Lower School at Moulton during my tenure of the office, according to the provisions of the scheme for the regulation thereof; and that in case I shall be removed by the governors, I will acquiesce in such removal, and will thereupon relinquish all claim to the mastership and its future emoluments, and will deliver up possession of the school and school residence (if any) to the governors.”

Declaration to be signed by master.

69. If circumstances require it, and the funds and resources of the charity shall be sufficient, the governors may from time to time appoint an assistant master, and any additional teacher or teachers, for the purposes of the school, at such respective salaries, not exceeding the annual sum of fifty pounds for each such salary, as the governors may think proper; and such assistant master and teachers respectively may be at any time removed by the governors with or without notice or cause assigned.

Assistant master or teachers.

70. Neither the master nor any assistant master or teacher shall at any time receive or demand from any boy in the school, or from any person whomsoever on behalf of any such boy, any gratuity, fee, or payment other than as is prescribed or authorized by this scheme.

Masters not to receive other than authorized fees.

71. The instruction to be afforded in the Lower School shall be in the principles of the Christian religion, reading, writing, spelling, vocal music, general history and geography, English grammar, arithmetic, book and account keeping; and elementary instruction shall be given in the sciences applicable to trades and useful pursuits, and in such other subjects as the governors may from time to time authorize or direct, with the view of providing a sound, moral, religious, and useful education adapted for the working, labouring, and other poorer classes. But the governors may defer any portion of the instruction herein-before specified which the funds of the school may be not sufficient to provide; and for the purposes of convenient instruction they may divide the school into such departments or sections as they may think fit.

Instruction.

72. Religious instruction shall be given by the master at such times as he shall think best, by reading and explaining the Holy Scriptures to all the boys; and instruction in the catechism of the Church of England shall also be given by the master in like manner to all the boys, except those whose parents, or persons standing in loco parentis, (being respectively persons not in communion with that Church,) shall state in writing to the master or the governors that they object to such last-mentioned instruction upon conscientious grounds.

Religious instruction.

73. Suitable prayers, taken from the liturgy of the Church of England, shall be read by the master every morning and evening in the school.

Prayers in school.

74. The boys, accompanied by the master, shall attend Divine Service in the parish church at Moulton regularly on Sundays, with the exception of those boys (if any) whose parents, or persons standing in loco parentis, (being respectively persons not in communion with the Church of England,) shall state in writing to the governors or the master that they object to such attendance upon conscientious grounds; and in such case the master shall take care, as far as possible, that all such boys shall regularly attend some other place of religious public worship on Sundays.

Attendance at church.

75. All boys residing in the parish of Moulton of the age of six years and upwards, and being of good character, (unless unfitted by infectious disorder or other sufficient cause,) shall, to the extent and capacity of the school, be capable of admission to the Lower School, and entitled to partake of all the benefits and advantages thereof, on payment of such sums as by this scheme are provided; but no boy shall be entitled to remain in the said school after he shall have attained the age of seventeen years; and the admission and number of the boys, and their continuance in the school, shall be regulated from time to time by the governors, who, if they shall think fit, and if the accommodation of the school be sufficient, may at any time order that boys from any of the neighbouring parishes shall be admissible to the school in addition to those residing in the said parish of Moulton.

Qualification of boys.

76. The governors shall have the power of placing the boys in the school, subject to such regulations as they may from time to time prescribe at any meeting.

Election of boys.

77. A register shall be kept by the master of the number and description of boys from time to time in the school, and of the respective periods of their being admitted to and leaving the same; and such register shall always be open to the inspection of the governors and of the persons authorized by them.

Registry of boys.

78. The boys at the school shall be liable to dismissal or expulsion by the governors for any breach of the rules, or for theft, immorality, indecent conduct, or insubordination, or other sufficient cause; and the master shall have power immediately to suspend any boy guilty of any such misconduct from further attendance at the school, until the case can be reported to the governors, and decided upon by them.

Suspension and expulsion of boys.

79. The governors shall be at liberty to direct that the boys attending the school shall pay capitation fees as follows; viz.—Every boy under twelve years of age, such sum not exceeding four shillings per quarter, and every boy, being twelve years of age and upwards, such sums not exceeding six shillings per quarter, as the governors may from time to time authorize or direct; and all capitation fees (if any) to become payable under this provision shall be paid by each boy, or his parents or friends, in advance quarterly to the master, who shall account for the same to the governors; but the governors may, in particular cases, if they see fit, direct that such capitation fee may be paid weekly or monthly; and they

Capitation fees.

*Endowed School at Moulton.**Grand Juries.*

- may, on the ground of poverty or other sufficient reason, excuse in special cases the payment of such capitation fees, either wholly or in part.
- Application of capitation fees. 80. The capitation fees (if any) to be received from the boys shall be paid and applied by the governors as follows; viz.—Two third parts thereof shall be paid half-yearly to the master of the school, in augmentation of his stipend, and the remaining one third part shall be applied towards increasing the remuneration of the assistant master or teachers of the school respectively (if any), or in providing prizes for the boys as herein-after mentioned, or for the general purposes of the charity, as the governors, in their discretion, shall think fit.
- Stationery for scholars. 81. All printed books, slates, and stationery necessary for the use of the boys shall be provided and found by and at the expense of their respective parents, relations, or friends; but the trustees shall be at liberty to dispense with this provision in cases of necessity arising from poverty or other sufficient cause.
- Firing, lights, and attendance. 82. All requisite firing, fuel, and lights for the use of the school, and the requisite attendance for cleaning and taking care of the schoolhouse, shall be provided by the governors out of the income of the charity.
- Internal regulation of school. 83. Subject to the directions herein contained, and to such general regulations as the governors may from time to time prescribe, the discipline of the school, and the internal regulations and management thereof, and the holidays and vacations to be allowed, shall from time to time be under the direction and control of the master of the school.
- Annual examination. 84. There shall be an annual examination of the boys at the school at such time as shall be appointed by the governors; and the governors shall appoint some fit and proper examiner to conduct such examination, and may pay the examiner any sum not exceeding one guinea for his trouble and expenses; and such examination shall take place in the presence of the governors, or such of them as can conveniently attend, and of the masters of the Upper and Lower Schools, and such other persons as the governors may from time to time invite to attend the same. With the approbation of the governors, either the master or assistant master of the Upper School may act as the examiner at any such annual examination; but in that case no payment shall be made to such master or assistant master respectively for their respective services.
- Prizes. 85. The governors may yearly, upon the occasion of such last-mentioned examination, distribute such and so many prizes as they may think fit among the meritorious scholars who shall distinguish themselves for learning or good conduct, and who in the judgment of the master of the school and the examiner shall be most deserving of the same; provided that no such single prize shall exceed in value the sum of 10s., and that the whole amount to be expended in such prizes in any one year shall not exceed the sum of two pounds. Subject to the provision herein-after contained respecting the foundation scholars to be appointed in the Upper School, the appointment to such foundation scholarships may be made the subject of competition at the said annual examinations at the Lower School; and such appointments may be given by the governors from time to time to the boys who upon the occasion of such examination shall appear to be most deserving thereof, having regard to their respective proficiency, capacity, and general conduct.

## C A P. LIV.

An Act to facilitate the Despatch of Business before Grand Juries in *England and Wales.*

[14th July 1856.]

‘ WHEREAS it would expedite and improve the Administration of Criminal Justice if Persons attending to give Evidence before Grand Juries were sworn in the Presence of the Jurors who are to act upon such Testimony:’ 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:

Witnesses examined before Grand Juries to be sworn in the Presence of the Jurors.

I. From and after the passing of this Act it shall be lawful for the Foreman of every Grand Jury empanelled in *England and Wales*, and he is hereby authorized and required, to administer an Oath to all Persons whomsoever who shall appear before such Grand Jury to give Evidence in support of any Bill of Indictment, and all such Persons attending before any Grand Jury to give Evidence may be sworn and examined upon Oath by such Grand Jury touching the Matters in question; and every Person taking any Oath or Affirmation in support of any Bill of Indictment who shall wilfully swear or affirm falsely shall be deemed guilty of Perjury; and the Name of every Witness examined or intended to be so examined shall be endorsed on such Bill of Indictment; and the Foreman of such Grand Jury shall write his Initials against the Name of each Witness so sworn and examined touching such Bill of Indictment: Provided, however, that nothing in this Act contained shall affect any Fees by Law payable to any Officer of any Court for swearing Witnesses, but such Fees shall remain payable as if this Act had not passed.

Witnesses need not be sworn in open Court.

II. From and after the passing of this Act it shall not be necessary for any Person to take an Oath in open Court in order to qualify such Person to give Evidence before any Grand Jury.

III. The

*Grand Juries.**Church Building Commission.**Court of Exchequer (Scotland).*

III. The Word "Foreman" shall include any Member of such Grand Jury who may for the Time being act on behalf of such Foreman in the Examination of Witnesses in support of any Bill of Indictment; and the Word "Oath" shall include Affirmation, where by Law such Affirmation is required or allowed to be taken in lieu of an Oath.

Interpretation  
of Terms.

## C A P. LV.

An Act for transferring the Powers of the Church Building Commissioners to the Ecclesiastical Commissioners for *England*. [21st July 1856.]

WHEREAS by the Act of the Fifty-eighth Year of King *George* the Third, Chapter Forty-five, it was enacted, that it should be lawful for His Majesty by Letters Patent to appoint such Persons as His Majesty should deem fit to be His Commissioners for carrying into execution the Purposes of the said Act, and that the said Commission should continue in force for the Term of Ten Years from the Date thereof, unless His Majesty should think fit sooner to alter or revoke the same: And whereas the said Commission has been continued from Time to Time, and now stands continued until the Twentieth Day of *July* One thousand eight hundred and fifty-six, unless Her Majesty should think fit sooner to revoke the same; and under the Act of the Session holden in the Seventh Year of King *William* the Fourth and the First Year of Her Majesty, Chapter Seventy-five, the said Commissioners are styled "Her Majesty's Commissioners for building new Churches:" And whereas it is expedient that the said Commission should be continued for a Time herein-after limited, and that thenceforth the Powers of the said Commission should be vested in the Ecclesiastical Commissioners for *England*: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. The Persons now or hereafter to be appointed to be Her Majesty's Commissioners for building new Churches shall continue to be such Commissioners, and their Commission shall continue in force until the First Day of *January* One thousand eight hundred and fifty-seven, and no longer, and immediately on the Determination of such Commission all the Duties, Powers, and Authorities vested in or which should or might have been performed or executed by such Commissioners shall become vested in and shall be performed and executed by the Ecclesiastical Commissioners for *England*; and all Lands, Hereditaments, Monies, Securities for Money, Property, and Effects whatsoever vested in or held in trust for the said Commissioners for building new Churches shall be vested in or (as the Case may require) be held in trust for the Ecclesiastical Commissioners for *England*, and all Monies due and payable or which would have become due and payable to the said Commissioners for building new Churches shall become due and payable and be raised and recovered by and paid to such Ecclesiastical Commissioners; and the Provisions of any Act of Parliament, and any legal Instrument in which Her Majesty's Commissioners for building new Churches are mentioned or referred, shall, upon the Determination of their Commission, become applicable to the said Ecclesiastical Commissioners, except as herein-after provided.

Church Building Commissioners continued to 1st Jan. 1857, and thenceforth their Powers, &c. transferred to the Ecclesiastical Commissioners for *England*.

II. Section Eleven of the said Act of the Fifty-eighth Year of King *George* the Third shall from and after the said Determination of the said Commission be repealed; and it shall be lawful for the Commissioners of Her Majesty's Treasury to grant to such of the Persons in the Establishment of the said Commissioners for building new Churches, as may not be continued or employed by the said Ecclesiastical Commissioners, such Compensation as, having regard to the Nature of their Appointments and the Length of their Service, the said Commissioners of the Treasury may think fit: Provided, that every Person to whom any such Compensation is granted shall be subject in respect thereof to the Provisions contained in Sections Nineteen and Twenty of the Act of the Session holden in the Fourth and Fifth Years of King *William* the Fourth, Chapter Twenty-four; and the Compensations granted as aforesaid, and all such Charges and Expenses as might have been payable under the said Section Eleven of the said Act of the Fifty-eighth Year of King *George* the Third, if the same had not been repealed, shall respectively be paid from Time to Time out of such Monies as shall be provided by Parliament for the Purpose.

After Determination of Commission Section 11 of 58 G. 3. c. 45. repealed. Compensation to Officers of Church Building Commission not continued in Office by Ecclesiastical Commissioners.

## C A P. LVI.

An Act to constitute the Court of Session the Court of Exchequer in *Scotland*, and to regulate Procedure in Matters connected with the Exchequer. [21st July 1856.]

WHEREAS the Practice and Procedure in the Court of Exchequer in *Scotland* have been found inconvenient and troublesome, and it is expedient that the whole Power, Authority, and Jurisdiction at present belonging to the Court of Exchequer should be transferred to and vested in the Court of Session in *Scotland*, and that Provision should be made for the due Administration of Justice by the Court of Session in Exchequer Cases, and for all relative and necessary Proceedings in such Cases: 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:

*Court of Exchequer (Scotland).*

Court of Session to be the Court of Exchequer in Scotland.

One of the Lords Ordinary in the Court of Session to be Lord Ordinary in Exchequer Causes.

Lord Ordinary in Exchequer Causes may act in Vacation; and in his Absence any other Lord Ordinary may act.

Clerks to Lord Ordinary in Exchequer Causes to be Clerks in such Causes.

Exchequer Causes may be commenced by Subpœna.

Subpœna to be called in Court as a Summons, and Procedure thereon.

Form of Information in Causes commenced by Subpœna.

I. The whole Power, Authority, and Jurisdiction at present belonging to the Court of Exchequer in Scotland, as at present constituted, shall be transferred to and vested in the Court of Session, and the Court of Session shall be also the Court of Exchequer in Scotland.

II. It shall be lawful for Her Majesty, Her Heirs and Successors, from Time to Time to nominate and appoint One of the Lords Ordinary in the Outer House of the Court of Session to be Lord Ordinary in Exchequer Causes under this Act; and the Lord Ordinary to be so appointed shall, unless where otherwise expressly allowed by this Act, be the sole Lord Ordinary in all Causes to be instituted or carried through before the Court of Session by virtue of this Act, and shall continue to act as Lord Ordinary in all such Causes so long as he shall continue a Lord Ordinary in the Outer House, or until another Lord Ordinary shall be nominated as aforesaid to act as Lord Ordinary in Exchequer Causes in his Room and Stead; and, unless where otherwise expressly provided by this Act, all Proceedings in Exchequer Causes under this Act shall be brought in the first instance before such Lord Ordinary.

III. It shall be competent to the Lord Ordinary in Exchequer Causes at any Time, as well in Vacation or Recess as during the Sittings of the Court of Session, and on any Day or Days of the Year, whether Sederunt Days of the Court of Session or not, to entertain and dispose of all Matters of a summary Nature, or which may appear to the Lord Ordinary to require Despatch, being within his Competency under this Act, and also to try any Cause under this Act, and to pronounce Judgment therein, and in case of the Absence or Inability of the Lord Ordinary, any Duties devolving on him under this Act may, during such Absence or Inability, be performed by any other Lord Ordinary of the Court of Session acting in his Room and Stead.

IV. The Depute and Assistant Clerks of Session attached to the Lord Ordinary in Exchequer Causes shall be Clerks in all such Causes in the Outer House; and it shall be lawful for the Commissioners of Her Majesty's Treasury to grant to such Assistant Clerk of Session, in respect of the Increase of his Duties under this Act, an annual Allowance not exceeding Fifty Pounds *per Annum*, in addition to his ordinary Salary; and such Allowance shall be paid out of any Monies which may from Time to Time be voted by Parliament for that Purpose.

V. It shall be competent to the Lord Advocate, on the Behalf of Her Majesty, to commence any such Cause by issuing or causing to be issued against the Defender a Subpœna in the Form, as nearly as may be, of Schedule A. hereunto annexed, which Subpœna may be served upon the Defender and Execution of Service returned in the like Manner as any ordinary Summons before the Court of Session may be served and Execution thereof returned; provided that such Service may be made either by a Messenger-at-Arms, or Sheriff Officer, or by an Excise Officer or other Officer of the Department of Inland Revenue, or any Officer of the Customs.

VI. On the Expiration of the Induciae of any such Subpœna, such Subpœna may be called in the Court of Session, and thereafter enrolled, in the like Manner as any ordinary Summons; and the Lord Ordinary shall, at the Outset of the Cause, unless the Information to which such Subpœna relates be then produced and lodged in Process, pronounce an Interlocutor allowing such Information to be lodged in Process, and no further Proceeding shall take place until such Information be lodged; and upon such Information being lodged a Copy thereof shall be served upon the Defender, unless such Service shall have been previously made; and the Transmission of such Copy through the Post, addressed to his known Residence or Place of Business, shall be deemed sufficient Service; and a Certificate by any One Person, written on the Information itself and signed, bearing that a Copy thereof has been served upon the Defender, shall be *prima facie* Evidence of such Service having been duly made; and after the Information shall have been served as aforesaid, the Lord Ordinary shall, if the Defender shall admit the Truth of the Information, or of such Part thereof as may be insisted in against him, or do not appear, give Decree in Terms of the said Information, so far as the same shall be insisted in; and if the Defender shall appear, and shall not admit as aforesaid, the Lord Ordinary shall appoint a Day for hearing the Parties upon such Information, where this may appear to him to be necessary, or shall appoint a Day for trying the Matters put in Issue by such Information, without any Adjustment of any separate Issue or Issues, or shall take such other Course as to him may seem proper; and where a Day shall be so appointed for Trial, a Common or Special Jury (where a Special Jury shall be applied for and granted) shall be summoned and empanelled, as in any ordinary Jury Cause before the Court of Session to be tried by a Lord Ordinary in the Outer House; and the Lord Ordinary in Exchequer Causes shall preside at such Trial, and at all other Trials of Exchequer Causes under this Act, unless in any particular Case, upon a special Request by such Lord Ordinary to that Effect to either of the Two Divisions of the Court of Session, another Lord Ordinary shall be appointed to preside in his Stead; and the Verdict of the Jury may be in one or other of the Forms in the Schedule C. hereunto annexed, or in such other Form as may be applicable to the Case, and shall be subject to the Provisions of the Act of the Seventeenth and Eighteenth of Queen Victoria, Chapter Fifty-nine; and on such Verdict being given the Lord Ordinary presiding at the Trial shall pronounce Decree in conformity therewith, and as may be just and according to Law.

VII. Every Information to be lodged in Terms of this Act shall be in the Form, as nearly as may be, of the Schedule B. hereunto annexed; and it shall be competent to the Lord Advocate, on the Behalf of Her Majesty, to amend his Information at any Time before Verdict; provided that no such Amendment shall be made by the Lord Advocate after a Day has been fixed for Trial, unless upon Payment to the

*Court of Exchequer (Scotland).*

the Defender of his Expenses previously incurred : Provided also, that it shall not be necessary to mention in any Information any Act of Parliament other than the Act imposing any Penalty or Duty claimed, or creating any Debt sought to be recovered ; and provided further, that, notwithstanding the Terms of any such Information, it shall not be incumbent to prove against the Defender, in order to recover under such Information, any Matters stated therein, except only such Matters as are by Law required to be proved in order to the Forfeiture of the Penalty, or the Recovery of the Duty or Debt, or the Condemnation of the Seizure sought for.

VIII. Where in any such Cause commenced by Subpœna as aforesaid the Parties shall be agreed upon the Facts, and shall dispute only on the Law, it shall be competent for them to lodge in Process a Special Case, signed by themselves or their Counsel, setting forth the Facts on which they are so agreed and upon which the Question of Law arises, and such Special Case shall be equivalent to a Special Verdict finding such Facts, and raising a Question of Law for the Lord Ordinary.

Special Case may be lodged where Parties agreed upon the Facts.

IX. The Procedure in all Cases commenced by Subpœna as aforesaid shall, in so far as not specially provided for by this Act, be regulated by the Lord Ordinary, subject to any Rules and Regulations to be framed as after mentioned, in such Way and Manner as to the Lord Ordinary shall seem proper and expedient ; and, in so far as not so regulated, shall be conducted as nearly as may be in conformity with the Procedure before the Court of Session in ordinary Actions ; provided that Protestation shall not be applicable to any such Cases, nor shall any Record require to be made up by Defences, or revised Condescendence and Defences, or to be closed ; provided also, that no such Cases shall fall asleep, or require to be awakened ; but when any Exchequer Cause shall have lain over for such Period after the passing of this Act as in the Case of any ordinary Action before the Court of Session would have rendered such ordinary Action a sleeping Process, such Exchequer Cause shall not be moved in by the Lord Ordinary or the Court until the Expiration of Ten Days from the Date of written Notice being given by the Pursuer or Defender to the opposite Party in the Cause that the Cause is to be further proceeded with.

Procedure in Cases commenced by Subpœna, so far as not expressly provided, how to be regulated.

X. It shall be competent to the Lord Advocate, on the Behalf of Her Majesty, in place of proceeding by Subpœna and Information as herein-before provided, to commence any such Cause by a Summons in one or other of the Forms in use in the Court of Session for the Time being ; and Proceedings may also be taken by Summons as aforesaid at the Instance of any Person or Persons alleging a Ground of Action against the Crown ; and where such Cause shall be commenced by Summons, the whole Proceedings shall be conducted throughout as nearly as may be in the like Way and Manner as in Causes depending before the Court of Session, other than Exchequer Causes ; and every such Summons to be raised on the Behalf of Her Majesty may contain Warrant to arrest on the Dependence ; and all Diligence shall be competent upon every such Summons to be raised on the Behalf of Her Majesty, and upon any Warrant to arrest on the Dependence contained therein, and with such and the like Operation and Effect as upon any ordinary Summons, or Warrant to arrest on the Dependence contained therein before the Court of Session, according to the Law and Practice in use in the said Court for the Time in ordinary Causes.

Proceedings may be commenced by Summons in place of Subpœna ; and Proceedings under Summons to be the same as in Ordinary Court of Session Cases.

XI. Where any Seizure shall be made by any Officer entitled to make such Seizure, where judicial Condemnation thereof shall be requisite in the Court of Session, an Appraisement of the Articles comprehended therein shall be made in the Form, as nearly as may be, of the Schedule D. hereunto annexed ; and such Appraisement shall be lodged in the Office of the Clerk of Court attached to the Lord Ordinary within Thirty Days after such Seizure, and such Appraisement of Seizure shall be included by the said Clerk of Court, and published in the Weekly Calling List of the Court of Session not later than Fourteen Days after being lodged with him as aforesaid ; and a Claim for the Articles comprehended in such Seizure, or any of them, in the Form, as nearly as may be, of the Schedule E. hereunto annexed, may be lodged with the said Clerk of Court at any Time within Eight Days from the Date of the Calling of such Appraisement as aforesaid ; and it shall be competent to the Lord Advocate, on the Behalf of Her Majesty, or to the Party claiming such Seizure, to enrol such Appraisement of Seizure in the Weekly Roll of Court of Session Causes at any Time after the Expiration of the said Eight Days ; and at the calling of such Appraisement in the said Weekly Roll, if no Claim to such Seizure shall have been lodged, the Lord Ordinary shall pronounce Decree of Condemnation of such Seizure, and thereupon such Seizure shall belong to and be at the Disposal of the Crown ; and if a Claim to such Seizure shall have been lodged as aforesaid, the Lord Ordinary shall pronounce an Order upon the Lord Advocate to lodge an Information of Seizure on the Behalf of Her Majesty ; and, upon such Information of Seizure being lodged, the Procedure shall thenceforward be conducted, as nearly as may be, in the like Manner as in ordinary Causes commenced by Subpœna and Information, in Terms of this Act.

Procedure in Cases of Seizure.

XII. Where any Cause may, at the Date of the passing of this Act, be competently commenced before the Court of Exchequer by Writ of Capias, or where, at the Date of the passing of this Act, it is competent to apprehend the Defender or Person complained of, in order that he may find Security to appear and answer, or to pay the Penalties, Duties, or Debt sought to be recovered, it shall be competent to pray or conclude in any Information, Summons, or Proceeding to be raised under this Act for Warrant to apprehend such Defender or Person complained of ; and such Warrant shall be granted by the Lord Ordinary on Production to him at any Time, whether during Session or not, of the Information or other Writ containing such Prayer or Conclusion, although the same may not have been served, or called, or enrolled ; and in every such Case the Defender, or Person complained of, when apprehended, shall be

Procedure in lieu of Writs of Capias, &c.

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bound with Two sufficient Sureties, to the Satisfaction of the Prosecutor or of the Lord Ordinary, to appear and answer in the Proceeding brought against him as aforesaid, and to pay the Penalties, Duties, or Debt sought to be recovered, if he shall be found liable therein, or such Sum or Sums as under such Proceeding he may be found liable to pay; and failing his finding such Security, the Lord Ordinary shall grant Warrant for detaining him in Prison, and he shall be detained in Prison accordingly, until such Security be found, or until the Issue of such Proceeding, or until he be liberated in due Course of Law.

Procedure in  
lieu of Writs of  
the Pipe.

XIII. In all Cases where, according to the Practice of the Court of Exchequer at the Date of the passing of this Act, any Rentcharges or Penalties may be levied by Process of the Pipe, it shall be competent for the Lord Ordinary in Exchequer Causes, and he is hereby required, upon the Production to him of a Certificate by any Person charged with the Recovery or Collection of such Rentcharges or Penalties, setting forth that any such Rentcharge or Penalty is due, and the Amount and other Particulars thereof, and the Party or Parties indebted therein, and that he has been unable to recover the same, to issue *ex parte*, and without the Form of any written Application, a Decree decerning and ordaining such Party or Parties to make Payment of such Rentcharge or Penalty; provided that all Penalties which may be incurred in One County or Stewartry may be included in One Decree and Charge: Provided also, that any Charge to be given on such Decree, or any Diligence following thereon, may be brought under Suspension by the Party against whom the same is directed, but no such Suspension shall be competent before a Charge has been given.

Procedure in  
lieu of Injunc-  
tion.

XIV. In all Cases in which, if occurring at the Date of the passing of this Act, any Person or Persons would be liable to be stayed by Injunction furth of the Court of Exchequer, whether in respect of such Person or Persons prosecuting or threatening to prosecute before any Court other than the Court of Exchequer in any Matters connected with the Revenue, or with the Proceedings of Officers of the Revenue, or in any other Matters as to which exclusive Jurisdiction is at present possessed by the Court of Exchequer, or otherwise, it shall be competent to apply to the Lord Ordinary in Exchequer Causes to restrain such Person or Persons by Interdict from following out such Prosecution in another Court or otherwise, according to the Circumstances of the Case; and such Application may be made by a Note of Interdict having a Statement of Facts and Note of Pleas in Law appended thereto, all as nearly as may be in the Form at present in use in the Court of Session; and such Note of Interdict shall be lodged in the Office of the Clerk of Court attached to the said Lord Ordinary, and shall be forthwith submitted by such Clerk to the said Lord Ordinary, who may thereupon at once grant Interdict or at once refuse to grant it, or appoint such Note of Interdict in the first place to be served, and if need be to be answered, or Parties to be heard thereon with or without Answers, and may thereupon give Decree granting or refusing Interdict, or may take such other Course in regard to such Application for Interdict as to him may seem proper; provided, that where Interdict shall be granted as aforesaid with reference to any Cause requiring to be instituted within a limited Time, or which, if not instituted within a limited Time, may be competently objected to as not timeously brought, the Time which may have elapsed between the Date of the Service of such Interdict and the Date of the Institution of such Cause to which such Interdict relates, with Ten Free Days in addition thereto, shall be added to the Period limited as aforesaid, and such Cause shall be deemed and taken to be timeously brought, if instituted at any Time within such extended Period.

Procedure in  
lieu of Man-  
damus.

XV. In all Cases where, at the Date of the passing of this Act, it would be competent to apply to the Court of Exchequer for a Rule upon any Person or Persons to show Cause why a Mandamus should not issue against such Person or Persons, directing him or them to do any Act or to perform any Duty, and for such Court of Exchequer, failing such Cause being shown, to issue a Mandamus against such Person or Persons to the Effect aforesaid, it shall be competent to apply to the Lord Ordinary in Exchequer Causes by summary Petition, setting forth briefly the Facts on which the Application is based, for an Order on such Person or Persons decerning and ordaining him or them to do the Act, or to perform the Duty which he or they is or are refusing or neglecting to do or perform; and in the event of the Failure of such Person or Persons to conform and to implement the Terms of said Order, to pay conjointly and severally, or jointly, or otherwise as to the Lord Ordinary may seem fit, such Sum or Sums of Money as may be reasonably demanded in respect of such Failure, and that either in lieu of or by way of Fine or Penalty over and above Performance; and the Lord Ordinary shall order Service of such Petition on such Person or Persons as he may deem proper, and may, if he sees fit, appoint Answers to be lodged to such Petition, or Parties to be heard thereon, with or without Answers, and may thereupon give Decree granting or refusing the Prayer of such Petition, or may take such other Course with regard thereto as to him may seem proper; provided that it shall be competent to the Lord Ordinary to prescribe what shall be deemed good Service of any Order, Interlocutor, or Decree which may be pronounced by him upon any Person or Persons who may be affected thereby.

Procedure on  
Affidavit of  
Danger.

XVI. Where in any Case any Officer of the Revenue shall make Affidavit that a Debt or Duty is due to the Crown by a Crown Debtor believed to be or to have died insolvent, and shall state in such Affidavit any reasonable Ground for such Belief, and that there is Danger of Loss to the Crown or Revenue with respect to such Debt or Duty, it shall be competent to the Lord Advocate, on the Behalf of Her Majesty, to present a summary Petition to the Lord Ordinary, setting forth that such Debt or Duty is resting owing, and that such Affidavit of Danger has been made, producing such Affidavit along  
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with such Petition, and the Lord Ordinary may thereupon, without further Evidence or Inquiry, issue *ex parte* a Summary Act and Decree decerning and ordaining such Crown Debtor to make Payment of such Debt or Duty; provided that any Charge given or threatened to be given on such Decree, or any Diligence following thereon, may be brought under Suspension by such Crown Debtor, or his Representatives, or any others in his Right.

XVII. In all Cases where, at the Date of the passing of this Act, a Writ of Habeas or a Writ of Certiorari might have competently issued from the Court of Exchequer to the Effect of removing any Proceedings before, or Warrant granted or issued by any Inferior Court or Magistrate or Public Officer to the said Court of Exchequer, in order to Examination, it shall be competent to the Party against whom such Warrant is directed, or to either of the Parties to such Proceedings, to bring up such Warrant or Proceedings to the Court of Session sitting as the Court of Exchequer, to the like Effect as by such Writ of Habeas or Writ of Certiorari before the passing of this Act, and that by lodging in the Office of the Clerk of Court attached to the Lord Ordinary in Exchequer Causes a Note of Appeal, in the Form or as nearly as may be in the Form of the Schedule F. hereunto annexed; and such Note of Appeal shall be forthwith submitted by such Clerk of Court in a summary Way to the Lord Ordinary, who may thereupon at once direct such Warrant or Proceedings to be transmitted to the Court of Session, or may at once refuse to give such Direction or to entertain such Appeal; or, if he sees fit, may order such Note of Appeal to be served upon the Inferior Magistrate or Magistrates, or Public Officer or Officers, or upon the opposite Party, or both, and them or either of them to lodge Answers to such Appeal; and may also, if he sees fit, order Parties to be heard upon such Note of Appeal, with or without Answers; and may thereupon pronounce such Orders or Decrees as he may deem proper upon the Matters raised by such Appeal; and in particular may either dismiss such Appeal, and remit back simpliciter the Warrant or Proceedings, or may give Decree quashing or setting aside the Warrant, or quashing or setting aside the Proceedings, in whole or in part, and may give such Directions to such Inferior Court, or Magistrate or Public Officer, with regard to his or their Proceedings, as may be just; provided that every Clerk of an Inferior Court or other Public Officer having in his Hands or under his Control any such Warrant or Proceedings shall, on Receipt of a Copy certified by any Depute or Assistant Clerk of Session of any Interlocutor of the Court of Session or of the Lord Ordinary in Exchequer Causes, directing such Warrant or Proceedings to be transmitted to the Court of Session or to the Lord Ordinary, be bound forthwith to transmit such Warrant or Proceedings, with a proper Inventory thereof certified by him to be correct, to the Office of the Clerk of the Court of Session attached to the Lord Ordinary; and where any such Warrant or Proceedings so transmitted to the Court of Session or to the Lord Ordinary shall be remitted back, it shall be the Duty of the Clerk of the Court of Session to re-transmit the same to the Clerk of such Inferior Court or other Public Officer from whom they were received.

Procedure in lieu of Writs of Habeas and Certiorari.

XVIII. The Duties heretofore performed by or incumbent on the Judges of the Court of Exchequer, under and by virtue of an Act passed in the Session of Parliament holden in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act to amend the Practice in Scotland with regard to Crown Charters and Precepts for Chancery* shall be performed by the Lord Ordinary in Exchequer Causes.

As to Duties of Court of Exchequer under 10 & 11 Vict. c. 51.

XIX. The Duties heretofore performed by or incumbent on the Court of Exchequer with regard to the Nomination, Appointment, or Control of Tutors Dative shall be performed by the Court of Session acting as the Court of Exchequer in *Scotland*, upon Applications for such Nomination or Appointment to be made to either of the Divisions of the said Court by way of summary Petition; and the Procedure under such Petitions may be, as nearly as may be, the same as under other summary Petitions to the said Court, but may be regulated and varied from Time to Time in such Way and Manner as to the said Court may seem proper.

Duties of Court of Exchequer in Appointment of Tutors Dative to be performed by Inner Houses of Session.

XX. All Interlocutors of the Lord Ordinary in Exchequer Causes shall be subject to Review of either Inner House of the Court of Session; and all such Interlocutors, and all Interlocutors of the Inner House in Exchequer Causes, shall be subject to Appeal to the House of Lords, in the like Manner, and to the same Extent and Effect, and under the same Rules and Regulations as any Interlocutor of a Lord Ordinary or of the Inner House in any ordinary Cause before the Court of Session.

Interlocutors in Exchequer Causes may be reclaimed against, &c.

XXI. Any Suspension may be competently brought at the Instance or on the Behalf of Her Majesty, or of any Subject, of any Decree, Charge, threatened Charge, or Diligence whatever in any Cause or Matter connected with the Exchequer, in the like Manner and to the same Extent and Effect as if such Decree, Charge, threatened Charge, or Diligence were in Causes or Matters connected with any ordinary Court of Session Process or Procedure; and the Application for such Suspension may be made in the Bill Chamber by Note of Suspension in ordinary Form, and the Proceedings under the same shall thereafter be conducted as in any ordinary Court of Session Process of the like Nature; provided that, on any such Note of Suspension being passed and enrolled the Lord Ordinary in Exchequer Causes shall be the Lord Ordinary in such Process.

Suspension to be by Note in the Bill Chamber in common Form; and when Note passed Case to depend before Lord Ordinary in Exchequer Causes.

XXII. All Causes which shall be brought on the Behalf of the Crown in Terms of this Act shall be at the Instance of the Lord Advocate on the Behalf of Her Majesty; and it shall be competent for any Person alleging any Ground of Action against the Crown, which at the Date of the passing of this Act was cognizable

Lord Advocate to sue and be sued on behalf of Her Majesty.

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cognizable by the Court of Exchequer as at present constituted, to call the Crown, by calling the Lord Advocate as Defender or Respondent on the Behalf of Her Majesty; and all Interlocutors or Decrees which shall be pronounced in any such Cause shall be binding upon Her Majesty and Her Royal Successors as upon the other Parties thereto; and where in any such Cause any Decree shall be obtained against the Lord Advocate on the Behalf of Her Majesty, Payment of any Money contained in such Decree shall be made, and such Decree shall be otherwise implemented by the Commissioners of Her Majesty's Treasury, or by such Board of Revenue or other Department as in the Opinion of the Lord Advocate ought properly to make such Payment or Implement; and the Person obtaining such Decree shall be entitled to demand from the Lord Advocate a Certificate of his Opinion accordingly, but shall not be entitled to put such Decree in farther Execution against the Lord Advocate.

Privilege of Audience preserved to the Crown.

Costs may be given for and against the Crown.

XXIII. In all Causes which shall be brought under this Act the Lord Advocate shall, in pleading on the Behalf of the Crown, whether before the Court or a Jury, have the Privilege of being heard last, according to the present Practice of the Court of Exchequer.

XXIV. In all Causes which shall be instituted under this Act before the Court of Session acting as the Court of Exchequer in *Scotland*, and in all Causes presently depending, or which shall come to depend, before any Civil Court in *Scotland* at the Instance or on the Behalf of the Crown, against any Person or Persons, or against the Crown at the Instance of any Person or Persons, the Crown, or the Lord Advocate or other Person or Persons suing on its Behalf, shall be entitled, when Decree shall be given for the Crown, to move for and recover Expenses of Process, in the like Manner as and under the like Rules, Regulations, and Provisions as are or may be in force touching Expenses of Process in Proceedings between Subject and Subject; and, where in any Cause, whether to be brought under this Act, or presently depending, or which may come to depend before any Civil Court in *Scotland*, Decree shall be given against the Crown, the Subject obtaining such Decree shall be entitled to move for and, if awarded, to recover Expenses of Process in the like Manner and subject to the like Rules, Regulations, and Provisions as aforesaid; and it shall also be competent to recover Expenses of Diligence to which the Crown is a Party in the like Manner and to the like Extent as such Expenses may be recovered in Cases between Subject and Subject.

Exchequer Causes to have Precedence of all others.

XXV. All Causes which shall be brought in Terms of this Act shall be deemed and treated as Summary Causes, and shall be denominated Exchequer Causes, and as such be placed at the Head of every Roll of Causes in which they appear, both in the Inner and Outer House, and shall at all Times take Precedence of and have Preference over all other Causes whatsoever.

Court of Session to sit during Exchequer Terms.

XXVI. That Part of the Winter Sittings of the Court of Session which precedes the *Christmas Recess*, and that Part of such Sittings which follows such Recess, and the Summer Sittings of the Court of Session, shall be held to correspond with the Terms heretofore observed in the Court of Exchequer.

Certified Copies of Interlocutors, equivalent to Extracts, except in order to Diligence.

XXVII. It shall not be necessary in any Cause to be instituted under this Act to extract any Interlocutor, Order, Act, or Warrant to be pronounced therein, unless for the Purpose of proceeding with Diligence thereon; and a Copy of any such Interlocutor, Order, Act, or Warrant, certified under the Hand of any Principal Depute or Assistant Clerk of Session to be a true Copy, shall be equivalent to a formal Extract thereof; provided that no Diligence shall proceed except upon a formal Extract.

Minute Book dispensed with as to Extracts of Exchequer Decrees; such Extracts to have Priority in Extractor's Office; and such Extracts, &c. to be in ordinary Form; except that Warrant to charge to be in Form scheduled.

XXVIII. All Decrees to be pronounced under this Act by either Division of the Court of Session, sitting as the Court of Exchequer, shall be extracted by the Extractor of the Court of Session without abiding the Expiration of the Days of the Minute Book, which are hereby dispensed with; and such Extractor shall give to all Extracts in Exchequer Causes Preference and Priority in the Preparation thereof over all other Business in his Office; and such Extracts, and also the Extracts of all Decrees proceeding upon Bonds, or other Obligations to Her Majesty, on which Execution may competently proceed, registered in the Books of Council and Session or in the Books of any Sheriff Court, shall be as nearly as may be in ordinary Form, so far as such Form may be consistent with the Provisions of this Act; except that in the Case of Extracts of Decrees proceeding upon Bonds and other Obligations to Her Majesty, registered as aforesaid, and also in the Case of Extracts of such Decrees as aforesaid decerning for Payment of any Penalty, Duty, or Debt due to Her Majesty, the Extractor shall insert in the Extract a Warrant to Sheriffs to charge and execute Diligence, in Terms as nearly as may be of the Schedule G. hereunto annexed, in lieu of the Warrant to charge and for Diligence in Use in ordinary Cases; and such Extract shall be a sufficient Warrant to any Messenger-at-Arms or Sheriff Officer to execute Charge, Arrestment, and Poining in Terms thereof.

Exchequer Decrees to be put in execution by Sheriffs.

XXIX. It shall be the Duty of every Sheriff to whose Hands any such Extract shall be intrusted for that Effect by any Public Officer on the Behalf of Her Majesty to put the same to Execution with all due Despatch, and to take all such lawful and proper Measures as by such Public Officer may be required, in order to enforce by means thereof Payment of the Monies, if any, decerned for, and full Implement of the Decree; and it shall be lawful to any such Sheriff to recover and take Payment, on the Behalf of Her Majesty, of the Contents of any such Decree, and upon Payment or Implement in Terms thereof, in whole or in part, to discharge such Decree, but that only to the Extent to which Payment or Implement shall have been obtained by him as aforesaid; and every such Sheriff shall, on the Receipt by him of any Money on the Behalf of Her Majesty, under such Decree, be bound to account for and pay over the



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the same to the Public Officer from whom he received the Extract as aforesaid, or to some other Public Officer or Department entitled to receive the same on the Behalf of Her Majesty.

XXX. It shall be lawful for any Sheriff, by virtue of any such Extract, to cause Arrestment to be used thereon in the Hands of any Person in ordinary Form; and such Arrestment shall operate to transfer to the Crown, preferably to all other Creditors of the Crown Debtor, all Right to and Interest in the arrested Fund, competent to the Crown Debtor, to such Extent as may be requisite to satisfy and pay the entire Debt due to the Crown, including Interest and Expenses; and every Person in whose Hands any such Arrestment shall be used on the Behalf of Her Majesty shall be entitled, and be in Safety, to pay to such Sheriff on the Behalf of Her Majesty all Funds in his Hands at the Date of such Arrestment belonging to the Crown Debtor, to any Extent not exceeding the Amount of the Crown Debt with Interest and Expenses, without abiding the Institution of any Process of Furthcoming, or any Decree therein; and if such Payment be not made, it shall be competent to the Crown to follow up such Arrestment by Furthcoming, and also to pursue and do Diligence against the Party indebted to such Crown Debtor, to the full Extent of the Debt due by such Party, as if the Crown stood specially and lawfully assigned into the Debt so due, and into all Bonds, Bills, and Obligations held by the Crown Debtor therefor, and as if such Party were directly indebted to the Crown in the Debt so due: Provided that the Crown shall be accountable to the Crown Debtor, or those in his Right, for any Surplus to be realised by the Crown beyond the Amount of the Crown Debt, with Interest and Expenses.

Sheriff may arrest on Extract Decree; and such Arrestment shall transfer to the Crown the arrested Fund.

XXXI. It shall be lawful for any Sheriff, by virtue of any such Extract, to cause charge the Crown Debtor therein mentioned to pay to him, the said Sheriff, for the Behoof of Her Majesty, the Sums of Money therein mentioned, or to perform the Obligations therein specified, within the Days of Charge therein prescribed with reference to such Crown Debtor from and after the Date of Charge, under the Pain of Poining and Imprisonment; and the Officer executing the same shall return an Execution in Terms of the Schedule H. hereunto annexed, or as near to the Form thereof as Circumstances will permit.

Sheriff may charge Crown Debtor on Extract Decree; Execution of Charge to be in Form scheduled.

XXXII. On the Expiration of the Days of Charge against the Crown Debtor, it shall be lawful for any Sheriff, by virtue of any such Extract as aforesaid, to cause poind the whole moveable Effects, without Exception, of such Crown Debtor, including Bank Notes, Money, Bonds, Bills, Crop, Stocking, and Implements of Husbandry of all Kinds, in or towards Payment of the Sums of Money therein mentioned; and such Poining shall be carried through as nearly as may be in ordinary Form; except that it shall be lawful for the Officer executing such Poining, where it is deemed expedient, to take possession of the poinded Effects, and to place them in a Place of Security instead of leaving them with the Person in whose Possession they were when poinded; and, on the Execution of Poining being reported, the Sheriff shall grant Warrant to the Sheriff Clerk to sell them in common Form; and if no Offerer appear at the Roup, the Effects, or such Part thereof as according to the appraised Value may satisfy the Debt, Interest, and Expenses due to Her Majesty, shall be retained by the Sheriff for Her Majesty's Behoof at such appraised Value, subject to such Directions as he may receive with regard to the Disposal thereof from the Public Officer from whom he received the Extract as aforesaid, or from any Public Officer or Department acting in the Matter on the Behalf of the Crown.

Sheriff may Poind on Extract Decree.

Poining to be in ordinary Form; Except that Poinded Effects may be taken possession of; and, if no Offerer at Sale, Sheriff to retain them on Behalf of the Crown.

XXXIII. It shall be competent to any Sheriff, at any Time within Year and Day after any such Charge has expired, to cause any such Extract, and the Execution of Charge thereon, to be presented to the Sheriff Clerk of the County in which such Charge was given; and such Sheriff Clerk shall thereupon record the Execution in the Register of Hornings kept by him, and state therein the Name and Designation of the Person by whom such Extract and Execution were presented, and the Date of the Presentation, which Registration shall have all the like Operation and Effect as the Registration of any expired Charge of Payment, in Terms of the Act passed in the Session of Parliament holden in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to amend the Law of Scotland in Matters relating to Personal Diligence, Arrestments, and Poinings*.

On Expiration of Charge, Sheriff may record the Extract and Execution of Charge.

1 & 2 Vict. c. 114.

XXXIV. On the Execution being so recorded, the Sheriff Clerk shall write upon the Extract, and upon the Execution (if it be written on Paper apart), a Certificate of the Registration thereof, which he shall date and subscribe, in Terms of the Schedule I. hereunto annexed, or as near thereto as Circumstances will permit; and it shall be lawful for the Sheriff to issue a Warrant to imprison in Terms as nearly as may be of the Schedule K. hereunto annexed; and it shall be lawful for any Messenger-at-Arms or Sheriff Officer, by virtue of such Extract and Warrant to imprison, to search for, take, apprehend, and imprison the Debtor or Obligant, and, if necessary for that Purpose, to open shut and lockfast Places; and the Magistrates and Keepers of Prisons are hereby authorized and required to receive into and detain in Prison the Person of the Debtor or Obligant, till liberated in due Course of Law, in like Manner as under any Extract and Warrant to imprison issued under the last-mentioned Act.

After Execution of Charge recorded, Sheriff may issue Warrant to imprison.

XXXV. It shall be lawful for any Sheriff, by virtue of any such Extract, to cause the Sheriff Clerk of his County, or other Person empowered by him in that Behalf, to seize and detain the Books of Account and other Books and Papers of the Crown Debtor, in order to ascertain the State of his pecuniary Affairs, and the Book and other Debts due to him, and the Names and Residences of his Debtors, and the Amounts of the Debts severally due by them; and such Extract shall be a sufficient Warrant to such Sheriff Clerk or other Person to seize and detain such Books and Papers in Terms

Sheriff may seize Books of Crown Debtor under Extract Decree.

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thereof; and such Sheriff Clerk or other Person shall return an Execution of such Seizure in the Form as nearly as may be of the Schedule L. hereunto annexed, and such Books and Papers shall be open to the Inspection of the Sheriff, and of any Public Officer having Interest therein on the Behalf of the Crown.

Effects of deceased Crown Debtor may be attached by Arrestment or Pounding.

XXXVI. It shall be competent, notwithstanding the Death of any Person indebted to the Crown by Bond or other Obligation on which Diligence may competently proceed, or under any Extract Decree decerning for Payment of any Penalty, Duty, or Debt to Her Majesty, to proceed against the Estate and Effects of such Debtor by Arrestment, and also by Pounding; and it shall not be necessary in order thereto to cite or charge the Executor or other Representative of such Debtor, or to take any Proceeding against such Executor or Representative; but it shall be competent to register such Bond or other Obligation after as before the Death of the Debtor, and to obtain an Extract of the Decree proceeding upon such recorded Bond or Obligation, containing Warrant to execute Diligence in the like Terms as during the Lifetime of such Debtor; and on an Affidavit by any Person to the Effect that such Debtor is deceased, it shall be lawful for the Sheriff, without the Form of any previous Charge, to cause Arrest at once upon such Extract, registered Bond or Obligation, or Extract Decree in the Hands of any Person indebted or supposed to be indebted to the Deceased, and also to poind the whole moveable Effects of the Deceased, in the like Manner and to the same Effect in every respect as if the Deceased were still in Life, and had been duly charged and the Charge had expired.

As to Bonds, &c. heretofore taken by Court of Exchequer.

XXXVII. In all Cases where, at the Date of the passing of this Act, any Bonds, Recognizances, or Securities are in use to be taken by any Judge or Judges of the Court of Exchequer, such Bonds, Recognizances, and Securities may be taken by any Sheriff, Sheriff Substitute, or Justice of the Peace.

Bonds to Her Majesty to be held as containing a Clause of Registration.

XXXVIII. All Bonds or Obligations granted or that may be granted to Her Majesty, in the Form heretofore in use in the Court of Exchequer in *Scotland*, shall be deemed and taken to be probative Documents, and shall have all the like Privileges, Operation, and Effect as if duly executed and attested according to the Law of *Scotland*; and all Bonds or Obligations granted or that may be granted to Her Majesty, albeit not containing any Clause of Registration, shall be capable of Registration in the Books of Council and Session, or other Judges Books competent, and to have a Decree interponed thereto, and to be extracted with a view to Execution, in the like Manner as if a formal Clause of Registration had been contained therein; and all Diligence and Execution shall be competent thereon in the like Manner and to all Effects as upon any Bond containing such formal Clause of Registration: Provided, that where any such Bond or Obligation shall be for a penal Sum, stipulated to be paid in the event of Payment not being duly made of a smaller Sum of Money conditioned in such Bond or Obligation, Diligence and Execution shall proceed on the Extract of such Bond or Obligation only for Payment of such smaller Sum, conditioned as aforesaid, with such Interest and Expenses as may be due thereon.

Where a Bond to Her Majesty is not for a specific Sum, Sum may be supplied by an Account stated and certified, on which Diligence may proceed.

XXXIX. In the event of the Sum due under any Bond or Obligation to Her Majesty on which Diligence may competently proceed under this or any other Act not being set forth specifically therein, a stated Account of the Sum due under it, having annexed to it a Certificate signed by any Officer of the Revenue, in the Form as nearly as may be of the Schedule M. hereunto annexed, recorded along with such Bond or Obligation, shall be sufficient to ascertain the Sum due under such Bond or Obligation; and the Extractor shall, in extracting the Decree proceeding upon such Bond or Obligation, make the Warrant of Charge and for Diligence to be contained in such Extract applicable to the Sum in the said stated Account, in the like Manner in all respects as if such Sum in the said stated Account had been actually specified in such Bond or Obligation, and thereupon all Diligence and Execution shall proceed as if it had been so specified: Provided always, that no such Bond or Obligation granted after the Date of this Act shall be entitled to the Privilege hereby conferred unless there be inserted therein a specific Clause conferring such Privilege.

Provision for recovering in Scotland Duties accruing in other Parts of the United Kingdom.

XL. Where any Duty shall have accrued due to Her Majesty in any Part of the United Kingdom furth of *Scotland*, and the Person owing such Duty shall be subject to the Jurisdiction of the *Scotch* Courts, it shall be competent to proceed in *Scotland* against such Person for the Recovery of such Duty in the like Manner as if such Duty had accrued due in *Scotland*; and all Evidence that such Duty is resting owing, which would by any Law or Statute have been receivable in such other Part of the United Kingdom, shall be receivable in *Scotland*, and with such and the like Effect and Operation in every respect as would attach to such Evidence in such other Part of the United Kingdom, or to any similar Evidence in *Scotland*.

Jurisdiction of Sheriffs, &c. saved.

XLI. Nothing in this Act contained shall operate to prevent the Exercise by any Sheriff or Justice of the Peace in *Scotland* of any Jurisdiction at present competent to such Sheriff or Justice respectively.

Preference of Crown over other Creditors not to be affected.

XLII. Nothing in this Act contained shall impair, injure, or affect any Preference of the Crown in competition with other Creditors; and in all Questions of Preference or Competition, the Execution of any Charge at the Instance or on the Behalf or for Behoof of the Crown, and in the Case of deceased Crown Debtors to whom no such Charge has been given in their Lifetime, the Execution of any Arrestment or Pounding at the Instance or on the Behalf or for Behoof of the Crown shall be deemed and taken to be equivalent in all respects to the Teste of a Writ of Extent, according to the existing Law and Practice.

XLIII. The

*Court of Exchequer (Scotland).*

XLIII. The Third Section of the Act of the Sixteenth Year of Her present Majesty, Chapter Twenty, shall not be deemed to apply to any Cause to be instituted under this Act relating to the Customs or Inland Revenue.

Extent of Section 3 of 16 Vict. c. 20.

XLIV. The Lord President of the Court of Session, the Lord Advocate, and the Lord Ordinary in Exchequer Causes, and any Two of them, shall have Power to frame Orders and Regulations from Time to Time, with a view to carry into execution the Purposes of this Act, and to remove any Difficulties which may be found to arise in applying to the Extent contemplated by this Act the Forms and Practice of the Court of Session to Exchequer Proceedings; provided that such Orders and Regulations shall not be inconsistent with the Provisions of this Act, and that within Fourteen Days from the Commencement of every future Session of Parliament there shall be transmitted to both Houses of Parliament Copies of all Orders and Regulations framed as aforesaid, under the Powers herein given, not previously transmitted to Parliament.

Lord President, Lord Advocate, and Lord Ordinary in Exchequer Causes empowered to make Orders and Regulations to facilitate Procedure.

XLV. The Offices of Attornies or Sworn Clerks, and Macers of the Court of Exchequer as at present constituted are hereby abolished; and also all other Offices in the said Court, in so far as the same relate to any Duties attached to such Offices connected with the issuing of Writs, Process, and Diligence, and the Duties of Clerk of Court.

Certain Offices in Exchequer, &c. abolished.

XLVI. It shall be lawful for any Person who conceives that he is entitled to Compensation for Loss to be suffered through the Operation of this Act to make Application to the Commissioners of Her Majesty's Treasury for the Time being claiming such Compensation; and it shall be lawful for the said Commissioners to investigate such Claim, and to call for such Evidence in relation thereto as they may think necessary; and upon such Claim being established to their Satisfaction, the said Commissioners are hereby authorized and empowered to award to such Person such Compensation as they shall think him entitled to, either by the Payment of a given Sum or by way of Annuity, as they shall think proper; and such Compensations shall be paid out of any Monies which may from Time to Time be voted by Parliament for that Purpose; provided that a Copy of every such Award of Compensation shall be laid before both Houses of Parliament within Ten Days from the Date thereof, if Parliament shall be then sitting, and if not, then within Ten Days after the Commencement of the Session of Parliament next ensuing, and no such Award shall be final and conclusive until Two Months after the same shall have been so laid before Parliament: Provided also, that if any Person to whom Compensation shall be so awarded by way of Annuity shall be afterwards appointed to any Public Office, such Compensation shall be accounted *pro tanto* of the Salary payable to such Person in respect of such Office while he shall continue to hold the same.

Power to Treasury to grant Compensations for Loss of Office.

XLVII. In construing this Act the following Words and Expressions shall receive the Meaning after assigned to them: The Expression "Lord Ordinary" shall mean the Lord Ordinary in Exchequer Causes to be appointed under this Act; the Word "Cause" shall comprehend Action, Suit, Prosecution, Process, and Proceeding; the Word "Person" shall comprehend Tribunal and public and private Company, and corporate and public and other Body, as well as the individual Members of such Tribunal, Company, or Body; the Word "Decree" shall comprehend Act, Order, Warrant, Interlocutor, and Judgment; the Expression "Rentcharge" shall comprehend Debt, Rent, and Duty; and the Word "Penalty" shall comprehend Fine and Forfeiture.

Interpretation of certain Terms.

XLVIII. All Laws, Statutes, Usages, Acts of Sederunt, and Rules and Régulations of Court now in force shall be and the same are hereby repealed, in so far as may be necessary to give Effect to the Provisions of this Act, and no further or otherwise.

Repeal of certain Laws, &c.

XLIX. This Act shall take effect from and after the Twelfth Day of *November* One thousand eight hundred and fifty-six; and all Causes then depending in the Court of Exchequer as at present constituted shall be transferred to the Court of Session acting as the Court of Exchequer under this Act, and shall be proceeded with in such Way and Manner as may be prescribed by any Rules and Regulations to be framed in Terms of this Act.

Commencement of Act.

SCHEDULES referred to in the foregoing Act.

SCHEDULE A.

SUBPŒNA.

[Name and Designation of Party.]

You are hereby required to appear before the Lord Ordinary in Exchequer Causes in the Court of Session at Edinburgh, on the Fourteenth Day next after the Date of Service of this Subpœna, to answer to an Information then to be presented at the Instance of the Lord Advocate, on the Behalf of Her Majesty against you, [and, when the Information is to be laid under an Act of Parliament, add,] under the Act [name Act of Parliament imposing the Penalty or Duty claimed, or under which the Debt is sought to be recovered.] Given at Edinburgh, this \_\_\_\_\_ Day of \_\_\_\_\_ Eighteen hundred and \_\_\_\_\_ Years.

(Signed) A. B.  
Depute [or Assistant] Clerk of Session.

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*Court of Exchequer (Scotland).*


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## SCHEDULE B.

## INFORMATIONS.

1. *Spirits.*

I, the Right Honourable *A.B.*, Her Majesty's Advocate, on the Behalf of Her Majesty, inform the Court,—

*1st Count*,—That on the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year \_\_\_\_\_ there was found in the Distillery of *A.* [*design him,*] commonly called the \_\_\_\_\_ Distillery, in the County of \_\_\_\_\_, and not in the Mash Tun or Wort Underback in such Distillery, Gallons of Wort or Wash, the Gravity whereof did exceed by more than Three Degrees, that is to say, by Fifteen Degrees in Cooler No. 1, by Fifty-five Degrees in Back No. 2, by Sixteen Degrees in Back No. 3, the particular Gravity which had been specified in a Notice in Writing delivered to the Supervisor or Surveyor in charge of the Distillery of him the said *A.* Contrary to the Statute 4th Geo. IV. Cap. 94. Sect. 44. Whereby the said *A.* has forfeited the Sum of £200.

*2d Count*,—That on the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year \_\_\_\_\_ there was found in the said Distillery of the said *A.*, and not in the Mash Tun or Wort Underback in such Distillery, 100 Gallons of Wort or Wash, the Gravity whereof did exceed by Fifty-four Degrees, or, at least, by more than Three Degrees, the particular Gravity which had been specified in a Notice in Writing in that Behalf, delivered to the Supervisor or Surveyor in charge of the Distillery of him, the said *A.* Contrary to the Statute 4th Geo. IV. Cap. 94. Sect. 44. Whereby the said *A.* has forfeited the Sum of £200.

*3d Count*,—That on the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year \_\_\_\_\_ in the Distillery of the said *A.*, commonly called \_\_\_\_\_ Distillery, of the said *A.*, 9,211 Gallons of Wort or Wash, which had not been collected in the Wort Receiver, and the Quantity and Gravity whereof had not been declared, as in the Statute in that Behalf made is required and directed, was conveyed into and collected in a Fermenting Back, No. 1 Back, in the said Distillery, but was not so conveyed and collected within the Space of Six Hours after the Running or Conveyance of such Wort or Wash had commenced. Contrary to the Statute 4th Geo. IV. Cap. 94. Sect. 48. Whereby the said *A.* has forfeited the Sum of £200.

*4th Count*,—That the said *A.*, being a Distiller, on the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year \_\_\_\_\_, and on Three other Days between that Day and the \_\_\_\_\_ Day of \_\_\_\_\_, in the Distillery of the said *A.*, One hundred Gallons of Wort or Wash, which had not been collected in the Wort Receiver, and the Quantity and Gravity of which had not been declared, as in the Statute in that Behalf made is directed, and which was intended to be run or conveyed into a Fermenting Back of him the said *A.*, as such Distiller, was conveyed into and collected in a Fermenting Back in the said Distillery; yet the said *A.* did not, on any or either of the said last-mentioned Days, immediately and without Delay, deliver to the proper Officer in that Behalf a Declaration in Writing, specifying the several Particulars in reference to the said Wort or Wash, in Terms of the Statute. Contrary to the Statute 4th Geo. IV. Cap. 94. Sect. 48. Whereby the said *A.* has, for each of his said Offences, forfeited the Sum of £200, amounting in the whole to the Sum of £800.

*5th Count*,—That on the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year \_\_\_\_\_, at the Place aforesaid, the said *A.* did remove, or send with a Permit, a lesser Quantity of Spirits than the Quantity specified and described in the said Permit. Contrary to the Statute 2d Will. IV. Cap. 16. Sect. 13. Whereby the said *A.* has forfeited the Sum of £500.

*6th Count*,—That on the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year \_\_\_\_\_, at the Place aforesaid, the said *A.* did utter a certain false or untrue Request Note to an Officer of Excise, for the Purpose of falsely and fraudulently obtaining a Permit with and for certain Spirits. Contrary to the Statute 2d Will. IV. Cap. 16. Sect. 13. Whereby the said *A.* has forfeited the Sum of £500.

*7th Count*,—That on the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year \_\_\_\_\_ the said *A.* did knowingly or willingly give a false or untrue Permit with and for certain Spirits. Contrary to the Statute 2d Will. IV. Cap. 16. Sect. 13. Whereby the said *A.* has forfeited the Sum of £500.

*8th Count*,—That on the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year \_\_\_\_\_ a Quantity of Spirits was removed from the Distillery of the said *A.*, he the said *A.* being a Distiller licensed under the Statutes in that Case made and provided, in the Quantity of Two Gallons and One Half Gallon, or at least a less Quantity than Nine Gallons. Contrary to the Statute 4th Geo. IV. Cap. 94. Sect. 120. Whereby the said *A.* has forfeited the Sum of £200.

[*To be signed by the Lord Advocate or Counsel.*]

*Note*.—Each Count in this and any other Information may, if thought proper, be made itself a separate Information.

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*Court of Exchequer (Scotland).*


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2. *Malt.*

I, the Right Honourable *A.B.*, Her Majesty's Advocate, on the Behalf of Her Majesty, inform the Court,—

*1st Count*,—That on the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year \_\_\_\_\_, within the Parish of \_\_\_\_\_ and County of \_\_\_\_\_, *A.*, being a Maltster or Maker of Malt, did remove, carry, or send away about Four Bushels of Malt from the Building or Place where the same had been made, before the said Malt had been taken account of and charged with Duty by the proper Officer of Excise, or did fraudulently deposit, conceal, or convey away from the Sight of the Officers of Excise about Four Bushels of Malt or of Corn or Grain making into Malt. Contrary to the Statute 7th & 8th Geo. IV. Cap. 52. Sections 40 and 41. Whereby the said *A.* has forfeited the Sum of £200.

*2d Count*,—That at the Time and Place aforesaid the said *A.*, being a Distiller and Maker of Low Wines or Spirits, making Entry as a Maltster or Maker of Malt for the sole Purpose of being consumed in distilling Low Wines or Spirits from Malt only, did take about Four Bushels of Malt off the Kiln without having given such Notice as in the Statute 7th & 8th Geo. IV. Cap. 52. Sect. 68. is required. Contrary to the said Statute. Whereby the said *A.* has forfeited the Sum of £50.

*3d Count*,—That at the Time and Place aforesaid the said *A.* did resist, oppose, molest, obstruct, or hinder a Person employed in the Revenue of Excise in the due Execution of a Power or Authority conferred upon him by the said Statute 7th & 8th Geo. IV. Cap. 52. Sect. 9. Contrary to the said Statute. Whereby the said *A.* has forfeited the Sum of £300.

*4th Count*,—That at the Time and Place aforesaid the said *A.* did molest, obstruct, or hinder a certain Person employed in the Revenue of Excise in the Seizure of Malt forfeited under or by virtue of the Statute in that Case made and provided. Contrary to the Statute 7th & 8th Geo. IV. Cap. 53. Sect. 39. Whereby the said *A.* has forfeited the Sum of £200.

3. *Licence.*

I, the Right Honourable *A.B.*, Her Majesty's Advocate, on the Behalf of Her Majesty, inform the Court,—

That on or about the \_\_\_\_\_ Day of \_\_\_\_\_ Eighteen hundred and \_\_\_\_\_ at \_\_\_\_\_ in the County of \_\_\_\_\_, *A.* [*design him*], being a Maltster [*or Distiller, or as the Case may be*], did make or manufacture Malt [*or Spirits, or as the Case may be*], for the making or manufacturing [*or did exercise or carry on the Trade or Business of a \_\_\_\_\_, for the exercising or carrying on*] of which a Licence was by Statute required, without taking out such Licence. Contrary to the Act 6 Geo. IV. Cap. 81. Sect. 26. Whereby the said *A.* has forfeited the Sum of £\_\_\_\_\_.

4. *Entry.*

I, the Right Honourable *A.B.*, Her Majesty's Advocate, on the Behalf of Her Majesty, inform the Court,—

That on or about the \_\_\_\_\_ Day of \_\_\_\_\_ Eighteen hundred and \_\_\_\_\_ at \_\_\_\_\_ in the County of \_\_\_\_\_, *A.* [*design him*], a Person carrying on the Trade or Business of [*specify it*], under or subject to certain Laws of Excise, did make use of a House [*or Building, or Vessel, or Utensil, or as the Case may be*], for the making of [*or for the retailing or storing, or as the Case may be*], Spirits [*or Malt, or as the Case may be*]; of which House [*or as the Case may be*], Entry was by Statute required to be made; without having made Entry thereof by delivering such true and particular Account thereof as by Law is required, to the Officer of Excise in whose Survey such House [*or as the Case may be*] was intended to be used as aforesaid. Contrary to the Statute 4 & 5 Will. IV. Cap. 51. Sect. 6. Whereby the said *A.* has forfeited the Sum of £200.

5. *Concealing Goods.*

I, the Right Honourable *A.B.*, Her Majesty's Advocate, on the Behalf of Her Majesty, inform the Court,—

That *A.* [*design him*] on or about the \_\_\_\_\_ Day of \_\_\_\_\_ Eighteen hundred and \_\_\_\_\_, at \_\_\_\_\_ in the County of \_\_\_\_\_ did remove, deposit, or conceal, or was concerned in removing, depositing, or concealing, certain \_\_\_\_\_ or other Goods or Commodities, being of the Value of £\_\_\_\_\_, for or in respect whereof a Duty of Excise was and is imposed, with Intent to defraud Her Majesty of the said Duty. Contrary to the Statute 7 & 8 Geo. IV. Cap. 53. Sect. 32. Whereby the said *A.* has forfeited the Sum of £\_\_\_\_\_, being Treble the Value of the said Goods and Commodities, which the Commissioners of Excise have elected to take in lieu of the Penalty of £100.

6. *Not*

*Court of Exchequer (Scotland).*

6. *Not cancelling Permit.*

I, the Right Honourable *A.B.*, Her Majesty's Advocate, on Behalf of Her Majesty, inform the Court,—

*1st Count.*—That at the Time of committing the several Offences after mentioned *A.* [*design him*] was a Dealer in [*or Retailer of*] Spirits, and, as such, had provided himself with a Book, as prescribed by the Act 11 and 12 Vict. Cap. 121, for the Purpose of entering therein such Particulars relating to Spirits to be received into his Stock, Custody, or Possession as by the said Act Dealers in [*or Retailers of*] Spirits were and are required to make due Entries of: And that the said *A.* did, on or about the Day of                      Eighteen hundred and                      at                      in the County of                      , receive into his Stock, Custody, or Possession, Fifty Gallons, or other large Quantity of Spirits: Yet the said *A.* did not, at any Time on the said Day on which the said Spirits were so received by him, make, or cause to be made, due Entries in his said Book, of the several Particulars by the said Act required to be entered therein relating to the said Spirits. Contrary to the said Statute 11 & 12 Vict. Cap. 121. Whereby the said *A.* has incurred the Penalty of £100.

*2d Count.*—That the said *A.*, being a Dealer in [*or Retailer of*] Spirits, did, on or about the Day of                      Eighteen hundred and                      , at                      in the County of                      , receive Fifty Gallons or other Quantity of Spirits, which were, at the Time when they were so received by him, accompanied by a true and lawful Permit [*or Certificate*]; and the said *A.* did then and there receive such Permit [*or Certificate*] with the said Spirits; yet the said *A.* did not, immediately on receiving such Permit [*or Certificate*] cancel the same in the Manner directed by the said Statute, so as to prevent the same from being again used for the Removal of Spirits. Contrary to the said Statute 11 & 12 Vict. Cap. 121. Whereby the said *A.* has incurred the Penalty of £50.

7. *Private Still.*

I, the Right Honourable *A.B.*, Her Majesty's Advocate, on the Behalf of Her Majesty, inform the Court,—

That on or about the                      Day of                      Eighteen hundred and                      , at                      in the County of                      , *B.* and *C.*, Officers of Excise, did discover and seize a certain private or concealed Still for making Spirits, in a certain House, [*or Place, or as the Case may be,*] in which the same had been or was then set up or kept by *A.* [*design him*], or other Person to Her Majesty's Advocate unknown, not licensed to that Effect: And the said Still was not, within Ten Days after such Seizure, claimed by any Person as the Owner thereof: And the said *A.* was the Proprietor of the said Still, or the same was found in his Custody. Contrary to the Statute 3 Geo. IV. Cap. 52. Sects. 13. and 14.: Whereby the said *A.* has forfeited the Sum of £200 for the said Place in which said Still was found, and the further Sum of £200 for the said Still.

8. *Seizure.*

I, the Right Honourable *A.B.*, Her Majesty's Advocate, on the Behalf of Her Majesty, inform the Court,—

That *B.*, Officer of Excise, on or about the                      Day of                      in the Year                      , at                      in the County of                      did seize and arrest to the Use of Her Majesty, as forfeited, 100 Bushels of Malt or thereby, in respect,—

*1st Count.*—That the said Malt was, by a Person to Her Majesty's Advocate unknown, fraudulently deposited, concealed, or conveyed away from the Sight of the Officers of Excise. Contrary to the Statute 7 and 8 Geo. IV. c. 52. Sec. 40. Whereby the said Malt became forfeited.

*2d Count.*—That the said Malt was in the Custody or Possession of a Person to Her Majesty's Advocate unknown, the same being Malt which had been removed, carried, or sent away from the Building and Place where the same had been made, before the said Malt had been taken account of and charged with Duty, such Person knowing the same to have been so removed, carried, or sent away. Contrary to the Statute 7 & 8 Geo. IV. c. 52. Sec. 41. Whereby the said Malt became forfeited.

*3d Count.*—That on or about the                      Day of                      in the Year                      , at                      in the County of                      , the said Malt, being Goods and Commodities for and in respect whereof a certain Duty of Excise was imposed, was removed or deposited or concealed, with Intent to defraud Her Majesty of such Duty, or of a certain Portion thereof. Contrary to the Statute 7 & 8 Geo. IV. c. 53. Sec. 32. Whereby the said Malt became forfeited.

9. *Customs.*

I, the Right Honourable *A.B.*, Her Majesty's Advocate, on the Behalf of Her Majesty, inform the Court,—

*1st Count.*—That on or about the                      Day of                      in the Year                      , in the County of                      , *A.* [*design him*], Grocer and Spirit Dealer, was knowingly concerned in conveying,                      removing,

*Court of Exchequer (Scotland).*

removing, depositing, concealing, or dealing with 80 Pounds Weight or thereby of Tobacco, or other Goods, liable to Duties of Customs, with Intent to defraud Her Majesty of the Duties thereon. Contrary to the Statute 16 & 17 Vict. Cap. 107. Secs. 232. and 263. Whereby the said *A.* has forfeited the Sum of £ , being Treble the Value of the said Tobacco or other Goods, for which the Commissioners of Customs have elected to sue.

*2d Count*,—That on or about the Day of in the Year , at in the County of , the said *A.* did carry, convey, or conceal, or was aiding, assisting, or concerned in the carrying, conveying, or concealing of 80 Pounds Weight or thereby of Tobacco, then and there liable to Forfeiture under the Act 16 & 17 Vict. Cap. 107. Secs. 209. 234. and 263. Contrary to the said Statute. Whereby the said *A.* has forfeited the Sum of £ , being Treble the Value of the said Tobacco, for which the Commissioners of Customs have elected to sue.

*10. Legacy Duty.*

I, the Right Honourable *A.B.*, Her Majesty's Advocate, on the Behalf of Her Majesty, inform the Court, That on the Day of in the Year , *A.* [*design him*] was indebted to Her Majesty in the Sum of £ , by virtue of the Statute 55 Geo. III. Cap. 184. Schedule, Part 3, inasmuch as *B.* [*design him*], deceased, by certain Testamentary Instruments, gave to *C.* the clear Residue of the Monies to arise from the Sale or other Disposition of certain Heritable Estates of the said *B.* by the said Testamentary Instruments directed to be sold or otherwise disposed of: That on the Day of in the Year , at in the County of , the said *B.* died, without revoking or altering the said Testamentary Instruments as to the said Residue so given as aforesaid: That the said clear Residue was more than the Value of £20: That the said *A.* was a Trustee to whom the said Heritable Estate, out of the Monies to arise from the Sale or other Disposition of which the said clear Residue so given was to be paid or satisfied, was devised; and being such Trustee, he retained, for the Benefit of the said *C.*, the Sum of £ , or thereby, a Part of the said clear Residue, on which Part thereof the Duty which was chargeable was the said Sum of £ ; and the said *A.* did not, before retaining as aforesaid, first pay the said Duty to Her Majesty. Contrary to the said Statute. Whereby the said *A.* is indebted and liable to pay to Her Majesty the said Sum of £

*11. Inventory Duty.*

I, the Right Honourable *A.B.*, Her Majesty's Advocate, on the Behalf of Her Majesty, inform the Court, That on the Day of in the Year , *A.* [*design him*] was indebted to Her Majesty in the Sum of £ , by virtue of the Statutes 48 Geo. III. Cap. 149. Sec. 38. and 55 Geo. III. Cap. 184. Schedule, Part 3, for Double the Amount of Stamp Duty which would have been payable by the said *A.*, upon a certain Inventory of the Personal and Moveable Estate and Effects, in Scotland, of the Value of £ , or thereby, of *B.* [*design him*], who died after the 1st Day of January 1842, that is to say, on or about the Day of in the Year , which Inventory the said *A.*, although he had intromitted with and entered upon the Possession and Management of the said Estate and Effects more than Six Calendar Months before the said Day of in the Year , and ought before that Day to have exhibited such Inventory in the proper Commissary Court in Scotland, neglected to exhibit the same within the Time prescribed for that Purpose. Contrary to the said Statutes. Whereby the said *A.* is indebted to Her Majesty in the said Sum of £

*12. Succession Duty.—(Heritable Property.)*

I, the Right Honourable *A.B.*, Her Majesty's Advocate, on the Behalf of Her Majesty, inform the Court, That *A.* [*design him*] became beneficially entitled upon the Death of *B.*, on the Day of in the Year , to certain Heritable or Real Property, situated in the County of , in Possession, or to the Receipt of the Income or Profits thereof, for a Period not less than the Residue of his Life: That the annual Value, after Allowance of all necessary Outgoings of the said Property, was £ : That the Value of the said Succession, in Terms of the Statute 16 & 17 Vict. Cap. 51., amounted to the Sum of £ , and the Duty payable thereon to the Sum of £ : That the said Duty was payable by Eight half-yearly Instalments, and the Periods when the First and Second half-yearly Instalments of the same were payable are past, and the said Instalments have not been paid to Her Majesty: That the said Instalments of Duty were finally ascertained on the Day of ; and the said *A.* has wilfully neglected to pay the same within Twenty-one Days from the said Date when such Duty was so ascertained. Contrary to the Statute 16 & 17 Vict. Cap. 51. Whereby the said *A.* became indebted to Her Majesty in the Sum of £ , being the Amount of the said First and Second Instalments of Succession Duty; and liable to pay to Her Majesty the Sum of £ of Penalty, for Neglect as aforesaid of Payment of said Instalments, and a like Sum of £ for every Month after the First Month during which such Neglect has continued and shall continue.

*13. Succession*

*Court of Exchequer (Scotland).*

13. *Succession Duty.—(Personal Property.)*

I, the Right Honourable *A. B.*, Her Majesty's Advocate, on the Behalf of Her Majesty, inform the Court, That *A.* [*design him*] became beneficially entitled, upon the Death of *B.*, on the Day of                      Eighteen hundred and                      , to a certain Sum of Money, amounting to £                      ; That the said *B.* obliged himself, by the antenuptial Marriage Contract entered into between him and his Wife, to pay, Six Months after his Death, to the Child or Children of the said Marriage, the said Sum ; and the said *A.* is the only Child of the said Marriage : That the said *A.* became entitled in Possession to the said Succession, or to the Receipt of the Income thereof, upon the                      Day of Eighteen hundred and                      , and the Succession Duty thereon was then payable : That the said Duty amounts to the Sum of £                      , and has not been paid to Her Majesty : That the said Duty was finally ascertained on the                      Day of                      Eighteen hundred and                      , and the said *A.* has wilfully neglected to pay the same within Twenty-one Days from the said Date when such Duty was so ascertained. Contrary to the Statute 16 & 17 Vict. Cap. 51. Whereby the said *A.* became indebted to Her Majesty in the said Sum of £                      , being the Amount of the said Succession Duty ; and liable to pay to Her Majesty the Sum of £                      of Penalty for Neglect of Payment of said Duty, and a like Sum of £                      of Penalty for every Month after the First Month during which such Neglect has continued and shall continue.

14. *Crown Teinds.*

I, the Right Honourable *A. B.*, Her Majesty's Advocate, on the Behalf of Her Majesty, inform the Court,—

*1st Count.*—That on the                      Day of                      in the Year                      *A.* [*design him*] was indebted to Her Majesty in the Sum of £                      , due and owing by him for the Teinds of the Lands of                      , in the County of                      , after Deduction of Stipend payable therefrom, which Teinds belong to Her Majesty for the Crops of the Years                      and                      and intervening Crops.

*2d Count.*—That the said *A.*, on the                      Day of                      in the Year                      , was indebted to Her Majesty in the further Sum of £                      , due and owing by him for Interest upon Money due by him to Her Majesty.

15. *Promissory Note.*

I, the Right Honourable *A. B.*, Her Majesty's Advocate, on the Behalf of Her Majesty, inform the Court, That on the                      Day of                      in the Year                      *A.* [*design him*] did make, sign, or issue a certain Promissory Note for the Payment of a Sum of Money amounting to Five Pounds, and not exceeding One hundred Pounds, in another Manner than to the Bearer on Demand, liable to the Payment of Stamp Duty charged by the Statute 17th & 18th Vict. Cap. 83., without the same being duly stamped or marked with the proper Stamp or Mark as by Law is directed, that is, a Promissory Note, bearing Date the                      Day of                      in the Year                      , for the Payment                      Months after Date, to the Order of *B.*, of the Sum of £                      , or some other Promissory Note, liable to a Stamp Duty of                      , without the same being duly stamped or marked with the Stamp or Mark indicating the Payment of the said Duty, contrary to the Statutes 55 Geo. III. Cap. 184., 17th & 18th Vict. Cap. 83., and other Statutes, whereby the said *A.* has forfeited the Sum of £50.

16. *Receipt Stamp.*

I, the Right Honourable *A. B.*, Her Majesty's Advocate, on the Behalf of Her Majesty, inform the Court,—

That on or about the                      Day of                      in the Year                      *A.* [*design him*] did write or sign or cause to be written or signed a certain Receipt or Discharge, given for or upon the Payment of a Sum of Money amounting to Two Pounds and upwards, that is to say, £                      , liable to the Payment of Stamp Duty charged by the Act 16th & 17th Vict. Cap. 59., upon a Piece of Paper, without the same being first stamped, or marked with the Stamp or Mark impressed upon the Paper, and without having the adhesive Stamp affixed thereto, as by Law is directed, contrary to the Statutes 35 Geo. III. Cap. 55. and 16th & 17th Vict. Cap. 59., and other Statutes, whereby the said *A.* has forfeited the Sum of £10 [*or £20*].

17. *Attorney Certificate Duty.*

I, the Right Honourable *A. B.*, Her Majesty's Advocate, on the Behalf of Her Majesty, inform the Court, That at                      in the County of                      between the                      Day of                      in the Year of                      and the Day of the Lodging of this Information, *A.*, in the County of                      , Writer, did, for and in expectation of Gain, Fee, or Reward, commence, carry on, or defend a certain Action, Suit, and Proceeding in a certain Court in Scotland as a Solicitor, Attorney, and Procurator, and Agent of the said Court, without having first duly obtained a proper stamped Certificate in the Manner in the Statute directed, contrary to the Statute 9 Geo. IV. Cap. 49. Sec. 9., whereby the said *A.* has forfeited the Sum of £50.

18. *Post*



*Court of Exchequer (Scotland).*

18. *Post Horse Duty.*

I, the Right Honourable *A.B.*, Her Majesty’s Advocate, on the Behalf of Her Majesty, inform the Court, That on the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year \_\_\_\_\_, at \_\_\_\_\_ in the County of \_\_\_\_\_, *A.*, having a Licence to keep at One Time to be let for Hire One Horse, did keep at One Time to be let for Hire a greater Number of Horses, viz., Two Horses, than he was by the foresaid Licence authorized to keep at One Time to be let for Hire. Contrary to the Statute 16th & 17th Vict. Cap. 88. Sec. 15., Whereby the said *A.* has forfeited the Sum of £100.

SCHEDULE C.

VERDICT.

The Jury find for the Queen ; or  
 The Jury find for the Defender ; or  
 The Jury find for the Queen [*or, the Defender,*] on the First Count ; and for the Defender [*or the Queen*] on the Second Count [*or as the Case may be*].  
 [To be written on the Information, and signed by the Clerk of Court.]

SCHEDULE D.

APPRAISEMENT OF SEIZURE.

Date of Seizure.	Officers’ Names by whom seized.	Where seized.	For what Cause seized.	Species and Quantity of Goods seized.	Value appraised at £ s. d.
Total					£

I [*Name and Designation*] hereby certify, That the foregoing Appraisement made by me, in order to be returned to the Court of Session as the Court of Exchequer in Scotland, is just and true, as to the Quantity, Quality, and Value of the Articles therein stated, and in all other Particulars, to the best of my Knowledge. Dated at \_\_\_\_\_ this \_\_\_\_\_ Day of \_\_\_\_\_ Eighteen hundred and \_\_\_\_\_.  
 [To be signed by the Officer making the Seizure, or other Officer of the same Department of the Revenue.]

SCHEDULE E.

CLAIM FOR SEIZURE.

Claim for Goods seized by [*Name and Designation*], Officer of Inland Revenue (Excise Branch), [*or as the Case may be*] at \_\_\_\_\_.  
 I [*Name*] Distiller, [*or as the Case may be*] residing at \_\_\_\_\_, declare that I am the Owner of the Goods contained in the Appraisement made by [*Name and Designation*], dated the \_\_\_\_\_ Day of \_\_\_\_\_ Eighteen hundred and \_\_\_\_\_, and I claim the same.  
 [To be signed by the Claimant.]

SCHEDULE F.

NOTE OF APPEAL.

Note of Appeal for *A.B.* [*design him*], Supervisor of Excise for [*or as the Case may be*].  
 In the Information in the Excise Branch of the Inland Revenue, [*or the Stamps Branch of the Inland Revenue, or the Customs Branch of the Revenue, or as the Case may be,*] at his Instance against *C.D.* [*design him*], before Her Majesty’s Justices of the Peace for the County of \_\_\_\_\_  
 [or,]  
 In the Matter of the Warrant of Commitment of the said *A.B.*, granted upon the Application [*or Certificate, or as the Case may be,*] of *C.D.* [*design him*], issued by Her Majesty’s Justices of the Peace for the County of \_\_\_\_\_ [*or the Sheriff of the County of \_\_\_\_\_ or as the Case may be*].  
 The Appellant hereby appeals against a Judgment [*or Warrant of Commitment, or as the Case may be,*] of the said Justices, dated [*specify Date*], signed by \_\_\_\_\_ and \_\_\_\_\_ [*name the Justice or Justices by whom signed, and state that they are Justices.*]  
 In respect whereof, &c.  
 [To be signed by any Solicitor of Revenue, or by any Agent before the Court of Session.]

*Court of Exchequer (Scotland).*

SCHEDULE G.

WARRANT TO BE SUBJOINED TO EXTRACTS OF EXCHEQUER DECREES IN FAVOUR OF THE CROWN.

And the said Lords command and charge all Sheriffs of Counties, and each of them, conjunctly and severally, to put this Decree in execution in manner under-written, that is to say, in Her Majesty's Name, to cause charge the said *A.* personally, or at his Dwelling Place, if within Scotland, and if furth thereof, by delivering a Copy of Charge at the Office of the Keeper of the Record of Edictal Citations, at Edinburgh, to make Payment of the foresaid Sum or Sums of Money, Principal, Interest, and Expenses, [or to implement and perform the foresaid Obligations, or both to pay and perform, as the Case may require,] all in Terms of and to the Effect contained in the Decree above written, and here referred to and held as repeated *brevitatis Causa*; and that to them the said Sheriffs, or One or other of them, on the Behalf of Her Majesty, within Six Days next after he is charged to that Effect, under the Pain of Poining and Imprisonment; and also to cause arrest the said *A.*'s readiest Goods, Gear, Debts, and Sums of Money, in Payment and Satisfaction of the said Sum, Interest, and Expenses; and also to cause seize and detain the Books of Accounts, and other Books and Papers of the said *A.*; and if the said *A.* shall fail to obey the said Charge to be given to him as aforesaid, then to cause poind the readiest Goods, Gear, or other Effects of the said *A.*, and, if needful for effecting such Poining, to cause open all shut and lockfast Places, in Form as Effeirs; and also, in the same Event, that the said *A.* shall fail to obey the said Charge, then to cause search for, take, and apprehend the Person of the said *A.*, and being so apprehended, to cause imprison the said *A.*, within a Tolbooth or other warding Place, therein to remain until he fulfil the said Charge, and if necessary for that Purpose to open shut and lockfast Places; and to grant Warrant also to the Magistrates and Keepers of Prisons to receive and detain therein the said *A.*

Extracted [*specify Place and Date*] by  
[*Extractor's Signature*].

SCHEDULE H.

EXECUTION OF CHARGE AGAINST CROWN DEBTOR.

Upon the \_\_\_\_\_ Day of \_\_\_\_\_, I, \_\_\_\_\_, Messenger-at-Arms, [or Sheriff Officer,] by virtue of, [*state Nature and Date of Extract and Decree whereupon it proceeds*], at the Instance of \_\_\_\_\_ on the Behalf of Her Majesty against *A.*, [*specify Name and Designation of Crown Debtor or Obligant*], passed and in Her Majesty's Name and Authority lawfully charged the said *A.* to [*state what the Party has been charged to do; if to pay Money, specify the Sum, Interest, and Expenses; or if to fulfil an Obligation, specify it as in the Extract*], and that to *C.D.*, Sheriff of the County of \_\_\_\_\_, for the Behoof of Her Majesty, within Six Days next after the Date of my said Charge, under the Pain of Poining and Imprisonment. This I did [*state Mode of Execution, whether personally or otherwise*], before and in presence of *E.*, Witness to the Premises.

[*Messenger's or Officer's Signature*.]

[*Witness's Signature*.]

SCHEDULE I.

CERTIFICATE OF REGISTRATION OF EXECUTION OF CHARGE IN SHERIFF COURT

Presented by *A.B.*, [*Name and Designation*], and registered in the particular Register of Hornings for the Shire of \_\_\_\_\_ on the \_\_\_\_\_ Day of \_\_\_\_\_

[*Keeper or Clerk's Signature*.]

SCHEDULE K.

WARRANT TO IMPRISON.

[*Place and Date*.]

The Charge being expired, and registered as per Execution and Certificate produced, grant Warrant to search for, take, and apprehend the Person of the said *A.* [*Name of Debtor or Obligant*], and being so apprehended to imprison him within a Tolbooth or other warding Place, therein to remain until he fulfil the said Charge; and, if necessary for that Purpose, to open shut and lockfast Places; and Warrant also to Magistrates and Keepers of Prisons to receive and detain the said *A.* accordingly.

[*To be signed by Sheriff*.]

SCHEDULE L.

EXECUTION OF SEIZURE OF BOOKS AND PAPERS OF CROWN DEBTOR.

Upon the \_\_\_\_\_ Day of \_\_\_\_\_, at \_\_\_\_\_ within the County of \_\_\_\_\_, I, *J.H.*, Sheriff Clerk of the said County of \_\_\_\_\_, by virtue of a Warrant to that Effect, contained in [*specify the Extract in which Warrant contained and its Date*], have seized the Books and Papers belonging to *A.*, [*name and design him*], specified in the following

\_\_\_\_\_, Inventory.

*Court of Exchequer (Scotland).**Saint Sepulchre's Manor (Dublin).*

## Inventory.

[Follows the Inventory.]

the same having, on my Requisition to that Effect, been voluntarily handed over to me by the said *A.* [or by *K.* [Name and Designation], having the Custody thereof; or as the Case may be.]

or,

the same having been found by me in a Safe or Press in the House of the said *A.* at \_\_\_\_\_, to which I obtained Access by breaking open the Doors of the said House, and a Safe or Press therein, because I could not otherwise obtain Admittance thereto [or as the Case may be].

[Signature.]

Sheriff Clerk.

## SCHEDULE M.

## CERTIFICATE OF OFFICER OF REVENUE TO STATED ACCOUNT.

I [Name and Designation], being an Officer of Her Majesty's Revenue, hereby certify, That there is due to Her Majesty, in Terms of the foregoing stated Account, under a Bond granted by [Name and Designation] to Her Majesty, dated the \_\_\_\_\_ Day of \_\_\_\_\_, the Sum of \_\_\_\_\_ Dated at \_\_\_\_\_ this \_\_\_\_\_ Day of \_\_\_\_\_ Eighteen hundred and \_\_\_\_\_

[Signature of Officer of Revenue.]

## C A P. LVII.

An Act to abolish the Jurisdiction of the Court of the Liberties and Manor of *Saint Sepulchre* in and near *Dublin*, and for the future Regulation of certain Markets of the said Manor.

[21st July 1856.]

WHEREAS it would conduce to the better Administration of Justice if the Jurisdiction of the Court of and in the Liberty and Manor of *Saint Sepulchre* in and near *Dublin* in Criminal and Civil Proceedings was abolished, and the Most Reverend *Richard* Lord Archbishop of *Dublin*, the Lord of the said Liberty and Manor, and his several Officers, have freely consented to such Abolition: 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. This Act may be cited for all Purposes as "The Manor Court of *St. Sepulchre* Abolition Act, Short Title. 1856."

II. In the Construction and for the Purposes of this Act (if not inconsistent with the Context or Subject Matter) the following Terms shall have the respective Meanings herein-after assigned to them; that is to say, "the Manor of *Saint Sepulchre*" or "the said Manor" shall mean the Liberty and Manor of *Saint Sepulchre*; "the Archbishop of *Dublin*" or "the said Archbishop" shall mean the Most Reverend *Richard* Lord Archbishop of *Dublin* and his Successors; "the Court" shall mean the Court of the said Liberties and Manor of *Saint Sepulchre*; "the Officers of the Manor of *Saint Sepulchre*" or "the said Officers" shall mean and include the Seneschal, Coroner, Marshals, Registrars, Portreeves, and Bailiffs of or belonging to the Archbishop of *Dublin* and to the Liberty and Manor of *Saint Sepulchre*, or any of them; and "Lord Lieutenant" shall include any other Chief Governor or Governors of *Ireland*.

Interpretation  
of certain  
Terms in this  
Act.

III. This Act shall commence and come into operation on the First Day of *September* One thousand eight hundred and fifty-six. Commencement of Act.

IV. Upon and after the Commencement of this Act, the Jurisdiction and Authority vested in the Court of the Liberties and Manor of *Saint Sepulchre*, and in the Seneschal or Judge and other Officers of the said Court, in relation to the Administration of Justice in Actions, Suits, or other Civil Judicial Proceedings, or in the Administration of Criminal Law, or the Execution of Judgments, Writs, and Processes therein or connected therewith, shall cease; and all such Jurisdiction or Authority within the Limits of the said Liberties and Manor shall be vested in and exercised by such of the Courts and Officers of Her Majesty respectively as such Jurisdiction or Authority would now by Law have belonged to in case the said Liberties and Manor Court had not been constituted or erected; and the several Towns, Places, and Districts within the said Liberties and Manor, and the Inhabitants and Residents therein, shall be subject to the Jurisdiction and Authority of the said Courts of Her Majesty respectively, in the same Manner as such Towns, Places, and Districts, and the Inhabitants and Residents therein, would now have been in case the said Liberties and Manor Court had not been constituted or erected. Jurisdiction of Court and Officers of the Manor of *Saint Sepulchre* in Judicial Proceedings, Civil or Criminal, to cease, and the same to be exercised by the Courts and Officers of Her Majesty.

V. It shall be lawful for the Chairman of *Kilmainham*, or Assistant Barrister of the County of *Dublin*, and the Recorder of *Dublin*, and the Assistant Barrister of the Counties of *Kildare* and *Wicklow* respectively, within the Limits of their respective Jurisdictions, to renew all Decrees and Dismisses made and pronounced by the said Court, or its Seneschal or Judge, before the Commencement of this Act. Chairman of *Kilmainham*, Assistant Barrister of the County of *Dub-*

*Saint Sepulchre's Manor (Dublin).*

lin, &c., may renew Decrees, &c. made by Seneschal before Commencement of Act.

Regulations as to Persons in Custody of Marshal of Saint Sepulchre at Commencement of Act.

Power to sell Court House and Marshalsea.

Application of Proceeds of Sale.

Compensation to Officers.

The Markets of Saint Sepulchre within the Limits of the Borough of Dublin to vest in the Corporation.

Parts of Manor, &c. subject to Borough Improvement Acts. The Lord Mayor of Dublin to be Clerk of the Markets of Saint Sepulchre.

of this Act, without regard to the Amount thereby decreed or adjudged to be paid; and every such renewed Decree and Dismiss shall be deemed a Decree or Dismiss of the said Chairman, Recorder, or Assistant Barrister, as the Case may be, and may be executed as such, notwithstanding that the Amount thereby decreed to be paid shall exceed the amount to which the Jurisdiction of such Chairman, Recorder, or Assistant Barrister shall be limited.

VI. Any Person who at the Commencement of this Act may be in the Custody of the Marshal of *Saint Sepulchre*, under or by virtue of any Jurisdiction or Authority hereby abolished, shall as soon as conveniently may be thereafter, without Writ of Habeas Corpus or other Writ for that Purpose, be removed by the said Marshal to the Common Gaol of the County in which he may have been arrested under the Writ or Warrant or other Process for his Arrest and Imprisonment, or if arrested or committed within the City of *Dublin* then to the Prison of the *Four Courts Marshalsea*, and shall be by such Marshal delivered into the Custody of the Gaoler or Keeper of such Common Gaol or Prison, together with the Decree, Writ, Warrant, or other Process by virtue of which such Person was arrested or imprisoned, and all other Decrees, Writs, Warrants, and other Processes lodged with such Marshal, by virtue of which such Person is or ought to be detained in Custody of such Marshal; and all Persons who may be in the lawful Custody of the said Marshal at the Commencement of this Act shall, until removed as aforesaid, and for and during the Time of such Removal, notwithstanding anything herein-before contained, be to all Intents and Purposes deemed to be in the proper legal Custody, unless and until they be respectively sooner discharged in due Course of Law; and all Persons so removed, after being delivered into the Custody of the Gaoler or Keeper of such Common Gaol or Prison, as the Case may be, shall be deemed to be in the legal Custody of the Sheriff and of such Gaoler or Keeper, in like Manner as if all such Writs, Processes, Decrees, or Warrants as aforesaid had been originally legally directed to and executed by such Sheriff or other Person as aforesaid.

VII. It shall be lawful for the said Lord Archbishop, with the Consent of the Lord Lieutenant, to make sale and absolutely dispose of, either altogether or in Parcels, the Court House and Marshalsea of *Saint Sepulchre* situate at *Camden Row* in the City of *Dublin*, with the Precincts and Appurtenances thereto belonging, and to convey the same to the Purchaser or Purchasers thereof, and also to sell the Fixtures and Furniture thereof, together with the Standard Weights and Measures of the said Archbishop; and every Conveyance made by the said Archbishop, with the Consent of the Lord Lieutenant, and purporting to be executed in virtue of the Provisions of this Act, shall be effectual to pass whatever Estate shall purport to be thereby conveyed, discharged from all Claims of Right or Title or any Charge and Incumbrance whatsoever.

VIII. It shall be lawful for the said Lord Archbishop, with the Consent of the Lord Lieutenant, out of the Proceeds of such Sales, to make such Compensation to the present Seneschal, Registrars, and Marshal of said Court as to the said Archbishop shall seem proper, having regard to the Tenure of Office and Length of Service of such Officers; and if there shall remain any Surplus after Payment of the Costs and Expenses of such Sales and of such Compensations as aforesaid, the same may be applied by the said Archbishop in discharge of such other Expenses, Charges, and Claims (if any) as shall be incidental to and consequent on the passing of this Act and the Abolition of the Jurisdiction and Transfer of Markets pursuant to this Act, as to the Archbishop of *Dublin*, with the Consent of the Lord Lieutenant, shall seem proper; and in the last place in part Liquidation of the Charge now existing on the said See, and repayable to the present Archbishop by his Successor, or in such other Manner for the Benefit of the said See as the said Archbishop shall, with the Consent of the Lord Lieutenant, direct and appoint.

IX. And whereas it is expedient that Provision be made for the future Regulation of the Markets of *Saint Sepulchre* usually held in *Kevin Street* within the Limits of the Borough of *Dublin*: Be it therefore enacted, That from and after the Commencement of this Act, the said Markets shall vest in and belong to the Lord Mayor, Aldermen, and Burgesses of *Dublin*, and all Powers and Authorities theretofore exercised by any Weighmaster or other Person in respect of the said Markets shall cease and determine; and so much of an Act of the Parliament of *Ireland* passed in the Twenty-seventh Year of the Reign of King *George* the Third, Chapter Forty-six, as relates to the Seneschal and Liberties and Market Juries of *Saint Sepulchre* shall be repealed.

X. All Acts now in force for the Regulation and Improvement of the Borough of *Dublin* shall be construed, deemed, and taken to have full Force and Effect within such Portions of the said Liberties and Manor of *Saint Sepulchre* as lie within the Municipal Boundaries of the said Borough.

XI. The Lord Mayor of the City of *Dublin* for the Time being shall, from and after the Commencement of this Act, be Clerk of the Markets of *Saint Sepulchre* within the Limits of the Borough of *Dublin*, and shall have the future Appointment of the Deputy Clerk of the Markets therein; and the said Lord Mayor, Aldermen, and Burgesses of the said Borough shall and may respectively use and exercise all such Powers and Authorities with respect to the said Markets, or the Improvement or Extension of the same, within the said Limits, as are vested in him or them with respect to the other Markets within the said Borough, or with respect to providing Markets therein, under the Provisions of "The *Dublin* Improvement Act, 1849."

XII. It

*Saint Sepulchre's Manor (Dublin).**Registration of Voters (Scotland).*

XII. It shall not be lawful for the said Lord Mayor, Aldermen, and Burgesses to demand from any Person any Stallages, Rents, or Fees for the standing of any Beast or Animal, or any Cart of Hay or Straw, or any other marketable Commodity exposed for Sale in the said Markets of *Saint Sepulchre* within the said Limits, save for such Stand, Stall, Shed, Pen, or other Convenience as they shall have erected therein; and the Stallages, Rents, or Fees to be demanded for the Use of any such Stall, Shed, Pen, or other Convenience so erected shall not exceed the several Stallages, Rents, and Fees authorized to be demanded by the said Lord Mayor, Aldermen, and Burgesses, and specified in Schedule (D.) in "The *Dublin* Improvement Act, 1849."

The Corporation not to demand any Stallages, &c. in the Markets of *Saint Sepulchre* until they erect Stalls, &c.

XIII. Nothing herein contained shall be construed to impose upon the Right Honourable the Lord Mayor, Aldermen, and Burgesses of *Dublin*, save with their Consent in Town Council assembled, any Obligation to maintain any of the Markets, public Scales, Stalls, or Tenements heretofore belonging to or held by the Lord Archbishop of *Dublin*, or any Liability to pay any Rents, Salaries, Fees, Perquisites, Compensations, Pensions, or Sums of Money to any Person or Persons whomsoever heretofore having or claiming any Right, Title, or Interest in connexion with any Market Court or other Jurisdiction or Right heretofore vested in or belonging to the said Lord Archbishop of *Dublin*.

Corporation not obliged to maintain Market or to pay Rent, &c. in respect to same.

XIV. Nothing in this Act contained shall prejudice or affect the Right of *Richard* now Lord Archbishop of *Dublin*, or his Executors or Administrators, to recover from his Successors in the said See of *Dublin* any Charge which he or they may have against such Successor for or in respect of the Palace or See House, and the said Court House and Premises of *Saint Sepulchre*, or the said Markets within the Borough of *Dublin*, or other Improvements in the said See.

Archbishop of *Dublin* to recover from his Successors any Charges as to Palace, &c.

XV. Nothing herein contained shall be deemed or taken to prejudice or affect the Royalties, or the Manorial or other Rights, Privileges, and Jurisdictions and Franchises of the said Archbishop of *Dublin* and Bishop of *Glandelagh*, and his Successors, or his or their respective Officers, in or throughout the Estates and Manors and Liberties of the said See, and over the Tenants and Sub-Tenants thereof, or the Right or Power to enforce the same, save as herein-before otherwise respectively provided and declared.

Saving of Rights of Archbishop of *Dublin* as to the Royalties and Estates, &c. in the See.

## C A P. LVIII.

An Act to amend the Law for the Registration of Persons entitled to vote in the Election of Members to serve in Parliament for Burghs in *Scotland*. [21st July 1856.]

WHEREAS an Act was passed in the Session of Parliament holden in the Second and Third Years of the Reign of His Majesty King *William* the Fourth, intituled *An Act to amend the Representation of the People in Scotland*; and it is expedient to explain and amend some Parts of the said Act, and to make further and other Provisions relating to the Registration of Persons entitled to vote in the Election of Members to serve in Parliament for Burghs 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:

2 & 3 W. 4. c. 65.

I. The Clauses and Provisions of the said Act, enacted for the Purpose of forming Registers of Persons entitled to vote in the Election of Members to serve in Parliament for Burghs in *Scotland*, shall be and the same are hereby repealed, except as to any Register heretofore made; and this Act shall be taken to be Part of the said Act as fully as if it were incorporated therewith.

Repeal of certain Provisions of recited Act.

II. The Assessor of every Burgh shall, on or before the Fifteenth Day of *August* in every Year, make out or cause to be made out, according to the Form Number 1. of the Schedule A. hereunto annexed, a List of all Persons who may be entitled to vote in the Election of a Member or Members to serve in Parliament for such Burgh; and such List shall be arranged in Wards (where the Burgh is divided into Wards) and in Polling Districts; and each Ward and Polling District shall be arranged, as far as conveniently may be, in the alphabetical Order of the Surnames of the Persons entitled as aforesaid, or otherwise, as far as conveniently may be, in the alphabetical Order of Streets, Squares, Lanes, and other Places in which Houses are distinguished by Numbers, and in which the Subjects of Qualification are situated; and as regards all other Places, in the alphabetical Order of the Surnames of the Persons entitled as aforesaid; and in such List the Christian Name and Surname of every such Person shall be written at full Length, together with his Occupation, the Place of his Abode, the Nature of his Qualification, and the Name of the Street, and Number of the House (if any), or other Description of the Place where the Property in right of which he is entitled to vote may be situate; and the Assessor shall sign the said List, and shall forthwith cause a sufficient Number of Copies thereof to be written or printed; and shall, on or before the said Fifteenth Day of *August* in every Year, publish Copies of the said List, by affixing the same on or near the Town Hall or other conspicuous Place within the Burgh; and shall also, on or before such Fifteenth Day of *August*, give Notice by Advertisement in some One or more Newspapers circulating in the Burgh, of the Place at which a Copy of such List will be open to Perusal; and such Copy shall be open to Perusal by any Person, without Payment of any Fee, at any Time between the Hours of Ten o'Clock in the Forenoon and Four o'Clock in the Afternoon of each Day, except *Sunday*, from the Sixteenth to the Twenty-fifth Days of *August*, both inclusive; and the Assessor shall deliver Copies thereof signed by him to all Persons applying for the same, on Payment of a Price

Assessors to make out List of Voters;

and to publish such List;

and all Persons may have Copies.

*Registration of Voters (Scotland).*

a Price for each Copy after the Rate contained in the Table Number 1. of the Schedule B. hereto annexed: Provided always, that if any Person who may desire his Name not to be inserted in such List shall intimate such Desire in Writing to the Assessor, the Assessor shall not insert in such List the Name of such Person.

Persons omitted in such Lists, &c. to lodge Claims;

III. Every Person whose Name shall have been omitted in any such List of Voters for any Burgh, and who shall claim as having been entitled on the last Day of *July* then next preceding to have his Name inserted therein, and every Person desirous of being registered for a different Qualification than that for which his Name appears in such List, shall on or before the Twenty-fifth Day of *August* in such Year give a Notice according to the Form Number 2. of the said Schedule A. or to the like Effect to the Assessor; and the Assessor shall include or cause to be included the Names of all Persons claiming as aforesaid in Lists arranged as aforesaid, according to the Form Number 3. of the said Schedule A., signed by him.

and Assessors to make up Lists of Claimants.

Objections to List to be lodged.

IV. In every Year every Person whose Name shall have been inserted in any List of Voters for any Burgh may object to any other Person as not having been entitled on the last Day of *July* next preceding, to have his Name inserted in any List of Voters for such Burgh, and every Person so objecting shall on or before the Twenty-fifth Day of *August* in such Year give or cause to be given to the Assessor of such Burgh a Notice according to the Form Number 4. of the said Schedule A. or to the like Effect, and shall also on or before such Twenty-fifth Day of *August* give or cause to be given to the Person so objected to, or leave or cause to be left at his Place of Abode as described in such List, a Notice according to the Form Number 5. of the said Schedule A. or to the like Effect, and every such Notice of Objection shall be signed by the Person objecting as aforesaid.

Assessors to make up List of Persons objected to; and to publish Lists of Claimants and Persons objected to;

V. The Assessor shall, in every Year, include the Names of all Persons so objected to in a List arranged as aforesaid, according to the Form Number 6. of the said Schedule A., signed by him; and shall cause Copies of the said List of Persons objected to to be written or printed; and shall publish such List, and the said List of Claimants as aforesaid, on or before the First Day of *September* in each Year, by advertising in One or more Newspapers circulating in the Burgh the Place at which Copies of the said Lists, and the Notices of Claims and Objections, will be open to Perusal; and Copies of the said Lists, and also the Notices of Claims and Objections which he shall have received, shall, unless when in use in the Registration Court in Terms of this Act, be open, to be perused by any Person, without Payment of any Fee, at any Time between the Hours of Ten o'Clock in the Forenoon and Four o'Clock in the Afternoon of each Day, except *Sunday*, during the first Fourteen Days of *September* in the said Year; and the Assessor shall deliver Copies of the said Lists, or either of them, to any Person requiring the same, on Payment of a Price for each Copy after the Rate contained in the Table Number 1. of the said Schedule B.

and all Persons may have Copies.

VI. On or before the First of *September* in each Year, the Assessor shall deliver to the Town Clerk a Copy of the said List of Voters made out by him as aforesaid, and a Copy of the said List of Claimants, and a Copy of the said List of Persons objected to, all signed by him as aforesaid.

Assessors to deliver Lists to Town Clerks.

Assessor to be nominated specially for this Act.

VII. Where in any Burgh there shall be more than One Assessor in and for such Burgh, the Magistrates of the Burgh shall, as soon as may be after the passing of this Act, and at latest within Three Weeks after the passing of the same, nominate and appoint One of such Assessors to perform the Duties imposed on the Assessor under this Act; and also make public Advertisement of such Appointment in some One or more Newspapers circulating in such Burgh; and failing such Appointment and Advertisement being duly made, the same shall be made by the Sheriff of the County within Five Weeks at latest after the passing of this Act; and every such Assessor so appointed shall, from the Date of his Appointment, be specially charged with all the Duties incumbent on the Assessor under this Act; and on every Occasion where in any Burgh an Assessor so appointed shall cease to hold Office, the Magistrates shall, at latest within Three Weeks thereafter, appoint another Assessor to act as aforesaid, and make public Advertisement of such Appointment as before mentioned; and in the event of such Magistrates failing to do so, such Appointment and Advertisement shall be made by the Sheriff of the County, within Five Weeks at latest after the former Assessor shall have ceased to hold Office as aforesaid: Provided always, that all other Assessors in such Burgh shall, in all Matters relating to this Act, be subject to the Orders of the Assessor so to be appointed, and shall take Instructions from him, and shall be bound to act on such Instructions, so far as consistent with this Act: Provided always, that if any Portion of a County shall for Election Purposes be included in any Burgh, the Assessor of the Burgh shall in relation thereto perform all the Duties required by this Act, and the Assessor of the County shall be bound to afford the Assessor of the Burgh all reasonable Access to the Valuation Roll of the County for that Purpose.

Assessors disqualified from voting.

VIII. Every Assessor in any Burgh shall, while he continues such Assessor, be disqualified from being registered as a Voter, and from voting or taking part in any Election of a Member to serve in Parliament for such Burgh, and also from voting or taking part in any Municipal Election within the Burgh.

Provision as to Service of Notices.

IX. Whenever any Notice is by this Act required to be given to the Assessor, it shall be sufficient if such Notice shall be delivered to him, or left, or sent to him by Post, Postage paid, at his Place of Abode, or at his Place for transacting his official Business; and wherever by this Act any Notice is required to be given to any other Person, it shall be sufficient if such Notice be sent by the Post, Postage paid, addressed

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addressed with a sufficient Direction, to the Person to whom the same ought to be given, at his usual Place of Abode.

X. In all Cases where any Notice is directed by this Act to be advertised in any Newspaper, such Advertisement shall be repeated in the same or some similar Newspaper, not earlier than Six and not later than Eight Days after the Day on or before which such Advertisement is herein required to be published.

Advertisements under this Act.

XI. Where any Document shall, pursuant to the Provisions of this Act, be affixed on any Place, the same shall continue so affixed for a Period including Two consecutive *Sundays* at the least next after the Day of Publication, and if removed or defaced within such Period shall be replaced by the Person bound to give the Notice.

Lists put up to be maintained; if removed, &c. to be replaced.

XII. Every Person who shall wilfully mutilate or remove any Document so affixed during such Period shall for every such Offence forfeit a Sum not exceeding Forty Shillings, nor less than Ten Shillings, to any Person who will sue for the same, to be recovered in a summary Manner before the Sheriff of the County, or any Two Justices of the Peace.

Penalty for injuring Lists put up.

XIII. No List shall be invalidated by reason that it shall not have been advertised pursuant to this Act, or shall not have been affixed in the Place, and for the full Time, herein required for Publication thereof; and the Sheriff shall proceed to revise and adjudicate upon every such List, though not advertised or affixed as aforesaid: Provided always, that nothing herein contained shall be construed to exempt any Assessor or other Person acting in wilful or culpable Neglect of any Duty imposed upon him by this or the first-recited Act from any Penalties thereby incurred.

Lists not invalidated by deficient Publication.

XIV. No Claim or Objection to any Claim shall be affected by any Mistake, Error, or Omission committed by any Public Officer to whom Claims or Objections are appointed to be given in or transmitted.

Errors of Officers not to affect Claims.

XV. Where in any Burgh any Office upon the Holder whereof Duties are imposed by this Act shall become vacant, it shall be competent for the Sheriff of the County, and he is hereby authorized and required, in the event it shall appear to him to be necessary or expedient in order to the carrying out of the Purposes of this Act, to appoint a Person to perform *ad interim* the Duties of such Office, in so far as imposed by or necessary for the Purposes of this Act; and the Person so to be appointed shall be charged with and perform such Duties until such Office be duly filled up, and shall be entitled to such reasonable Remuneration therefor as may be fixed by such Sheriff, with the Approbation of the Lord Advocate, and such Remuneration shall be payable in the like Manner and out of the like Funds as the Salary or Allowances of the Office become vacant as aforesaid.

Provision for filling up ad interim Offices on which Duties are imposed by this Act.

XVI. Any Person whose Name shall be on any List of Voters for the Time being for any Burgh, or who shall have claimed to have his Name inserted in any such List, may at any Time between the Hours of Ten o'Clock in the Forenoon and Four o'Clock in the Afternoon of each Day, except *Sunday*, between the Sixteenth Day of *August* and the Twenty-first Day of *October*, inspect any Valuation Roll, and make Extracts therefrom for any Purpose relating to any Claim or Objection made or intended to be made by or against such Person; and every Officer having the Custody thereof is hereby required to permit such Inspection, and the making of such Extracts, without Payment of any Fee.

Valuation Rolls to be open to Inspection for the Purposes of this Act.

XVII. In all Questions and Proceedings under this or the recited Act, the Valuation Roll made up by the Assessor in Terms of the Fourth Section of the Act passed in the Seventeenth and Eighteenth Years of Her present Majesty, Chapter Ninety-one, shall, from and after the Fifteenth Day of *August* in the Year in which such Roll shall be made up, and subject always to such Alterations as may be afterwards made thereon in Terms of said last-mentioned Act, be received and taken as *prima facie* Proof that the gross yearly Rent or Value of any Subjects specified in such Valuation Roll is, and has been for the Year from the Fifteenth Day of *May* in such Year, of the Amount set forth for the Time in such Valuation Roll, and also as *prima facie* Proof that the Persons therein set forth as Proprietors, Tenants, and Occupants respectively have, for the Period to which such Valuation applies, been such Proprietors, Tenants, and Occupants respectively, as therein stated: Provided always, that it shall be competent to prove to the Satisfaction of any Sheriff or Court of Appeal under this or the said first-recited Act, that any such Subjects are or have been of a greater or of a less annual Value than the Value stated in such Valuation Roll: Provided further, that it shall be competent, in any Appeal under this or the first-recited Act from any Court of Registration to any Court of Appeal, to refer to and found upon any Valuation Roll, notwithstanding that such Valuation Roll may not have been produced in such Court of Registration.

Valuation Roll to be *prima facie* Evidence of Matters stated therein.

XVIII. Each Town Clerk shall, on the First Day of *September* in each Year, or as soon thereafter as possible, transmit an Abstract of the said several Lists of Claimants and Lists of Persons objected to in his Burgh to the Sheriff of the County, indicating the Number of Claims and Objections to be disposed of by him in such Burgh.

Town Clerks to transmit Abstracts of Lists to Sheriffs.

XIX. Every Sheriff shall, between the First Day of *September* and the First Day of *October* in each Year, revise the Register of Voters of the County and the Lists of the several Burghs thereof, and for this Purpose shall hold open Courts during the said Period as prescribed in the said recited Act; and shall, on or before the First Day of *September* in each Year, or as soon thereafter as possible, deliver to the Sheriff Clerk of the County and to the Town Clerk of each such Burgh a written Notice of the Days, within the Period above mentioned, on which he is to hold such Courts; and such Town Clerk shall

Sheriffs to hold Courts for revising Lists.

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shall forthwith cause public Notice of such Burgh Registration Courts to be given by Advertisement in One or more Newspapers circulating within such Burgh, and shall cause a Copy of such Notice, written or printed, to be delivered to the Assessors of such Burgh, and shall require them to attend at the Courts therein appointed for the Revision of such Lists of Voters.

Town Clerks,  
&c. to attend  
Burgh Regis-  
tration Courts,  
and produce  
Lists, Valuation  
Rolls, &c.

XX. The Town Clerk of every Burgh, and all Assessors of the same, shall attend the Courts to be holden by the Sheriff for such Burgh; and the Town Clerk shall, at the First Court, deliver to the Sheriff the List of Voters; that is to say, the List first made out by such Assessor, and the Lists of Claimants and of Persons objected to in the then current Year, relating to such Burgh, and also, from and after the Year One thousand eight hundred and fifty-six, One or more printed Copies of the Register of Voters then in force; and the said Assessors shall deliver to the Sheriff the original Notices of Claim and Objection; and the Person having the Custody of the Valuation Roll then in force shall have the same on the Table of the Registration Court; and the Town Clerk and Assessors respectively shall produce all Documents, Papers, and Writings in their Power touching any Matter necessary for revising any List of Voters; and every such Sheriff shall have the Power to require any Person having the Custody of any Valuation Roll to attend before him, and to produce the Valuation Roll, and he shall attend and produce accordingly.

Claimants  
omitted in Lists  
may be enrolled  
by Sheriff.

XXI. If any Person who shall have given to the Assessor due Notice of his Claim to have his Name inserted in the List of Persons entitled to vote in the Election of a Member to serve in Parliament for such Burgh shall have been omitted by such Assessor from such List, the Sheriff shall, on the Revision of such List, insert therein the Name of the Person so omitted, in case it shall be proved to the Satisfaction of such Sheriff that such Person is, and was on the last Day of *July* last preceding, entitled to be inserted therein, in respect of the Qualification described in such Notice of Claim.

But Claims  
omitted may be  
objected to.

XXII. It shall be lawful for any Person whose Name shall be on any List of Voters for any Burgh to oppose the Claim of any Person to have his Name inserted in the List of Voters for the same Burgh; and such Person intending to oppose any such Claim shall, in the Court to be holden as aforesaid for the Revision of such List, and before the Hearing of the said Claim, give Notice in Writing to the Sheriff of his Intention to oppose the said Claim, and shall thereupon be admitted to oppose the same, by Evidence or otherwise, without any previous or other Notice, and shall have the same Rights, Powers, and Liabilities, as to Costs, Appeals, and other Matters relating to the Hearing and Determination of the said Claim, as any Person who shall have duly objected to the Name of any other Person being retained on any List of Voters, and who shall appear and prove the requisite Notices in Terms of this Act.

Sheriffs to re-  
vise and correct  
Lists.

XXIII. The Sheriff shall correct any Mistake which shall be proved to him to have been made in any List, and shall expunge the Name of every Person whose Qualification, as stated in any List, shall be insufficient in Law to entitle such Person to vote, and also the Name of every Person who shall be proved to him to be dead; and if in entering the Name and Qualification of any Voter anything requiring to be specified be omitted, or if any Description be insufficient for Identification, such Sheriff shall expunge the Name of every Person so entered, unless the Matter so omitted or insufficiently described be supplied to his Satisfaction before he shall have completed the Revision of the List; and such Sheriff shall in open Court write his Initials against the Names respectively expunged or inserted, and against any Part of the said Lists in which any Mistake shall have been corrected, or any Omission supplied, or any Insertion made by him.

Sheriffs may  
grant Warrant  
to cite Parties,  
Witnesses, and  
Havers, and  
Diligence for  
Recovery of  
Writings.

XXIV. It shall at all Times be competent to any Sheriff or to any Sheriff Substitute acting under the first-recited Act or this Act, upon *ex parte* Application made to him to that Effect, by any Claimant, Objector, or Appellant, to grant Warrant to cite Parties, Witnesses, and Havers, and to grant Diligence for the Recovery of Writings with reference to any Claim, Objection, or Appeal to be discussed before any Registration Court to be holden by such Sheriff, or his Substitute, or before any Court of Appeal of which such Sheriff may be entitled to be a Member; and such Warrants of Citation and Diligence shall be equally valid as if granted by such Sheriff or Sheriff Substitute in the Course of any ordinary or summary Process or Procedure before him; and shall be valid notwithstanding that the Appeal Court to which such Citation or Diligence refers be holden without the Limits of the ordinary Jurisdiction of such Sheriff.

Sheriffs may  
adjourn Regis-  
tration Courts,  
but to conclude  
Business by  
30th September  
annually.

XXV. Every Sheriff holding any Court under this or the first-recited Act shall have Power to adjourn the same from Time to Time, but so that no such adjourned Court shall be holden after the Thirtieth Day of *September* in any Year; and, at all Courts, whether of Registration or Appeal, any Sheriff holding such Court, or sitting as a Member thereof, shall have Power to administer an Oath to all Persons examined before such Court; and all Parties, whether claiming or objecting or objected to, and all Persons whatsoever, may be examined upon Oath touching the Matters in question; and every Person taking any Oath under this or the first-recited Act, who shall wilfully swear falsely, shall be deemed guilty of Perjury, and shall be liable to be punished accordingly.

Lists of Voters  
to be delivered  
to Town Clerk  
for Production  
at Appeal  
Courts.

XXVI. On the Revision of the Lists of Voters for any Burgh in any Year being completed by the Sheriff in Terms of this Act, such Sheriff shall forthwith, and at latest on the First Day of *October* in such Year, deliver the same to the Town Clerk of such Burgh; and such Town Clerk shall retain the same in his Possession, and produce the same to the Court of Appeal established with reference to such Sheriff by the said first-recited Act.

XXVII. It



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XXVII. It shall be competent to any Party dissatisfied with the Judgment of the Sheriff, under this or the first-recited Act, to appeal against the same to the Court of Appeal established with reference to such Sheriff by the said recited Act, and in the Manner by the said Act prescribed; and it shall be competent to the said Court of Appeal to hold its Court, and to review all such Judgments of the said Sheriff, and to dispose of such Appeals, as provided by the said Act: Provided always, that the said Courts of Appeal shall begin to hold their Courts on some Day between the Thirtieth Day of *September* and Eighth Day of *October* in each Year, and shall finally determine all such Appeals in Burghs on or before the Twenty-first Day of *October* thereafter, and in Counties on or before the Thirty-first Day of *October* thereafter; provided also, that in Burghs, in place of the Mode of pronouncing Judgment or Sentence by the said Court of Appeal prescribed by the said recited Act, One of the Judges of the said Court of Appeal shall make upon the Lists or Registers themselves the Alterations or Corrections which may be necessary to give Effect to their Judgments, and the said Judges shall sign the same with their Initials respectively.

Persons dissatisfied may appeal, and all Appeals in Burghs to be disposed of by 21st and in Counties by 31st October.

XXVIII. All Town Clerks, Assessors, and other Persons bound to give Attendance or make Productions before any Sheriff in Terms of this Act shall be bound to give the like Attendance, and to make the like Productions, in each Year, before the Court of Appeal reviewing the Judgments of such Sheriff under this and the first-recited Act.

Town Clerks, &c. to attend Appeal Courts.

XXIX. The Town Clerk of every Burgh shall forthwith, after the Thirtieth Day of *September* in each Year, or sooner if the Registration Court shall be earlier concluded, cause the Lists of Voters for such Burgh, signed as aforesaid, to be copied and printed in a Book, arranged in Wards (where the Burgh is divided into Wards) and in Polling Districts; each Ward or Polling District being arranged, as far as conveniently may be, in the alphabetical Order of the Surnames of the Persons registered as Voters, or otherwise, as far as conveniently may be, in the alphabetical Order of Streets, Squares, Lanes, and other Places in which Houses are distinguished by Numbers, and in which the Subjects of Qualification are situated; and each such Street, Square, Lane, and other Place being arranged according to the Numbers of the Houses; and the Arrangement in all Places in which the Houses are not distinguished by Numbers being according to the alphabetical Order of the Surnames of Persons registered as Voters; and the said Book shall be so arranged and printed, that the List of Voters of and for each and every separate Ward, and each and every separate Polling District, may be cut out or detached, and ready for the Purposes of this Act, or for Sale as aforesaid; and the said Town Clerk shall forthwith after the Twenty-first Day of *October* in each Year make all such Corrections and Alterations on the said Book as may be necessary to give Effect to all Decisions of the Court of Appeal, and shall prefix to every Name in the said Register Book its proper Number, beginning the Numbers from the first Name, and continuing them in a regular Series down to the last Name; and shall cause the said Book to be printed off as so corrected; and the said Town Clerk shall sign the said Book so completed, and deliver the same, on or before the Thirty-first Day of *October*, to the Sheriff of the County, to be by him kept for the Purposes herein-after and in the said first-recited Act mentioned.

Town Clerks to cause Burgh Lists to be printed, and to authenticate them.

XXX. The said printed Book or Books so signed as aforesaid by the Town Clerk of any Burgh and delivered to the Sheriff shall be the Register of Persons entitled to vote at any Election of a Member to serve in Parliament which shall take place in and for the same Burgh between the Thirty-first Day of *October* in the Year wherein such Register shall have been made and the First Day of *November* in the succeeding Year; and the Town Clerk of every Burgh shall keep printed Copies of such Register for such Burgh, and shall deliver Copies thereof or of any Part thereof to any Person applying for the same, upon Payment of a Price after the Rate contained in the Table Number 2. of the Schedule B. hereunto annexed: Provided always, that no Person shall be entitled to a Copy of any Part of any Register relating to any Ward, or Polling District of a Burgh, without taking or paying for the whole that relates to such Ward or Polling District respectively; provided also, that the Register of Electors now existing shall be the Register in force for Elections of Members of Parliament until the First Day of *November* in the Year One thousand eight hundred and fifty-six; provided further, that any merely clerical Error which may be found to exist in any such printed Book may be competently corrected at any Time by the Sheriff of the County on its being proved to him to exist; and such Correction shall be made by the Sheriff writing such Correction on such printed Book and signing his Name and the Date of such Correction against the same.

Lists so printed to be the Register of Voters.

XXXI. Every Register of Voters established or that shall be established for any Burgh shall continue to be the Register for such Burgh until the same shall be revised, and a new Register shall be completed, pursuant to this Act.

Register to be in force till new Register established.

XXXII. The Register of Voters in any Burgh as completed by the Court of Appeal in each Year shall, for all the Purposes of the Act passed in the Third and Fourth Years of King *William* the Fourth, Chapter Seventy-six, and for all other Purposes, come in place of the Register of Voters in such Burgh established by the first-recited Act; and so much of the said recited Act of the Third and Fourth *William* Fourth as enacts that the Town Clerk of each Burgh shall, on or before the Sixteenth of *September* in each Year, make up and complete the List or Roll of Persons entitled to vote in the Election of the Common Council of the Burgh, is hereby repealed, and the said List or Roll shall be made up and completed on or before the Thirty-first Day of *October* in all future Years.

Burgh Registers under this Act to come in place of Registers established by 2 & 3 W. 4. c. 65.

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Payments on claiming to be registered, &c. abolished.  
How Distances to be measured.

XXXIII. All Provisions of the first-recited Act as to any Payments thereby required to be made in Burghs by any Persons claiming to be registered or to vote, or objecting to the Claims of Persons claiming to be registered or to vote for any Burgh, are hereby repealed.

XXXIV. The Distance of Seven Statute Miles in the first-recited Act mentioned, and therein prescribed, as to the Residence of Voters for any Burgh, shall be understood to be the Distance of Seven Miles as measured in a straight Line on the Horizontal Plane from any Point from which such Distance is to be measured according to the Direction in that Behalf given in the said Act: Provided always, that in Cases where there is now or shall hereafter be a Map of any Burgh and of the Country surrounding the same, drawn or published under the Authority and Direction of the Principal Officers of Her Majesty's Ordnance, such Distance may be measured and determined by the said Map.

When a Sunday is last-named Day, the Day after to be the last Day.

XXXV. When any of the Days on which or before which any Acts and Proceedings are by this or the first-recited Act appointed to be transacted shall happen to be a *Sunday*, then and in that Case the several Acts and Proceedings appointed to take place on or before such Day shall take place on or before the Day next ensuing.

Agents and Mandatories may act for Party.

XXXVI. Any Claim, Objection, Notice of Appeal, or other Writ may be signed, and any Proceedings under this Act may be prosecuted, by any Person as Agent or Mandatory for the Party thereto; and any Mandate bearing to be signed by such Party shall be *prima facie* a sufficient Mandate; and every such Mandate shall have all the Privileges attaching to any Judicial Mandate.

No written Pleadings to be allowed in Registration Courts.

XXXVII. No written Pleadings shall in any Case be allowed in support of any Claim or Objection or Title to be registered; and it shall not be necessary for the Sheriff to make a Note of any Statement or Plea submitted to him in the Registration Court, but he shall make a Note of the Names of the Witnesses, and shall affix his Signature to any Deeds, Writings, or Documents produced in the Registration Court in support of any Claim, Objection, or Title to be registered; and it shall not be competent to adduce in the Appeal Court any Witnesses not named in said Note, or to produce any Deeds, Writings, or Documents to which the Signature of the Sheriff is not affixed.

Penalty on Persons not attending Registration Courts when required.

XXXVIII. Any Person who shall wilfully refuse or neglect, when duly required by any Sheriff or Court of Appeal, to attend as a Witness or a Haver before such Sheriff or Court of Appeal at any Court to be holden under this or the first-recited Act, shall be liable to pay by way of Fine, for every such Offence, a Sum of Money not exceeding Five Pounds nor less than Twenty Shillings, to be imposed by and at the Discretion of such Sheriff or Court of Appeal.

Sheriffs may award Costs, and Witnesses and Havers to be paid their Expenses.

XXXIX. It shall be competent to every Sheriff, subject to the Review of the Appeal Court, and to every Appeal Court under this Act, to award Expenses against any Party maintaining any merely frivolous Objection to the Registration of any Voter, or to his Title to remain on the Register; and such Expenses may be recovered in like Manner as any Expenses of Suit awarded by any Sheriff in an ordinary Action; and all Witnesses and Havers who may be cited as such, under the Provisions of this Act, shall have the same Title to demand from the Party citing them or causing them to be cited, as such Witnesses or Havers, their reasonable Expenses as any Witness or Haver cited as such to any ordinary Civil Court.

Penalties on Assessors and others for Neglect of Duty.

XL. Any Assessor who shall wilfully refuse or neglect to make out any List, or who shall wilfully neglect to insert therein the Name of any Person who shall have given due Notice of Claim, or who, in making out any List of Voters, shall wilfully and without any reasonable Cause, omit the Name of any Person duly qualified to be inserted in such List, or who shall wilfully, and without any reasonable Cause, insert in such List the Name of any Person not duly qualified, or who shall wilfully refuse or neglect to publish any Notice, or List, or Copy of any Register of Voters, at the Time and in the Manner required by this Act; and any Town Clerk who shall culpably neglect to print a correct Register of Voters pursuant to this Act, and any Assessor or Town Clerk who shall be wilfully guilty of any other Breach of Duty in the Execution of this Act, shall for every such Offence be liable to pay, by way of Fine, a Sum of Money not exceeding Five Pounds nor less than Twenty Shillings, to be imposed by and at the Discretion of the Sheriff or Court of Appeal: Provided always, that nothing herein contained as to any Fine as aforesaid shall affect or abridge any Right of Action against any Assessor or other Person liable to any Fine as aforesaid, or any Liability such Assessor or other Person may incur under or by virtue of this or the first-recited Act.

Penalties to be applied for the Purposes of this Act.

XLI. Every Sheriff and Court of Appeal, when and so often as such Sheriff or Court of Appeal shall impose any such Fine as aforesaid, shall at the same Time in open Court, by an Order in Writing stating the Sum payable for such Fine, direct by and to whom and when the same shall be paid; and the Person to whom the said Sum shall be so ordered to be paid shall receive the same; and in every Case where the Offence for which such Fine shall have been imposed shall relate to the Formation of the Register of Voters for any Burgh, he shall pay over the Sum so received by him to the Assessor for the Purposes of this Act.

Accounts to be kept of Monies received under this Act.

XLII. The Town Clerk of every Burgh shall keep an Account of all Monies received by him for or on account of the Sale of any Copies of the Register as aforesaid, or otherwise under this Act, and shall account for and pay over the same to the Assessor for the Purposes of this Act; and in like Manner every Assessor shall keep an Account of the Monies received by him from the Sale of any Lists or otherwise under this Act, and shall account for and pay over the same, for the Purposes of this Act, to the Assessor specially appointed as aforesaid.

XLIII. As

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XLIII. As soon as may be after the Completion of each annual Registration under this Act, the Magistrates of each Burgh shall cause an Account to be made up of the Costs and Expenses attending such annual Registration in such Burgh, and shall ascertain and fix the just Amount thereof, including therein any Remuneration to Assessors and Town Clerks respectively, which they may deem proper; and shall also cause an Account to be made up of all Monies which shall have come to the Hands of the Assessor, or other Person under this Act, for the Purposes of this Act, and shall ascertain and fix the just Amount thereof; and where the Amount of the Costs and Expenses so ascertained and fixed shall exceed the Amount so ascertained and fixed of the Monies received for the Purposes of this Act, the said Magistrates shall cause the Amount of such Excess to be apportioned upon the Parishes within such Burgh, according to the yearly Rent or Value thereof, and the same shall be assessed and levied along with the Assessment for the Relief of the Poor for the current Year within such Parishes respectively, or they shall cause the Amount of such Excess, along with such reasonable Sum as they may deem necessary to meet the Expenses of Collection, to be assessed and levied and collected in some other of the Modes allowed by the said Act passed in the Seventeenth and Eighteenth Years of Her present Majesty, Chapter Ninety-one; and any Balance of Funds remaining on hand from Time to Time in any Burgh arising from such Assessment under this Act, in any One Year, after answering the Expenses of the Year with reference to which such Assessment was imposed, may be retained and applied by the Magistrates thereof, in such Manner as they may deem fit, for defraying the Expenses of Registrations under this Act in subsequent Years, but for no other Uses or Purposes whatever: Provided always, that no Burgh shall be liable under this Act for any Expenses heretofore defrayed in Exchequer, or which, under the Provisions of this Act, may come in lieu of such Expenses.

Expenses of annual Registrations, how to be defrayed.

XLIV. At every future Election for a Member or Members to serve in Parliament for any Burgh or District of Burghs, the Register of Voters so made as aforesaid or under the said recited Act, shall be deemed and taken to be conclusive Evidence that the Persons therein named continue to have the Qualifications which are annexed to their Names respectively in the Register in force at such Election, and such Persons shall not be required to take the Oath of Possession.

Register to be conclusive Evidence of Qualification.

XLV. Every Sheriff, Town Clerk, Assessor, or other Person or Public Officer required by this Act to do any Matter or Thing, shall, for every wilful Contravention or wilful Act of Commission or Omission contrary to this Act, forfeit to any Party aggrieved the penal Sum of One hundred Pounds, or such less Sum as the Jury before whom may be tried any Action to be brought for the Recovery of the before-mentioned Sum shall consider just to be paid to such Party, to be recovered by such Party, with full Expenses of Process, by Action for Debt before the Court of Session: Provided always, that nothing herein contained shall be construed to supersede any Remedy or Action against any Returning Officer, according to any Law now in force.

Penalty on Persons wilfully contravening this Act.

XLVI. No Misnomer or inaccurate or defective Description of any Person, Place, or Thing named or described in any Schedule to this Act annexed, or in any List or Register of Voters, or in any Notice required by this Act, shall in any way prevent or abridge the Operation of this Act with respect to such Person, Place, or Thing; provided that such Person, Place, or Thing shall be so denominated in such Schedule, List, Register, or Notice, as to be commonly understood; and it shall be lawful to any Sheriff, in his Registration Court, or to any Court of Appeal, if it shall appear to him or to such Court that there has been no wilful Purpose to mislead or deceive, or that such Misnomer or inaccurate or defective Description was not such as to mislead or deceive, to allow any verbal, clerical, or casual Error in any such Schedule, List, Register, or Notice to be corrected or supplied.

Misnomer to vitiate.

XLVII. It shall be in the Power of the Sheriff Principal of each County, or of the Sheriffs constituting any Court of Appeal under the said first-recited Act, with Consent of the Lord Advocate, to issue any Regulations he or they shall find necessary in order to carry this Act into effect during this present Year Eighteen hundred and fifty-six; and in case any Claims or Objections with reference to any Burgh shall be given in during this present Year in Terms of the said first-recited Act, the same shall be transmitted by the Town Clerk to the Assessor, and in so far as not given Effect to by him shall be included in the List of Claimants and of Persons objected to respectively to be published in Terms of this Act, and any Notices given in Terms of the said first-recited Act prior to the passing of this Act, which in consequence thereof are unnecessary or inconsistent with the Provisions of this Act, shall be of no Effect.

Sheriff Principal or Sheriffs to issue Regulations for carrying Act into effect.

XLVIII. The following Words and Expressions, when used in this Act, shall, in the Construction thereof, be interpreted as follows, except when the Nature of the Provision or the Context shall exclude or be repugnant to the said Construction; (that is to say,) the Expression "the Assessor" shall mean the Assessor of the Burgh in and for which he is Assessor, appointed under the aforesaid Act of the Seventeenth and Eighteenth Years of Her present Majesty, being also the Assessor specially appointed in Terms of this Act, where such last-mentioned Appointment has been made; the Word "Assessors" shall mean the Assessor or Assessors appointed under the said last-mentioned Act of the Burgh in and for which such Assessor or Assessors act, whether specially appointed under this Act or not; the Word "Burgh" shall extend to and include any City, Burgh, or Town entitled as such by the first-recited Act to send or to contribute to send a Member or Members to serve in Parliament, and as the same is limited and bounded by the said first-recited Act; the Word "Magistrates" shall include Magistrates and Council: the Words "Oath of Possession" shall mean and include the Words, "That I am still Proprietor

Interpretation of Terms.

17 & 18 Vict. c. 91.

*Registration of Voters (Scotland).*

(or Occupant) of the Property for which I am so registered, and hold the same for my own Benefit and not in trust for or at the Pleasure of any other Person ;” the Words “Town Clerk” shall extend and apply to any Person executing the Duties of such Town Clerk, or if in any Burgh there shall be no such Officer as Town Clerk, then to any Officer executing the same or the like Duties as usually devolve upon the Town Clerk, or if in any Burgh there be no such Person, then to such Person as the Sheriff of the County in which such Burgh is situate may appoint for that Purpose, which he is hereby authorized to do.

SCHEDULES to which the foregoing Act refers.

SCHEDULE A.

No. 1.

*The List of Persons entitled to vote in the Election of a Member (or Members) for the Burgh of*  
 First Polling District.  
 Second Ward.  
 Regent Street.

No. in Street.	Christian Name and Surname of each Voter at full Length.	Occupation.	Place of Abode.	Nature of Qualification.

Alphabetical List.

Christian Name and Surname of each Voter at full Length.	Place of Abode.	Occupation.	Nature of Qualification.	Street, Lane, or other Place where Property is situate.

(Signed) *A. B.*  
 Assessor of the Burgh of

No. 2.

*Forms of Notice of Claim to be given to Assessors.*

To the Assessor of the Burgh of

I hereby give you Notice, that I claim to have my Name inserted in the List of Persons entitled to vote in the Election of a Member (or Members) for the Burgh of , and that the Particulars of my Qualification are stated in the Columns below.

Dated the                      Day of                      in the Year 185 .

(Signed) *C. D.*

Christian Name and Surname of Claimant at full Length.	Place of Abode.	Occupation.	Nature of Qualification.	Street, Lane, or other Place where the Property is situate, and Number of the House (if any).

*Registration of Voters (Scotland).*

No. 3.

Burgh of  
 List of Persons claiming to have their Names inserted in the List of Persons entitled to vote in the Election of a Member (or Members) of Parliament for the Burgh of  
 First Polling District.  
 Second Ward.  
 Regent Street.

No. in Street.	Christian Name and Surname of each Claimant at full Length.	Occupation.	Place of Abode.	Nature of the supposed Qualification.

Alphabetical List.

Christian Name and Surname of each Claimant at full Length.	Place of Abode.	Occupation.	Nature of Qualification.	Street, Lane, or other Place where Property is situate.

(Signed) A. B.  
 Assessor of the Burgh of

No. 4.

*Form of Notice of Objection to be given to Assessors.*

To the Assessor of the Burgh of  
 I hereby give you Notice, that I object to the Name of A. B., who is described as follows, (*here insert the Entry applicable to such Person in the Assessor's List of Voters,*) being retained in the List of Persons entitled to vote in the Election of a Member (or Members) for the Burgh of  
 Dated this Day 185 .

(Signed) E. F.  
 (Place of Abode.)

No. 5.

*Form of Notice of Objection to be given to Parties objected to.*

Burgh of  
 To Mr.  
 Take Notice, that I object to your Name being retained on the List of Persons entitled to vote in the Election of Members (or a Member) for the Burgh of  
 Dated this Day of , 185 .

(Signed) E. F.  
 (Place of Abode.)

No. 6.

*List of Persons objected to, to be published by the Assessors.*

Burgh of  
 The following Persons have been objected to as not being entitled to have their Names retained in the List of Persons qualified to vote in the Election of a Member (or Members) for the Burgh of :—  
 First Polling District.  
 Second Ward.  
 Regent Street.

No. in Street.	Christian Name and Surname of each Person objected to.	Place of Abode.	Occupation.	Nature of the supposed Qualification.

Alphabetical

Registration of Voters (Scotland).

Revenue (Transfer of Charges).

## Alphabetical List.

Christian Name and Surname of each Person objected to.	Place of Abode.	Occupation.	Nature of the supposed Qualification.	Street, Lane, or other Place, where the Property is situate.

(Signed) A. B.  
Assessor of the Burgh of

## SCHEDULE B.

## No. 1.

*Table of Rates of Payment to be demanded and paid for any List, or Copy of a List (other than a Register), where a Payment is required and authorized by this Act.*

For any List, or Copy of a List, containing any Number of Persons Names :—

Not exceeding 100 Names	-	-	-	0	6
Exceeding 100 and not exceeding 200	-	-	-	1	0
Exceeding 200 and not exceeding 300	-	-	-	1	6
Exceeding 300 and not exceeding 400	-	-	-	2	0
Exceeding 400	-	-	-	2	6

## No. 2.

*Table of Rates of Payment to be demanded and paid for any Copy of a Register, or Part of any Register, where a Payment is required and authorized by this Act.*

For every Copy of any Register, or any Parts of any Register, containing any Number of Persons Names :—

Not exceeding 1000 Names	-	-	-	1	0
Exceeding 1000 and not exceeding 3000	-	-	-	2	6
Exceeding 3000 and not exceeding 6000	-	-	-	5	0
Exceeding 6000 and not exceeding 9000	-	-	-	7	6
Exceeding 9000	-	-	-	10	0

## C A P. LIX.

An Act to alter the Mode of providing for certain Expenses now charged upon certain Parts of the Public Revenue. [21st July 1856.]

‘ WHEREAS the several Charges and Payments described in the Schedules (A.) and (B.) to this Act are charged by various Acts of Parliament or otherwise upon certain Parts of the Public Revenue mentioned in such respective Schedules : And whereas it is expedient, in order to bring the gross Income and Expenditure of the United Kingdom under the more immediate View and Control of Parliament, that such Charges and Payments should be otherwise provided for, as herein-after mentioned :’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

Charges in Schedule (A.) to be payable out of the Consolidated Fund; and Charges in Schedule (B.) to be voted.

I. From and after the Thirty-first Day of *March* One thousand eight hundred and fifty-seven the several Charges and Payments described in the Schedules (A.) and (B.) to this Act, and which, under the Acts and Authorities in the same Schedules respectively referred to, are charged on or made payable out of the several Parts of the Public Revenue in such Schedules mentioned, or on or out of the Monies in the Hands of the Commissioners or Collectors or other Receivers of such Revenues, or otherwise now charged on or payable out of all or any Parts of such Revenue respectively, shall cease to be so charged and payable ; and such of the said Charges and Payments as are described in the said Schedule (A.) shall be charged on and payable out of the Consolidated Fund of the United Kingdom ; and such of the said Charges and Payments as are described in the said Schedule (B.) shall be paid out of such Aids or Supplies as may be from Time to Time provided and appropriated by Parliament for the Purpose.

SCHE-

*Revenue (Transfer of Charges).**Mercantile Law (Scotland) Amendment.*

## SCHEDULES to which this Act refers.

## SCHEDULE (A.)

*Annuities and Salaries charged on the Revenues of Customs, Excise, and Post Office, to be transferred to the Consolidated Fund.*

An Annuity granted to the Duke of Marlborough under the Provisions of the Act 5th of Anne, Cap. 4, charged on the Post Office Revenue, the net annual Amount payable in respect of which is	£ 4,000
The Moiety of an Annuity granted by King Charles the Second to the Earl of Bath and his Heirs, and charged upon the Excise Revenue, the net annual Amount payable in respect of which Moiety is	- 1,200
An Annuity payable to the Duke of Grafton, charged upon the Post Office Revenue by Letters Patent of the Twentieth Year of King Charles the Second, confirmed by Act of Parliament, the net annual Amount payable in respect of which Annuity is	- 3,384
The Three Fourth Parts of an Annuity granted by King George the First to Maynard Duke of Schoenberg and his Heirs, and charged upon the Post Office Revenue, the net annual Amount payable in respect of which Three Fourth Parts is	- 2,160

Such of the Salaries of Sheriff Clerks and others, made payable out of the gross Produce of Customs and Excise, under the Act of the Seventh Year of Queen Anne, Chapter Eleven, the Act of the Tenth Year of Queen Anne, Chapter Twenty-six, and subsequent Acts, as by the Proviso in Section One of the Act Seventeenth and Eighteenth Victoria, Chapter Ninety-four, continue to be payable out of such gross Produce, so long as the present Holders of the Offices continue to hold the same; such Salaries to be charged on the Consolidated Fund so long only as they would have been payable out of such gross Produce if this Act had not been passed.

## SCHEDULE (B.)

*Charges and Payments charged under the Provisions of various Acts of Parliament upon the Revenues of Customs, Excise, Taxes, and Post Office, to be paid out of Aids or Supplies to be provided for the Purpose.*

Superannuations, Pensions, Compensations, and Annuities granted in respect of Services rendered by Persons formerly employed in the several Revenue Departments.

Expenses payable out of the Consolidated Customs under the Act 17 & 18 Victoria, Cap. 104.

## C A P. LX.

An Act to amend the Laws of *Scotland* affecting Trade and Commerce. [21st July 1856.]

WHEREAS Inconvenience is felt by Persons engaged in Trade by reason of the Laws of *Scotland* being in some Particulars different from those of *England* and *Ireland* in Matters of common Occurrence in the course of such Trade, and with a view to remedy such Inconvenience it is expedient to amend the Law of *Scotland* as herein-after is mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. From and after the passing of this Act, where Goods have been sold, but the same have not been delivered to the Purchaser, and have been allowed to remain in the Custody of the Seller, it shall not be competent for any Creditor of such Seller, after the Date of such Sale, to attach such Goods as belonging to the Seller by any Diligence or Process of Law, including Sequestration, to the Effect of preventing the Purchaser or others in his Right from enforcing Delivery of the same; and the Right of the Purchaser to demand Delivery of such Goods shall from and after the Date of such Sale be attachable by or transferable to the Creditors of the Purchaser.

Goods sold, but not delivered, not to be attachable by Creditors of the Seller.

II. Where a Purchaser of Goods who has not obtained Delivery thereof shall after the passing of this Act sell the same, the Purchaser from him or any other subsequent Purchaser shall be entitled to demand that Delivery of the said Goods shall be made to him and not to the original Purchaser; and the Seller, on Intimation being made to him of such subsequent Sale, shall be bound to make such Delivery, on Payment of the Price of such Goods, or Performance of the Obligations or Conditions of the Contract of Sale, and shall not be entitled, in any Question with a subsequent Purchaser, or others in his Right, to retain the said Goods for any separate Debt or Obligation alleged to be due to such Seller by the original Purchaser: Provided always, that nothing in this Act contained shall prejudice or affect the Right of Retention of the Seller for Payment of the Purchase Price of the Goods sold, or such Portion thereof as may remain unpaid, or for Performance of the Obligations or Conditions of the Contract of Sale, or any Right of Retention competent to the Seller, except as between him and such subsequent Purchaser, or any such Right of Retention arising from express Contract with the original Purchaser.

Seller not entitled to a Right of Retention generally against Second Purchaser.

III. Any Seller of Goods may attach the same while in his own Hands or Possession, by Arrestment or Pounding, at any Time prior to the Date when the Sale of such Goods to a subsequent Purchaser shall have

Arrestment and Pounding of Goods by Seller.

*Mercantile Law (Scotland) Amendment.*

have been intimated to such Seller, and such Arrestment or Poining shall have the same Operation and Effect in a Competition or otherwise as an Arrestment or Poining by a Third Party.

Rights of Landlord not to be affected.  
Seller not held to warrant Goods, except there be an express Warranty in Contract.

IV. Nothing herein-before contained shall prejudice or affect the Landlord's Right of Hypothec and Sequestration for Rent.

V. Where Goods shall, after the passing of this Act, be sold, the Seller, if at the Time of the Sale he was without Knowledge that the same were defective or of bad Quality, shall not be held to have warranted their Quality or Sufficiency, but the Goods, with all Faults, shall be at the Risk of the Purchaser, unless the Seller shall have given an express Warranty of the Quality or Sufficiency of such Goods, or unless the Goods have been expressly sold for a specified and particular Purpose, in which Case the Seller shall be considered, without such Warranty, to warrant that the same are fit for such Purpose.

Guarantees, &c. to be in Writing.

VI. From and after the passing of this Act, all Guarantees, Securities, or Cautionary Obligations made or granted by any Person for any other Person, and all Representations and Assurances as to the Character, Conduct, Credit, Ability, Trade, or Dealings of any Person, made or granted to the Effect or for the Purpose of enabling such Person to obtain Credit, Money, Goods, or Postponement of Payment of Debt, or of any other Obligation demandable from him, shall be in Writing, and shall be subscribed by the Person undertaking such Guarantee, Security, or Cautionary Obligation, or making such Representations and Assurances, or by some Person duly authorized by him or them, otherwise the same shall have no Effect.

Guarantees to or for a Firm not to be binding after any Change of the Firm, except in special Cases.

VII. No Guarantee, Security, Cautionary Obligation, Representation, or Assurance granted or made after the passing of this Act to or for a Company or Firm consisting of Two or more Persons, or to or for a single Person trading under the Name of a Firm, shall be binding on the Granter or Maker of the same in respect of anything done or omitted to be done, after a Change shall have taken place in any One or more of the Partners of the Company or Firm to which the same has been granted or made, or of the Company or Firm for which the same has been granted or made: Unless the Intention of the Parties that such Guarantee, Security, Cautionary Obligation, Representation, or Assurance, shall continue to be binding, notwithstanding such Change, shall appear either by express Stipulation, or by necessary Implication from the Nature of the Firm or otherwise.

Cautioners not to be entitled to Benefit of Discussion.

VIII. Where any Person shall, after the passing of this Act, become bound as Cautioner for any Principal Debtor, it shall not be necessary for the Creditor to whom such Cautionary Obligation shall be granted, before calling on the Cautioner for Payment of the Debt to which such Cautionary Obligation refers, to discuss or do Diligence against the Principal Debtor, as now required by Law; but it shall be competent to such Creditor to proceed against the Principal Debtor and the said Cautioner, or against either of them, and to use all Action or Diligence against both or either of them which is competent according to the Law of *Scotland*: Provided always, that nothing herein contained shall prevent any Cautioner from stipulating in the Instrument of Caution that the Creditor shall be bound before proceeding against him to discuss and do Diligence against the Principal Debtor.

Discharge of One Cautioner to operate as a Discharge to all.

IX. From and after the passing of this Act, where Two or more Parties shall become bound as Cautioners for any Debtor, any Discharge granted by the Creditor in such Debt or Obligation to any One of such Cautioners without the Consent of the other Cautioners shall be deemed and taken to be a Discharge granted to all the Cautioners; but nothing herein contained shall be deemed to extend to the Case of a Cautioner consenting to the Discharge of a Co-cautioner who may have become bankrupt.

Date of Bills or Notes may be proved by Parole.

X. From and after the passing of this Act, where any Bill of Exchange or Promissory Note shall be issued without Date, it shall be competent to prove by Parole Evidence the true Date at which such Bill or Note was issued: Provided always, that Summary Diligence shall not be competent on any Bill or Note issued without a Date.

Acceptance of Bill of Exchange must be in Writing.

XI. No Acceptance of any Bill of Exchange, whether Inland or Foreign, made after the Thirty-first Day of *December* One thousand eight hundred and fifty-six, shall be sufficient to bind or charge any Person unless the same be in Writing on such Bill, or if there be more than One Part of such Bill, on One of the said Parts, and signed by the Acceptor or some Person duly authorized by him.

What Bills to be held Inland Bills.

XII. Every Bill of Exchange drawn in any Part of the United Kingdom of *Great Britain* and *Ireland*, the Islands of *Man*, *Guernsey*, *Jersey*, *Alderney*, and *Sark*, and the Islands adjacent to any of them, being Part of the Dominions of Her Majesty, and made payable in or drawn upon any Person resident in any Part of the said United Kingdom or Islands, shall be deemed to be an Inland Bill; but nothing herein contained shall alter or affect the Stamp Duty, if any, which but for this Enactment would be payable in respect of any such Bill.

Notarial Protest not to be necessary, except for the Purpose of Summary Diligence.

XIII. From and after the passing of this Act, where any Inland Bill of Exchange shall be presented for Acceptance or Payment, and the same shall be dishonoured by not being accepted or paid, or where any Promissory Note shall be presented for Payment, and dishonoured by not being paid, it shall not be necessary that a Notarial Protest shall be taken on such Bill of Exchange or Promissory Note in order to preserve Recourse against the Drawer or Indorser of such Bill or Promissory Note respectively; but it shall be sufficient to prove such Presentment and Dishonour, to the Effect of preserving Recourse as aforesaid by other competent Evidence, either written or parole: Provided always, that nothing herein contained



*Mercantile Law (Scotland) Amendment.**Survey of Great Britain, &c.*

contained shall be taken to affect the Necessity for a Notarial Protest in order to entitle the Holder of any Bill or Note to proceed with Summary Diligence thereon.

XIV. Where any Inland Bill of Exchange shall be presented for Acceptance or Payment, and such Acceptance or Payment shall be refused, or where any Promissory Note shall be presented for Payment, and Payment shall be refused, Notice of the Dishonour of such Bill or Promissory Note by such Refusal to accept or pay shall, in order to entitle the Holder to have Recourse to any other Party, be given in the same Manner and within the same Time as is required in the Case of Foreign Bills by the Law of Scotland.

Notice of Dishonour of Inland Bills to be given as in Case of Foreign Bills.

XV. Where any Bill or Note has been lost, stolen, or fraudulently obtained, the Holder of such Bill or Note suing or doing Diligence thereon shall be bound to prove that Value was given by him for the same; but such Proof may be made by Parole Evidence.

When Bill lost, &c. Holder must prove Value given.

XVI. When any Bill of Exchange or Promissory Note shall, after the passing of this Act, be indorsed after the Period when such Bill of Exchange or Promissory Note became payable, the Indorsee of such Bill or Note shall be deemed to have taken the same subject to all Objections or Exceptions to which the said Bill or Note was subject in the Hands of the Indorser.

Indorsee after Period of Payment subject to Objections.

XVII. From and after the passing of this Act, all Carriers for Hire of Goods within Scotland shall be liable to make good to the Owner of such Goods all Losses arising from accidental Fire while such Goods were in the Custody or Possession of such Carriers.

Carriers liable for Losses by accidental Fires.

XVIII. In relation to the Rights and Remedies of Persons having Claims for Repairs done to or Supplies furnished to or for Ships, every Port within the United Kingdom of Great Britain and Ireland, the Islands of Man, Guernsey, Jersey, Alderney, and Sark, and the Islands adjacent to any of them, being Part of the Dominions of Her Majesty, shall be deemed a Home Port.

Every Port in United Kingdom, &c. to be deemed a Home Port.

XIX. The Court of Session is hereby empowered from Time to Time, after the passing of this Act, to make such Regulations by Act or Acts of Sederunt as the said Court may deem meet for carrying into effect the Purposes of this Act: Provided always, that within Fourteen Days from the Commencement of any future Session of Parliament there shall be transmitted to both Houses of Parliament Copies of all Acts of Sederunt made and passed under the Powers hereby given.

Court of Session to make Regulations for carrying Act into effect.

XX. In citing this Act it shall be sufficient to use the Expression "The Mercantile Law Amendment Act, Scotland, 1856."

Title of Act.

XXI. Nothing in this Act contained shall apply to any Part of the United Kingdom except Scotland.

Act to apply to Scotland only.

## C A P. LXI.

An Act to continue an Act for the Survey of Great Britain, Berwick-upon-Tweed, and the Isle of Man.

[21st July 1856.]

WHEREAS an Act was passed in the Fourth and Fifth Years of the Reign of Her present Majesty Queen Victoria, intituled *An Act to authorize and facilitate the Completion of a Survey of Great Britain, Berwick-upon-Tweed, and the Isle of Man*: And whereas an Act was passed in the Ninth and Tenth Years of the Reign of Her present Majesty Queen Victoria, intituled *An Act to continue until the Thirty-first Day of December One thousand eight hundred and fifty-one an Act of the Fourth and Fifth Years of Her present Majesty for authorizing and facilitating the Completion of a Survey of Great Britain, Berwick-upon-Tweed, and the Isle of Man*: And whereas by an Act passed in the Fourteenth and Fifteenth Years of the Reign of Her present Majesty, intituled *An Act to continue the Survey of Great Britain, Berwick-upon-Tweed, and the Isle of Man*, the said recited Act of the Fourth and Fifth Years of Her present Majesty, and all the Powers, Provisions, Matters, and Things therein contained, were continued until the Thirty-first Day of December One thousand eight hundred and fifty-six: And whereas it is expedient that the said recited Act of the Fourth and Fifth Years of the Reign of Her present Majesty should be further continued, and also that the same should be amended as herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

4 & 5 Vict. c. 30.

9 & 10 Vict.

c. 46.

14 & 15 Vict.

c. 22.

I. All the Powers, Authorities, Acts, Matters, and Things which, under or by virtue of the said recited Act of the Fourth and Fifth Years of Her present Majesty, are or were vested in, or are or were or may be or might have been exercised or done by, the Master General and Board of Her Majesty's Ordnance, or by the principal Officers of Her Majesty's Ordnance, or by any of them respectively, shall and may henceforth be vested in and be exercised and done by Her Majesty's Principal Secretary of State for the War Department for the Time being.

Powers of Master General and Board of Ordnance under 4 & 5 Vict. c. 30, vested in Secretary for War.

II. The said recited Act of the Fourth and Fifth Years of the Reign of Her present Majesty, as the same is amended by this Act, shall continue in force until the Thirty-first Day of December One thousand eight hundred and sixty-one.

First-recited Act further continued to 31st Dec. 1861.

*Drainage (Ireland).*

## C A P. LXII.

An Act to provide for the Maintenance of Navigations made in connexion with Drainage, and to make further Provision in relation to Works of Drainage in *Ireland*. [21st July 1856.]

18 & 19 Vict.  
c. 110.

WHEREAS by an Act passed in the last Session of Parliament, intituled *An Act to authorize the Application of certain Sums granted by Parliament for Drainage and other Works of public Utility in Ireland towards the Completion of certain Navigations undertaken in connexion with Drainages, and to amend the Acts for promoting the Drainage of Lands and Improvements in connexion therewith in Ireland*, after reciting that the Navigations therein, including those herein-after mentioned, had been undertaken and in part executed under the Provisions of the Acts therein referred to; that is to say,

‘ In the District of *Lough Neagh*, situate in the Counties of *Antrim, Derry, Tyrone, Armagh*, and *Down*, the Navigation of the *Lower Bann River* from the Bridge of *Coleraine* in the tidal Part of the said River to *Lough Neagh*, and extending thence to the First Lock or Entrance of the *Lagan, Newry, Ulster, and Coal Island Canals* :

‘ In the District of *Ballymamore* and *Ballyconnell*, situate in the Counties of *Leitrim, Cavan, and Fermanagh*, the Junction Navigation by the Course of the *Woodford River* and Lakes, from *Lough Erne*, at the Mouth of the said River, to the River *Shannon* near the Village of *Leitrim* :

‘ In the District of *Loughs Corrib, Mask, and Carra*, in the County of the Town of *Galway* and Counties of *Galway* and *Mayo*, the Navigation by the River and Lake *Corrib*, and *Loughs Corrib, Mask, and Carra*, from the Sea at *Galway* to the Northern Extremity of the said *Lough Mask* and *Carra*, and to *Cloon Lough* in the River *Aill* :

‘ And that free Grants to the Amount therein mentioned had been theretofore made by the Authority of Parliament for the Purposes of the said Navigations, it is enacted, that it should be lawful for the Commissioners of Her Majesty’s Treasury, out of the Monies therein mentioned, to issue such Sum as might be necessary towards defraying the Expenses incurred in respect of the several Navigations therein mentioned, and towards the Completion of such several Navigations or such of them, or such Parts of them or any of them as it might be considered by the Commissioners of the Treasury expedient and proper to complete; and that the said Commissioners of the Treasury might authorize and direct the Commissioners of Public Works to cause to be completed the said Navigation Works or such of the same, or such Portions of them or any of them as upon Inquiries as therein mentioned the said Commissioners of the Treasury might think fit, and with any Modifications or Alterations which to them might appear expedient; and that it should be lawful for the Commissioners of Public Works, by and with the Consent of the Commissioners of Her Majesty’s Treasury, by Warrant under the Hands of the said Commissioners of Public Works, or any Two of them, from Time to Time to direct that the said Navigations or any of them, with the Tolls thereof, should be deemed and become the public Property of the County or Counties, if more than One, in which respectively the Lands chargeable under the Award in relation to the said Navigations respectively are situate; and from and after the Date of any such Warrant such Navigation, together with all Locks, Weirs, and other Works, Rights, Members, and Appurtenances thereto belonging, should be deemed and taken to be the public Property of such County or Counties as aforesaid, and be held, maintained, and preserved by the Grand Jury or Juries of such County or Counties, with such Powers and Authorities and subject to such Provisions and Regulations as might thereafter be established by Parliament in relation thereto: And whereas the Three Navigations herein-before mentioned, with certain Modifications or Alterations directed under the said Act, have been or shortly will be completed: And whereas it is expedient to provide for the due and proper Maintenance and Regulation of the said Navigations, and for that Purpose that such Navigations should be vested in Trustees as herein-after provided: Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

The Navigation in the District of *Lough Neagh* to be divided into Two Navigations for the Purposes of this Act.

I. The said Navigation in the District of *Lough Neagh* shall for the Purposes of this Act be divided into Two Navigations; and One of such Navigations shall be called “*Lower Bann Navigation*,” and shall consist of the Portion of the said Navigation in the District of *Lough Neagh* next herein-after described; (that is to say,) the Portion of the said Navigation which extends from the Bridge of *Coleraine* in the tidal Part of the River *Bann* to *Lough Neagh* in the Counties of *Londonderry* and *Antrim* respectively, including that Part of *Lough Neagh* situate in the said last-mentioned Counties, according to the Boundaries of the said Counties through the Waters of the said *Lough* as laid down on the Ordnance Survey; and the other of such Navigations shall be called “*Upper Bann Navigation*,” and shall consist of the Portion of the Navigation in the District of *Lough Neagh* herein-after described; (that is to say,) the Portion of the said Navigation which extends from *Blackwater Town* by the River *Blackwater* to *Lough Neagh*, including that Part of the said *Lough* situate in the said Counties of *Armagh, Tyrone, and Down*, according to the Boundaries of the said Counties through the Waters of the said *Lough* as laid down on the Ordnance Survey.

Navigations to vest in Trustees

II. The said *Lower Bann Navigation* and *Upper Bann Navigation*, the said Navigation in the District of *Ballymamore* and *Ballyconnell*, and the said Navigation in the District of *Lough Corrib, Mask,* and

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and *Carra*, together with all Locks, Weirs, and other Works, Rights, Members, and Appurtenances thereto belonging, shall, by virtue of this Act, and from the Date of the Award of the said Commissioners of Public Works under the said Act of the last Session of Parliament in relation thereto, vest in the Trustees for the Time being incorporated under this Act for such Navigation, for the Use of the Counties, Baronies, and Townlands chargeable under such Award, and shall be held, maintained, and preserved by such Trustees, subject to the Provisions in this Act contained.

for the Use of Counties.

III. The Works to be vested as aforesaid in the Trustees of the said Navigations respectively under this Act shall be the Works described in this Behalf in the Award of the said Commissioners of Public Works, and the Works (connected with such Navigations respectively) for the Maintenance whereof as Works of Drainage Trustees are to be appointed under the Act of the Session holden in the Fifth and Sixth Years of Her Majesty, Chapter Eighty-nine, and the Acts amending the same, shall be the Works described in this Behalf in the Award of the said Commissioners of Public Works.

Commissioners to determine what are Navigation Works and what are Drainage Works.

IV. The following Persons shall be Trustees of the said *Lower Bann* Navigation; that is to say, *George Macartney* Esquire, M.P., the Reverend *Arthur Pakenham*, *John Montgomery* Esquire, *John Rowley Miller* Esquire, and *Henry Stanley M'Clintock* Esquire, as Trustees on behalf of and as representing the County of *Antrim*; and Sir *H. Hervey Bruce* Baronet, *Robert Peel Dawson* Esquire, *Andrew Spotswood* Esquire, *George Bicknell* Esquire, and *Henry Anderson* Esquire, as Trustees on behalf of and as representing the County of *Londonderry*; and *Charles James Knox* Esquire, on behalf of and as representing the Borough of *Coleraine*; and the Trustees for the Time being of such Navigation shall be a Body Corporate, by the Name and Style of "The *Lower Bann* Navigation Trustees," and by that Name have perpetual Succession and a Common Seal.

Trustees of Lower Bann Navigation.

V. The following Persons shall be Trustees of the said *Upper Bann* Navigation; (that is to say,) *John Calvert Stronge* Esquire, *John Hancock* Esquire, and *Denis C. Brady* Esquire, as Trustees on behalf of and as representing the County of *Armagh*; *Richard Loyd* Esquire, *John Cranston* Esquire, and *Walter Hoare* Esquire, as Trustees on behalf of and as representing the County of *Tyrone*; and Major *Henry Waring* and *Crane Brush* Esquire, as Trustees on behalf of and as representing the County of *Down*; and the Trustees for the Time being of such Navigation shall be a Body Corporate, by the Name and Style of "The *Upper Bann* Navigation Trustees," and by that Name have perpetual Succession and a Common Seal, and sue and be sued.

Trustees of Upper Bann Navigation.

VI. The following Persons shall be Trustees of the said Navigation in the District of *Ballinamore* and *Ballyconnell*; that is to say, *Perrott Thornton* Esquire, Captain *John Johnston*, and *Archibald Godley* Esquire, as Trustees on behalf of and as representing the County of *Cavan*; *Francis La Touche* Esquire, *William Lawder* Esquire, and *Hugh O'Beirne* Esquire, as Trustees on behalf of and as representing the County of *Leitrim*; the Right Honourable the Earl of *Erne*, the Reverend *John Grey Porter*, and *Robert Collins* Esquire, as Trustees on behalf of and as representing the County of *Fermanagh*; and the Right Honourable Lord Viscount *Lorton*, *Edward King Tenison* Esquire, and *James Kerwood* Esquire, as Trustees on behalf of and as representing the County of *Roscommon*; and the Trustees for the Time being of such Navigation shall be a Body Corporate, by the Name and Style of "The *Ballinamore* and *Ballyconnell* Navigation Trustees," and by that Name have perpetual Succession and a Common Seal, and sue and be sued.

Trustees of Navigation in Ballinamore and Ballyconnell District.

VII. The following Persons shall be Trustees of the said Navigation in the District of *Loughs Corrib*, *Mask*, and *Carra*; that is to say, the Most Noble the Marquis of *Clanricarde*, Lord *Clanmorris*, *Anthony O'Flaherty* Esquire, M.P., *Francis Blake* (of *Cregg*) Esquire, *James Martin* Esquire, and *Denis Kirwan* Esquire, as Trustees on behalf of and as representing the County of *Galway*; *Edward C. Burke* Esquire, the Reverend *Peter Daley*, and *John Blakeney* Esquire, as Trustees on behalf of and as representing the County of the Town of *Galway*; and the Right Honourable the Earl of *Lucan*, Lieutenant Colonel *G. G. Ouseley Higgins*, M.P., and Colonel *Charles Knox*, as Trustees on behalf of and as representing the County of *Mayo*; and the Trustees for the Time being of such Navigation shall be a Body Corporate, by the Name and Style of "The *Lough Corrib* Navigation Trustees," and by that Name have perpetual Succession and a Common Seal, and sue and be sued.

Trustees of Navigation in Lough Corrib District.

VIII. The said Navigation Trustees so respectively incorporated may for the Purposes of their respective Trusts (without Licence in Mortmain) purchase, take, and hold Lands and Hereditaments, and Goods and Chattels, and dispose thereof.

Trustees may purchase and hold Lands, &c.

IX. It shall be lawful for the Grand Jury of every County which or any Barony or Townland in which is chargeable under the Award of the said Commissioners of Public Works in relation to any Navigation herein-before mentioned, and vested in Trustees under this Act, at any Assizes to be hereafter held for such County, to remove any of the Trustees of such Navigation named in this Act, or to be hereafter elected on behalf of such County.

Grand Jury may remove Trustees.

X. If any Trustee named in or to be elected under this Act die, resign, or refuse or become incapable to act, or be removed, it shall be lawful for the Grand Jury at any Assizes to be holden for the County on behalf of which such Trustee shall have been named or elected to elect another Trustee in his Place; provided, that every Trustee to be so elected shall be seised or possessed of Freehold or Leasehold Lands situate in the County on behalf of which he is elected, of the yearly Value of One hundred Pounds or upwards over and above any Rent payable thereout, or shall be Agent to an Estate in such County of

Provisions for supplying Vacancies among Trustees.

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the yearly Value of Two thousand Pounds or upwards, or to Two or more Estates in such County of such yearly Value in the whole : Provided always, that the same Power of Appointment and Removal hereby given to the Grand Juries with regard to the Trustees for the Counties of *Antrim* and *Londonderry*, shall, as far as One of such Trustees, in the Case of the said *Lower Bann* Navigation, be exercised by the Town Commissioners of *Coleraine*.

Power to appoint Officers.

XI. It shall be lawful for the said Navigation Trustees respectively from Time to Time to appoint and employ an Engineer and Superintendent of the Navigation and Works of which they are Trustees, a Clerk, Collectors, and such other Officers and Servants as may be necessary, at such Salaries or Payment respectively as the said Navigation Trustees may think proper, and from Time to Time to dismiss at their Discretion the Persons so appointed or employed, and appoint and employ others in their Place.

First Meetings of Trustees.

XII. The said Trustees so respectively incorporated shall hold their First Meetings respectively at Noon on the Third *Tuesday* in the Month of *January* next, and such Meetings shall respectively be held as follows :

For the *Lower Bann* Navigation at the Court House in *Ballymoney* in the County of *Antrim* :

For the *Upper Bann* Navigation at the Court House in *Lurgan* in the County of *Armagh* :

For the *Ballinamore* and *Ballyconnell* District at the County Court House in *Cavan* in the County of *Cavan* :

For the Loughs *Corrib*, *Mask*, and *Carra* District at the County Court House in *Galway*.

Quorum of Trustees.

XIII. All Powers and Duties vested in the Trustees of any of the said Navigations may be exercised at any Meeting of such Trustees at which not less than Three of them are present.

Trustees may appoint Committees.

XIV. It shall be lawful for the Trustees of any such Navigation as aforesaid from Time to Time to appoint from among themselves Committees for such Purposes, connected with the Management of such Navigation, as such Trustees may think fit, and from Time to Time to continue, alter, or discontinue any such Committee ; provided that no such Committee shall be appointed consisting of less than Three Persons.

Power to take Tolls.

XV. It shall be lawful for the said Trustees, from Time to Time and at all Times hereafter, to demand, receive, levy, and take for and in respect of the Use of the Navigation of which they are Trustees, and also for Wharfage or Quayage at any Pier, Harbour, Landing Place, Quay, or Wharf, built, erected, or made in connexion therewith, such Rates or Tolls as the said Trustees, with the Approbation of the said Commissioners of the Treasury, think fit ; and it shall be lawful for the said Trustees to fix the Time or Times respectively from and after which such Rates or Tolls shall be payable.

Limitation of Tolls.

XVI. Any Boat or Vessel charged with a Tonnage Rate shall not in any event be liable to pay in respect of any Voyage a greater Amount of Toll, exclusive of Quayage or Wharfage, than Two Shillings and Sixpence *per* Ton ; and any Boat or Vessel charged with a Rate *per* Boat or Boat Load shall not in any event be liable to pay in respect of any One Voyage a greater Amount of Toll, exclusive of Quayage or Wharfage, than Eight Shillings *per* Boat or Boat Load : Provided also, that no Toll or Rate whatever, except Wharfage or Quayage, shall be rated, levied, or imposed by the said Trustees under this Act upon Steam Vessels employed in towing Boats or Barges, and not carrying at the same Time Goods or Passengers.

Tolls may be raised or lowered.

XVII. It shall be lawful for the said Trustees from Time to Time as they shall think fit, with the Approbation of the said Commissioners of the Treasury, to reduce all or any of the Rates or Tolls by this Act authorized to be taken, and afterwards from Time to Time, with the like Approbation, to raise the same or any of them to any Amount not exceeding the Amount herein-before specified : Provided also, that if such Rates or Tolls shall have been let or demised by the said Trustees no Alteration shall be made therein during the Continuance of such Lease or Demise unless with the Consent in Writing of the Tenant or Lessee.

If Disputes should arise about the Amount of Tolls, the Collectors may weigh the Goods in order to ascertain Amount to be paid.

XVIII. If any Dispute or Difference shall arise between the Collectors of the Rates or Tolls made payable under this Act and the Owner, Master, or Person having charge of any Boat, Barge, or other Vessel, or the Owner of any Goods, Wares, and Merchandise, or other Things chargeable with or liable to the Payment of any of the said Rates or Tolls, concerning the Weight or Quantity of the same, it shall be lawful for such Collector to stop and detain any such Boat, Barge, or other Vessel, and to weigh, measure, or gauge, or cause to be measured, weighed, or gauged, all such Goods, Wares, and Merchandise, or other Things as shall be in any Vessel where and when any Dispute shall arise ; and in case any such Goods, Wares, and Merchandise, or other Things shall, upon such weighing, measuring, or gauging, appear to be of as much Weight, Measure, or Quantity as or of greater Quantity than such Collector did insist and affirm the same to be before the weighing, measuring, or gauging thereof, so as to make the same chargeable with or liable to the Payment of as much Money as or more Money than was demanded by the Collector before the weighing, measuring, or gauging of such Goods, Wares, or Merchandise, or other Things, then and in such Case the Master or Owner of such Boat, Barge, or other Vessel, or the Owner of such Goods, Wares, and Merchandise so weighed or measured or gauged, shall pay the Costs and Charges of such weighing, measuring, or gauging thereof ; all which said Costs and Charges, upon Refusal of Payment thereof on Demand, shall and may be recovered as the Rates and Tolls made payable in and by this Act are appointed to be recovered ; but in case such Goods, Wares, and Merchandise, or other Things, shall, upon such weighing, measuring, or gauging, appear to be of no greater

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greater Weight or Quantity than the Master or Owner declared the same to be before the weighing, measuring, or gauging thereof, then and in such Case such Collector shall pay the Costs and Charges of such weighing, measuring, or gauging, and shall also pay to the Master or Person having charge of such Boat, Barge, or other Vessel, or to the Owner of such Goods, Wares, and Merchandise, a Sum not exceeding Two Shillings and Sixpence for every Hour that such Boat, Barge, or other Vessel shall be detained by occasion of such weighing, measuring, or gauging, and so in proportion for any greater or less Time than an Hour; and in default of immediate Payment thereof the same shall be levied by Distress and Sale of the Goods and Chattels of such Collector, or of any Lessee of such Rates or Tolls by whom such Collector may have been employed, by Warrant under the Hand and Seal of any Two Justices of the Peace for the County, Liberty, or Place where such Collector shall reside, rendering the Overplus to the Owner thereof after such Distress and Sale made.

XIX. Any Lock or Bridge Keeper appointed under the Provisions of this Act to have the Charge of opening or shutting any Lock or Bridge on any of the said Navigations shall constantly attend to the same, and shall at all reasonable Times open the same for the Passage of trading or other Vessels, the Tolls and other Rates required under this Act for such Vessels being paid, and the Byelaws, Rules, and Regulations which shall be made being complied with; and each such Lock or Bridge Keeper wilfully neglecting the Duties of his Office in any of the Matters aforesaid shall be liable to a Penalty of not more than Five Pounds for each Offence.

Lock-keepers  
to attend Locks.

Penalty on  
Neglect.

XX. The said Trustees shall cause an Account or List, printed or painted in legible Characters, of the several Rates or Tolls which the said Trustees shall from Time to Time direct and appoint to be taken, and which shall be payable by virtue of this Act, to be affixed on Boards in some conspicuous Place at or near which any such Rates or Tolls shall be collected or received, and shall cause the same to be continued and renewed as often as the same shall be obliterated or defaced.

A List of the  
Rates, Tolls,  
&c. to be affixed  
in conspicuous  
Places.

XXI. It shall be lawful for the Collectors appointed and authorized in this Behalf by the said Trustees of the said Navigations respectively to demand and take the Tolls and Rates payable by virtue of this Act, and in case of Refusal or Neglect, on Demand, to pay such Rates or Tolls to the respective Persons appointed to receive the same as aforesaid, the said Trustees may sue for and recover the same by an Action of Debt in any of Her Majesty's Courts of Record, or by Civil Bill, or the Person to whom such Rates or Tolls ought to have been paid may and he is hereby empowered to seize the Goods, Articles, or other Things for or in respect whereof any such Rates or Tolls ought to be or ought to have been paid, or any Part thereof, and the Vessel laden therewith, and detain the same until such Payment shall be made, together with all reasonable Charges for such Seizure and Detention; and if such Goods, Articles, and Things shall not be redeemed within Twenty-one Days after the taking thereof, the same shall be appraised and sold as the Law directs in Cases of Distress for Rent, and such Rates, Tolls, and Charges satisfied thereout.

For enforcing  
the Payment of  
Rates and Tolls.

XXII. It shall be lawful for the said Trustees (if they shall think fit), by public Bidding, from Time to Time to let all or any of the Tolls and Rates payable under the Provisions of this Act for Terms not exceeding Seven Years, on such Conditions, and with such Security for the Payment of the Rent reserved on such Lease as the said Trustees shall deem expedient; and every such Lease shall be valid, and the respective Lessees thereof, and also such Persons as such Lessees shall appoint to collect and receive the Rates or Tolls so let, shall have the same Powers and Authorities for collecting and recovering the same as are herein-before by this Act given to the said Trustees and the Person appointed by them to collect such Tolls and Rates.

Power to Trustees to grant  
Leases of the  
Rates and Tolls.

XXIII. In case any of the Rates or Tolls by this Act authorized to be taken shall be demised or let, and the Lessee thereof shall refuse or neglect to perform the Terms and Conditions on which the same shall be so demised or let, or any of them, or in case all or any Part of any Rent agreed to be paid by any such Lessee shall be in arrear or unpaid for the Space of Twenty-one Days next after any of the Days on which the same ought to be paid pursuant to the Lease of such Rates or Tolls, or in case any such Lease shall in any other Manner become void or voidable or determine, or in case any Collector of the said Rates or Tolls appointed by the said Trustees as aforesaid shall be discharged from his Office, or shall die, abscond, or absent himself, and any such Collector who shall be so discharged, or the Wife, Widow, or any of the Children or Family, or any Representative of any such Collector, or any other Person being in possession thereof, shall refuse to deliver up or shall not deliver up Possession of any Toll House, Office, or other Building, with the Appurtenances thereto respectively belonging, to be used for the Purposes of this Act, within the Space of Seven Days next after a Demand thereof in Writing on behalf of the said Trustees shall be given to him, or affixed to such Toll House, Office, or Building, then and in any of the said Cases it shall be lawful for any Two or more Justices of the Peace acting within their Jurisdiction, upon any Application made by the said Trustees, by Warrants under the Hands and Seals of the said Justices, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take possession of every or any such Toll House, Office, or other Building, with the Appurtenances, and to remove and put such Lessee, Collector, or other Person as shall be found therein, together with his Goods, from and out of the same and the Possession thereof, and from the Collection of such Rates or Tolls, and to put the said Trustees, their Agent, or their new Lessee or Collector, into the Possession thereof; and it shall be lawful for the said Justices to declare such Lease

Power of Re-  
entry in case  
of Nonperfor-  
mance of the  
Conditions of  
such Leases.

to

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to be void and determined, and the same shall be void and determined accordingly (save as to any Rights and Liabilities in respect of any Rent already accrued and any Breach of any Terms or Conditions already committed).

Application of  
Income derived  
from Receipt of  
Tolls or Rates.

XXIV. The Income which the said Trustees shall receive for or in respect of any Tolls or other Rates to be imposed and levied under this Act shall be applied, in the first instance, in paying the Salaries of the Officers and Servants authorized by this Act to be appointed by the Trustees, and in Payment of Expenses of collecting such Tolls and Rates as aforesaid, and of the Expenses attending or incident to the Maintenance of the Works of the Navigation of which they are Trustees, and all other Expenses attending the Conservancy of such Navigation.

Expenses of  
Navigations not  
defrayed by In-  
come to be paid  
by Counties, &c.

XXV. All Expenses of and incident to the Maintenance and Conservancy of each of the said Navigations shall (so far as the same may not be defrayed out of the Income aforesaid) be borne and paid by such Counties, Baronies, and Townlands, and Parts thereof respectively, and in such Proportions as by the Award of the said Commissioners of Public Works shall be in this Behalf provided.

Power to Treas-  
ury to advance  
Money during  
first Two Years  
for Expenditure  
of Trustees.

XXVI. It shall be lawful for the said Commissioners of the Treasury at any Time, and from Time to Time, within the first Two Years after the passing of this Act, if they think fit, upon an Estimate being laid before them by the Trustees of any of the said Navigations of what Sum will be requisite for the Expenses of such Navigation for the then current Year, to direct that any Sum or Sums of Money, not exceeding in the whole the Sum of Five hundred Pounds in any One Year for any one of the said Navigations, shall be advanced and paid to such Trustees out of the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, to be applied under the Direction of the said Trustees, in the necessary Maintenance and Repair of such Navigation and in the Payment of the Officers and Servants of such Trustees under this Act; and the said Commissioners of the Treasury shall certify from Time to Time to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* the Sums so advanced, with a view to the Repayment thereof as herein-after provided.

Trustees of each  
Navigation to  
transmit an Ac-  
count to Grand  
Juries at each  
Assizes.

XXVII. The Trustees of each of the said Navigations shall transmit to the Grand Jury assembled at the Summer Assizes One thousand eight hundred and fifty-seven, to be held for every County which or any Barony or Townland in which is liable to contribute towards the Expense of and Maintenance of such Navigation, an Account of the Receipts and Expenditure of such Trustees up to the Thirtieth Day of *June* One thousand eight hundred and fifty-seven inclusive; and such Trustees shall also furnish to such Grand Juries at each Spring and Summer Assizes to be thereafter held like Accounts of the Receipts and Expenditure of such Trustees from the Time to which their last preceding Account was made up to the Thirty-first Day of *December* and the Thirtieth Day of *June* inclusive next preceding the Commencement of the Assizes.

Grand Juries,  
upon Estimates  
of Trustees, to  
present the  
necessary  
Amount.

XXVIII. The Grand Juries of the several Counties to which any such Account as aforesaid is transmitted under this Act in relation to any such Navigation shall, upon an Estimate being transmitted to them by the Trustees of such Navigation of what Sum will be requisite for the Expenses thereof until the following Assizes, without Application to Presentment Sessions or otherwise, present the Amount of such Estimate to be paid to the said Trustees, such Amount to be so presented by the said Grand Juries to be raised upon the respective Counties, Baronies, and Townlands liable to contribute to the Maintenance of such Navigation, and in the Proportions in which such Counties, Baronies, and Townlands are liable so to contribute.

In case Naviga-  
tions or  
Works are not  
kept in repair,  
the Treasury  
may order the  
same to be re-  
paired, &c.

XXIX. In case it appear to the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, upon any Representation in this Behalf, of Five or more Persons paying County Cess within the Counties, Baronies, and Townlands or Parts thereof chargeable for the Maintenance of any of the said Navigations, that such Navigation, or any of the Works connected therewith, is or are not kept and maintained in good and proper Repair by the Trustees thereof, or that any sudden Damage has occurred to such Navigation, or any of the Works connected therewith, it shall and may be lawful for such Lord Lieutenant or other Chief Governor or Governors, if he or they think fit, to signify the same to the said Commissioners of the Treasury, and thereupon it shall and may be lawful for such last-mentioned Commissioners in any such Case, if they think fit, on an Estimate being laid before them by the said Commissioners of Public Works, or any Two of them, setting forth what Repairs are necessary, and what Sum will be requisite for such Repairs, to direct that any such Sum or Sums of Money, or any Part thereof, be advanced and paid to the said Commissioners of Public Works out of the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, to be applied under their Directions in such Repairs; and such last-mentioned Commissioners, or any Two of them, shall certify to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* the Amount expended in such Repairs, with a view to the Repayment thereof as herein-after provided.

Provision for  
Recovery of  
Money  
advanced for  
Purposes of  
this Act.

XXX. Where under this Act any Amount is certified to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* by the said Commissioners of the Treasury or the said Commissioners of Public Works, or any Two of them, to have been advanced or expended by such Commissioners respectively under this Act, the Chief Secretary of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or in his Absence the Under Secretary, shall certify to the Secretaries of the Grand Juries of the Counties which or any Baronies or Townlands in which respectively are liable to contribute towards the Expense of maintaining the Navigation in respect of which the Advance or Expenditure was made, the

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the Amount of Money so certified to the Lord Lieutenant or other Chief Governor or Governors to have been advanced or expended, and shall also certify the Proportions in which such Counties or any Baronies or Townlands therein respectively shall be chargeable with the Amount so advanced or expended, such Proportions to be the same as those in which such Counties, Baronies, and Townlands respectively are liable to contribute towards the Maintenance of such Navigation; and every such Certificate shall be laid before the Grand Juries of such Counties at the next Assizes after the Date thereof; and thereupon the Grand Juries of such Counties shall present the Amount stated in such Certificate to be paid to the Paymaster of Civil Services in *Ireland*, such Amount to be so presented by the said Grand Juries to be raised upon the respective Counties or Baronies or Townlands in conformity with such Certificate; and in default of Presentment as aforesaid by the Grand Jury of any County the Treasurer of such County is hereby required, without any Presentment or Authority, when issuing his Warrant for levying Grand Jury Cess, immediately after the Assizes next ensuing the Date of such Certificate, to insert in a separate Warrant, to be by him issued for the Levy of the same, the Amount mentioned in such Certificate to be raised off such County, or the Barony or Baronies, Townland or Townlands therein mentioned; and such Amount as shall be so presented or included in any such Warrant as aforesaid shall be apportioned, raised, and levied, sued for, and recovered, by such and the same Ways and Means as any Grand Jury Cess; and when and so soon as the Sum so to be presented or included in such Warrant as aforesaid shall be raised and received by the Treasurer of any such County, such Treasurer shall pay over the same to the Paymaster of Civil Services in *Ireland*, or in such Manner as the said Commissioners of the Treasury shall direct.

XXXI. It shall be lawful for the Trustees for the Time being of any Navigation, by and with the Consent of the Grand Juries of the several Counties which or any Baronies or Town Lands in which respectively are liable to contribute to the Maintenance of such Navigation, such Consent to be signified by Resolutions of such Grand Juries at any Assizes, to dispose of such Navigation, together with the Tolls thereof, and the Locks, Weirs, and other Works thereto belonging, to any Person willing to purchase the same, and the Receipts of the said Trustees under their Seal and the Hands of any Three or more of them, for any Purchase Monies thereof, shall be sufficient Discharges for the same; and such Monies shall be paid to the Treasurers of the respective Counties which or any Baronies or Townlands in which contributed to the Expense of the Construction of such Navigation, in the Proportions in which such Counties, Baronies, and Townlands contributed thereto, to be placed by such Treasurers respectively to the Credit of their respective Counties, or such Baronies or Townlands therein, as aforesaid; and after such Disposition such Counties, Baronies, and Townlands shall cease to be liable to maintain such Navigation, and the Purchasers and their Assigns shall have all the Rights with respect to the said Navigation, Works, and Tolls, and otherwise, subject to the same Control, as the said Trustees would have had and been subject to.

XXXII. It shall and may be lawful for the said Trustees and they are hereby authorized and empowered, from Time to Time and at all Times hereafter, to make such Byelaws as to them shall seem meet and proper for regulating the Conduct and Management of the Business of the said Trustees, and Conduct of all Officers, Workmen, and Servants employed by them, and for the well and orderly using and preserving the Navigation of which they are Trustees and the Off-branches thereof respectively, and the Banks, Basins, Reservoirs, Tunnels, Locks, Sluices, and all other Works thereto respectively belonging, and for regulating the passing and re-passing of all Ships, Boats, Lighters, Barges, and other Vessels, and the carrying of all Goods, Wares, Merchandise, and Commodities which shall be navigated or conveyed thereon respectively, and for the orderly Behaviour of all Seamen, Boatmen, Watermen, Bargemen, and others who shall navigate such Ships, Boats, Barges, Lighters, and other Vessels upon such Navigation or the Off-branches thereof, or who shall be employed in carrying or conveying any Goods, Wares, Merchandise, or Commodities thereon, and for the Superintendence, Management, and Conservation of the said Navigations and Off-branches thereof respectively in all other respects whatever, and from Time to Time to alter or repeal all or any of such Byelaws, and to make others, and to impose such Fines and Penalties upon all Persons offending against any of such Byelaws as to the said Trustees shall seem reasonable, not exceeding the Sum of Five Pounds for any One Offence, any such Fine or Penalty to be recoverable on summary Conviction; which said Byelaws shall be reduced into Writing, and sealed by the said Trustees, and printed and published; and such of the same as shall subject any Person not being an Officer or Servant of the said Trustees to any Fine or Penalty shall be painted on Boards, and hung up and affixed and continued in some Place at or near which any Rates or Tolls shall be collected under this Act, and in such Places as to the said Trustees shall seem fit, and shall from Time to Time be renewed as often as the same or any Part thereof shall be obliterated or destroyed; and such Byelaws shall be binding upon and shall be observed by all Persons whatsoever, and shall be sufficient in all Courts of Law or Equity to justify all Persons who shall act under the same; provided that such Byelaws be approved of by a Judge of One of Her Majesty's Superior Courts of Record in Dublin.

XXXIII. Provided always, That in all Cases of Prosecution for any Offence or Offences against any of the Byelaws of the said Trustees, the Production of a written or printed Paper purporting to be the Byelaws

Power to Trustees, with Consent of Grand Juries, to dispose of Navigations.

Power to Trustees to make Byelaws for regulating Management, &c.

Power to impose Fines, &c. for Offences against Byelaws.

As to Approval of Byelaws.

Copy of Byelaws to be Evidence.

Drainage (Ireland).

Byelaws of the said Trustees, and authenticated by the Seal of the said Trustees, shall be Evidence of the Existence of such Byelaws.

Penalty on Persons depositing Ballast, &c. so as to obstruct the River.

XXXIV. If any Person shall throw or deposit any Ballast, Gravel, or other Matter or Thing, so as to interrupt or obstruct the free Passage of Water or Vessels into, through, or in any of the said Navigations, or any of the Cuts, Sluices, or Canals, or any of the Off-branches, or shall, without the Consent of the said Trustees, lay any Ballast, Gravel, Stones, Dirt, Rubbish, Lime, Timbers, or Clay on any of the Banks, Locks, or Trackways of any of the Navigations aforesaid, or do any other Damage to the said Navigations or any of them, or if any Person shall maliciously open any Lock, Sluice, Dam, Gate, or Watercourse belonging to any of the said Navigations, or shall so leave any of the same open after any Boat has passed, or otherwise mis-spend or waste the Water of any of the said Navigations, every such Person on summary Conviction of any of the Offences aforesaid shall be subject to a Penalty not exceeding Ten Pounds.

If any Nuisance be continued after Notice, it shall be considered a new Offence. Penalty.

XXXV. If any Offence against or Breach of any Provision of this Act or any Byelaw made as aforesaid be continued, or be not abated, removed, or discontinued within Seven Days after Notice in Writing shall have been served on or left at the usual Place of Abode of the Person or Persons committing such Offence or Breach, requiring him or them to discontinue the same, every such Continuation shall be deemed and taken to be a separate and distinct Offence within the Meaning of this Act; and such Person shall on summary Conviction thereof be subject to a Penalty not exceeding Five Pounds for each and every Day of such Continuation.

Penalty on Persons assaulting Trustees, Officers, &c. in execution of Powers of this Act.

XXXVI. If any Person or Persons shall wilfully prevent, assault, or threaten to assault any of the Trustees for the Execution of this Act, or any Engineer or other Officer, Servant, or Workman acting in aid or under the Orders of any such Trustee in the Execution of any of the Powers given by this Act, or shall injure, damage, or destroy any of the Piers, Quays, Landing Places, Wharfs, Beacons, or Lighthouses, or any Work or Works connected with the said Navigations, or shall persist in doing so after having been required by the said Trustees or any of them, or any Person, acting under them, not to do or continue to do any Matter or Thing injurious to any of the said Works, or shall do any other Matter or Thing prohibited by any of the Provisions of this Act, or any Byelaw made in pursuance thereof, any Person so offending shall for every such Offence, upon summary Conviction thereof, be subject to a Penalty not exceeding Five Pounds.

Power to include in Award Lands formerly covered with Water.

XXXVII. ' And whereas by means of the Works of the Commissioners of Public Works in Ireland, under the Act of the Session holden in the Fifth and Sixth Years of Her Majesty, Chapter Eighty-nine, and the Acts since passed amending the same, the Waters in certain Rivers and Lakes have been lowered so as to make Land formerly covered with Water profitable to the Proprietors thereof, and Doubts may exist as to the Power of the said Commissioners to include such Lands in their final Award, and charge the same with a Proportion of the Expense of the Works in the District in which such Lands so made profitable are situate :

It shall be lawful for the said Commissioners of Public Works in and by their final Award in any District to include any such Lands which may have been previously to the Commencement of the Works of the said Commissioners covered with Water and unprofitable, and to charge such Lands and the Proprietors thereof with a fair Proportion of the Expenses incurred by the said Commissioners in the Execution of the Works within any such District, in the same Manner as the other Lands within any such District.

Number of Trustees for Maintenance of Drainage Works may be any Number not exceeding Fifteen.

XXXVIII. ' And whereas by reason of the great Extent of some Drainage Districts it may be expedient to appoint a greater Number of Trustees for the Maintenance of the Drainage Works than is authorized by the said Act of the Fifth and Sixth Years of Her Majesty :

The Number of Trustees to be appointed under the said Act of the Fifth and Sixth Years of Her Majesty, for the Maintenance of any Works of Drainage, may be any Number not exceeding Fifteen; and where before the passing of this Act Trustees have been appointed for the Maintenance of any such Works, the Number of such Trustees may at any Meeting, to be called in like Manner as a Meeting for the Election of new Trustees, be increased to any Number not exceeding Fifteen.

Rates for Maintenance of Drainage Works (as well as Instalments) recoverable by Civil Bill.

XXXIX. The Rates for Maintenance of the Drainage Works in any District in Ireland assessed by the Trustees for the Maintenance of such Works, as well as the Instalments payable under any final Award of the said Commissioners of Public Works, shall be recoverable by Civil Bill against the Proprietor for the Time being, within the Meaning of the said Act of the Fifth and Sixth Years of Her Majesty, of the Lands charged therewith, but without Prejudice to any Power now vested in the Trustees of such Drainage Works, or such Commissioners respectively, for the Recovery thereof.

Saving Rights of the Irish Society.

XL. Nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by the Honourable the Irish Society, the Governors and Assistants, London, of the New Plantation in Ulster within the Realm of Ireland, under or by virtue of any Charter or Charters heretofore granted to them by the Crown, or of any Statute or Statutes in anywise relating thereto.

Saving Rights of the Marquis of Donegal.

XLI. Nothing herein contained shall be deemed, construed, or taken to affect, prejudice, or diminish any Estate, Right, Title, or Interest of the Most Noble the Marquis of Donegal, his Heirs or Assigns.



## Grand Juries (Ireland).

## C A P. LXIII.

An Act to amend the Acts relating to Grand Juries in *Ireland*.

[21st July 1856.]

‘ **W**HEREAS an Act was passed in the Session holden in the Fifteenth and Sixteenth Years of Her Majesty’s Reign, Chapter Sixty-three, to amend the Laws relating to the Valuation of rateable Property in *Ireland*: And whereas the said Act was amended by an Act passed in the Sixteenth and Seventeenth Years of Her Majesty’s Reign, Chapter Seven, and by an Act passed in the Seventeenth Year of Her Majesty’s Reign, Chapter Eight: And whereas it is expedient to make further Provision for the Applotment of Grand Jury Assessments: 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. When the General Valuation of rateable Property has been or shall be completed in any County in *Ireland*, all Grand Jury Assessments to be made in such County shall be applotted and paid upon and in respect of the Property liable thereto by a Poundage Rate according to the net annual Value of the several Tenements and Hereditaments as set forth in the final List of such Valuation so completed, and when and so often as such Valuation shall be revised under the Laws in force for the Purpose of such Revision, all such Assessments as aforesaid shall thenceforward be applotted and paid upon and in respect of such revised Valuation.

II. All Tolls of Roads, Bridges, Railways, Canals, Gas and Water Works, and all other Hereditaments, Tenements, Premises, and Half Rents, which are liable to Rates for the Relief of the destitute Poor in *Ireland*, shall be liable to the Payment of Grand Jury Rates and County Cess, according to the annual Value thereof or the Amount of Half Rent payable in respect thereof, as the Case may be, as contained in the final Lists of Valuation.

III. Such Applotment shall be made by the Treasurer of each County, anything in the Act of the Sixth and Seventh *William* the Fourth, Chapter One hundred and sixteen, or the Act of the Seventh and Eighth *Victoria*, Chapter One hundred and six, or any Act amending the said Acts or either of them, to the contrary notwithstanding, and shall be entered in a Book signed by such Treasurer, and by him kept open in his Office at all reasonable Times for public Inspection; and in making such Applotment by such Poundage Rate it shall not be necessary to take into account any smaller Fraction than the One Fourth of a Penny in the Pound; and wherever it should occur that the Poundage Rate has to be applotted on a less Amount of Value than One Pound, it shall not be necessary to take into account any smaller Amount of Value than One Eighth of a Pound; and no Rate or Assessment so made or applotted shall be vitiated or affected by reason of any Excess, Deficiency, or Difference between any Sum or Sums authorized to be applotted or raised and the Sum or Sums actually applotted, provided that the same shall have arisen from such Fraction of One Fourth of a Penny, or from no smaller Value than One Eighth of a Pound being rated.

IV. The Treasurer of each County in which the Grand Jury Assessments shall have been applotted under this Act shall, within Two Months after he shall have received from the Clerk of the Crown the Copies of the Presentments of the preceding Assizes, make out and deliver to each Collector a fair Copy of so much of such Applotment as shall relate to the Barony, Division, or other District within which such Collector shall be authorized to collect Grand Jury or County Cess, and shall annex thereto under the Hand and Seal of such Treasurer a Warrant authorizing such Collector to collect and levy the respective Sums in such Copy mentioned, and upon Receipt thereof such Collector shall and may proceed to collect, levy, and enforce Payment thereof, and shall lodge the Amount collected from Time to Time in the County Bank to the Credit of the Treasurer of the County, and shall not at any Time retain in his Hands more than One hundred Pounds, but shall lodge the same in the County Bank with all convenient Expedition; and in all Actions and Proceedings for Recovery of or in relation to any Assessment made or applotted under the Provisions of this Act the original Applotment Book, or the Copy of so much thereof as shall be delivered by any Treasurer to any Collector of Grand Jury or County Cess, shall be received and taken, without further Proof or Oath, as *prima facie* Evidence of the due making of the Assessment and Applotment therein mentioned, and of the several other Matters and Statements therein respectively contained and set forth; and in the Absence of such Applotment or collecting Book a Copy of such Applotment Book, or of so much thereof as shall relate to the Assessment in question, certified by the Treasurer, shall be in like Manner received and taken as *prima facie* Evidence of the several Matters aforesaid; and each Treasurer with whom such Applotment Book shall be deposited shall furnish certified Copies thereof or Extracts therefrom to any Person requiring the same, upon being paid One Shilling for the first Seventy-two Words, and Three Halfpence for every succeeding Seventy-two Words contained in such Copy or Extract.

V. When the Treasurer or other Officer of any County, with the Sanction of the Grand Jury, shall have incurred or shall incur any necessary and proper Expenses in making such Applotments, for Payment of which no Provision is made by Law, it shall be lawful for the Grand Jury, without previous Application to Presentment Sessions, to present, to be raised off and paid by such County, all such necessary and proper Expenses as aforesaid, including the Expense of providing and preparing such Books and Copies as aforesaid, as such Grand Jury may deem reasonable.

19 &amp; 20 Vict.

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VI. Where

15 & 16 Vict.  
c. 63.  
16 & 17 Vict.  
c. 7.  
17 & 18 Vict.  
c. 8.

When General  
Valuation com-  
pleted, Assess-  
ments to be  
assessed accord-  
ing to final List.

Tolls of Roads,  
&c. liable to  
Poor Rates  
liable to Grand  
Jury Rates, &c.

Applotment to  
be made by  
County Treas-  
urer.

Treasurer to  
deliver Copy of  
Applotment to  
Collectors of  
County Cess,  
who shall pay  
Collections to  
County Treas-  
urers.

In Actions as  
to Assessments,  
Applotment  
Book, &c. to be  
Evidence.

Copies of Ap-  
plotment Book  
to be furnished  
when required.

Grand Jury to  
present Amount  
of Expenses of  
Applotment.

*Grand Juries (Ireland).*

Grand Jury may re-present Sums uncollected by reason of Change of Boundaries, &c.

VI. Where Sums have been or shall hereafter be presented by any Grand Jury in *Ireland*, and applotted on any Houses, Tenements, or Hereditaments, and where, owing to the Alteration of Boundaries or other Causes, it has been or may be found impossible to collect the Sums applotted on any such Houses, Tenements, or Hereditaments respectively, or the Occupiers thereof, it shall be lawful for the Grand Jury, without any previous Application to Presentment Sessions; to re-present all such Sums so remaining unpaid to be paid by the several and respective Townlands, Baronies, or Half Baronies within which the Houses, Tenements, or Hereditaments on which or in respect whereof the Sums remaining unpaid have been or shall hereafter be so applotted as aforesaid shall be situate: Provided always, that in all Cases where the Houses, Tenements, or Hereditaments so charged as aforesaid can be traced out or identified, such Sums so remaining due on such Houses, Tenements, or Hereditaments shall be re-presented thereon: Provided also, that no such Re-presentation shall in any Case be made by the said Grand Jury without previous Examination on Oath (which Oath may be administered by the Foreman of the said Grand Jury, or any Member thereof, in the Presence of the said Grand Jury,) as to the Inability of the Collector to levy same, owing to the Insolvency of the Parties chargeable therewith, or to the Difficulty of tracing out or identifying such Houses, Tenements, or Hereditaments, or other sufficient Cause, notwithstanding all reasonable Exertions having been made by the Collector of such Arrears to enforce Payment thereof, and also that a List or Schedule of such Arrears, and of the Houses, Tenements, or Hereditaments upon which or in respect whereof the Sums remaining unpaid have been applotted, and of the Names of the Parties chargeable therewith, has been duly posted by such Collector at the usual Place for posting Notices for Presentments within the Barony, Division, or other District within which such Collector shall be authorized to collect Grand Jury or County Cess Ten Days at least previous to the First Day of the Assizes at which the said Sums are intended to be re-presented; and it shall be competent for any Parties interested to object to the Re-presentation of such Sums, or any Part thereof, and the Grand Jury shall hear the Objections of such Parties upon their applying to be heard before the Re-presentation is made.

Proceedings against certain Persons not to be commenced after Two Years.

VII. With reference to any Sums of Grand Jury Cess to be presented after the passing of this Act, it shall not be lawful to commence any Proceeding for the Recovery of any Sum in arrear or unpaid against any Person not primarily liable to pay the same after the Expiration of Two Years from the Date of the original Presentment thereof, anything in this or any former Act to the contrary notwithstanding.

Grand Juries may divide Baronies for Purposes of Collection.

VIII. In any Case in which from the Extent or other Circumstances of a Barony it may appear expedient to divide the same for the Purpose of Collection, it shall and may be lawful for the Grand Jury to make a Presentment for the Purpose of effecting such Division, setting forth in such Presentment the Parishes or Townlands constituting such Divisions or Portions of the Barony, and when such Presentment shall be filed by the Court the Parishes or Townlands set forth therein shall, for all Purposes belonging to the Duties or Functions of the Collector, be taken to be separate Portions of the Barony; and it shall be lawful for the Grand Jury, if they shall think fit, to appoint One Collector for every such Portion of a Barony, and the Collector so appointed for a Portion of a Barony shall be subject to all the Provisions and have all the Powers in force by Law with regard to the Collector of any Barony.

Provisions of 13 & 14 Vict. c. 82. extended to County of Dublin.

IX. 'Whereas Difficulties have of late attended the levying and Collection of Grand Jury Cess in the County of *Dublin*.' Be it enacted, That the Provisions of an Act passed in the Thirteenth and Fourteenth Years of Her present Majesty's Reign, intituled *An Act to extend the Remedies for the Collection of Grand Jury Cess in Ireland*, be extended to the said County of *Dublin*.

Grand Jury may allow Poundage Rate for Collection.

X. It shall and may be lawful for the Grand Jury of any County from Time to Time to present to be paid to each or any of the Collectors of Grand Jury Cess in such County such Rates of Poundage for the Collection of Grand Jury Cess as they shall think fit, not exceeding One Shilling in the Pound on the Amount of the Collection, anything in any Act or Acts limiting such Poundage to a less Sum than One Shilling in the Pound to the contrary notwithstanding.

As to Securities for Cess Collectors.

XI. It shall and may be lawful for the Grand Jury, if they shall so think fit, to accept of Two or more than Two sufficient Sureties, joining any Collector in a Bond as Securities for such Collector in the Manner and under the Terms now by Law provided, anything in the Acts relating to the giving of such Security limiting the Number of such Sureties to the contrary notwithstanding.

Section 32 of 10 & 11 Vict. c. ccliii. repealed, and Grand Jury Cess to be henceforward levied in Rathmines District on General Valuation.

XII. 'Whereas under the Thirty-second Section of the "*Rathmines Improvement Act, 1847*," the Finance Committee of the County of *Dublin*, in apportioning the Sum payable by the *Rathmines District*, are required to adopt the Valuation furnished by the *Rathmines Improvement Commissioners* to said Finance Committee under the said before-mentioned Section: And whereas the General Valuation of rateable Property on the said District is now completed under the several Acts relating thereto, and it is desirable to repeal said Clause.' Be it enacted, That from and after the passing of this Act said Thirty-second Section of the *Rathmines Improvement Act* be and the same is hereby repealed; and it shall and may be lawful for the Finance Committee of the County of *Dublin* to apportion on said *Rathmines District* all future Sums assessable therefrom under the Grand Jury Presentments upon the General Valuation of rateable Property so completed as aforesaid.

Rates not to be affected by

XIII. No Rate or Assessment made or hereafter to be made shall be in any Matter affected by reason of any Omission of the Clerk of any Board of Guardians, or other Person appointed in his Place, to give or

*Grand Juries (Ireland).*

or post the Notices of the making of such Valuation or Revision required to be posted or given by said several recited Statutes or any of them, or by reason of any Error, Omission, Misdescription, or Variance in the making of such Valuation or Revision, and it shall not be necessary in any Suit or other Proceeding for Recovery of or in relation to any such Rate or Assessment or any Part thereof, or in relation to such Valuation or Revision thereof, to give Evidence of the Performance of any of the Preliminaries required in the making of such Valuation or Revision.

Errors, &c. in Valuation.

XIV. Where any County in *Ireland* has been or shall be divided into Ridings under the Act of the Sixth and Seventh *William* the Fourth, Chapter One hundred and sixteen, or any subsequent Act, each such Riding shall, for the Purposes of this Act, be deemed a separate County.

Ridings of Counties to be deemed separate Counties.

XV. Whereas Difficulties have of late presented themselves in Proceedings before Magistrates for Recovery of Grand Jury Cess, by reason of the Residences of Parties liable to the Payment thereof not being sufficiently known or capable of Proof: Be it enacted, That in addition and without Prejudice to the Remedies provided by Law for Recovery of Grand Jury Cess, that Personal Service of Notice requiring Payment on the Party so liable shall be deemed and considered to be good and sufficient Service, anything to the contrary in anywise notwithstanding.

Personal Service of Notice requiring Payment to be deemed good Service.

XVI. Whenever the Office of Surveyor for any Road District in the County of *Dublin* shall become vacant between any Two Presenting Terms, it shall be lawful for the Finance Committee, if it shall appear to them necessary so to do, to appoint from amongst the Persons duly qualified in that Behalf a Surveyor for such District, and the Surveyor so appointed shall hold and exercise the said Office in all respects as if he had been appointed thereto under the Act of the Seventh and Eighth *Victoria*, Chapter One hundred and six, and the Acts amending the same, until a new Appointment shall have been made under said Acts.

Vacancies in Office of Surveyor in County of *Dublin* may be filled up by Finance Committee in certain Cases.

XVII. If, in the Opinion of the County Surveyor, the Contractor for the Repair of any Road shall be guilty of Neglect or Inattention in the Performance of his Contract, it shall be lawful for such Surveyor to summon the said Contractor and his Sureties before the Justices at Petty Sessions of the District in which such Work may be situate; and if such Charge of Neglect or Inattention be established before such Justices, it shall be lawful for them to make an Order directing the said Contractor and his Sureties to execute his Contract within a Period to be stated in such Order; and if at the Expiration of such Order the County Surveyor shall still see reason for being dissatisfied with the Manner in which such Work has been executed, it shall be lawful for him again to summon the Contractor and his Sureties before the Justices at Petty Sessions, and the Justices thereupon shall proceed to inquire into and finally adjudicate upon the Complaint; and if it shall appear that such Work has been insufficiently executed, or contrary to the Terms of the Contract, it shall be lawful for such Justices, having ascertained the Amount which it may require for the Completion of such Work according to the Contract, to authorize such Surveyor to complete the same, and to levy such Amount by Warrant of Distress upon the Goods of such Contractor or his Sureties, not exceeding the Amount of the Recognizance or Bond of such Sureties.

If Contractor for Repair of Roads be guilty of Neglect Justices may make an Order for Contract to be executed within a certain Period.

Penalty for Neglect.

XVIII. Whereas by the Summary Jurisdiction (*Ireland*) Act, 1851, Provision is made for the Punishment of Offences on or relating to public Roads in *Ireland*: And whereas it is expedient to make further Provision for the Protection of such Roads from Injury: Be it enacted, That any Road Contractor or other Person who, without the Authority of a Presentment, or the Consent of the County Surveyor, shall cut any Sods or Turf on the Sides, Fences, or any other Part of any public Road, or dig, raise, or carry away any Sods, Turf, Earth, Clay, Stones, Gravel, or other Material from the Sides or Fences or any other Part of any public Road, Bridge, or Wall, shall be liable to a Fine not exceeding Forty Shillings, anything in Section Nine of the said Summary Jurisdiction (*Ireland*) Act, 1851, to the contrary notwithstanding.

Penalty on Road Contractor, &c. cutting Sods, &c. to Injury of public Roads.

XIX. In the Construction and for the Purposes of this Act, if not inconsistent with the Context or Subject Matter, the following Expressions shall have the Meanings herein-after assigned to them: The Word "Assizes" shall include Presenting Term; "applot" and "Applotment" shall include "assess" and "Assessment;" and the Word "Treasurer" shall include the Finance Committee and the Secretary of the Grand Jury for the County of *Dublin*; and the Word "County" shall extend to and include all Counties, Counties of Cities and Counties of Towns in *Ireland* (except the County of the City of *Dublin*); and all the Acts and Duties by this Act required to be performed by Grand Juries and Treasurers of Counties shall and may, in the County of *Dublin*, be performed at the Presenting Terms by the Grand Jury of the said County and by their Secretary; and the Expression "Grand Jury Assessments" shall mean all County, Baronial, Parochial, Town Land, and other Rates and Assessments to be made or collected in any County by the Grand Jury thereof, or by the *Rathmines* Improvement Commissioners, or any Officers of such Grand Jury.

Interpretation of certain Terms.

XX. The Act of the Eighteenth and Nineteenth *Victoria*, Chapter Seventy-four, is hereby repealed, save as to any Right acquired or Thing done under the said Act.

Repeal of the 18 & 19 Vict. c. 74.

XXI. This Act shall not extend to the County of the City of *Dublin*.

Limitation of Act.

*Statutes not in use Repeal.*

## C A P. LXIV.

An Act to repeal certain Statutes which are not in use.

[21st July 1856.]

Acts herein-  
after named re-  
pealed.

**B**E it enacted and declared by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Acts herein-after mentioned, together with all Enactments (if any) confirming, continuing, or perpetuating the same or any of them, are hereby repealed: Provided always, that such Repeal shall not affect any legal Proceeding commenced under any of the said Acts before the passing of this Act.

Statute of Westminster the Second. 13 Edw. 1. c. 33.	Lands where Crosses be set shall be forfeited as Lands aliened in Mortmain.
Statute of Westminster the Second. 13 Edw. 1. c. 41.	A <i>Contra formam collationis</i> and a <i>Cessavit</i> to recover Lands given in Alms.
Articuli super Chartas. 28 Edw. 1. c. 5.	The Chancellor and the Justices of the King's Bench shall follow the King.
Articuli super Chartas. 28 Edw. 1. c. 20.	Vessels of Gold shall be essayed, touched, and marked; the King's Prerogative shall be saved.
5 Edw. 3. c. 14. - -	Night Walkers and suspected Persons shall be safely kept.
Statute of Nottingham, 10 Edw. 3. stat. 3.	De cibariis utendis.
25 Edw. 3. stat. 5. c. 22.	He that purchaseth a Provision in Rome for an Abbey shall be out of the King's Protection, and any Man may do with him as with the King's Enemy.
28 Edw. 3. c. 10. - -	The Penalty of the Mayor, Sheriffs, &c. of London, if they do not redress Errors and Misprisions there; and in what Counties the Trial thereof shall be.
37 Edw. 3. c. 15. - -	Clothiers shall make Cloths sufficient of the aforesaid Prices, so that this Statute for Default of such Cloths be in nowise infringed.
6 Ric. 2. stat. 1. c. 9. -	No Victualler shall execute a judicial Place in a City or Town Corporate.
7 Ric. 2. c. 13. - -	No Man shall ride in Harness within the Realm, nor with Launcegays.
12 Ric. 2. c. 12. - -	In what Cases the Lords and Spiritual Persons shall be contributory to the Expenses of the Knights of Parliament.
12 Ric. 2. c. 13. - -	The Punishment of them which cause Corruption near a City or great Town, to corrupt the Air.
13 Ric. 2. stat. 1. c. 8. -	The Rates of Labourers Wages shall be assessed and proclaimed by the Justices of Peace, and they shall assess the Gains of Victuallers who shall make Horsebread, and the Weight and Price thereof.
17 Ric. 2. c. 4. - -	Malt sold to London shall be cleansed from the Dust.
17 Ric. 2. c. 10. - -	Two learned Men in the Law shall be in Commission of Jail Delivery.
20 Ric. 2. c. 1. - -	No Man shall ride or go armed; Launcegays shall be put out.
20 Ric. 2. c. 2. - -	Who only may wear another's Livery.
1 Hen. 4. c. 15. - -	The Punishment of the Mayor, &c. of London for Defaults committed there.
4 Hen. 4. c. 5. - -	Every Sheriff shall in Person continue in his Bailiwick, and shall not let it.
4 Hen. 4. c. 10. - -	The Third Part of the Silver bought to the Bullion shall be coined in Halfpence and Farthings.
4 Hen. 4. c. 25. - -	An Hostler shall not make Horsebread. How much he may take for Oats.
4 Hen. 4. c. 27. - -	There shall be no Wasters, Vagabonds, &c. in Wales.
4 Hen. 4. c. 29. - -	Welshmen shall not be armed.
5 Hen. 4. c. 2. - -	The Penalty of him which procureth Pardon for an Approver, that committeth Felony again.
5 Hen. 4. c. 13. - -	What Things may be gilded and laid on with Silver and Gold, and what not.
7 Hen. 4. c. 7. - -	Arrowheads shall be wellboiled, brased, and hard.
11 Hen. 4. c. 1. - -	The Penalty on a Sheriff for making an untrue Return of the Election of the Knights of Parliament.
1 Hen. 5. c. 4. - -	Sheriff's Bailiffs shall not be in the same Office in Three Years after; Sheriff's Officers shall not be Attorneys.
2 Hen. 5. stat. 2. c. 4. -	There shall be no gilding of Silver Ware but of the Allay of English Sterling.
4 Hen. 5. stat. 2. c. 6. -	Penalty on Irish Prelates for collating an Irishman to a Benefice in England or bringing an Irishman to Parliament to discover the Counsels of Englishmen to Rebels.

*Statutes not in use Repeal.*

8 Hen. 5. c. 3.	- -	What Things only may be gilded and what laid on with Silver.
9 Hen. 5. stat. 1. c. 10.	- -	Keels that carry Sea Coals to Newcastle shall be measured and marked.
1 Hen. 6. c. 3.	- -	What Sort of Irishmen only may come to dwell in England.
6 Hen. 6. c. 4.	- -	The Sheriff's Traverse to an Inquest found touching returning Knights of Shires for the Parliament.
8 Hen. 6. c. 22.	- -	What is requisite to be done in winding and packing of Wool. None shall force, clack, or beard any Wool.
11 Hen. 6. c. 1.	- -	They that dwell at the Stews in Southwark shall not be impanelled in Jurics nor keep any Inn or Tavern but there.
18 Hen. 6. c. 18.	- -	How much a Captain shall forfeit that doth detain any Part of his Soldier's Wages.
23 Hen. 6. c. 4.	- -	Welshmen indicted of Treason or Felony that do repair unto Herefordshire shall be apprehended and imprisoned or else pursued by Hue and Cry, and a Forfeiture of those which do not pursue them.
28 Hen. 6. c. 5.	- -	The Penalty of the Officers of the Customs which by Colour of their Offices shall distrain any Man's Ships or Goods.
4 Edw. 4. c. 8.	- -	No Stranger shall buy English Horns unwrought gathered or growing in London or within Twenty-four Miles thereof. Certain Powers vested in the Wardens of the Horners of London.
17 Edw. 4. c. 4.	- -	An Act for making of Tile.
4 Hen. 7. c. 2.	- -	An Act for Finers of Gold and Silver.
4 Hen. 7. c. 3.	- -	An Act that no Butcher slay any Manner of Beast within the Walls of London.
4 Hen. 7. c. 16.	- -	An Act concerning the Isle of Wight.
11 Hen. 7. c. 19.	- -	An Act against Upholsterers.
11 Hen. 7. c. 21.	- -	An Act against Perjury.
11 Hen. 7. c. 27.	- -	An Act against unlawful and deceitful making of Fustians.
19 Hen. 7. c. 6.	- -	Pewterers walking.
19 Hen. 7. c. 10.	- -	De voluntariis et negligentibus escapiis.
3 Hen. 8. c. 14.	- -	An Act for the searching of Oils within the City of London.
4 Hen. 8. c. 7.	- -	Pur le Pewterers.
5 Hen. 8. c. 4.	- -	An Act for avoiding Deceits in Worsteds.
14 & 15 Hen. 8. c. 2.	- -	The Act concerning the taking of Apprentices by Strangers.
14 & 15 Hen. 8. c. 3.	- -	The Act concerning the draping of Worsteds, Sayes and Stamins for the Town of Great Yarmouth.
14 & 15 Hen. 8. c. 12.	- -	An Act concerning coining of Money.
21 Hen. 8. c. 12.	- -	An Act for true making of great Cables, Halsers, Ropes, and all other Tackling for Ships, &c., in the Borough of Burport in the County of Dorset.
21 Hen. 8. c. 16.	- -	An Act ratifying a Decree made in the Star Chamber concerning Strangers Handicraftsmen inhabiting the Realm of England.
22 Hen. 8. c. 10.	- -	An Act concerning Egyptians.
24 Hen. 8. c. 10.	- -	An Act made and ordained to destroy Choughs, Crows, and Rooks.
25 Hen. 8. c. 5.	- -	An Act for calendering of Worsteds.
25 Hen. 8. c. 9.	- -	An Act concerning Pewterers.
25 Hen. 8. c. 13.	- -	An Act concerning Farms and Sheep.
25 Hen. 8. c. 18.	- -	An Act for Clothiers within the Shire of Worcester.
26 Hen. 8. c. 5.	- -	An Act that Keepers of Ferries on the Water of Severn shall not convey in their Ferry Boats any manner of Person, Goods, or Chattels after the Sun going down till the Sun be up.
26 Hen. 8. c. 6.	- -	An Act that Murders and Felonies done or committed within any Lordship Marcher in Wales shall be inquired of at the Sessions holden within the Shire Grounds next adjoining, with many good Orders for Administration of Justice there to be had.
26 Hen. 8. c. 16.	- -	An Act for the making of Worsteds in the City of Norwich and in the Towns of Lynn and Yarmouth.
32 Hen. 8. c. 13.	- -	For Breed of Horses.
33 Hen. 8. c. 16.	- -	An Act for Worsted Yarn in Norfolk.
34 & 35 Hen. 8. c. 10.	- -	An Act for the true making of Coverlets in York.
35 Hen. 8. c. 11.	- -	An Act for the due Payment of the Fees and Wages of Knights and Bur-gesses for the Parliament in Wales.
1 Edw. 6. c. 6.	- -	An Act for the Continuance of making of Worsted Yarn in Norfolk.
2 & 3 Edw. 6. c. 9.	- -	An Act for the true currying of Leather.
2 & 3 Edw. 6. c. 11.	- -	An Act for the true tanning of Leather.
2 & 3 Edw. 6. c. 19.	- -	An Act for Abstinence from Flesh.
2 & 3 Edw. 6. c. 27.	- -	An Act against the false forging of Gadds of Steel.

*Statutes not in use Repeal.*

3 & 4 Edw. 6. c. 2.	-	An Act for the true making of Woollen Cloths.
3 & 4 Edw. 6. c. 9.	-	An Act for the buying of raw Hides and Calf Skins.
5 & 6 Edw. 6. c. 6.	-	An Act for the making of Woollen Cloth.
5 & 6 Edw. 6. c. 24.	-	An Act for the making of Hats, Dornecks, and Coverlets at Norwich and in the County of Norfolk.
7 Edw. 6. c. 5.	-	An Act to avoid the great Price and Excess of Wines.
7 Edw. 6. c. 7.	-	An Act for the Assize of Fuel.
1 Mary, stat. 3. c. 8.	-	An Act touching the buying and currying of Leather.
1 & 2 Ph. and M. c. 4.	-	An Act for the Punishment of certain Persons calling themselves Egyptians.
1 & 2 Ph. and M. c. 7.	-	An Act that Persons dwelling in the Country shall not sell divers Wares in Cities or Towns Corporate by Retail.
1 Eliz. c. 8.	-	An Act touching Shoemakers and Curriers.
1 Eliz. c. 9.	-	An Act touching Tanners and the selling of tanned Leather.
1 Eliz. c. 15.	-	An Act that Timber shall not be felled to make Coals for the making of Iron.
5 Eliz. c. 8.	-	An Act touching Tanners, Curriers, Shoemakers, and other Artificers occupying the cutting of Leather.
8 Eliz. c. 8.	-	An Act for the Repeal of a Branch of a Statute made Anno 32 H. 8., for the Statute of Horses within the Isle of Ely, and other Places confining thereunto.
8 Eliz. c. 9.	-	An Act to repeal a Branch of the Statute made Anno 23 H. 8. touching the Prices of Barrels and Kilderkins.
8 Eliz. c. 10.	-	An Act for Bowyers and the Prices of Bows.
8 Eliz. c. 12.	-	An Act for the Aulneger's Fees in Lancashire, and for Length, Breadth, and Weight of Cottons, Frizes, and Rugs.
23 Eliz. c. 5.	-	An Act touching Iron Mills near unto the City of London and the River of Thames.
23 Eliz. c. 8.	-	An Act for the true melting, making, and working of Wax.
27 Eliz. c. 19.	-	An Act for the Preservation of Timber in the Wealds of the Counties of Sussex, Surrey, and Kent, and for the Amendment of Highways decayed by Carriages to and from Iron Mills there.
35 Eliz. c. 9.	-	An Act touching Breadth of Cloths.
1 Jac. 1. c. 6.	-	An Act made for the Explanation of the Statute made in the Fifth Year of the late Queen Elizabeth's Reign concerning Labourers.
1 Jac. 1. c. 20.	-	An Act for Redress of certain Abuses and Deceits used in Painting.
3 Jac. 1. c. 9.	-	An Act for the Relief of such as lawfully use the Trade and Handicraft of Skinners.
3 Jac. 1. c. 16.	-	An Act for the Repeal of One Act made in the Fourteenth Year of Queen Elizabeth's Reign, concerning the Length of Kersies.
3 Jac. 1. c. 17.	-	An Act concerning Welsh Cottons.
4 Jac. 1. c. 2.	-	An Act for the true making of Woollen Cloth.
4 Jac. 1. c. 6.	-	An Act for repealing of so much of One Branch of a Statute made in the First Year of His Majesty's Reign, intituled "An Act concerning Tanners, Curriers, Shoemakers, and other Artificers occupying the cutting of Leather," as concerneth the sealing of Sheepskins, and to avoid selling of tanned Leather by Weight.
21 Jac. 1. c. 18.	-	An Act for Continuance of a Statute made for the making of Woollen Cloths.
21 Jac. 1. c. 21.	-	An Act concerning Hostlers and Innholders.
12 Car. 2. c. 32.	-	An Act for prohibiting the Exportation of Wool, Wool Fells, Fullers Earth, or any Kind of scouring Earth.
14 Car. 2. c. 18.	-	An Act against exporting of Sheep, Wool, Woolfells, Mortlings, Shorlings, Yarn made of Wool, Wool Flocks, Fullers Earth, Fulling Clay, and Tobacco Pipe Clay.
5 & 6 W. & M. c. 13.	-	An Act to repeal the Statute made in the Tenth Year of King Edward the Third for finding Sureties for the good abearing by him or her that hath a Pardon of Felony.
9 & 10 Will. 3. c. 40.	-	An Act for the Explanation and better Execution of former Acts made against Transportation of Wool, Fullers Earth, and Scouring Clay.
10 Will. 3. c. 2.	-	An Act to prevent the making or selling of Buttons made of Cloth, Serge, Drugget, or other Stuffs.
1 Anne, stat. 1. c. 15.	-	An Act for preventing Frauds in the Duties upon Salt, and for the better Payment of Debentures at the Custom House.
8 Anne, c. 11.	-	An Act for employing the Manufacturers by encouraging the Consumption of Raw Silk and Mohair Yarn.

<i>Statutes not in use Repeal.</i>	<i>Dwellings for Labouring Classes (Ireland).</i>
4 Geo. 1. c. 7. - -	An Act for making more effectual an Act made in the Eighth Year of the late Queen Anne, intituled "An Act for employing the Manufacturers by encouraging the Consumption of Raw Silk and Mohair Yarn."
7 Geo. 1. stat. 1. c. 12. -	An Act for employing the Manufacturers and encouraging the Consumption of Raw Silk and Mohair Yarn by prohibiting the wearing of Buttons and Button-holes made of Cloth, Serge, and other Stuffs.
11 Geo. 2. c. 28. - -	An Act for the better regulating the Manufacture of narrow Woollen Cloths in the West Riding of the County of York.
10 Geo. 3. c. 49. - -	An Act for continuing and amending several Acts for preventing Abuses in making Bricks and Tiles.
17 Geo. 3. c. 42. - -	An Act for preventing Abuses in the making and vending Bricks and Tiles.

## C A P. LXV.

An Act to encourage the providing of improved Dwellings for the Labouring Classes in Ireland. [21st July 1856.]

WHEREAS it would encourage the providing of improved Dwellings for the Labouring Classes in Ireland if a summary Remedy for recovering the Possession when wrongfully withheld were made applicable to small Tenements of a Description suited to such Classes, but upon Condition that such Tenements shall have had at least certain primary Requisites for the Comfort and Health of the Tenants: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. The Description of Tenements which shall be deemed to be within this Act shall be:

1. Any Dwelling House held with not more than Half an Acre (if any) of Land as a Garden or cultivated Allotment:
2. Of which the Tenure shall have been by the Year, Half Year, Quarter, Month, or Week:
3. And of which the Rent shall not have exceeded the Rate of Twelve Shillings by the Month:

Provided that such Tenement shall have been let by a written or printed Agreement as nearly as possible of the Form in the Schedule to this Act, and that it shall have been expressly stated therein whether the said Tenement and Requisites should be maintained in good tenantable Condition by the Landlord or by the Tenant, or what Portion of the said Tenement and Requisites should be maintained in good tenantable Condition by the Landlord or by the Tenant respectively.

II. The Fifteenth Section of "The Summary Jurisdiction (Ireland) Act, 1851," shall be applicable to the Delivery of the Possession of any Tenement within this Act, when wrongfully withheld, in the same Manner as it would now apply to the Delivery of the Possession of any Tenement within the said Act:

But no Order shall be made under the said Section except upon Proof at the Hearing of the Case:

First; That the Tenement had the following Requisites at the Commencement of the Tenancy; viz.

- (a) The Walls and a sufficient Chimney built of Stones and Mortar, or Bricks and Mortar:
- (b) At least Two separate Rooms:
- (c) A sufficient external Window, with a moveable glazed Sash or Casement for the Admission of Air, in each Room:
- (d) A sufficient Privy:
- (e) A Space at least Eighteen Feet wide extending immediately along the whole Front of the Dwelling (or, where any public Thoroughfare shall pass nearer, the Space (if any) between such Thoroughfare and Dwelling,) sufficiently levelled and drained:
- (f) A sufficient Space, either at the Ends or in the Rear of the Dwelling, suited for a Pigsty and also for a Dunghill:

Second; And that the said Requisites had been in good tenantable Condition, and adapted to their proper Use, at the Commencement of the last Period of the Tenure for which the Landlord shall have received any of the Rent:

But this Second Obligation may be dispensed with when the Landlord shall not have as yet received any of the Rent subsequent to the Commencement of the Tenancy, and also when and so far as the tenantable Condition of such Requisites shall have been defective through the Default of the Tenant, and not of the Landlord:

And upon further Proof at the Hearing of the Case that, during any Period of the Tenure for which the Landlord shall not have as yet received any of the Rent, the Tenant had made any Default in observing the following Obligations;

First; Not wilfully to permit any Pigsty or Dunghill to remain in front of the Dwelling, within the Space (if any) above required to be levelled and drained, for longer than Three clear Days after being served by the Landlord with a Notice in Writing to remove the same; and,

Second;

*Description of Tenement within Act.*

1. Dwelling House with or without small Allotments.
2. Tenure.
3. Rent.

Provided let by Form of Agreement.

*Application of summary Remedy.*

1. For the Possession.

*Landlord's Obligations as to Requisites.*  
First, Providing them:  
(a) Walls and Chimneys:  
(b) Rooms:  
(c) Windows:

(d) Privies:

(e) Space in front:

(f) Space for Pigsty and Dunghill.

Second, Maintaining them.

Proof of Maintenance may be dispensed with when no Rent received, and when defective through Tenant's Default.

*Tenant's Obligations as to Defaults.*

First, Not to permit Nuisances.

*Dwellings for Labouring Classes (Ireland).*

Second, Not to do or suffer Damage. If Default made, no Notice to quit necessary.  
Overholding Tenant liable to full Rent.

Outgoing Tenant to have Compensation for Crops.

Act not to deprive Landlord of other Remedies at Law or in Equity.

Act not to affect Jurisdiction in Fair and Market Towns.

Landlord not to act as Justice in his own Case.

Appeals.

Act to be construed as Part of recited Act.

Short Title.

Act only to apply to Tenements provided by Landlord. To extend to Ireland only.

Second ; Not wilfully to do, or wilfully to suffer others to do, any Damage to the Tenement :  
Then the Service of the Summons in the Case shall be deemed to have been sufficient (without other Notice to quit) to have determined the Tenancy at the Time of such Service.

III. Whenever the Tenant shall have overheld the Tenement (without reasonable Cause) after the Tenancy shall have been determined, and the Possession shall have been duly demanded of him by the Landlord, he shall be liable to pay to the Landlord the full Rent reserved for the Period of the Tenure during any Part of which he shall have so overheld the Possession, and which would have otherwise accrued due in case the Tenancy had not been determined.

IV. Whenever the Tenant shall have sown or planted upon the Tenement any growing Crop, which he shall be unable to save by reason of the Determination of the Tenancy, the Justices shall, by a distinct Order, fix such Sum (if any) as they shall think a fair Compensation to him for the Loss of such Crop, after all just and proper Deductions on account of any Arrear of Rent due by the said Tenant to the Landlord for the said Tenement ; and no Warrant shall be issued to execute the Order for Possession until the Landlord shall have paid or tendered to the Tenant or allowed him Credit for the Sum so fixed by the Order for Compensation.

V. This Act shall not be deemed to deprive the Landlord, either before or after the Justices may have declined to interfere, of any Remedy for the Enforcement of his Rights which he might otherwise have in the Superior or other Courts of Law or Equity in *Ireland*.

VI. This Act shall not be deemed to interfere with the Jurisdiction established by the said recited Act as to small Tenements in certain Towns and Villages in *Ireland*.

VII. The Land Agent of the Landlord of any Tenement, if a Justice of the Peace, shall not as such Justice take any Part in the Hearing of any Complaint, or in the making of any Order under this Act, in relation to such Tenement.

VIII. In case any Person shall feel aggrieved by any Order made by any Justices under this Act, it shall be lawful for such Person to appeal against the same, under the Twenty-fourth Section of "The Petty Sessions (*Ireland*) Act, 1851," save that, in lieu of the Seven Days Notice of Appeal required by said Act, a Five Days Notice of Appeal shall be sufficient ; that the Amount of the Recognizance shall be such reasonable Sum as to the Justices shall seem fit ; and that when the Appeal shall be made by the Tenant, the Recognizance required by the said Act shall contain the further Obligations that the Tenant shall not do, or suffer others to do, any Waste, Injury, or Dilapidation to the Tenement pending the Appeal, that he will satisfy all Rent which shall accrue due whilst he shall continue in possession, and that he will perform such Order as the Court of Appeal shall make.

IX. This Act shall be construed subject to the Interpretation and other Clauses (and as if it were a Part) of the said recited Act ; and the Word "Landlord" shall include any Agent, Receiver, or other Person legally representing the Landlord ; the Expression "Period of the Tenure" shall mean the Year, Half Year, Quarter, Month, or Week, as the Case may be, according to which the Rent shall have been reserved.

X. In citing this Act in any other Act, Instrument, or Proceeding, it shall be sufficient to use the Expression "The Cottier Tenant (*Ireland*) Act, 1856."

XI. This Act shall apply only to Tenements which may be provided by the Landlord for the Use of the Tenant who shall occupy the same.

XII. This Act shall only extend to *Ireland*.

## SCHEDULE.

## FORM OF AGREEMENT.

This Agreement witnesses

That \_\_\_\_\_, as Landlord, agrees to let,  
and

That \_\_\_\_\_, as Tenant, agrees to hold,

(1) Description of the Tenement.

the following Tenement ; viz., (1)

Situated at \_\_\_\_\_ in the County of \_\_\_\_\_ and Townland of \_\_\_\_\_.

From the \_\_\_\_\_ Day of \_\_\_\_\_ 185 .

By the (2)

At the Rent of \_\_\_\_\_ Shillings and \_\_\_\_\_ Pence, (3)

And it has been also agreed, that such Tenement having at present the several Requisites specified in "The Cottier Tenant (*Ireland*) Act, 1856," the said Tenement and the said Requisites shall be maintained in good tenantable Condition by the (4)

And it has been also agreed, (5)

Signed \_\_\_\_\_ Landlord, this \_\_\_\_\_ Day of \_\_\_\_\_ 185

.Signed \_\_\_\_\_ Tenant, this \_\_\_\_\_ Day of \_\_\_\_\_ 185 .

(2) "Week," "Month," &c.  
(3) "Weekly," "Monthly," &c.  
(4) "Landlord" or "Tenant," or partly by the Landlord and partly by the Tenant.

(5) Further Stipulations (if any).

C A P.



*Aldershot Camp.*

## C A P. LXVI.

An Act to extinguish certain Rights of Way and to stop up certain Roads and Paths near the Camp at *Aldershot*. [21st July 1856.]

WHEREAS certain open or common Lands and some enclosed Lands in the several Parishes of *Aldershot, Yateley, Farnborough, and Crondall*, in the County of *Southampton*, and in the Parish of *Farnham* in the County of *Surrey*, were purchased under the Powers of several Acts of Parliament, viz., an Act of the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, Chapter Ninety-four, an Act of the Session of Parliament holden in the Seventeenth and Eighteenth Years of the Reign of Her present Majesty, Chapter Sixty-seven, and an Act of the Session of Parliament holden in the Eighteenth and Nineteenth Years of the Reign of Her present Majesty, Chapter One hundred and seventeen, and are now vested in Her Majesty's Principal Secretary of State for the War Department, with perpetual Succession, upon Trust for Her said Majesty and Her Successors, and the said Lands respectively have been appropriated for and are used as a Military Camp, and with certain other open or common Lands and enclosed Lands respectively in the said Parishes, or in some of them, are intended to be continued to be used for the Purposes of a Military Camp, and for the Instruction and Training of Troops in the Science of War and their Duties relating thereto: And whereas Compensation has been paid for the Right in the Soil and for the commonable and other Rights in and over all the said open or common Lands which were purchased and are now vested in the said Principal Secretary of State for the War Department as aforesaid, and all Rights and Appurtenances belonging thereto: And whereas there are certain Roads, Paths, and Rights of Way now existing in, through, and across the lastly-mentioned open or common Lands and the said enclosed Lands which were purchased as aforesaid, and also in, through, across, and over the other open or common Lands and enclosed Lands respectively intended to be (with the said Lands already vested in the Principal Secretary of State for the War Department as aforesaid) comprised in and to be used for the Purposes of the said Military Camp as aforesaid, which said Roads, Paths, and Rights of Way (except the Turnpike Road leading from *Farnham* to *Bagshot* and the Road leading thereto from *Aldershot*, and also another Road leading thereto at a Point opposite *Heath Villa* from the Entrance of a Lane called *Cranmoor Lane*;) if they were suffered to continue would very much interfere with and impede the useful Purposes intended to be effected by the Formation of the Military Camp aforesaid, and would be greatly detrimental to the Public Service, and it is therefore expedient that all the said Roads, Paths, and Rights of Way respectively (except the Turnpike Road and the Roads leading thereto respectively aforesaid) should be stopped up: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. All Rights of Way, Easements, and other Rights and Privileges over, in, or relating to all and every the Roads, Paths, and Ways (except the Turnpike Road leading from *Farnham* to *Bagshot*, the Road leading from the Village of *Aldershot* to the said Turnpike Road, at a Distance of Three hundred Feet or thereabouts South of the Third Mile Stone from *Farnham* to *Bagshot* and the Road leading to the said Turnpike Road at a Point opposite *Heath Villa* from the Entrance of *Cranmoor Lane*;) through, across, and over all or any of the Lands respectively heretofore having been or now being open or common Lands in the said Parishes of *Aldershot* and *Yateley* in the said County of *Southampton*, and in the said Parish of *Farnham* in the said County of *Surrey*, and enclosed Lands in the same several Parishes respectively, and also in the said Parishes of *Farnborough* and *Crondall* in the said County of *Southampton*, and also respectively now used or to be used for the Purposes of the said Military Camp, shall (subject to the Restrictions herein-after contained with reference to certain of those Roads, Paths, and Ways) respectively be discontinued, and shall cease from the respective Times following, (that is to say,) from and after the passing of this Act as to the said Rights, Easements, and Privileges respectively over, in, or relating to the said Roads, Paths, and Ways through, across, or over such of the said open or common Lands and enclosed Lands respectively as were purchased and are now vested in the said Principal Secretary of State for the War Department, and have been appropriated and are now used for the Purposes of the said Military Camp as aforesaid, or are intended so to be; and from and immediately after the Payment by the Principal Secretary of State for the War Department for the Time being of the Compensation for or the Consideration for the Purchase of all the other open or common Lands and enclosed Lands respectively which hereafter shall be used or required for the same Purposes from Time to Time as to aforesaid Rights, Easements, and Privileges respectively over, in, or relating to the said Roads, Paths, and Ways through, across, over, or adjoining to the lastly-mentioned Lands respectively; and immediately upon the several Rights, Easements, and Privileges respectively aforesaid ceasing, or at any Time afterwards, the Principal Secretary of State for the War Department shall or may stop up or cause to be stopped up all the said several Roads, Paths, and Ways respectively, and thereupon public Notice shall be given of the stopping up of the said Roads, Paths, and Ways respectively by Advertisement in the *London Gazette*, and in some local Newspaper published or circulated in either of

Rights of Way over certain Roads extinguished.

*Aldershot Camp.*

the said Counties of *Southampton* and *Surrey*, and also on the Church Doors of the said several Parishes respectively.

Agreement dated 31st May 1856, as to certain Roads confirmed.

II. A certain Agreement bearing Date the Thirty-first Day of *May* One thousand eight hundred and fifty-six, and made between the Persons therein named, and who are therein mentioned to be acting as and for a Committee of the Landowners of the Parishes of *Odiham*, *Dogmersfield*, *Winchfield*, *Crandall*, *Elvetham*, and *Heckfield*, in the County of *Southampton*, appointed in reference to the Roads therein-after mentioned at a Meeting of such Landowners held on the Twenty-eighth Day of *September* last, of the one Part, and the Right Honourable *Fox* Baron *Pannure*, Her Majesty's Principal Secretary of State for the War Department, of the other Part, whereby, for a Consideration therein expressed, the said Principal Secretary of State for the War Department agreed with the said Committee of Landowners to form and make at the Expense of Government a good Road of Thirty Feet wide from B. to C. in the Course or Direction of the Line coloured Black between such Letters on the Map or Plan annexed to the said Agreement, or as near thereto as could be arranged, and another Road of the same Width from D. to B. in the Course or Direction of the Line also coloured Black between such Letters in the same Map or Plan, and also a short Branch from H. to G. in the Course or Direction of the Line coloured Black between such last-mentioned Letters in the said Map or Plan, shall be and the same is hereby confirmed, and the Completion of such Roads shall be certified by Two Justices of the Peace for the said County of *Southampton*, on any Application made to them by or on Behalf of the said Principal Secretary for the Time being, and which Certificate shall be enrolled at the Quarter Sessions for the same County to be holden next after the granting thereof: Provided always, that certain Roads mentioned in the said Agreement, *videlicet*, the Road called the *Harrington Road* from E. to F. dotted Black in the said Map or Plan, and the Roads from D. to G. and from G. to K., respectively coloured Blue on the said Map or Plan, (being some of the Roads which are herein authorized to be stopped up,) shall not be stopped up until the said Roads which are to be formed and made as aforesaid shall have been completed, and shall be certified as aforesaid.

Copy of the said Agreement and Plan to be deposited.

III. A Copy of the said Agreement, and of the Plan annexed, verified by the Signature of the Principal Secretary of State for the War Department for the Time being, shall, within One Month next after the passing of this Act, be deposited with the Clerk of the Peace for the County of *Southampton*, and shall be retained by him, and all the Provisions of the Public General Act of the First Year of the Reign of Her present Majesty, Chapter Eighty-three, shall extend and apply thereto.

Power to Secretary of State to allow certain Road Surveyors to take Gravel for Repair of Roads, &c.

IV. The Road Surveyors of the Tythings of *Crookham* and *Ewsholt*, in the Parish of *Crandall*, shall be allowed by Her Majesty's Principal Secretary of State for the War Department for the Time being to dig and take Gravel for the Repair of so much of the new Roads as shall or may be situate in the said Tythings from such Parts of the adjacent Lands of the said Principal Secretary for the Time being as shall or may be appointed or approved of by or on the Part of the said Principal Secretary, and in such Quantities and under such Regulations in all respects as shall or may be fixed or approved of by or on the Part of such Principal Secretary.

Secretary of State to set out Ground for certain Roads.

V. Within Twelve Months next after the passing of this Act the said Principal Secretary for the Time being shall provide and set out upon the Lands of the said Principal Secretary a sufficient Occupation or Farm Road, of the Width throughout of Thirty Feet at the least, for the Use of Horses, Carts, and Carriages, commencing at the North End of *Sandy Pit Lane* in the said Parish of *Aldershot*, and running thence in a Northward and Eastward Direction along the Boundary of the Lands there now vested in the said Principal Secretary to a Point where that Boundary meets the said Road leading from the Village of *Aldershot* to the said Turnpike Road, and also a sufficient Occupation or Farm Road for Horses, Carts, and Carriages, commencing from the North End of *Yew Tree Hatch Lane*, in the said Parish of *Aldershot*, and running thence in a Northward Direction to join the said Road leading from the said Village of *Aldershot* to the said Turnpike Road, and also a sufficient Occupation or Farm Road for Horses, Carts, and Carriages, commencing from the North End of *Lloyd's Lane* in the said Parish of *Aldershot*, and running thence in a Northward Direction to join the said Road leading from the said Village of *Aldershot* to the said Turnpike Road.

Secretary of State to cause certain Roads to be provided for Horses, &c.

VI. Within Twelve Months next after the passing of this Act the said Principal Secretary for the Time being shall, upon the Lands of the said Principal Secretary, provide and complete, fit for the Passage thereon of Horses, Carts, and Carriages, a Road (of the Width of Thirty Feet at least throughout) commencing from and out of *Sandy Pit Lane* aforesaid in the said Parish of *Aldershot*, at or near to the Farm Buildings of *West End Farm*, and running thence in a North-westward and Westward Direction, and terminating by a Junction with the said Turnpike Road at a Point lying Thirty-five Chains or thereabouts to the South of the Milestone on that Turnpike Road denoting Three Miles from *Farnham*, and also a Road commencing from and out of the lastly-described intended new Road, near a House called *Mount Pleasant*, and running thence Eastward along the aforesaid Boundary to the Northern End of *Sandy Pit Lane* aforesaid.

Inclosure Commissioners to set out certain Occupation Roads.

VII. The Inclosure Commissioners for *England* and *Wales* shall, within Six Calendar Months after the passing of this Act, upon the Application of the said Principal Secretary of State, or of any Owner, Lessee, or Occupier of Lands adjoining to *Aldershot*, *Farnham*, *Ash*, and *Cove* Commons respectively,

set

*Aldershot Camp.*

*Incumbered Estates (Ireland).*

*Prisons (Ireland).*

set out such Occupation Roads on and adjoining the Boundaries of the Lands of the said Principal Secretary, as the said Commissioners may think necessary for the convenient Use and Occupation of the said Lands of such Owners, Lessees, and Occupiers.

VIII. Provided always, That this Act shall not prejudice or interfere with any of the Powers of the said Principal Secretary for the Time being under the said recited Acts, or any or either of them.

Saving Rights of Secretary of State.

C A P. LXVII.

An Act to extend the Period for applying for a Sale under the Acts for facilitating the Sale and Transfer of Incumbered Estates in *Ireland*, and to amend the said Acts. [21st July 1856.]

WHEREAS an Act was passed in the Session of Parliament holden in the Twelfth and Thirteenth Years of the Reign of Her present Majesty, intituled *An Act further to facilitate the Sale and Transfer of Incumbered Estates in Ireland*: And whereas a certain other Act was passed in the Session of Parliament holden in the Fifteenth and Sixteenth Years of the Reign of Her Majesty, intituled *An Act to continue the Powers of applying for a Sale of Lands under the Act for facilitating the Sale and Transfer of Incumbered Estates in Ireland*: And whereas a certain other Act was passed in the Session of Parliament holden in the Sixteenth and Seventeenth Years of the Reign of Her Majesty, intituled *An Act for continuing and amending the Act for facilitating the Sale and Transfer of Incumbered Estates in Ireland*: And whereas a certain other Act was passed in the Session of Parliament holden in the Eighteenth and Nineteenth Years of the Reign of Her Majesty, intituled *An Act to extend the Period for applying for a Sale under the Acts for facilitating the Sale and Transfer of Incumbered Estates in Ireland*: And whereas the extended Period within which it should be lawful to make such Applications under said Acts as are mentioned in Section Eleven of said thirdly-recited Act of the Sixteenth and Seventeenth Years of Her Majesty was limited to Three Years from the Twenty-eighth Day of July One thousand eight hundred and fifty-three: And whereas it is expedient that said Period should be further extended, and that the said firstly and thirdly recited Acts of the Twelfth and Thirteenth and of the Sixteenth and Seventeenth Years of Her Majesty should be amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

12 & 13 Vict. c. 77.  
15 & 16 Vict. c. 67.  
16 & 17 Vict. c. 64.  
18 & 19 Vict. c. 73.

I. All such Applications under the said recited Acts or any of them as are mentioned in Section Eleven of the said thirdly-recited Act of the Sixteenth and Seventeenth Years of Her Majesty, and which are by said lastly-recited Act of the Eighteenth and Nineteenth Years of Her Majesty authorized to be made within Three Years from the Twenty-eighth Day of July One thousand eight hundred and fifty-three, may be made within Five Years from the said Twenty-eighth Day of July One thousand eight hundred and fifty-three; and all Orders and Proceedings by the said Acts or any of them authorized, and which might be made, had, or taken upon any Application made within the said Period of Three Years, may be made, had, and taken within the further Period authorized by this Act.

Period for Applications for Sale further extended.

II. So much of Section Fifty-one of the said firstly-recited Act of the Twelfth and Thirteenth Years of Her Majesty as provides that an Appeal may be made against any Order of the Commissioners only when the Commissioners allow Appeal is hereby repealed; and it is hereby enacted, that all such Appeals may be made as of Right, and without the Allowance of the Commissioners; and the Costs of such Appeals shall be in the Discretion of the Court by which such Appeals shall be decided; and such Court is hereby authorized and empowered to make such Orders in respect of such Costs as to it shall seem fit and proper.

So much of Section 51 of 12 & 13 Vict. c. 77. as to Appeals repealed. Appeals may be made as of Right.

C A P. LXVIII.

An Act to further amend the Laws relating to Prisons in *Ireland*. [21st July 1856.]

WHEREAS an Act was passed in the Seventh Year of King *George* the Fourth, Chapter Seventy-four, intituled *An Act for consolidating and amending the Laws relating to Prisons in Ireland*: And whereas an Act was passed in the Sixth and Seventh Years of King *William* the Fourth, Chapter Fifty-one, intituled *An Act for converting the Richmond General Penitentiary into one of the Prisons of the County of the City of Dublin, and to amend the Law relating to Prisons in Ireland*: And whereas an Act was passed in the Third and Fourth Years of Her Majesty, Chapter Forty-four, intituled *An Act to amend an Act of the Seventh Year of King George the Fourth, for consolidating and amending the Laws relating to Prisons in Ireland*: And whereas an Act was passed in the Fifth and Sixth Years of Her Majesty, Chapter Ninety-five, intituled *An Act for consolidating the Four Courts Marshalsea Dublin, Sheriff's Prison Dublin, and for regulating the Four Courts Marshalsea, in Ireland*: And whereas an Act was passed in the Twelfth and Thirteenth Years of Her Majesty, Chapter Ninety-seven, intituled "The *Dublin* Improvement Act, 1849," the Fifty-first Section of which alters and amends the said recited Act of the Sixth and Seventh Years of King *William* the Fourth: And whereas it is expedient further to amend the Laws relating to Prisons in *Ireland*: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the

7 G. 4. c. 74.  
6 & 7 W. 4. c. 51.  
3 & 4 Vict. c. 44.  
5 & 6 Vict. c. 95.  
12 & 13 Vict. c. 97.

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

Recited Acts, so far as in force, to be construed with this Act.  
Interpretation of Terms.

I. The said recited Acts of the Seventh Year of King *George* the Fourth, the Sixth and Seventh Years of King *William* the Fourth, Third and Fourth Years of Her Majesty, the Fifth and Sixth Years of Her Majesty, and the said Fifty-first Section of the "*Dublin Improvement Act, 1849*," so far as the same respectively are now in force, and this Act, shall be construed together as One Act.

II. In the Construction and for the Purposes of this Act (if not inconsistent with the Context or Subject Matter), the following Terms shall have the respective Meanings herein-after assigned to them ; (that is to say,)

"Lord Lieutenant" shall mean and include the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being :

"Prisons Act" shall mean the said Act of the Seventh Year of King *George* the Fourth, Chapter Seventy-four :

"County" shall extend to and include any City, County of a City, or County of a Town or City, and County of any Place, as the Case may be :

"County Gaol" shall be understood to mean the Common Gaol of any such County :

"Prison" shall include Gaol, Bridewell, and House of Correction :

"Person" shall include Corporation, whether sole or aggregate :

"Grand Jury" shall, as regards any Borough of which the Council is authorized by Law to make Presentments for the Prisons thereof, be held to include such Council :

"Assizes," as regards the County of *Dublin*, shall be held to mean Presenting Term :

"Treasurer of the County" shall, as regards the County of *Dublin*, mean the Finance Committee :

"Governor" shall include Keeper :

"Board of Superintendence" shall mean the Board of Superintendence to be appointed by any Grand Jury or Council under the said recited Acts or this Act.

Jurisdiction of Queen's Bench under Prisons Act transferred to Lord Lieutenant.

III. From and after the passing of this Act all the Powers, Rights, Authority, and Jurisdiction now vested in or exercised by Her Majesty's Court of Queen's Bench in *Ireland*, or the Judges thereof, or any One or more of them, by virtue of the said recited Acts or any of them, over or with respect to the Four Courts Marshalsea, or any County Prison in *Ireland*, whether Gaol, Bridewell, or House of Correction, or the Prisoners therein, or any Matter relating to such Marshalsea, Prison, or Prisoners, shall be transferred to and vested in and exercised and performed by the Lord Lieutenant as fully and effectually to all Intents and Purposes as if the said Lord Lieutenant had been named in the said recited Acts instead of the said Court of Queen's Bench or the Judges thereof, or any One or more of them ; and all the Provisions of the said recited Acts or any of them directing any Function or Duty to be exercised or performed by, or any Matter or Thing to be done by or with the Approbation of the said Court of Queen's Bench in *Ireland* or the Judges thereof, or any One or more of them, in relation to or concerning the said Marshalsea or any such County Prison as aforesaid, or the Prisoners therein, shall, from and after the passing of this Act, be deemed and taken to apply and extend to the said Lord Lieutenant, instead of the said Court of Queen's Bench or the Judges thereof, or any One or more of them ; and the said Lord Lieutenant shall thenceforward have, exercise, and perform all the same Powers, Rights, Authority, and Jurisdiction in respect of the said Marshalsea or any such Prison or Prisoners, or any Matter relating to the same, as might have been exercised or performed under the said recited Acts or any of them by the said Court of Queen's Bench or the Judges thereof, or any One or more of them, in case this Act had not been passed : Provided, that nothing in this Section contained shall be construed to limit or affect the Duties or Powers of the said Court of Queen's Bench, and all and every Judge and Judges of Assize and General Gaol Delivery in *Ireland*, under Sections One hundred and thirty-one, One hundred and thirty-two, One hundred and thirty-three, and One hundred and thirty-four of the Prisons Act ; and provided further, that the Judges of Her Majesty's Court of Queen's Bench, Common Pleas, and Exchequer, or of Her Majesty's High Court of Chancery or Admiralty, and the Commissioners of the Court of Bankruptcy, and the Commissioners of the Court for Relief of Insolvent Debtors in *Ireland*, shall have and exercise the same Powers with respect to ordering the Marshal of the Four Courts Marshalsea to take into Custody any Person committed by them respectively, or to bring before them respectively any Prisoner in his Custody, which the said Judges now have with respect to the Marshal of the said Four Courts Marshalsea.

Sect. 4. of 7 G. 4. c. 74. and Sect. 1. of 3 & 4 Vict. c. 44. repealed.

Board of Superintendence, with Approval of Grand Jury and Lord Lieutenant, to make Byelaws.

IV. 'Whereas by the Fourth Section of the Prisons Act and by the First Section of the said recited Act of the Third and Fourth Years of Her Majesty, Chapter Forty-four, Provision is made for the Enactment of Byelaws for Prisons, and it is expedient to amend the same : The Fourth Section of the Prisons Act and the First Section of the said Act of the Third and Fourth Years of Her Majesty, Chapter Forty-four, shall from and after the passing of this Act be repealed, save as to anything heretofore done under the same ; and it shall be lawful for the Board of Superintendence of any Prison from Time to Time to alter, amend, or repeal the existing Byelaws, and to make new Byelaws for any such Prison under their Superintendence, or the Prisoners therein confined, and from Time to Time to repeal, alter, or add to such Byelaws, and to make others, and the same, when approved of by a Grand Jury of the County, or in the Case of a Borough having Jurisdiction over the Prisons of such Borough by the Council

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Council thereof, shall be submitted to the Lord Lieutenant, and it shall be lawful for the Lord Lieutenant, if he shall so think fit, to alter such Byelaws, or to make Byelaws additional thereto, and to certify under the Hand of the Chief or Under Secretary for *Ireland* that such Byelaws as submitted to him, or altered or added to, are proper to be enforced, and said Byelaws, when so approved and certified, shall be printed and posted in the Prison, and obeyed as the Standing Regulations of such Prison; and in case the Board of Superintendence shall refuse or neglect, for the Space of Three Calendar Months after being required so to do by the Inspectors General of Prisons, to make such Byelaws as aforesaid, or any such Byelaws as to the Lord Lieutenant may appear necessary or expedient for any Prison under their Superintendence or the Prisoners therein, then and in such Case it shall be lawful for the Lord Lieutenant, by Writing under the Hand of the Chief or Under Secretary for *Ireland* for the Time being, to make such Byelaws, and from Time to Time to repeal, alter, or add to such Byelaws, and to make others, and to declare that the said Byelaws shall be in addition to or in substitution for any Byelaws theretofore in force in any such Prison; or any Part of such Byelaws; and the said Byelaws so to be made by the Lord Lieutenant shall be printed and posted in the Prison, and shall be obeyed as the Standing Regulations of such Prison, either in addition to or in substitution for the existing Byelaws of such Prison, as the Lord Lieutenant shall in that Behalf declare, and shall be of the same Force and Effect to all Intents and Purposes as if they had been originally made by the Board of Superintendence of the County, and approved of by the Grand Jury of the County; and it shall be lawful in such Byelaws to provide for the Classification of Prisoners of each Sex in any Prison, or for the individual Separation of all or any of the Prisoners confined therein, with due Regard to their proper Supervision, religious and moral Instruction, and Employment; and it shall be the Duty of the Local Inspector of every Prison to see that the Byelaws and Rules for the Time being in force in such Prison shall be observed and carried into effect, and no Magistrate shall have Authority to alter or add to the same, or in any Manner, save as in this Act provided, to interfere with the Discipline of the Prison: Provided always, that any such Byelaws so to be made by the Board of Superintendence of any such joint Prison as is in this Act mentioned shall not require to be approved of by any Grand Jury, or by the Council of any Borough.

In case the Board of Superintendence shall neglect to make Byelaws, Lord Lieutenant may make them.

Local Inspector to see that Byelaws are observed.

V. In case of any Fire or other sudden Accident happening in or to any County Prison, Gaol, Bridewell, or House of Correction in the Fourteenth Section of the Prisons Act mentioned, or any Part thereof respectively, the Board of Superintendence of such Prison shall, as soon thereafter as conveniently may be, forward a Report of such Fire or sudden Accident to One of the Inspectors General of Prisons in *Ireland*; and whensoever any such Building or other Work as is mentioned in the Forty-third Section of the Prisons Act shall be completed or finished, the Commissioners in the same Section mentioned shall, so soon thereafter as conveniently may be, forward a Report of the Completion of such Work to the said Inspectors General of Prisons; and the annual Return of the State of every Gaol, Bridewell, House of Correction, or other County Prison, which the Gaoler of the same is, by the Fifty-seventh Section of the Prisons Act, directed to transmit to One of the said Inspectors General of Prisons, shall be in the Form in the same Section mentioned, or in such other Form as the Lord Lieutenant shall from Time to Time in that Behalf direct.

Board of Superintendence to report Fire, &c. to Inspectors General. Report of Completion of Works to be forwarded to Inspectors General. Form of annual Returns, &c.

VI. The Number of Commissioners to be appointed by the Lord Lieutenant under the Fifty-second Section of the Prisons Act shall be reduced from the Number of not less than Six nor more than Twelve to not less than Three nor more than Six.

Number of Commissioners reduced.

VII. It shall be lawful for the Grand Jury of any County, if they shall so think proper, to cause any Prison within their County, or any Rooms or Parts of any such Prison, to be lighted with Gas, or warmed and aired or ventilated by means of Stoves or artificial Heat, or other artificial Means, and to make and enter into any Contract for such Purposes with any Person or Company, and at any Assizes or Presenting Term to present, to be raised off their County, such Sum or Sums of Money as shall be required for the Construction or laying down of the Pipes or Tubes or other Apparatus necessary for such Purposes, or either of them, and also from Time to Time to present, to be raised off their County, such Sum or Sums of Money as shall be necessary for the Maintenance or Repair of such Pipes, Tubes, or other Apparatus, or for procuring such Gas or artificial Heat.

Prisons may be lighted with Gas.

VIII. The Twentieth and Twenty-first Sections of the Prisons Act shall, from and after the passing of this Act, be repealed, except as to anything heretofore done under the same; and before any Grand Jury of a County, or any Commissioners appointed by them, shall commence to build or rebuild, or to alter or enlarge any Gaol, Bridewell, House of Correction, or other County Prison, they shall transmit to the Lord Lieutenant the Plan and Specification of such proposed Building, Alteration, or Enlargement, or a Copy or Facsimile of such Plan and Specification (the same having been previously approved of by the Grand Jury), together with the Report thereon of the Inspectors General of Prisons, or One of them, and such other Reports or Certificates as the said Lord Lieutenant shall require and direct; and notwithstanding anything in the Prisons Act or this Act contained, it shall not be lawful for any Grand Jury, or any Commissioners appointed by them, to commence any such building, rebuilding, Alteration, or Enlargement, unless and until the Plan and Specification of the same shall be agreed to and approved of by the Lord Lieutenant; and it shall and may be lawful for the Commissioners appointed by the Grand Jury, and they are hereby authorized and empowered to enter into Contracts for the Execution of any such

Sects. 20. and 21. of the Prisons Act repealed.

As to building, rebuilding, altering, and enlarging Prisons.

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such Work as in the Prisons Act or this Act is authorized to be executed, after the Plan or Specification thereof shall have been approved, as herein directed, first by the Grand Jury and then by the Lord Lieutenant, and every such Contract shall be made at the most reasonable Price which shall be proposed by such Contractor as shall be deemed by the said Commissioners appointed by the Grand Jury the most responsible and proper Person to execute such Contract, and every such Contract shall be entered by the Clerk to the said Commissioners in a Book to be kept by the said Commissioners, which Book, when such Works are completed, shall, by the said Clerk to the said Commissioners, be delivered to the Clerk of the Peace of the County for the Time being, who is hereby required thenceforward to keep the same among the Records of the said County.

Sect. 91. of Prisons Act repealed.

Bridewells to be built in Towns in which Criminal Sessions are held.

Sect. 65. of Prisons Act partly, and Sect. 75. wholly, repealed.

No Ecclesiastic to be appointed Local Inspector.

Chaplain may, in certain Cases, appoint Substitute.

Chaplain, &c. to report Abuses and keep a Journal.

Power to Grand Juries to present for and provide Cots, &c. for Use of Prisoners.

Sheets allowed to each Bed.

Prison Dresses shall be worn by all Prisoners unless Board of Superintendence shall otherwise, by special Order, direct.

Power to Lord Lieutenant to rescind special Order of Board.

Power to Governor to confine Prisoner with a Class different from his own.

IX. The Ninety-first Section of the Prisons Act shall, from and after the passing of this Act, be repealed, except as to anything heretofore done under the same; and it shall be lawful for each and every Grand Jury in *Ireland*, and they are hereby respectively required, from Time to Time hereafter, to make Presentments for building One Bridewell of competent Size in each and every Town within their respective Counties which is or from Time to Time hereafter shall be duly appointed for holding Quarter Sessions for the Transaction of Criminal Business.

X. So much of the Sixty-fifth Section of the Prisons Act as provides that the Local Inspector shall be removable by the Grand Jury, with the Approbation of the next going Judge of Assize, and the whole of the Seventy-fifth Section of the said Act, are hereby repealed: Provided, that such Repeal of the said Seventy-fifth Section shall not be construed to prevent any Person holding the Offices of Local Inspector and Chaplain at the passing of this Act from continuing to hold the same Offices for such Time and in such and the same Manner as if this Act had not been passed: Provided also, that no Clergyman or ecclesiastical Person of any religious Persuasion shall be hereafter appointed to the Office of Local Inspector.

XI. It shall be lawful for any Chaplain of any County Prison, in the Case of his Sickness or unavoidable Absence, to appoint a Clergyman of his own religious Persuasion, who shall have been approved of by the Board of Superintendence of the County Gaol, to be his Substitute for the Occasion, and the Name and Residence of such Substitute shall be specified in the Chaplain's Journal; and every Chaplain, and every such Substitute as aforesaid, shall communicate from Time to Time to the Board of Superintendence of the County Gaol any Abuse or Impropriety which shall have come to his Knowledge; and the Journal kept by such Chaplain shall be kept in the Prison, and shall regularly be laid before the Board of Superintendence at every Meeting of such Board, and shall be signed by the Chairman of such Board in Proof of the same having been there produced.

XII. In addition to the Articles authorized or required, under the Seventy-sixth Section of the Prisons Act, to be presented and provided for Prisoners confined in any Gaol, Bridewell, House of Correction, or other County Prison, the respective Grand Juries at the Assizes or Presenting Terms, and in the Case of the City of *Dublin* the Council of the Borough of *Dublin*, are hereby authorized, if they shall think fit, to present for and provide Cots and Hammocks for the use of such Prisoners, and the same shall in such Case be presented, paid for, and supplied in the like Way as the Articles in the said Section of the said Act mentioned; and in addition to the Bedding to be allowed to poor Prisoners mentioned in the Seventy-eighth Section of the said Act, One Pair of Sheets shall be allowed to each Bed.

XIII. The Prison Dresses in the Seventy-eighth Section of the Prisons Act mentioned shall be worn by all Prisoners (whether of Ability to maintain themselves or not) who shall be sentenced to undergo any Term of Imprisonment exceeding One Month, unless the Board of Superintendence of the Prison wherein such Prisoners shall be confined shall, by a special Order in Writing entered on the Minutes of their Proceedings, and signed by a Majority of the Members of the said Board present at a Meeting thereof duly convened for the Purpose, otherwise direct: Provided nevertheless, that in all such Cases as last aforesaid, the Board shall enter upon their Minutes the special Circumstances under which such Order shall have been made, and shall forthwith furnish to the Inspectors General of Prisons a Statement or Report of such Circumstances, and of the Offence for which the Person respecting whom such Order shall have been given was sentenced, and of the Date and Particulars of such Sentence; and provided further, that if, upon any such Statement or Report being transmitted to the Lord Lieutenant by the Inspectors General of Prisons, it shall appear to the Lord Lieutenant that the special Order therein mentioned of the Board of Superintendence was not required or justified by the Circumstances in the said Statement or Report set forth, it shall be lawful for the Lord Lieutenant, if he shall think proper so to do, by Order in Writing (under the Hand of the Chief or Under Secretary for *Ireland* for the Time being), to rescind any such special Order of the Board of Superintendence, and to direct that the Prison Dresses in the said Seventy-eighth Section of the Prisons Act mentioned shall be worn by the Prisoner or Prisoners, or any of them, in the said special Order mentioned.

XIV. It shall be lawful for the Governor of any County Prison, if he shall at any Time deem it improper or inexpedient to allow any Prisoner to associate with the other Prisoners of the Class to which he or she may belong, to confine such Prisoner with any other Class or Description of Prisoner, or in any other Part of the Prison, until he shall receive the Directions of the Board of Superintendence in respect to such Prisoner, and in every Case in which he shall so confine or separate any Prisoner, he shall apply with as little Delay as possible to the Board of Superintendence for Directions in respect of such

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such Prisoner, and the said Board shall in every such Instance ascertain whether the Reasons assigned by the Governor warrant such a Deviation from the established Rules, and shall give such Orders as they shall, under the Circumstances of the particular Case, think proper, in reference to the future Custody of the said Prisoner.

XV. Unconvicted Prisoners of Ability to maintain themselves shall be at liberty to purchase and provide, at their own Expense, sufficient cooked Food of a simple and wholesome Nature, subject to such Restrictions and Regulations as to the Nature, Quantity, and Quality of such Food, as the Board of Superintendence may deem proper, anything in the Prisons Act to the contrary notwithstanding: Provided nevertheless, that such Prisoner shall not be allowed to obtain, procure, have, or use any Wine or Spirituous Liquors, except the same shall be ordered for him or her by the Medical Officer of the Prison.

Unconvicted Prisoners may purchase Food at their own Expense.

XVI. Every convicted Prisoner in any Prison in *Ireland*, whether of Ability to maintain himself or herself or not, shall be supplied with Food at the Public Expense, and it shall not be lawful for any such Prisoner to use, accept, or receive any Food or Liquor other than the Prison Allowance supplied under the Prisons Act and this Act, unless in such Cases as the Medical Officer of such Prison shall, by Certificate under his Hand, declare that some other Food or Liquor shall be necessary for such Prisoner, and in such Case the Reasons for granting such Certificate shall be inserted by such Medical Officer in his Journal; and if such other Food or Liquor so to be ordered by such Certificate shall be continued for any Time exceeding One Week from the Date of such Certificate, a Notice thereof in Writing shall be given by such Medical Officer to the Inspectors General of Prisons: Provided always, that such convicted Prisoners shall, unless when sentenced to Hard Labour, be allowed to pay to the Board of Superintendence the Expense of such their Prison Allowance in order to obtain an Exemption from any Work or Labour which would or might otherwise be required from them towards Payment of the Expenses of such Prison Allowance of Food.

Convicted Prisoners shall be supplied with Food at Public Expense.

XVII. So much of the One hundred and twenty-third Section of the Prisons Act as provides that One Deputy Marshal of the Four Courts Marshalsea, Three Hatchmen, and all inferior Officers necessary for the safe Custody of Prisoners or the Discipline of the Prison shall be appointed and paid by the Marshal of such Marshalsea, is hereby repealed, and such Deputy Marshal, Hatchmen, and inferior Officers as aforesaid shall from and after the passing of this Act be appointed and removable at the Will and Pleasure of the Lord Lieutenant, and the Deputy Marshal, Hatchmen, and inferior Officers holding Office at the Time of the passing of this Act on the Appointment of the Marshal shall be also removable at the Will and Pleasure of the Lord Lieutenant, and it shall be lawful for the Commissioners for the Time being of Her Majesty's Treasury to order that such Deputy Marshal, Hatchmen, and inferior Officers, whether so holding Office on the Appointment of the Marshal, or to be appointed under this Act, shall be paid such Salaries as the Lord Lieutenant with the Sanction of the said Commissioners shall in that Behalf direct; and such Salaries shall from Time to Time be paid out of any Monies appropriated or which may be appropriated by Parliament for the Purpose, and thereupon the Payment of any Salaries to such Officers by the Marshal shall cease, and the annual Salary payable to the Marshal under the Prisons Act shall be reduced by such Amount as shall be equivalent to the aggregate Amount of the annual Salaries which shall have been heretofore paid by him to the said Deputy Marshal, Hatchmen, and inferior Officers.

Deputy Marshal, Hatchmen, and inferior Officers of Four Courts Marshalsea to be appointed by Lord Lieutenant.

XVIII. The Governor or Keeper, Local Inspector, Chaplains, Medical Officer, Deputy Governor, Turnkeys, and all other Officers, both Male and Female, to be appointed at any Time after the passing of this Act to or for any County Prison, whether Gaol, Bridewell, or House of Correction, or to and for any such joint Prison as is herein-after mentioned, shall, with the Exception herein-after in that Behalf specified, be from Time to Time appointed by the Board of Superintendence, any Provision in the Prisons Act or any other Act or Acts, or any Law, Usage, or Custom, to the contrary notwithstanding; but if the Board of Superintendence shall neglect to appoint any such Governor or Keeper, Inspector, Chaplains, Medical or other Officer as aforesaid, for the Space of Two Months after they shall have been required by the Inspectors General of Prisons or either of them, by Writing under their or his Hand, so to do, it shall be lawful for the Lord Lieutenant, if it shall seem to him expedient, to appoint any fit or proper Person or Persons to fill such Office or Offices; and the Salaries of all such Officers respectively shall be raised and paid in like Manner, and subject to the same Provisions, as the Salaries of such or the like Officers have been and are payable before and at the Time of the passing of this Act, save as in this Act otherwise expressed: Provided that the Appointment of any such Officers other than the Chaplains and the Medical Officer shall not be deemed valid or effectual until the same shall have been approved of in Writing by the Lord Lieutenant of *Ireland*, under the Hand of the Chief or Under Secretary: Provided further, that nothing in this Section contained shall apply to the Officers of the *Richmond* Bridewell in *Dublin*, or of the *Grange Gorman* Female Penitentiary in *Dublin*, or interfere with or affect the Powers of the Person or Persons now by Law entitled to appoint the Governor or any other Officers of such Bridewell and Penitentiary respectively.

All Prison Officers to be appointed by Board of Superintendence.

XIX. The Appointment by any Board of Superintendence under the Provisions of this Act of any Officer of any such Prison, other than the Chaplains or Medical Officer, shall be probationary only, and shall not be or become absolute until the same shall be confirmed at a Meeting of the Board of Superintendence duly summoned and held for that Purpose, not sooner than Three Months after the Meeting at

Nothing in this Section to extend to *Richmond* Bridewell or *Grange Gorman* Female Penitentiary.

Appointments of Prison Officers other than Local Inspector, Chaplain, or

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Medical Officer, to be probationary in the first instance.

which such probationary Appointment shall have been made: Provided always, that no such Confirmation of the Appointment of any Officer shall be made at such last-mentioned Meeting unless Two Thirds of the Members of such Board shall be present, and the Majority of the Members present shall concur in such Ratification or Confirmation, nor unless the Local Inspector and the Governor of the Prison to which such Officer shall have been appointed shall have certified under their Hands, or, in the Case of the Governor, unless the Local Inspector, or, in the Case of the Local Inspector, unless the Governor, shall have certified under his Hand to the said Board of Superintendence that the Conduct of such Officer since his or her probationary Appointment to the said Gaol has been in all respects correct and proper, and that such Officer is in the Opinion of the said Governor and Local Inspector, or of the said Governor or Local Inspector alone, as the Case may be, a fit, proper, and efficient Person to be appointed to the Office the Duties of which he shall have been discharging in pursuance of his probationary Appointment; and the said Board of Superintendence shall enter such Certificate upon their Minutes, and shall forthwith transmit a Copy of such Certificate to the Inspector's General of Prisons.

Governor to give Security for faithful Discharge of Duties.

XX. Every Person who shall be nominated or appointed as herein-before provided to the Office of Governor of any Prison by the Board of Superintendence shall, immediately after his Nomination to such Office, and before he shall enter upon the Duties thereof as such probationary Officer as aforesaid, enter into a Recognizance, with Two sufficient Sureties to be approved of by the Clerk of the Peace of the County or One of the Counties to which such Prison shall belong, before some Justice of the Peace (and which Recognizance each and every Justice of the Peace is hereby empowered to take), in such Sum as the Board of Superintendence shall direct, the Condition of which Recognizance shall be that such Governor shall duly and faithfully discharge the Duties of his Office in every respect during such Time as he shall continue to hold the same, and shall indemnify and save harmless every Sheriff and every other Person from all Loss, Costs, Damages, and Expenses which any such Sheriff or other Person shall incur, sustain, or be liable to by reason of any Escape of any Prisoner in the Charge of such Governor, or by reason of any Act, Neglect, or Default of such Governor; and every Person who at the Time of the passing of this Act shall be the Governor of any County or joint Prison shall, on or before the Thirty-first Day of *December* One thousand eight hundred and fifty-six, enter into a Recognizance, with Two such Sureties as aforesaid, before some Justice of the Peace (and which Recognizance each and every Justice of the Peace is hereby authorized to take), conditioned as herein-before enacted, in such Sum as the Board of Superintendence shall in manner aforesaid direct; and in case any such Governor as last mentioned shall neglect or omit to enter into such Recognizance as herein-before directed, on or before the said Thirty-first Day of *December* One thousand eight hundred and fifty-six, then and in every such Case the Person thus neglecting or omitting so to do shall, upon and from and after the said Thirty-first Day of *December* One thousand eight hundred and fifty-six, cease to hold the Office of Governor of the Prison theretofore held by him; and the Board of Superintendence of such Prison shall forthwith proceed to appoint a Governor in his Stead, under the Powers and in the Manner in that Behalf herein-before given and directed: Every Recognizance taken under this Act shall be transmitted by the Justice of the Peace before whom the same shall be acknowledged to the Clerk of the Peace of the County, or One of the Counties, to which such Prison shall belong; and in case the same shall at any Time become forfeited, such Process shall and may issue thereon as in such Cases usual; and any Money that shall be recovered thereon shall belong and be paid to the Sheriff or other Person who has sustained or shall be liable to any Loss, Costs, Damages, or Expenses by the Act or Default in respect of which such Money shall be recovered.

Governor may be required to give additional Security.

XXI. It shall be lawful for the Board of Superintendence, in the event of the Death, Bankruptcy, Insolvency, or Failure of the Sureties of any such Governor, or of either of such Sureties, or on the Application of the Sheriff, or otherwise at their Discretion, to order that such Governor shall give additional Security by Recognizance to such Amount as to such Board shall seem fit, and thereupon such Governor shall, within One Month from the Date of such Order, enter into an additional Recognizance, conditioned as in the last Section is specified, with new additional Sureties, to be approved of by the Clerk of the Peace; and such Recognizance shall be entered into and dealt with in all respects in like Manner as is directed in relation to the Recognizance in the preceding Section specified; and if such Governor shall neglect or fail to comply with such Order within the Time aforesaid he shall thereupon cease to hold the Office of Governor of such Prison, and the Board of Superintendence shall in manner aforesaid proceed to appoint a Governor in his Stead.

Governor, &c. of any Prison may be removed by Board of Superintendence.

XXII. Every Governor, Local Inspector, Chaplain, Medical Officer, and every Officer, Male or Female, of any Prison, whether Gaol, Bridewell, or House of Correction, shall be removable, and may be from Time to Time, as Occasion may require, removed by the Board of Superintendence of the Prison to which they belong: Provided always, that in case the Inspectors General of Prisons, or One of them, shall, by Writing, under their or his Hand, certify to the Lord Lieutenant of *Ireland* any Misconduct or Incapacity on the Part of any Governor, Local Inspector, Chaplain, Medical Officer, or any other Officer, Male or Female, for or of any One such County or joint Prison, or his or her Unfitness to discharge and fulfil the Duties of his or her Office, it shall be lawful for the Lord Lieutenant, by Writing under the Hand of the Chief or Under Secretary for *Ireland*, to direct the Board of Superintendence having Authority in that Behalf to hold an Inquiry into and investigate on Oath the Case of the Officer so charged



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charged with Incapacity, Misconduct, or Unfitness, and the said Inspectors General, or One of them, may be present and take Part in such Investigation and Inquiry; and the said Board of Superintendence shall report to the Lord Lieutenant their Opinion on the said Matter, and shall forward to the Lord Lieutenant a Copy of the Evidence taken by them; and it shall be lawful for the Lord Lieutenant, after he has received the said Report and Evidence, by Writing under the Hand of the Chief and Under Secretary for *Ireland*, to direct the said Board of Superintendence to remove or dismiss any Governor, Local Inspector, Chaplain, or Medical Officer, or any other Officer, Male or Female, whose Misconduct, Incapacity, or Unfitness shall have been made the Subject of the aforesaid Investigation or Inquiry; and if the said Board of Superintendence shall refuse to dismiss such Officer, when required so to do as aforesaid by the Lord Lieutenant, it shall be lawful for the Lord Lieutenant, by Writing under the Hand of the Chief or Under Secretary, to remove or dismiss such Officer; and in every Case of such Removal of any such Officer the Lord Lieutenant shall cause Notice to be given to the Board of Superintendence having Authority in that Behalf, requiring them to appoint another Person in the Room of the Officer so removed, and the said Board of Superintendence shall thereupon proceed to make such Appointment at a Meeting to be duly convened for that Purpose within One Month from the Receipt of such Notice: Provided always, that nothing in this Section contained shall extend or apply to the *Richmond* Bridewell in *Dublin*, or to the *Grange Gorman* Female Penitentiary in *Dublin*, or interfere with or affect the Powers of the Persons now entitled thereto to dismiss the Officers of the said Bridewell and Penitentiary respectively.

XXIII. Whereas by Section One hundred and twenty-five of the Act of the Sixth and Seventh Years of His late Majesty King *William* the Fourth, Chapter One hundred and sixteen, and the Fifth Section of the said recited Act of the Third and Fourth Years of Her present Majesty, Chapter Forty-four, Provision is made for the Superannuation of the Keepers, Turnkeys, and Matrons of the Prisons to which the said Sections apply, and it is expedient to extend the said Sections to all other Officers of the said Prisons, Medical Officers included, whether such Medical Officers act in virtue of their Office as Surgeon of the County Infirmary, or by direct Appointment as Medical Officer of the Gaol, and to all Officers of the Prisons to which this Act may apply: Be it therefore enacted, That the said Sections of the said Acts of the Sixth and Seventh *William* the Fourth, and Third and Fourth of Her present Majesty, shall extend to and include all Officers of the Prisons to which the said Sections of the said Acts or this Act apply.

Provisions of Acts authorizing Superannuation of certain Officers of Prisons extended to all Officers thereof.

XXIV. So much of Section Eighty-nine of the Prisons Act as provides that it shall be lawful for the Grand Jury to appoint a Keeper or Governor of such House of Correction, as is in the said Section mentioned, is hereby repealed, and from and after the passing of this Act the Person to be appointed Governor of the County Gaol shall be and shall be appointed to be Governor also of such House of Correction: Provided that any Keeper appointed before the passing of this Act of any such House of Correction shall continue to be such Keeper, with the like Salary, and to perform the like Duties, as if this Act had not been passed.

Governor of County Gaol shall be Governor of House of Correction.

XXV. From and after the passing of this Act the Ninety-third Section of the Prisons Act shall be repealed; and the Local Inspector of the Gaol of any County or of any such joint Prison as is herein-after mentioned shall be *ex officio* the Inspector of all the Bridewells in the same County or in the County and Borough to which such joint Prison shall belong, and such Local Inspector shall direct and superintend the Supply of every such Bridewell with Necessaries, and the Prisoners in every such Bridewell shall be supplied with such Necessaries in the same Manner in the like Cases, under the same Regulations, and out of the same Funds, as the Prisoners in the County Gaol are authorized to be supplied; and in addition to the Board of Superintendence of the County Gaol, and without Prejudice to the Authority vested in such Board by the Prisons Act and by this Act, the Justices of the Peace, or any Two of them, selected by the Board of Superintendence, attending the Petty Sessions of any Petty Sessions District in which any Bridewell (other than a District Bridewell) is situate, are hereby constituted an auxiliary Board of Superintendence of such Bridewell for the following Purposes only; that is to say, for the Purpose of inspecting such Bridewell, and of reporting to the Board of Superintendence in relation to the Repairs of such Bridewell, the Supply of Necessaries therein, the Cost of Dietary according to the average Prices in the neighbouring Markets, the keeping of the Registry and List of Committals, and as to all Matters affecting the Health and Discipline of the Prisoners in such Bridewell; and such Justices and every of them shall have full Power and Authority from Time to Time to inspect the said Bridewells, and report to the Board of Superintendence all such Matters and Things as may seem fit and proper to be communicated to such Board, or to be known by them.

Section 93. of Prisons Act repealed, and Local Inspector of County Gaol to be Local Inspector of Bridewells. Power to Justices to appoint auxiliary Board of Superintendence of Bridewell.

XXVI. So much of the Ninety-fourth Section of the Prisons Act as provides that Prisoners may be detained in any Bridewell distant more than Twelve Miles from any County Gaol or District Bridewell until the First Week in the Calendar Month next after their Committal, is hereby repealed; and it shall be lawful to commit and detain in any Bridewell (other than a District Bridewell), which shall be distant more than Fifteen Miles from the County Gaol or from a District Bridewell, any Prisoner committed or sentenced for any Period not exceeding One Week: Provided always, that this Enactment shall not apply to any Bridewell, unless and until the Inspectors General of Prisons or One of them shall have certified in Writing under their or his Hand, to the Chief or Under Secretary of the Lord

Part of Sect. 94. of Prisons Act repealed. Prisoners may be committed to and detained in Bridewells in certain Cases.

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Lieutenant, that such Bridewell is fully sufficient for the safe Custody of the Prisoners and the Separation of the Sexes, and is duly provided with Water and Sewerage, and that the Day Room and Cells thereof are of such a Size and are lighted, ventilated, and fitted up in such a Manner as the said Inspectors or Inspector deem sufficient for the Preservation of the Health of the Prisoners to be confined therein, and unless and until Notice that such Bridewell has been so certified shall have been transmitted from such Chief or Under Secretary to the Magistrates of each Petty Sessions of the County in which such Bridewell is situate: Provided also, that as regards Bridewells not so certified, and not being District Bridewells, Prisoners shall not be detained therein otherwise than is provided by so much of the Ninety-fourth Section of the Prisons Act as is not hereby repealed.

Section 95. of Prisons Act repealed. Returns to be made by Keepers of Bridewells and Expenses to be paid.

XXVII. The Ninety-fifth Section of the Prisons Act shall from and after the passing of this Act be repealed, save as to anything heretofore done under the same; and a Return or Record shall be made and kept by the Keeper of every Bridewell in *Ireland* not being a District Bridewell, in the Form of the Schedule in the Prisons Act mentioned, or in such other Form as may have been already approved of by the Judge of Her Majesty's Court of Queen's Bench, or as shall hereafter be approved of by the Lord Lieutenant, of the Committal and Discharge of Prisoners, and of all Expenses incurred in such Bridewells for or in respect of such Prisoners, One Copy of which Return or Record shall be preserved in such Bridewell, and One other Copy shall be transmitted to the Board of Superintendence, within Fourteen Days after the Thirteenth Day of *March*, Thirteenth Day of *June*, Thirteenth Day of *September*, and Thirteenth Day of *December* in each and every Year; and the said Board of Superintendence shall examine and certify the said Copy, and shall administer to such Keeper an Oath to the Truth of such Return or Record, and thereupon shall pay to such Keeper the Amount of the Expense so incurred and specified in such Return or Record, together with Allowances for Fire, Candles, and Straw; and it shall be lawful for the Grand Jury of the County, and they are hereby required, on the Production of such Return or Record at the next ensuing Assizes, to make Presentment in favour of the Board of Superintendence for the Amount mentioned in such Return or Record, or such Portion thereof as shall be certified to have been properly incurred by the said Board of Superintendence, and the Keeper of every such Bridewell shall, at the Times above specified, furnish to the Inspectors General of Prisons a Return certifying the Number of Prisoners confined in the said Bridewell during the preceding Quarter, together with the Number of Meals actually issued to such Prisoners whilst so confined, and the Cost of their Maintenance, and the Number of Prisoners committed thereto for Drunkenness.

Work in Prisons to be manual or mechanical only.

XXVIII. The Work or Labour authorized by the One hundred and fifth Section of the Prisons Act shall be manual or mechanical Work or Labour; and no Board of Superintendence shall authorize or permit any Prisoner to carry on or exercise any Profession, Trade, Business, Calling, or Employment which the said Board shall deem inconsistent with or unsuited to the due Regulation, Discipline, or Management of the Prison under their Care, or of the Prisoners therein, or which the Lord Lieutenant shall, upon the Report of the Inspectors General, signify to the said Board of Superintendence to be, in the Opinion of the said Lord Lieutenant, inexpedient or improper to allow such Prisoners, or any of them, to carry on or exercise.

Power to declare Money found on Vagrants, &c. to be forfeited.

XXIX. When in any Prison any Money shall be found in the Possession or Custody of any Person committed thereto as a Vagrant, or for offending against the Laws in force for the Relief of the destitute Poor, it shall be lawful for the Board of Superintendence of such Prison, or in the Case of Bridewells for the auxiliary Board of Superintendence thereof herein-before recited, if they shall think fit so to do, to declare such Money to be forfeited, and to apply the same towards the Payment of the Expense of the Maintenance of such Person in such Prison, returning to him or her, upon his or her Discharge, the Overplus, if any, of the Money so found.

Reports to be made by Local Inspectors.

XXX. The Local Inspector, instead of reporting the Complaints made to him by the Prisoners to the Inspectors General of Prisons, under the Thirteenth Rule of the One hundred and ninth Section of the Prisons Act, shall report the same to the Board of Superintendence, and shall, after each Meeting of the said Board, forthwith report to the Inspectors General of Prisons the Decision of the said Board upon such Complaints; and the said Local Inspector shall from Time to Time report to the Inspectors General of Prisons when any Officer of any Prison or Bridewell under his Inspection has died, or has been removed or dismissed, or has resigned, and shall specify in such Reports the Name of such Person (if any) who shall have been appointed in place of such Officer, with the Date of his or her Appointment; and shall also report when any Prisoner or Prisoners has or have died, together with the Cause of Death; and the said Local Inspector shall, once at least in each Quarter of a Year, or oftener if he shall think fit, report to the said Inspectors General whether any epidemic Disease has appeared in any Prison or Bridewell under his Inspection, and whether any Mutiny, Riot, or Escape or Attempt to escape has taken place therein or therefrom; and also whether any Prisoner therein has, according to his own Desire, changed his religious Profession; and the said Local Inspector shall add to his said Report any Observations that may occur to him respecting the general Health, Discipline, or Order of the said Gaol, and the correct keeping of the several Books and Forms now directed to be kept by the Court of Queen's Bench, or which shall hereafter be directed to be kept by the Lord Lieutenant.

Certain Portions of Sections 112. 113.

XXXI. The following Portions of the One hundred and twelfth, One hundred and thirteenth, and One hundred and seventeenth Sections of the Prisons Act are hereby repealed, that is to say, so much

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of the One hundred and twelfth Section as provides that every Officer holding any Office in any Prison or Prisons in *Ireland* shall, while he shall hold that Office, be deemed, taken, and considered in respect thereof an Officer of the Court of Queen's Bench, and subject to the Order thereof as such; so much of the One hundred and thirteenth Section as enables or authorizes the Court of Queen's Bench, or any Judge thereof, to commit, as in Contempt of the said Court, any Keeper, Inspector, or other Officer of a County Prison who shall refuse to attend or be examined by or give sufficient Answer to the Board of Superintendence thereof, or to any Three of them, as in the said Section mentioned; and so much of the One hundred and seventeenth Section as empowers the Inspector of a County Gaol to order into the Stores of the Gaol the Prison Dresses belonging to such Convicts as are therein mentioned, and to issue to such Convicts new Dresses as is therein mentioned.

and 117. of Prisons Act repealed.

XXXII. If any Person shall convey or cause to be conveyed into any Prison to which this Act shall extend any Mask, Visor, or other Disguise, or any Instrument or Arms proper to facilitate the Escape of any Prisoner, and the same shall deliver or cause to be delivered to any Prisoner in such Prison, or to any other Person there, for the Use of any such Prisoner, every such Person shall be deemed to have delivered such Mask, Visor, or Disguise, Instrument or Arms, with Intent to aid and assist such Prisoner to escape or attempt to escape, and if any Person shall by any Means whatever aid and assist any Prisoner to escape, or in attempting to escape, from any Prison, every Person so offending, whether an Escape be actually made or not, shall be guilty of Felony, and being convicted thereof shall be kept in Penal Servitude for any Term not less than Six or more than Eight Years.

Penalties on aiding Escape of Prisoners.

XXXIII. Any Offender escaping, breaking Prison, or being rescued therefrom may be tried either in the Jurisdiction where the Offence was committed, or in that where he or she shall be apprehended and retaken; and in case of any Prosecution for any such Escape, Attempt to escape, Breach of Prison, or Rescued, either against the Offender escaping or attempting to escape, or having broken Prison, or having been rescued, or against any other Person or Persons concerned therein, or aiding, abetting, or assisting the same, a Certificate given by the Clerk of the Crown, the Clerk of the Peace, or the Clerk of any other Court in which such Offender shall have been convicted, shall, together with due Proof of the Identity of the Person, be sufficient Evidence to the Court and Jury of the Nature and Fact of the Conviction, and of the Species and Period of Confinement to which such Prisoner was sentenced.

As to Trials of Prisons Escapes, &c.

XXXIV. If any Person shall carry, or bring, or attempt, or endeavour by throwing over the Walls, or in any other Means, to introduce into any Prison to which this Act shall extend any Letters, Tobacco, or any other Article not allowed by the Rules of such Prison, it shall be lawful for any Person to apprehend such Offender, and to carry him or her before a Justice of the Peace, who is hereby empowered to hear and determine such Offence in a summary Way, and if he shall lawfully convict such Person of such Offence he shall forthwith direct such Offender to be imprisoned, with or without Hard Labour, for any Time not exceeding One Calendar Month, unless such Offender shall immediately pay down such Sum of Money, not exceeding Five Pounds nor less than Forty Shillings, as such Justice shall impose, and such Fine shall be paid to the Board of Superintendence towards the Expense of the Maintenance of such Prison.

Penalty on introducing prohibited Articles into Prison.

XXXV. So much of the Fifty-sixth Section of the Prisons Act as relates to the Payment, of the Sum of Twenty Pounds a Year by a Collector of Excise to any Inspector General of Prisons upon or in respect of his making his Report as therein mentioned, or as relates to the Presentment of any such Sum by any Grand Jury for the Repayment of the same, is hereby repealed, and such Payments and Presentments shall cease from and after the making of such Reports for the Year One thousand eight hundred and fifty-six by the said Inspector General; and it shall be lawful for the Commissioners for the Time being of Her Majesty's Treasury to order that Compensation shall be made to the said Inspectors General for the Loss of such Payments; and such Compensation shall from Time to Time be paid out of any Monies appropriated or which may be appropriated by Parliament for the Purpose in such Manner as the said Commissioners in their Discretion shall think fit to direct: Provided always, that the said Inspectors General shall continue to make such Reports to the Secretaries of the Grand Juries and to the Chief Secretary as they are required to make by the Fifty-fifth and Fifty-sixth Sections of the Prisons Act.

Annual Payment of 20*l.* by Grand Juries to each Inspector General on making his Report shall cease. Treasury to make Compensation to Inspectors General.

XXXVI. ' And whereas by an Act of the Tenth and Eleventh Years of Her Majesty, Chapter Forty-five, and by another Act of the Twelfth and Thirteenth Years of Her Majesty, Chapter Nineteen, ' Provision is made for the Removal in certain Cases of Prisoners from one Place of Confinement to ' another, and by the same Acts and by another Act of the Fourteenth and Fifteenth Years of Her Majesty, ' Chapter Eighty-five, Provision is made for defraying the Expenses of such Removal, and also of the ' Removal and Conveyance of Prisoners upon ordinary and other Occasions: And whereas it is expedient ' to extend the Power of the Lord Lieutenant in respect of the Removal of Prisoners and to alter the Mode ' in which the aforesaid Expenses are at present vouched and paid: Be it enacted, That it shall be lawful for the Lord Lieutenant of *Ireland* as and when and as often from Time to Time as he shall think it proper or expedient so to do, by Order in Writing signed by the Chief or Under Secretary for *Ireland* for the Time being, to direct that any Person being imprisoned in any Prison, Gaol, Bridewell, or other Place of Confinement in *Ireland*, under or by virtue of any Process, Civil or Criminal, or under or by virtue of any Order or Writ of any Court of Justice in *Ireland*, shall and may be removed from such

Powers of Lord Lieutenant in respect of the Removal of Prisoners extended.

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Prison, Gaol, Bridewell, or other Place of Confinement, to such other Prison, Gaol, Bridewell, or Place of Confinement as to such Lord Lieutenant shall seem fit and proper for and during such Time as to him shall appear expedient, and every such Person when so removed shall be, and shall to all Intents and Purposes be deemed to be, in the proper legal Custody for and during the Time of such Removal, and for and during such Time as he or she shall be in the Place to which he or she shall be so removed, in like Manner to all Intents and Purposes as if such Person had been continued in his or her original Place of Confinement and had not been by any such Order removed from the same; and no Right, Duty, Authority, Liability, Jurisdiction, Franchise, Power, Privilege, or Function of any Person whatsoever, which if such Removal had not taken place would have existed or could or might have been used or exercised, shall be in any Degree affected, altered, diminished, or prejudiced by or in consequence of any such Removal: Provided always, that in case any such Prisoner shall be removed under the Provisions of this Act from any County into any other County, the Expenses of the Support and Maintenance of such Prisoners respectively in any Place to which they shall be so removed shall be paid and provided for by the County from which they shall respectively have been so removed, in like Manner as the same ought to have been paid or provided for before such Removal; and the Expenses of any such Removal under this Act, and of any Removal of Prisoners under the said recited Acts of the Tenth and Eleventh and Twelfth and Thirteenth Years of Her Majesty, and of any further Removal of Prisoners to their original Place of Custody, shall be charged and chargeable on the County from which they shall have been in the first instance so removed; and the said Act of the Fourteenth and Fifteenth Years of Her present Majesty shall extend to and include such Expenses, and in every Case where any such Expenses as aforesaid, or any such Expenses as are mentioned in the Fourth Section of the said last-mentioned Act, shall have been incurred by any Gaoler, Bridewell Keeper, or other Prison Officer when in charge of any such Prisoners, such Expenses shall in the first instance be paid as follows, that is to say, by the Governor when the said Expenses shall have been incurred by the Governor or any Officer of any Prison other than a Bridewell, and by the Local Inspector when the said Expenses shall have been incurred by the Keeper or other Officer of any Bridewell; and the said Expenses of such Governor, Keeper, or other Prison Officer shall not be paid by the Inspector of Constabulary, anything in the said recited Act of Fourteenth and Fifteenth Years of Her Majesty, Chapter Eighty-five, contained to the contrary notwithstanding; and the Local Inspector and Governor of the County Gaol shall from Time to Time lay before the Board of Superintendence of the said Gaol Accounts duly vouched of the Expenses so incurred, and the said Board of Superintendence are hereby empowered and required to examine such Accounts, and upon being satisfied of their Reasonableness and Accuracy, to pay the same out of any Funds under their Control.

As to Payment of Expenses of Prisoners removed from one County to another.

Such Expenses not to be paid by Inspectors of Constabulary.

Counties and Boroughs adjoining may enter into Agreements for providing a joint Common Gaol for County and Borough.

XXXVII. It shall be lawful for the Grand Jury of any Borough which shall be a County of a City or a County of a Town, or the Council of any such Borough where such Council shall have Jurisdiction over the Prisons of such Borough, and whether or not the said Grand Jury or Council may have agreed with the Grand Jury of any County for the Maintenance by Contract of the Prisoners of such Borough, to contract and agree, in manner and subject to the Provisions herein-after contained, with the Grand Jury of any County immediately adjoining such Borough, for the Payment of any Sum or Sums of Money by either or both of the Parties to any such Agreement, towards altering, enlarging, building, rebuilding, repairing, or improving any Prison situated or to be situated within such County or Borough, to be thenceforth used as the joint Common Gaol for such County and Borough, and either in addition to or in substitution for the existing Prisons of such County or Borough, or either of them, and towards the Expense and Maintenance, clothing, safe Custody, and Punishment of the Persons committed thereunto, including their Committal and Conveyance to and from Prison, and all other Expenses of the said Prison, and to and in such joint Prison when the same shall be certified as is hereafter directed, may be removed, committed, and imprisoned all Criminals, Debtors, and other Persons who might theretofore have been lawfully committed to or imprisoned in the Common Gaol, House of Correction, or other Prison of the County or of the Borough which shall be a Party to any such Agreement.

Presentments may be made for joint Prisons for Counties and Boroughs.

XXXVIII. All Monies to be paid under any Agreement authorized by this Act for building, rebuilding, repairing, or enlarging any such joint Prison as aforesaid, shall be presented and raised in the same Manner and subject to the same Conditions as Monies to be presented and raised by the Grand Jury of any County, and by the Grand Jury or Council of any such Borough as aforesaid, for building, rebuilding, or enlarging any Gaol, Bridewell, House of Correction, or other Prison under their Management respectively; and all Monies to be paid towards the current annual Expenses of such joint Prison, and towards defraying all other Expenses incurred by the contracting Parties, or either of them, in carrying such Agreement into effect, shall be presented and raised in the same Manner in all respects and subject to the same Conditions as Money to be presented and raised by the Grand Jury of any such County, or by the Grand Jury or the Council of any such Borough as aforesaid respectively, for defraying the ordinary current Expenditure of the several Gaols.

Committees may be appointed by Grand Juries

XXXIX. It shall be lawful for the Grand Jury of any such County and for the Grand Jury or Council of any such Borough at any Assizes, or in the Case of the Council of any such Borough at a Special Meeting to be convened for that Purpose, to take into consideration the Expediency of making any such Agreement as aforesaid, and in case such Grand Juries, or such other Grand Jury and Council,

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Council, as the Case may be, shall resolve that it is expedient that such Agreement should be made, then for each such Grand Jury or Council to appoint not less than Three and not more than Five of the Members of such Grand Jury or Council, as the Case may be, to be a Committee on behalf of such Grand Jury or Council to negotiate and make such Agreement as aforesaid, and from Time to Time at the same or any subsequent Assizes, or in case of the Council at any subsequent Special Meeting to be convened for the Purpose, to fill up any Vacancy in the said Committee caused by Death, Resignation, or otherwise.

to make Arrangements for joint Prisons.

XL. Each Committee so appointed shall be deemed to represent respectively the Grand Jury or Council by which it shall have been appointed, and the Committees so appointed shall form One joint Committee, and shall draw up an Agreement distinctly setting forth the Terms and Conditions upon which the said Grand Juries or Grand Jury and Council shall make any such Agreement as aforesaid; which Agreement when subscribed by a Majority of the Members of each Committee, severally representing the Grand Jury or Council by which it shall have been appointed, and approved and confirmed as herein-after directed, shall be binding on the said Grand Juries, or the said Grand Jury and Council, and on all other Persons, to all Intents and Purposes.

Committees appointed shall form joint Committees, and shall draw up Agreements.

XLI. Every such Agreement shall specify the Place where such Prison is or is to be situated, and the County and Borough for which it is proposed to be built or used (the Area and Proportion of the same being set forth in so far as the same may be known), and such Agreement shall further specify the Number of Prisoners for which it is proposed that Accommodation should be provided, and such Agreement shall further specify the Proportion in which the Expenses of purchasing any Site, and of building, finishing, and fitting up such Prison, or, as the Case may be, of enlarging and improving such Prison, shall be borne by each of the contracting Parties; and also the Proportion in which the Expenses of rebuilding or repairing such Prison, in the event of any sudden Accident happening thereunto, shall be contributed by each of the contracting Parties; and also whether such Prison is to be used in place of or in addition to any and which of the existing Prisons of the said County or Borough; and also the Mode in which it is proposed to constitute the Board of Superintendence of such Prison, and the Amount of the Salaries proposed to be paid annually to the Officers of such Prison, and the Proportion in which the same Salaries and such Expenses as may be incurred in respect of the ordinary Repairs of such Prison, the Government and Discipline of such Prison, the Maintenance, Management, and Custody of Prisoners, and all other current and ordinary Expenses of the said Prison, shall be apportioned on each of the contracting Parties, and such Proportion may be either a fixed Share determined beforehand of the ordinary annual Expenses of the said Prison, or be made to depend upon, vary with, and be ascertained and calculated by the Number of Prisoners who shall be confined in the said joint Prison from the said County and Borough respectively, and the Period of Time for which each such Prisoner shall be so confined, such Calculations to be made at such Intervals and according to such Scale as in the said Agreement shall be mentioned, and to be either at a fixed Rate by the Day, Week, or Month for the Cost of each such Prisoner, or at the actual average daily, weekly, or monthly Cost of each such Prisoner, according to the whole Number of Prisoners for the Time being confined in such Prison, and such Agreement shall also specify the Period of Time, not being less than Three Years, for which the First Agreement for such Proportion of such current and ordinary Expenses (whether the same shall be at a fixed or variable Proportion) shall endure: Provided always, that at the Expiration of such Period the Agreement shall nevertheless continue in force, unless and until altered and renewed, upon such Terms and in such Manner as is herein-after directed.

Particulars which Agreement shall specify.

XLII. Whenever any Agreement shall have been so entered into and signed the joint Committee shall lay the same for Approval before the Grand Juries or Grand Jury and Council of the said County and Borough at the Assizes, if any then current, or at the Assizes holden next after the making thereof, and in the Case of the Council of the Borough at a Special Meeting to be convened for that Purpose, and shall deliver to such Grand Juries or Grand Jury and Council respectively a Duplicate of such Agreement to be filed by the Clerk of the Peace or Town Clerk of such County or Borough, to be by them kept with the Records of the said County or Borough: Provided always, that no such Agreement shall be valid until the same shall have been approved of by the several Parties thereto in manner aforesaid, and until the same shall have been confirmed by the Lord Lieutenant as herein-after directed.

Agreements shall be laid before Grand Juries and Councils for Approval.

XLIII. Each of the said Parties shall forthwith cause such Agreement, when approved of in manner aforesaid, to be laid before the Lord Lieutenant, and it shall be lawful for the Lord Lieutenant to confirm such Agreement, and to direct that such Prison, when certified by One of the Inspectors General of Prisons in *Ireland* to be fit for the Reception of Prisoners, or of the additional Prisoners whom it shall be proposed to confine therein, shall thenceforth be used as a joint Common Gaol, as well for Debtors as Criminals, for such County and Borough respectively.

Agreements to be submitted to Lord Lieutenant for Approval.

XLIV. When any joint Prison, or a sufficient Part thereof, shall have been built, or enlarged or improved, as the Case may be, and fitted up for the Reception of Prisoners, or of the additional Prisoners whom it shall have been agreed to confine therein, and proper Officers shall have been appointed for the Management thereof, the Inspectors General of Prisons or One of them shall certify, in Writing under their or his Hand to the Lord Lieutenant, that such Prison, or a sufficient Part thereof, is so fitted and completed, and that such Officers have been appointed, and it shall thereupon be lawful for the Lord

Lord Lieutenant, on Report of Inspectors General, may direct Prison to be used as a joint Prison,

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and Prisoners to be removed to it.

Lieutenant, by an Order in Writing, to direct that such joint Prison may thenceforth be used as a Gaol, as well for Debtors as Criminals, for the said County and Borough respectively, either in addition to or in place of (as shall be specified in said Order) the other then existing Gaols of the said County or Borough, and that all Prisoners, as well Debtors as Criminals, at that Time confined in the Common Gaol, Bridewell, House of Correction, or other Prisons of the said County or Borough, or such and so many of such Prisoners as shall be specified in the said Order, may, if requisite, be forthwith removed to such joint Prison by the Governors or Keepers of such Gaols, Bridewells, Houses of Correction, or other Prisons as aforesaid, and the Removal of any such Prisoners, in obedience to any such Order, shall not be construed to be an Escape.

Boards of Superintendence to be appointed for joint Prisons.

XLV. It shall be lawful for the Grand Jury or Council of any County or Borough which shall be Party to any such Agreement as aforesaid, and each and every such Grand Jury and Council is hereby authorized and required, at the Assizes, with the Consent and Approbation of the Court or a Judge, or at a Special Meeting of such Council, to appoint so many Persons as it shall have been agreed should be appointed by each such Grand Jury or Council respectively (One Half of whom at the least shall be Justices of the Peace for the County or Borough by the Grand Jury or Council whereof they shall be so appointed) to be and form together One joint Board of Superintendence of such joint Prison; and it shall and may be lawful for any such Grand Jury or Council at any subsequent Assizes, or at any subsequent Special Meeting, to remove any Member or Members of such Board who shall have been appointed by such Grand Jury or Council respectively, and to fill up any Vacancies among such last-mentioned Members occasioned by Death, Resignation, or otherwise; and such Board of Superintendence shall have the same Powers, Authorities, Jurisdiction, and Discretion over and with respect to such joint Prison, and the Appointment of the Officers thereof, and over and with respect to the Prisoners therein, as are or shall be given to or vested in the Board of Superintendence of any County Prison over or with respect to such Prison, and the Officers thereof or the Prisoners therein, by this Act or the Prisons Act, or any Act amending the same; and any Three or more of such Board of Superintendence, One of whom at least shall be a Justice of the Peace for either the said County or the said Borough, shall be in all Cases competent to do and perform any Matter or Thing whatsoever in execution of any Duty required to be done and performed, or which might be lawfully done and performed by the whole Board of Superintendence in virtue of any Powers granted to them by this Act, or the Prisons Act, or any other Act in which there shall not be an express Provision to the contrary; and every Act done or performed by such Three Members of such Board of Superintendence (One of whom at least shall be a Justice of the Peace, and all of whom may have been appointed Members of such Board by the Grand Jury of the County, or, as the Case may be, by the Grand Jury or Council of the Borough) shall be as valid and effectual to all Intents and Purposes as if done by the whole Board of Superintendence.

Quorum of Boards of Superintendence.

Presentments may be made to joint Boards of Superintendence.

XLVI. It shall and may be lawful for the Grand Jury of every County, and for the Grand Jury or Council of every Borough which shall be Party to any such Agreement, to make all Presentments of Money for such joint Prison to such Board of Superintendence, to be by them appropriated to the several Purposes for which such Moneys are intended, and also, if they shall think proper so to do, to present in advance to such Board any reasonable Sum or Sums which such Grand Jury or Council shall deem necessary for any of the Purposes for which Presentments are or shall be allowed by the Prisons Act or this Act, or any Act which for the Time being shall be in force in *Ireland* relating to Repairs, Accommodation, or Discipline of Prisons; and every Sum so presented in advance shall and may be afterwards applied or applicable, by or under the Orders of such Board of Superintendence, to the Purposes for which the same shall be so presented respectively, and shall be afterwards duly accounted for according to Law.

Joint Boards to be the Boards of Superintendence of all Prisons in Counties and Boroughs.

XLVII. Such Board of Superintendence of such joint Prison shall be the Board of Superintendence of every Gaol, Bridewell, House of Correction, or other Prison within such County or Borough, not being the Prison of a different County, and all the Provisions of the Prisons Act and of this Act, and of every other Act or Acts relating to the Board of Superintendence to be appointed by the Grand Jury or Council of any County or Borough, for every Gaol, Bridewell, House of Correction, or other Prison within such County or Borough, shall apply, extend to, and include the said Board of Superintendence of such joint Prison as if the said Board had been appointed by such Grand Jury or Council for every such Gaol, Bridewell, House of Correction, or other Prison as aforesaid.

As to Revisal of Agreements on Termination of Periods specified.

XLVIII. On the Termination of the Period specified in any such Agreement as aforesaid for the Continuance of the Proportion to be contributed by each of the contracting Parties towards the current and ordinary Expenses of any such joint Prison, or on the Termination of any such further Period as shall have been agreed on or settled as herein-after provided, the Board of Superintendence for the Time being of any such joint Prison shall, in case it shall appear to them proper to make any Alteration in the Proportion for the Time being adopted, proceed to propose a Revisal of such Proportion to the Grand Juries, or Grand Jury and Council of the said County and Borough, assembled respectively at Assizes or at a Special Meeting; and shall also propose the Period, not being less than Five Years, for which the then existing or such revised Proportion shall endure, and the Time when the said revised Proportion shall commence; and any such Proposal, when approved of by a Resolution of the said Grand Juries, or Grand Jury and Council respectively, shall to all Intents and Purposes be an Agreement

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Agreement binding upon the Parties thereto, and shall continue in force for the Period in the said Proposal specified, and also from and after the End of the Period so specified, until a Proposal for further Revisions shall be adopted as aforesaid or Award made, as is herein-after authorized.

XLIX. In case the said Board of Superintendence for the Time being of any such joint Prison shall neglect or refuse to propose such Revisal of the Proportion for the Time being, and either or both of the said Grand Juries, or Grand Jury and Council, as the Case may be, shall resolve that some Revisal of such Proportion ought to be proposed, but shall not agree upon the Terms of such Proposal, or in case the said Board of Superintendence for the Time being of any such joint Prison shall propose some Revisal of such Proportion, and either or both of the said Grand Juries, or Grand Jury and Council, as the Case may be, shall not agree to such Proposal, then and in either of such Cases it shall be lawful for the Lord Lieutenant, upon the Application of either of the said Grand Juries, or Grand Jury and Council, as the Case may be, to appoint any Barrister to be an Arbitrator to determine the Matters in dispute, and such Barrister shall have Power to arbitrate between the Parties; and the said Barrister shall summon the several Clerks of the Peace and the Town Clerks of the several Parties so contracting as aforesaid, the Governor of the said joint Prison, and such other Persons as he may require, to appear before him at a Time and Place to be by him appointed, and there to give Evidence upon Oath (which Oath such Arbitrator shall be empowered to administer), and to produce all Information touching the Matters in dispute; and such Arbitrator may, if he shall think fit, adjourn the Hearing from Time to Time, and require all such further Information to be afforded as shall appear to him to be necessary, and shall, by his Award in Writing, determine the several Matters in dispute, and his Award shall be final and conclusive between the Parties for the Term of Five Years, and also from and after the End of such Term of Five Years until a Proposal for further Revision shall be adopted as aforesaid or Award made, as is herein authorized; and such Arbitrator shall assess the Costs of such Arbitration, and shall direct by whom and out of what Fund the same shall be paid, and the same shall be paid accordingly.

In case Parties disagree upon the Terms of new Agreements Lord Lieutenant may appoint Arbitrators.

L. The Ninth Section of the Act passed in the Session of Parliament holden in the Third and Fourth Years of Her present Majesty, Chapter One hundred and nine, is hereby repealed; and it shall be lawful for the Grand Jury of any Borough which shall be a County of a City or County of a Town, or for the Council of any such Borough, when such Council shall be the Body having Authority over the Gaols of the said Borough, to contract with the Grand Jury of any County adjoining the said Borough, or with which it shall have a common Boundary, for the Support and Maintenance in any Gaol or House of Correction of such County of the Prisoners, as well Debtors as Criminals, committed thereto from such Borough; provided that no such Contract be entered into without an Order for that Purpose being made by each Grand Jury or Council which shall be Party thereto in their County Book or other Book in which their Proceedings are entered, and every such Contract may either be perpetual or limited to a Term of Years, as the Parties shall mutually agree; and during the Existence of such Contract all Prisoners, as well Debtors as Criminals, who would otherwise be confined in the Gaol or House of Correction of such Borough, may be lawfully committed or removed to and confined in the Gaol so receiving them under such Contract, and every Person so committed and removed shall be, and shall to all Intents and Purposes be deemed to be, in the proper legal Custody for and during the Time of such Committal and Removal, and for and during such Time as he shall be in the said Prison so receiving him, under such Control as aforesaid, in like Manner to all Intents and Purposes as if such Person had been committed to or had been or continued to be in the Common Gaol of such Borough; and every such Prisoner, Debtor, or other Person shall, during his or her Confinement in such County Prison, be in all respects subject to the sole Government and Control of the Board of Superintendence of such County Prison.

Section 9. of 3 & 4 Vict. c. 109. repealed. Power to Borough to contract with County for Reception of Prisoners in the County Gaol.

LI. In any Case in which the Grand Jury of any such Borough as aforesaid, or the Council of any such Borough, when such Council shall be the Body having Jurisdiction over the Gaols of the said Borough, shall have agreed with the Grand Jury of an adjoining County for the Maintenance by Contract of the Prisoners committed from such Borough, it shall be lawful for the Grand Jury or Council of such Borough, whether such Contract shall be perpetual or limited to a Term of Years, to present or cause to be paid, if they shall so think fit, any Sum of Money to the Grand Jury of the County with which they shall have made such Contract, to be by such last-mentioned Grand Jury, or any other Persons authorized in that Behalf, expended in or towards enlarging or repairing the Gaol or House of Correction in which it shall have been agreed to maintain the Prisoners to be committed from such Borough, and in or towards preparing such Gaol as a joint Prison for the Accommodation of such Prisoners.

Power to Grand Jury of Boroughs to present for Amount of Contracts.

LII. In any Case in which the Grand Jury of any such Borough as aforesaid, or the Council of such Borough, when such Council shall be the Body having Jurisdiction over the Gaols of the said Borough, shall, under the Provisions of this Act, have completed any Contract for the Erection or Adoption of a joint Prison in lieu of the previously existing Prison of such Borough, or shall, under the Provisions aforesaid, have entered into any perpetual Agreement with the Grand Jury of any adjoining County for the Maintenance by Contract of the Prisoners committed from such Borough, and the Grand Jury or Council of such Borough shall not deem it advisable to sell or dispose of the old Prison of such Borough, in manner authorized by the Forty-eighth Section of the Prisons Act, it shall be lawful for such Grand

Power to Grand Juries of Boroughs to grant and convey old Prisons to Grand Juries of Counties.

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Jury or Council to grant and convey to the Grand Jury of the County with which they shall have made such Contract for the Erection of a joint Prison, or for the Maintenance of the Prisoners committed from that Borough, as the Case may be, all or any of the old Prisons of such Borough, and the Ground and Soil thereof, for such Estate or Interest as such Borough, or any Person or Persons in trust for them, shall have therein, and that either gratuitously or upon such Terms and for such Sums of Money as to the Grand Jury or Council of such Borough shall seem fit, such Sum of Money to be either paid to the Treasurer of the Grand Jury or Council of such Borough by the Grand Jury to which such Prison shall be thus conveyed, or to be allowed and credited by such last-mentioned Grand Jury in their Account with the Grand Jury or Council of such Borough for the Maintenance by Contract of the Prisoners committed or removed from such Borough, or for the Contribution by such Borough towards the Expenses of such joint Prison as aforesaid; and it shall be lawful for such Grand Jury to appoint any Number of Persons, not more than Twelve nor less than Six, to be Trustees for receiving such Grant or Conveyance as aforesaid, and such old Prison (in case the Grand Jury of the County to which it shall have been so conveyed shall think fit at any Time afterwards to employ it as a Gaol or to confine Prisoners therein) shall, for all Purposes relative to the Jurisdiction of Justices of the Peace, and other Persons empowered to act in the Government of the Prisons of such County, be deemed to be within such County.

As to Trial of Prisoners committed or removed to joint Prisons or to County Prisons under Contracts.

LIII. All Prisoners, as well Debtors as Criminals, committed or removed to, or confined in, any such joint Prison as aforesaid from the County which was Party to the Contract under which such Prison was provided, shall be dealt with and be triable and tried in the same Manner as if such Prison were the Common Gaol of the County from which any such Prisoner was committed or removed; and all Prisoners, as well Debtors as Criminals, committed or removed to, or confined in; any such joint Prison as aforesaid from the Borough which was Party to the Contract under which such Prison was provided, and also all Prisoners, as well Debtors as Criminals, confined as aforesaid in the Gaol or House of Correction of any County, shall be dealt with in like Manner as if such joint Prison, or, as the Case may be, such County Prison, were the Common Gaol of the Borough from which any such Prisoner was committed or removed; and every Prisoner committed or removed before Trial from any Borough to any such joint Prison, or, as the Case may be, to such County Prison, shall be triable and tried in the Manner heretofore accustomed, and in the usual Place of Trial of such Borough, or other the Place in which he or she would or might have been tried if this Act had not been passed; and it shall be lawful for the Magistrates, or other proper Officers of such Borough, to direct the Removal of such Prisoner for Trial, and to do all other Acts necessary for such Trial or consequent thereon: Provided nevertheless, that nothing in this Act contained shall be deemed or taken to control, or in any Manner limit or interfere with any Power which is by an Act of the Session holden in the Fifth and Sixth Years of King *William* the Fourth, Chapter Twenty-six, or by an Act of the Session holden in the Thirteenth and Fourteenth Years of Her Majesty, Chapter Eighty-five, or by any other Act now in force, vested in the Lord Lieutenant of *Ireland*, of altering, with the Advice of Her Majesty's Privy Council in *Ireland*, the Place of holding the Assizes or Sessions, or special Commission or Commissions of Oyer and Terminer, of or for any County, County of a City, or County of a Town, in *Ireland*, or to interfere with or in any Manner invalidate or affect any Order in Council heretofore made for that Purpose, under the Authority of the said Acts or any of them.

As to granting Compensations to Officers of Prisons previously existing becoming unnecessary.

LIV. Whenever the Grand Jury of any such Borough as aforesaid, or the Council of such Borough, shall, under the Provisions of this Act, have completed any Contract for the Erection or Adoption of a joint Prison in lieu of the previously existing Prisons of such Borough, or shall, under the Provisions aforesaid, have entered into any Agreement (whether perpetual or limited to a Term of Years) with the Grand Jury of any adjoining County for the Maintenance by Contract of the Prisoners committed from such Borough, and whenever, by reason of the Removal of the Prisoners from the Borough Gaols to the joint Prison or County Gaol, pursuant to such Contract, any Officers of any Gaol or House of Correction of such Borough shall become unnecessary and shall be discharged from their respective Offices, every such Officer shall be entitled during his or her Life to such annual Allowance or Compensation, if any, not exceeding in Amount Two Thirds of the annual Salary to which such Officer shall have been entitled, as shall be fixed and ascertained for that Purpose by the Grand Jury, or, as the Case may be, by the Council of such Borough, at the Assizes next after the Time when such Officer shall become unnecessary and shall be discharged as aforesaid; or in case same shall not be fixed and ascertained at said Assizes, then to such annual Allowance or Compensation, if any, not exceeding the Rate aforesaid, as shall be so fixed and ascertained at the next subsequent Assizes; and the Grand Jury, or, as the Case may be, the Council of such Borough, shall at each Assizes, without Application to Presentment Sessions, present One Moiety of such respective Allowance or Compensation to every or any such Officer so discharged for the Cause aforesaid, during his or her Life, which respective Sums shall from Time to Time be raised, levied, and paid as other Sums raised and levied under Presentments of the Grand Jury at the same Assizes: Provided always, that no such annual Allowance or Sum shall, in any Case, exceed Two Thirds of the annual Salary to which such Officer shall have been entitled at the Time of his Discharge as aforesaid: Provided further, that if any Officer for whom any such Compensation shall be presented shall at any Time afterwards be nominated or appointed to any Office or Employment in

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or relating to any of the Gaols of the County and Borough which shall be Parties to such Agreement, or of either of them, the Salary and Emolument of which Office or Employment shall be equal to or exceed the Amount of Salary and Emoluments of which such Officer was in receipt at the Time of his Discharge as aforesaid, then and in such Case the Compensation so hereby provided for every Person so nominated or appointed shall cease and determine from the Day of such Nomination or Appointment; and provided further, that if any such discharged Officer who shall be so nominated or appointed as aforesaid shall decline or refuse to accept such Office or Employment, his or her Compensation under this Act shall cease and determine.

## C A P. LXIX.

An Act to render more effectual the Police in Counties and Boroughs in *England and Wales*.

[21st July 1856.]

‘ WHEREAS an Act was passed in the Session holden in the Second and Third Years of Her Majesty (Chapter Ninety-three), “for the Establishment of County and District Constables by the Authority of Justices of the Peace,” which Act was amended by an Act passed in the Session holden in the Third and Fourth Years of Her Majesty, Chapter Eighty-eight: And whereas a Police Force has been established under the Authority of the said Acts in several Counties and Parts of Counties in *England and Wales*: And whereas by the Act of the Session holden in the Fifth and Sixth Years of King *William the Fourth* (Chapter Seventy-six), “to provide for the Regulation of Municipal Corporations in *England and Wales*,” Provision is made for the Appointment of Constables in all Boroughs in *England and Wales* which are subject to that Act: And whereas, under the said secondly-mentioned Act, Power is given to Justices of Counties and Councils of Boroughs to agree for the Consolidation of the County and Borough Police Establishments: And whereas, for the more effectual Prevention and Detection of Crime, Suppression of Vagrancy, and Maintenance of good Order, it is expedient that further Provision should be made for securing an efficient Police Force throughout *England and Wales*: Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

2 &amp; 3 Vict. c. 93.

3 &amp; 4 Vict. c. 88.

5 &amp; 6 W. 4. c. 76.

I. In every County in which a Constabulary has not been already established for the whole of such County under the said Acts of the Second and Third and Third and Fourth Years of Her Majesty, or either of them, the Justices of such County at the General or Quarter Sessions holden next after the First Day of *December* One thousand eight hundred and fifty-six, shall proceed to establish a sufficient Police Force for the whole of such County, or where a Constabulary is already established in Part of such County then for the Residue of such County, and for that Purpose shall declare the Number of Constables they propose should be appointed, and the Rates of Pay which it would be expedient to pay to the Chief and other Constables, and shall report such their Proceedings to One of Her Majesty’s Principal Secretaries of State; and upon the Receipt from the Secretary of State of such Rules as are mentioned in Section Three of the said Act of the Second and Third Years of Her Majesty, all the Provisions of the said Acts of the Second and Third and Third and Fourth Years of Her Majesty shall take effect and be applicable in relation to such County, in like Manner as by the said Acts provided, upon the Adoption of such Acts for any County by the Justices thereof, and the Receipt of such Rules as aforesaid from the Secretary of State, subject nevertheless to the Amendments contained in this Act.

If Constabulary not already established for the whole of a County, Justices in General or Quarter Sessions to cause same to be established; if established in Part of County, then for Residue of County.

II. Provided always, That the Enactment herein-before contained shall not apply to any County where, before the said General or Quarter Sessions holden next after the said First Day of *December*, the Justices of the Peace of such County have sent to the Secretary of State such Report as is required by the said Act of the Second and Third Years of Her Majesty, in order to establish a Police Force for the whole of such County, or for such Residue thereof as aforesaid, (as the Case may be,) and the Proceedings upon and in relation to such Report, and consequent thereupon, shall and may be had and continued according to the said Acts as amended by the Enactments herein contained.

Not to apply to Counties where Report has been sent to Secretary of State under 2 & 3 Vict. c. 93.

III. In any County where, after the Establishment, under the said Acts of Her Majesty or either of them, of a Constabulary for any Division or Divisions thereof, Constables have been or shall be appointed under such Acts and this Act, or any of them, for the Residue of the County, or for Divisions constituting together such Residue, there shall be One General County Police Establishment, and any Divisional Police Establishment or Establishments which may have been constituted in such County shall be consolidated with and form Part thereof, and a Chief Constable shall be appointed for such County, in like Manner and with the like Powers as in any Case where a Police Force is established for the whole County in the first instance.

Constabulary Establishments in Divisions of a County to be consolidated into One County Police Force.

IV. In case it appear to Her Majesty in Council, upon the Petition of Persons contributing, or who, on the Establishment of a Constabulary under the said Acts of the Second and Third and Third and Fourth Years of Her Majesty, or this Act, will be liable to contribute to the Police Rate of any County, that a Distinction should be made in the Number of Constables to be appointed to keep the Peace in different Parts of such County, it shall be lawful for Her Majesty, by the Advice of Her Privy Council, to order and require the Justices of such County to exercise the Powers given by the said Act of the

Her Majesty may, by Order in Council, require separate Police Districts to be constituted in Counties.

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Third and Fourth Years of Her Majesty, for the Division of such County into Police Districts ; and the said Justices shall thereupon, in manner directed by such Act, and subject to such Approval as therein mentioned, divide such County into such Police Districts as shall appear to them most convenient, and declare the Number of Constables which ought to be appointed for each Police District ; and the Extent of such Districts, and the Number of Constables appointed for each, may be altered as in the said Act provided ; and the Expenses to be defrayed by each such Police District shall be ascertained in the Manner provided by the said last-mentioned Act, and the Police Rates assessed and levied therein accordingly : Provided, that Notice of every such Petition, and of the Time when it shall please Her Majesty to order that the same be taken into consideration by Her Privy Council, shall be published in the *London Gazette* One Month at least before such Petition shall be considered.

Her Majesty in Council, on Representations from Boroughs, may arrange Terms of Consolidation with Counties.

V. In case it be represented to One of Her Majesty's Principal Secretaries of State by the Council of any Borough, that Application has been made by such Council to the Justices of any County in or adjoining to which such Borough is situate, to consolidate the Police of such County and Borough in the Manner provided by the Fourteenth Section of the said Act of the Third and Fourth Years of Her Majesty, and that such Consolidation has not been effected, it shall be lawful for such Principal Secretary of State to inquire into the Terms of Consolidation proposed, and to report thereon to Her Majesty in Council ; and it shall be lawful for Her Majesty, with the Advice of Her Privy Council, to fix the Terms and Conditions and Date upon and from which such Consolidation shall take effect, and thereupon the Provisions of such last-mentioned Act shall become applicable as if such Consolidation had been effected by an Agreement made under the said Section, save so far as such Provisions relate to the Determination of such Agreement ; and it shall be lawful for Her Majesty, with the Advice of Her Privy Council, at any Time and from Time to Time to vary the Terms of any such Consolidation, or at any Time to determine such Consolidation upon such Terms as to Her Majesty in Council may seem just.

Power to Her Majesty to vary such Terms from Time to Time.

County Constables to have the like Powers, &c. in Boroughs as Borough Constables have in the County.

VI. The Constables of every County appointed under the said Acts of the Second and Third and Third and Fourth Years of Her Majesty, or either of them, or this Act, shall have, in every Borough situate wholly or in part within such County, or within any County or Part of a County in which they have Authority, all such Powers and Privileges and be liable to all such Duties and Responsibilities as the Constables appointed for such Borough have and are liable to within any such County, and shall obey all such lawful Commands as they may from Time to Time receive from any of the Justices of the Peace having Jurisdiction within any such Borough in which they shall be called on to act as Constables, for conducting themselves in the Execution of their Office.

Constables to perform Duties connected with the Police as directed by Justices, &c.

VII. The Constables acting under the said Acts of the Second and Third and Third and Fourth Years of Her Majesty, the Fifth and Sixth Years of King *William* the Fourth, and this Act, or any of the said Acts, shall, in addition to their ordinary Duties, perform all such Duties connected with the Police in their respective Counties or Boroughs as the Justices in General or Quarter Sessions assembled, or the Watch Committees of such respective Counties or Boroughs, from Time to Time direct and require.

Constable not to receive to his own Use Fees for Performance of his Duties.

VIII. It shall not be lawful for any Constable acting under the said Acts of the Second and Third and Third and Fourth Years of Her Majesty, and the Fifth and Sixth Years of King *William* the Fourth, and this Act, or any of the said Acts, (other than a local Constable appointed under the said Act of the Third and Fourth Years of Her Majesty,) to receive to his own Use any Fee for the Performance of any Act done by him in the Execution of his Duty as such Constable ; but this Enactment shall not extend to prevent the Receipt by any such Constable of any Fee or other Payment legally payable which he may be liable to account for and pay over to the Treasurer of the County or Borough, or otherwise for the Use of the County or Borough, or which may be payable to or applied in aid of any Police Superannuation Fund established or to be established in any Borough, under the Provisions of the Act of the Session holden in the Eleventh and Twelfth Years of Her Majesty, Chapter Fourteen, or of any Local or other Act of Parliament.

Borough Constables disqualified from voting at certain Elections.

IX. No Head or other Constable already appointed or hereafter to be appointed for any Borough, under the said Act of the Fifth and Sixth Years of King *William* the Fourth, except Special Constables, shall, during the Time he continues to be such Constable, or within Six Calendar Months after he has ceased to be such Constable, be capable of giving his Vote for the Election of any Person to any Municipal Office in such Borough, or for the Election of a Member to serve in Parliament for such Borough or any County in or to which such Borough is situate, either wholly or in part, or adjoins, or for any Borough within any such County, nor shall any such Constable, by Word, Message, Writing, or in any other Manner, endeavour to persuade any Elector to give or dissuade any Elector from giving his Vote for the Choice of any Person to hold any Municipal Office in such Borough, or to be a Member to serve in Parliament for any such Borough or County ; and if any such Constable shall offend therein he shall forfeit the Sum of Ten Pounds, to be recovered in any Court of competent Jurisdiction, by any Person who shall sue for the same within Six Months after the Commission of the Offence, and One Half of the Sum recovered shall be paid to the Person suing for the same, and the other Half to the Treasurer of the Borough : Provided always, that nothing herein contained shall subject any Constable to any Penalty for any Act done by him at or concerning any of the said Elections in the Discharge of his Duty.

X. It

*Police (Counties and Boroughs).*

X. It shall be lawful for the Justices of any County in General or Quarter Sessions assembled, if they think fit, upon the Recommendation of the Chief Constable, and upon his certifying that any Constable belonging to the Police Force of the County, who has not served so long as Fifteen Years, is incapable from Infirmity of Mind or Body to discharge the Duties of his Office, to order that such Constable shall receive out of the Superannuation Fund mentioned in the said Act of the Third and Fourth Years of Her Majesty such Sum in gross as a Gratuity upon his Retirement as to the said Justices may seem proper.

Power to grant Gratuities to incapacitated Constables who have not served Fifteen Years.

XI. If at any Time the Superannuation Fund mentioned in the said Act of the Third and Fourth Years of Her Majesty be insufficient (otherwise than by reason of any Default of any Treasurer or other Person entrusted with the Custody or Management thereof) to pay the Superannuation or Retiring Allowances and Gratuities payable thereout, the Amount which such Fund shall from Time to Time be insufficient to pay shall be defrayed by the Police Rate, and, where the County is divided into Police Districts, shall be defrayed by the several Districts as Parts of the local Expenditure thereof, rateably in proportion to the Number of Constables appointed for each such District respectively.

Deficiency in Superannuation Fund to be made up out of Police Rate.

XII. It shall be lawful for the Magistrates in General or Quarter Sessions assembled, if they so think fit, to grant Gratuities to such Officers as may be removed from their Appointments in consequence of the Duties of such Officers being transferred to Persons belonging to the Police Establishment.

Gratuities to Officers superseded by County Police.

XIII. It shall be lawful for the Justices of any County in General or Quarter Sessions assembled, if they see fit, to grant to any Chief Constable of the County, on his ceasing to be such Chief Constable, such annual Sum by way of Superannuation Allowance as they think fit; and such Superannuation Allowance shall be paid out of the Police Rate of the County, and shall, in the Case of a County which is divided into Police Districts, be deemed Part of the general Expenditure, and be defrayed accordingly: Provided always, that no such Allowance shall be granted to any Chief Constable under Sixty Years of Age, unless the said Justices be satisfied that he is incapable from Infirmity of Mind or Body to discharge the Duties of his Office; and Section Eleven of the said secondly-recited Act, as to the proportionate Amount of the Superannuation Allowance of any Petty Constable, shall apply to the Superannuation Allowance to be granted to any Chief Constable.

Power to grant Superannuations to Chief Constables, to be paid out of the Police Rate.

XIV. The Justices of every County and the Watch Committee of every Borough shall, in the Month of *October* in every Year, transmit to One of Her Majesty's Principal Secretaries of State a Statement, in such Form as One of the said Secretaries of State may from Time to Time direct, for the Year ending the Twenty-ninth Day of *September* then last, of the Number of Offences reported to the Police within such County or Borough respectively, the Number of Persons apprehended by the Police, the Nature of the Charges against them, the Result of the Proceedings taken thereupon, and any other Particulars relating to the State of Crime within such County or Borough which such Justices or Watch Committee may think it material to furnish, and a classified Abstract of all such Reports and Returns shall be annually prepared and laid before Parliament.

Annual Statement as to Crime in Counties and Boroughs to be furnished to Secretary of State.

XV. It shall be lawful for Her Majesty, by Warrant under Her Royal Sign Manual, to appoint during Her Majesty's Pleasure Three Persons as Inspectors under this Act, to visit and inquire into the State and the Efficiency of the Police appointed for every County and Borough, and whether the Provisions of the Acts under which such Police are appointed are duly observed and carried into effect, and also into the State of the Police Stations, Charge Rooms, Cells, or Lock-ups, or other Premises occupied for the Use of such Police; and each of the Inspectors so appointed shall report generally upon such Matters to One of Her Majesty's Principal Secretaries of State, who shall cause such Reports to be laid before Parliament; and such Inspectors shall be paid, out of such Money as may be provided by Parliament for the Purpose, such Salaries and Allowances as shall be determined by the Commissioners of Her Majesty's Treasury.

Power to Her Majesty to appoint Inspectors for inquiring into State and Efficiency of the Police in Counties and Boroughs, &c.

XVI. Upon the Certificate of One of Her Majesty's Principal Secretaries of State, that the Police of any County or Borough established under the Provisions of the said Acts and this Act, or any of them, has been maintained in a State of Efficiency in point of Numbers and Discipline for the Year ending on the Twenty-ninth of *September* then last past, it shall be lawful for the Commissioners of Her Majesty's Treasury to pay from Time to Time, out of the Monies provided by Parliament for the Purpose, such Sum towards the Expenses of such Police for the Year mentioned in such Certificate as shall not exceed One Fourth of the Charge for their Pay and Clothing, but such Payment shall not extend to any additional Constables appointed under the Nineteenth Section of the said Act of the Third and Fourth Years of Her Majesty; provided that before any such Certificate shall be finally withheld in respect of the Police of any County or Borough, the Report of the Inspector relating to the Police of such County or Borough shall be sent to the Justices of such County, or to the Watch Committee of such Borough, who may address any Statement relating thereto to the Secretary of State; and in every Case in which such Certificate is withheld, a Statement of the Grounds on which the Secretary of State has withheld such Certificate, together with any such Statement of the Justices or Watch Committee as aforesaid, shall be laid before Parliament.

On Certificate of Secretary of State that an efficient Police has been established in any County or Borough, One Fourth of the Charge for Pay and Clothing to be paid by the Treasury;

XVII. No such Sum as aforesaid shall be paid towards the Pay and Clothing of the Police of any Borough, not being consolidated with the Police of a County under the said Act of the Third and Fourth Years of Her Majesty, or this Act, the Population of which Borough according to the last Parliamentary Enumeration for the Time being does not exceed Five thousand.

but not to Boroughs where Population less than 5,000, &c.

*Police (Counties and Boroughs).*

Provisions relating to Borough Police to be applicable to the Police in the Places referred to in Section 20 of 3 & 4 Vict. c. 88. until discontinued.

XVIII. Until the Constables or Watchmen appointed in and for any Parish, Town, or Place under the Act passed in the Session holden in the Third and Fourth Years of King *William* the Fourth, Chapter Ninety, or under any Local Act authorizing the Appointment of Constables or Watchmen, and authorizing Rates to be made and levied for the Purpose of defraying the Expenses of such Constables or Watchmen, are discontinued as a separate Force in manner provided by Section Twenty of the said Act of the Third and Fourth Years of Her Majesty and by this Act, all the Provisions of this Act applicable to the Constables of any Borough acting under the said Act of the Fifth and Sixth Years of King *William* the Fourth shall be applicable to the Constables or Watchmen appointed under the said Act of the Third and Fourth Years of King *William* the Fourth, or under such Local Act as aforesaid, in and for such Parish, Town, or Place, and until such Discontinuance all the Provisions of this Act applicable to the Watch Committee of a Borough shall be applicable to the Inspectors, Commissioners, or other Persons having the Appointment of Constables or Watchmen in and for such Parish, Town, or Place, and the Police of such Parish, Town, or Place shall be visited and inquired into by the Inspectors under this Act; and the Provision in this Act enabling the Commissioners of Her Majesty's Treasury to make Payment towards the Expenses of the Police of a Borough having a Population exceeding Five thousand, shall, until such Discontinuance, extend to the Police of such Parish, Town, or Place as aforesaid having the like Population.

The separate Police in such Places (having a Population of 15,000) not to be superseded without the Authority of the Secretary of State.

XIX. Provided, That where any such Parish, Town, or Place, having such Constables or Watchmen as aforesaid, contains, according to the last Parliamentary Enumeration, a Population of Fifteen thousand Persons or upwards, the Chief Constable of the County in which such Parish, Town, or Place is situate shall not give Notice, under the said Section Twenty of the said Act of the Third and Fourth Years of Her Majesty, that he is ready to undertake the Charge of such Parish, Town, or Place, without the previous Authority of One of Her Majesty's Principal Secretaries of State; and Notice of the Intention of the Chief Constable to apply to the Secretary of State for such Authority shall be published by such Chief Constable in such Parish, Town, or Place, in manner directed by the said Section Twenty respecting the Publication of the Notice therein mentioned, Fourteen Days at least before such Application is made.

As to Agreement under 3 & 4 Vict. c. 88. s. 14.

XX. No Agreement made under Section Fourteen of the said Act of the Third and Fourth Years of Her Majesty shall be put an end to without the Sanction of One of Her Majesty's Principal Secretaries of State.

3 & 4 Vict. c. 88. s. 24. repealed.

XXI. Section Twenty-four of the said Act of the Third and Fourth Years of Her Majesty shall be repealed.

Power to Justices to purchase Station Houses or Strong Rooms provided under 3 & 4 Vict. c. 88. and cause the same to be paid for out of the County Rates.

XXII. Where a Station House or Strong Room shall have been provided under the said Act of the Third and Fourth Years of Her Majesty, Section Twelve, for any Police District or Division within any County in which the Provisions of the said Act of the Second and Third Years of Her Majesty have not been put in force throughout the whole of such County before the passing of this Act, and the Cost of such Station or Strong Room has been incurred out of or now remains wholly or in part chargeable on the Police Rate for such Police District or Division, the Justices of the Peace for the County wherein such Police District or Division is situate, at any Quarter Sessions to be held after the passing of this Act, shall or may purchase such Station House or Strong Room for such Sum of Money as may be determined by such Justices, and hold the same for and on behalf of the County or Riding for the Purposes of this Act, and pay the Purchase Monies for the same out of the General County Rate for the said County; and where the Cost of erecting such Station House or Strong Room shall at the passing of this Act be chargeable by way of Mortgage either wholly or in part on the Police Rates for such Police District or Division, it shall be lawful for the said Justices to transfer such Charge from the Police Rates leviable in such Police District or Division to and continue such Charge upon the County Rate of the County in which such Police District or Division shall be situate; and the Police Rates of the said Police District or Division shall be thenceforth discharged from all future Payments in respect of the said Station House or Strong Room; and all Mortgages or other Instruments then operating by way of Charge on the said Police Rates in respect of such Station House or Strong Room shall be thereafter deemed to be Charges on the General County Rate of the said County, in the same Manner as if the same had been originally charged on such County Rate, and such Station House or Strong Room shall thenceforth be the Property of the said County for the Purposes of this Act.

Provisions of 8 & 9 Vict. c. 18. for Purpose of Purchases of Station Houses, &c. by Justices, incorporated with this Act.

XXIII. For facilitating the Purchase of Lands and Tenements for the Purposes mentioned in Section Twelve of the said Act of the Third and Fourth Years of Her Majesty, the Provisions of "The Lands Clauses Consolidation Act, 1845," except the Provisions with respect to the Purchase and taking of Lands otherwise than by Agreement, shall be incorporated with the said Act of the Third and Fourth Year of Her Majesty and this Act; and the Expression "the Promoters of the Undertaking" in the said Lands Clauses Consolidation Act shall for the Purposes of such Incorporation mean the Justices of the Peace of any County in General or Quarter Sessions assembled; and the Powers of providing Station Houses and Strong Rooms contained in Sections Twelve and Thirteen of the said Act of the Third and Fourth Years of Her Majesty and this Act shall extend to authorize the providing of such Station Houses and Strong Rooms within any Borough lying within or adjoining to the County for which the same may be provided.

XXIV. The

*Police (Counties and Boroughs).*

XXIV. The Act of the Seventh Year of the Reign of King *George* the Fourth, Chapter Eighteen, "to authorize the Disposal of unnecessary Prisons in *England*," shall extend to and include all Station Houses, Lock-up Houses, Strong Rooms, and the Sites thereof, and all other Lands and Tenements whatsoever which may at any Time be vested in the Justices of the Peace of any County, or in any Persons in trust for them, for the Purposes of the Police, and which in the Judgment of such Justices shall for any Reason whatever have become unnecessary.

XXV. And whereas in the County of *Chester* a Constabulary Force is now maintained and regulated under "The *Cheshire* Constabulary Act, 1852;" The said *Cheshire* Constabulary Force shall continue to act in their respective Appointments, and shall be subject to the same Authorities as heretofore; and "The *Cheshire* Constabulary Act, 1852," shall continue in force until a Day to be notified by the Chief Constable to be appointed for the said County of *Chester* by Writing under his Hand to the Justices for the said County in General Quarter Sessions assembled, as that on which he will be ready to take the Charge of the said County, which Notice shall be published within the said County in such Manner as shall seem fit to the said Justices; and upon the Day so named the said *Cheshire* Constabulary Force shall be discontinued, and the Powers and Provisions of "The *Cheshire* Constabulary Act, 1852," shall cease and determine: Provided always, that any Rate authorized by "The *Cheshire* Constabulary Act, 1852," and duly made previously to the Day on which the Chief Constable shall undertake the Charge of the County of *Chester* as aforesaid, shall be levied and collected in the same Manner as if this Act had not been passed; and all Sums of Money collected and received and not then applied, and to be collected and received as and for Rates levied under the Powers and Authorities of "The *Cheshire* Constabulary Act, 1852," shall be applied, after defraying all Charges to which the same shall be liable, in and towards Payment of the Police Rates to be levied under this Act and the said Act of the Third and Fourth Years of Her Majesty, upon the respective Townships and Places within the Hundreds or Divisions of Hundreds in the said County of *Chester*, by which Hundreds or Divisions of Hundreds such Sums of Money shall have been respectively contributed, and shall be apportioned as nearly as may be rateably according to the Proportions thereof respectively contributed by such Townships or Places; and the Application of such Moneys by the Clerk of the Peace for the said County of *Chester*, certified and allowed by any Two Justices of the County, shall be binding and conclusive: Provided also, that in case the Rates levied and collected under "The *Cheshire* Constabulary Act, 1852," within any such Hundred or Division, shall be insufficient to defray the Charges to which the same shall be liable, the Deficiency shall be paid out of the Rates to be levied within the said County of *Chester* under this Act and the said Act of the Third and Fourth Years of Her Majesty.

XXVI. Provided further, That in case Two Chief Constables shall be appointed for the said County of *Chester* under Section Four of the said Act of the Second and Third Years of Her Majesty, the last preceding Section of this Act shall be read and construed as applicable to the separate District of each of such Two Chief Constables, and as if the same had been specially enacted with reference to such separate District instead of the whole County.

XXVII. The Superannuation Fund formed under "The *Cheshire* Constabulary Act, 1852," shall (after Repayment thereof to such Officers of the said *Cheshire* Constabulary Force who may not be appointed Officers under this Act, and the said Acts of the Second and Third and Third and Fourth Years of Her Majesty, of such Sums of Money as shall have been deducted from their respective Salaries or contributed by them respectively to such Superannuation Fund, which Repayments shall be made by the Treasurer of such Fund accordingly,) form Part of the Superannuation Fund to be formed in the said County of *Chester* under the Provisions of the said Act of the Third and Fourth Years of Her Majesty; and any Allowance which the Justices of the said County of *Chester* have, by virtue of the said *Cheshire* Constabulary Act, 1852, ordered to be paid out of the Superannuation Fund under that Act, shall thereafter be paid out of the Superannuation Fund to be formed under the Provisions of the said Act of the Third and Fourth Years of Her Majesty.

XXVIII. The Service of any Officer in the said *Cheshire* Constabulary Force who shall be appointed an Officer under this Act and the said Acts of the Second and Third and Third and Fourth Years of Her Majesty, shall be considered an Equivalent to a Service under such Acts, for the Purpose of estimating the Allowance to be paid to any such Officer out of the Superannuation Fund to be formed in the said County of *Chester* under the said Act of the Third and Fourth Years of Her Majesty.

XXIX. An Allowance which the Justices of the said County of *Chester* have, by virtue of "The *Cheshire* Constabulary Act, 1852," ordered to be paid to the Widow of a Constable who died in the Execution of his Duty, out of the Rates to be levied and made on the Hundred of *Wirral* under that Act, shall be paid out of and be chargeable on the Rates to be levied within the said County of *Chester* by virtue of this Act and the said Act of the Third and Fourth Years of Her Majesty, or on such One of the said Rates, if such there are, as the Justices of the said County in General Quarter Sessions assembled shall from Time to Time order and direct.

XXX. The Word "County" shall in this Act have the same Meaning as is assigned to such Word in the said Act of the Third and Fourth Years of Her Majesty, except as to the Soke or Liberty of *Peterborough* in the County of *Northampton*, which for all Purposes of this and the several recited Acts shall be deemed and taken to be a County of itself; and the several Provisions in this Act and the said recited

Provisions of 7 G. 4. c. 18. as to Disposal of unnecessary Station Houses, &c. extended to this Act.

Powers of 15 & 16 Vict. c. xxxi. to continue in force in the County of *Chester* until Police shall be established under this Act.

As to Appointment of Two Chief Constables in *Cheshire*.

Provision as to Superannuation Fund under 15 & 16 Vict. c. xxxi.

As to Superannuations to certain Police Officers.

Police Rates in the County of *Chester* made liable to Annuity paid to the Widow of an Officer who died in the Execution of his Duty. Interpretation of certain Terms.

Acts

*Police (Counties and Boroughs)**Coatham Marriages Validity.*

Acts shall apply and operate in, for, and concerning the said Soke or Liberty accordingly; and the Word "Borough" shall mean any City, Borough, or Place incorporated under the Provisions of the said Act of the Fifth and Sixth Years of King *William* the Fourth, or which has otherwise become subject to the Provisions of the same Act; and every Part of the Cinque Ports, Two ancient Towns of *Winchelsea* and *Rye*, and their several Members and Liberties, which is not within the Municipal Boundaries of a Place named in One of the Schedules (A.) and (B.) to the last-mentioned Act, shall for the Purposes of the said Acts of Her Majesty and this Act be deemed to form Part of the County in which the same is situate, and shall be dealt with, under the said Acts of Her Majesty and this Act, as a Liberty which, under the said Acts of Her Majesty, forms Part of a County, notwithstanding it may be a Member or Liberty of a Place named in One of the said Schedules.

2 & 3 Vict. c. 93.  
and 3 & 4 Vict.  
c. 88. and this  
Act to be as One.  
Extent of Act.

XXXI. The said Acts of the Second and Third and of the Third and Fourth Years of Her Majesty and this Act shall be construed together as One Act.

XXXII. Nothing in this Act shall extend to any Part of the Metropolitan Police District or to the City of *London*.

## C A P. LXX.

An Act to render valid certain Marriages in the Church at *Coatham* in the Parish of *Kirk Leatham* in the County of *York*. [29th July 1856.]

WHEREAS a Church at *Coatham* otherwise *East Coatham* in the Parish of *Kirk Leatham* in the County of *York* was erected and built in or before the Year One thousand eight hundred and fifty-four, and was in that Year duly consecrated for the Performance of Divine Service therein, under the Name of the Church of *Christ, East Coatham*: And whereas, although no District had been assigned to the said Church, divers Marriages have been solemnized in such Church, under the Opinion that, according to the Terms of the Sentence of Consecration of the said Church, or otherwise, Marriages might be lawfully solemnized therein; and Entries of the said Marriages so solemnized have been from Time to Time made in Register Books kept at the said Church: And whereas it is expedient, under the Circumstances aforesaid, to confirm the Marriages so as aforesaid solemnized in the said Church: 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:

Marriages in  
Coatham  
Church valid.

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

Indemnifica-  
tion of Minis-  
ters.

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

Registers to be  
Evidence.

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

## C A P. LXXI.

An Act to continue certain Acts for regulating Turnpike Roads in *Ireland*. [29th July 1856.]

WHEREAS certain Acts for making, amending, and repairing the Turnpike Roads in *Ireland* were, by an Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of Her present Majesty, amended and continued for a Time therein limited: And whereas the said Acts were further continued from Time to Time, save as especially excepted: And whereas, under the Provisions of an Act of the last Session of Parliament, the said Acts, save as therein excepted, are further continued and will remain in force until the Thirty-first Day of *July* in the present Year, or if Parliament be then sitting until the End of the then Session of Parliament: And whereas it is expedient that any Act for making, amending, or repairing any Turnpike Road in *Ireland* which will expire on or before the End of the present Session of Parliament should be further continued: 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:

4 & 5 Vict.  
c. 6.

18 & 19 Vict.  
c. 83.

Turnpike Acts  
(I.) which will  
expire on or  
before 31st  
July 1856 con-  
tinued.

I. Any Act now in force for making, amending, or repairing any Turnpike Road in *Ireland* which will expire on the Thirty-first Day of *July* One thousand eight hundred and fifty-six, or if Parliament be then sitting at the End of the present Session of Parliament, shall be further continued, as amended by the said recited Act of the Fourth and Fifth Years of Her Majesty's Reign, until the Thirty-first Day of *July* One thousand eight hundred and fifty-seven, and to the End of the then next Session of Parliament.

Short Title.

II. In citing this Act for any Purpose whatever it shall be sufficient to use the Expression "The Annual Turnpike Acts (*Ireland*) Continuance Act, 1856."

C A P.

*Indemnity.*

*Episcopal and Capitular Estates Continuance.*

*Customs.*

C A P. LXXII.

An Act to continue "The Railways Act (*Ireland*), 1851." [29th July 1856.]  
 [14 & 15 *Vict. c. 70. continued for One Year from passing of Act.*]

C A P. LXXIII.

An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively. [29th July 1856.]  
 [This Act is the same, except as to Dates, as 17 & 18 *Vict. c. 39.*]

C A P. LXXIV.

An Act to continue the Act to facilitate the Management and Improvement of Episcopal and Capitular Estates in *England*. [29th July 1856.]  
 [14 & 15 *Vict. c. 104. as amended by 17 & 18 Vict. c. 116. further continued for One Year from End of present Session.*]

C A P. LXXV.

An Act for the further Alteration and Amendment of the Laws and Duties of Customs. [29th July 1856.]

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

I. The Duties of Customs chargeable on the Goods, Wares, and Merchandise next hereafter mentioned, Free Goods.  
 imported into the United Kingdom, shall cease and determine on and after the Sixth Day of *July* One thousand eight hundred and fifty-six:

Bichromate of Potash:  
 Metal of any Sort, old, and fit only to be re-manufactured.

II. And in lieu of the Duties of Customs now chargeable on the Articles next herein-after mentioned, New Duties.  
 imported into the United Kingdom, the following Duties of Customs shall be charged on and after the said Sixth Day of *July* One thousand eight hundred and fifty-six:

	£	s.	d.
Beer, Spruce, the Barrel	-	-	1 0 0
Musical Instruments; viz., Instruments of Brass, Copper, or of any other Metal, and	-	-	-
Parts of such	-	-	the lb. 0 0 9
Vinegar.	-	-	- the Gallon 0 0 3

III. Every Person who shall wilfully cut away, cast adrift, remove, alter, deface, sink, or destroy, or in any other Way injure or conceal, any Boat, Buoy, Rope, or Mark in the Charge of or used by any Person for the Prevention of Smuggling, or in or for the Use of the Service of the Customs, shall for every such Offence forfeit the Sum of Ten Pounds, Penalty for cutting adrift Boats belonging to the Customs.

IV. The Bailiff or Chief Magistrate of *Guernsey* and *Jersey*, and the Judge and Magistrates of *Alderney*, shall have the same Powers as are by Section Twenty-two of "The Supplemental Customs Consolidation Act, 1855," extended to Jurats of the *Channel Islands*. As to Powers of Bailiff, &c. in Channel Islands.

V. The Commissioners of Customs may, out of any Money in their Hands voted by Parliament, allow and pay for the necessary Subsistence of any poor Person confined in any Prison in the *Channel Islands*, under or by virtue of any Process for the Recovery of any Duties, Penalties, or Forfeitures under this or any other Act relating to the Customs, such weekly or daily Sum as by the Regulations of the Prison in which such poor Person may be confined is required for the Maintenance of poor Insolvent Debtors, and also such Gaol Fees as are properly payable in respect of any Prisoner or Defendant at the Suit of the Crown for any Offence against the Laws relating to the Customs. Subsistence Allowance to poor Prisoners, and Payment of Gaol Fees in Channel Islands.

VI. 'Whereas by an Act of the Second and Third Years of the Reign of King *William* the Fourth, Chapter Ninety, the Commissioners of Her Majesty's Treasury, or any Three or more of them, are empowered to grant to certain Inspectors and Meters of Coals in the City of *Dublin* entitled to certain Fees and Payments a Compensation for the Loss of the same, not exceeding in Amount to any one of them the respective Sums set forth in the Schedule to that Act: And whereas by the said Act the Sum of Fourpence was, with Power from Time to Time to reduce the same, imposed upon every Ton of Coals imported into the Port of *Dublin*, to provide a Fund for Payment of such Compensation, and the same has been reduced to One Halfpenny per Ton: And whereas it is expedient to provide for the Disposal of the same and any further surplus Monies arising from such Fund during the Existence of the Persons so entitled to such Compensation: And whereas it is expedient, with a view to the Abolition

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Customs.	Charities.	Court of Chancery (Ireland) (Receivers).
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tion of the said Tolls at the earliest possible Period, to provide for the Disposal of any Sums now in hand, and any further surplus Monies arising from the Collection of such Tolls, in the Purchase of Government Annuities on the Lives of the Persons entitled to Compensation under the said Act, and apply the same in satisfaction thereof, whereupon the said Tolls may cease.' Be it enacted, That the Commissioners of Customs, out of any such surplus Monies now in their Hands, or which may hereafter from Time to Time come to their Hands by virtue of the said Act, may invest the same in the Purchase of Government Annuities, and pay and apply such Annuities to the Use and Benefit of such Persons as may during their Lives respectively be entitled to receive the Compensation Allowances granted under and by virtue of the said Act.

Costs awarded to Crown, by whom to be received.

VII. All Sums, including Justices Clerks Fees, awarded to be paid as Costs to or for Her Majesty by any Justice in respect of any Proceedings for the Recovery of any Duty, Penalty, or Forfeiture under any Act relating to the Customs or to Trade or Navigation, shall be paid over to the Collector of Customs at the Port where any such Proceedings may be instituted, who shall account for the same in such Manner as the Commissioners of Customs may direct.

As to Fees payable to Justices Clerks.

VIII. There shall be payable to Justices Clerks, in respect of formal Investigations into Wrecks, under the Provisions of "The Merchant Shipping Act, 1854," held at the Instance of the Solicitor for the Customs, by Direction of the Board of Trade, or at the Request of any Officer of Customs or Coast Guard, the several Sums specified in the Table of Fees to this Act annexed.

Act to be registered in Guernsey and Jersey.

IX. This Act shall be registered in the Royal Courts of *Guernsey* and *Jersey* respectively, and the said Royal Courts respectively shall have full Power and Authority and are hereby required to register the same.

Commencement of Act.

X. This Act shall be deemed to commence and come into operation from and after the Fifth Day of *July* One thousand eight hundred and fifty-six.

TABLE of FEES referred to in the foregoing Act.

	£	s.	d.
Taking Instructions to hold Investigation	-	-	0 3 4
Convening Justices	-	-	0 5 0
Summons (and Duplicate) to Witness	-	-	0 3 0
For Officer or Person employed to serve Summons	-	-	0 2 6
Taking down Examination of Witness in Writing	-	-	0 0 8
Copy of Evidence (when required)	-	-	0 0 2
Drawing Report to Board of Trade	-	-	0 1 0
Fair Copy	-	-	0 0 4
Attending Justices for their Approval and Signature	-	-	0 3 4
Letter to Board of Trade with Report	-	-	0 3 6

C A P. LXXVI.

An Act to continue for a limited Time the Exemption of certain Charities from the Operation of the Charitable Trusts Acts. [29th *July* 1856.]

16 & 17 Vict. c. 137.

WHEREAS by the Charitable Trusts Act, 1853, it was provided, that such Act should not for the Period of Two Years from the passing thereof extend or be in any Manner applied to Charities or Institutions the Funds or Income of which were applicable exclusively for the Benefit of Persons of the Roman Catholic Persuasion, and which were under the Superintendence or Control of Persons of that Persuasion: And whereas by the Charitable Trusts Amendment Act, 1855, such Charities or Institutions as aforesaid were exempted in like Manner from the Operation of the said Amendment Act, and the Exemption so extended was continued until the First Day of *September* One thousand eight hundred and fifty-six: And whereas it is expedient that such Exemption should be continued as herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

18 & 19 Vict. c. 124.

I. The said Acts shall not, until the First Day of *September* One thousand eight hundred and fifty-seven, extend or be in any Manner applied to the Charities or Institutions aforesaid.

Exemption continued until 1st *September* 1857.

C A P. LXXVII.

An Act to amend the Law and Practice of the Court of Chancery in *Ireland* in relation to the Appointment of Receivers over Real Estate, and to expedite the Sale of Estates in the said Court. [29th *July* 1856.]

WHEREAS the levying of Charges upon Real Estate through the Medium of Receivers appointed by the Court of Chancery in *Ireland* is productive of Injury and Inconvenience, and is often attended with Expense wholly disproportionate to any Benefits derived therefrom; and it is expedient to



*Court of Chancery (Ireland) (Receivers). Unlawful Oaths (Ireland). Bankruptcy (Scotland).*

‘ to diminish the Necessity for appointing Receivers by giving to the Court increased Facilities for the Sale of Real Estate, and that the Court should in all Cases of Applications to appoint Receivers have a Discretion to refuse or postpone the Appointment as herein-after is provided :’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

I. The Expression “the Court” when used in this Act shall mean “the Court of Chancery in *Ireland*,” and shall include the Chancellor, Master of the Rolls, and each of the Masters in Ordinary acting within their respective Jurisdictions ; “Suit” shall include “Cause,” “Petition,” and “Matter.”

Interpretation of Terms.

II. When by the Law or Practice of the Court, or by any Act of Parliament, the Court is or shall be empowered to appoint a Receiver over Real Estate for Payment of any Charge thereon, the Court in exercising such Jurisdiction may have Regard to the Amount of the Charge and of the Rental of the Estate, and also to the other Remedies and Securities (if any) possessed by the Person entitled to the Charge, and to the other Circumstances of the Case ; and if the Court shall be of opinion that the Appointment of a Receiver is unnecessary or inexpedient, or would not be productive of substantial Benefit to the Person entitled to the Charge, it shall be lawful for the Court to decline or postpone appointing a Receiver, and the Costs of any Application for the Appointment of a Receiver shall be in the Discretion of the Court.

Court to have a Discretion in appointing Receivers.

III. No Receiver shall be appointed in respect of any Judgment or Judgment Mortgage where the Sum due on Foot of such Judgment shall not exceed One hundred and fifty Pounds, nor where the Rental of the Estate over which the Receiver is sought to be appointed shall not exceed One hundred Pounds *per Annum* ; provided, that nothing in this Section contained shall prevent the making of any Order to extend to a Receiver already appointed.

No Receiver to be appointed where Sum due shall not exceed 150*l.*, &c.

IV. Nothing in this Act contained shall extend to affect the Jurisdiction of the Court to appoint Receivers for the Payment of Tithes or Tithe Rentcharge, but such Receivers shall be appointed by the Court as if this Act had not passed.

Extent of Act.

V. The Act of the Parliament of *Ireland* passed in the Eleventh and Twelfth Years of the Reign of His Majesty King *George* the Third, intituled *An Act for rendering Securities by Mortgage more effectual*, is hereby repealed, save as to any Proceeding in any Court of Justice instituted prior to the passing of this Act, and any such Proceeding may be continued and prosecuted as if this Act had not passed.

Act of Parliament of Ireland 11 & 12 G. 3. c. 10. repealed.

VI. It shall be lawful for the Court in any Suit pending or to be instituted therein in relation to any Real Estate, if it shall appear to the Court that it will be necessary or expedient that the said Real Estate, or any Part thereof, should be sold for the Purposes of such Suit, to direct the same to be sold at any Time after the Institution of such Suit, and such Sale shall be as valid to all Intents and Purposes as if directed to be made by a Decree or decretal Order on the Hearing of such Suit, or at any other Stage of the Proceedings therein, and shall be carried out according to the Course and Practice of the Court, and according to such general Orders as may from Time to Time be made by the Court for regulating such Sales and securing the Title of the Purchasers thereunder ; and any Party to the Suit in possession of such Estate, or in receipt of the Rents and Profits thereof, shall be compelled to deliver up such Possession or Receipt to the Purchaser or such other Person as the Court shall direct.

Power to Court to direct Sale of Estate at any Stage of Suit.

## C A P. LXXVIII.

An Act to continue the Act of the Second and Third Years of Her Majesty, Chapter Seventy-four, for preventing the administering and taking of unlawful Oaths in *Ireland*, as amended by an Act of the Eleventh and Twelfth Years of Her Majesty’s Reign. [29th July 1856.]

[2 & 3 Vict. c. 74. as amended by 11 & 12 Vict. c. 89. further continued for Five Years from passing of Act.]

## C A P. LXXIX.

An Act to consolidate and amend the Laws relating to Bankruptcy in *Scotland*.

[29th July 1856.]

‘ WHEREAS it is expedient to consolidate and amend the Laws relating to Insolvency and Bankruptcy, and for regulating the Sequestration of Estates of Bankrupts, 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 :

I. This Act may be cited as the “Bankruptcy (*Scotland*) Act, 1856,” and shall come into operation on and after the First Day of *November* One thousand eight hundred and fifty-six.

Short Title and Commencement of Act.

II. The Acts passed in the Sessions of Parliament holden in the Fifty-fourth Year of the Reign of His Majesty King *George* the Third, Chapter One hundred and thirty-seven, and in the Second and Third Year of the Reign of Her present Majesty, Chapter Forty-one, and in the Sixteenth and Seventeenth

54 G. 3. c. 137. 2 & 3 Vict. c. 41. and

*Bankruptcy (Scotland).*

16 & 17 Vict.  
c. 53. repealed.

teenth Year of the Reign of Her present Majesty, Chapter Fifty-three, are hereby repealed; saving always their Effect in regard to any Act or Deed done or granted prior to the Date of this Act coming into operation.

Effect on exist-  
ing Sequestra-  
tions.

III. All Sequestrations awarded on and after the said Date, or Proceedings occurring on or after the said Date in Sequestrations which have been awarded before it under former Acts, unless it be otherwise herein-after provided, shall, if and so soon as an Interlocutor to that Effect pronounced by the Lord Ordinary shall become final, or if and so soon as an Interlocutor to that Effect shall be pronounced by the Court, be regulated by this Act: Provided always, that until such Interlocutor by the Lord Ordinary shall become final, or until such Interlocutor shall be pronounced by the Court, Proceedings in Sequestrations awarded before the said Date shall be conducted as if the Acts hereby repealed were still in force, and such Proceedings shall thereon be as valid as if the said Acts were unrepealed.

Construction  
and Meaning  
of certain  
Words.

IV. In this Act the Words "Lord Ordinary" shall mean the Lord Ordinary officiating on the Bills in the Court of Session; the Word "Deliverance" shall include any Order, Warrant, Judgment, Decision, Interlocutor, or Decree; the Words "Clerk or Officer of the Court of Session" shall include the Keeper of the Register of Abbreviates of Adjudications; the Word "Accountant" shall mean the Accountant in Bankruptcy appointed under this Act; the Word "Gazette" shall signify the *Edinburgh Gazette*; the Word "Commissioners" shall mean a Majority of the Commissioners elected under the Provisions of this Act; the Words "Property" and "Estate" shall, when not expressly restricted, include every Kind of Property, Heritable or Moveable, wherever situated, and all Rights, Powers, and Interests therein capable of legal Alienation, or of being affected by Diligence or attached for Debt; the Word "Moveable" shall include Personal, and the Word "Heritable" shall include Real; the Word "Security" shall include Securities, Heritable or Moveable, and Rights of Lien, Retention, or Preference, and Conveyances thereof and any Part thereof; the Word "Sheriff" shall include Sheriff Substitute, unless the Context indicate the contrary; the Word "Successors" shall include all Persons who have succeeded to any Property which was vested in a Party deceased at the Time of his Death, whether as Heirs, Heirs Apparent, Trustees under voluntary Conveyances, Representatives by Deed or otherwise, Executors, Administrators, or nearest of Kin, or as Assignees, or Legatees, and shall also include Singular Successors where they have acquired the Right; the Word "Vote" shall, as well as the ordinary Meaning thereof, include a Consent to any Offer of Composition, and to a Discharge of the Debtor, and also a Dissent from such Offer or Discharge; the Word "Company" shall include Bodies Corporate, Politic, or Collegiate, and Partnerships; the Words "Partner of a Company" shall include the Members of such Bodies; the Words "Debtor," "Bankrupt," and "Creditor" shall apply to Companies as well as Individuals, and shall include Aliens, unless in this, and also in the other Cases herein-above specified, a different Construction shall be provided.

Reckoning of  
Time.

V. Periods of Time in this Act shall be reckoned exclusive of the Day from which such Period is directed to run.

Dates of Deeds.

VI. The Date of a Deed under this Act, or under the Act passed in the Parliament of *Scotland* held in the Year One thousand six hundred and ninety-six, Chapter Five, shall be the Date of recording of the Sasine, where Sasine is requisite, and, in other Cases, of Registration of the Deed, or of Delivery, or of Intimation, or of such other Proceeding as shall in the particular Case be requisite for rendering such Deed completely effectual.

*Constitution and Effects of Notour Bankruptcy.*

Notour Bank-  
ruptcy of Indi-  
viduals.

VII. Notour Bankruptcy shall be constituted by the following Circumstances:

1st. By Sequestration, or by the issuing of an Adjudication of Bankruptcy in *England* or *Ireland*; or  
2d. By Insolvency, concurring either—

(A.) With a duly executed Charge for Payment, followed, where Imprisonment is competent, by Imprisonment or formal and regular Apprehension of the Debtor, or by his Flight or absconding from Diligence, or Retreat to the Sanctuary, or forcible defending of his Person against Diligence, or where Imprisonment is incompetent or impossible, by Execution of Arrestment of any of the Debtor's Effects not loosed or discharged for Fifteen Days, or by Execution of Pounding of any of his Moveables, or by Decree of Adjudication of any Part of his Heritable Estate for Payment or in Security; or

(B.) With Sale of any Effects belonging to the Debtor under a Pounding, or under a Sequestration for Rent, or with his retiring to the Sanctuary for Twenty-four Hours, or with his making Application for the Benefit of *Cessio bonorum*.

Of a Company.

VIII. Notour Bankruptcy of a Company shall be constituted either in any of the foregoing Ways or by any of the Partners being rendered Notour Bankrupt for a Company Debt.

Commence-  
ment of Notour  
Bankruptcy.

IX. Notour Bankruptcy shall be held to commence from the Time when its several Requisites concur, and when it has once been constituted shall continue, in case of a Sequestration, till the Debtor shall obtain his Discharge, and in other Cases until Insolvency cease, without Prejudice to Notour Bankruptcy being anew constituted within such Period.

Deeds void by  
this Act, &c.  
may be set aside

X. Deeds made void by this Act, and all Alienations of Property by a Party insolvent or Notour Bankrupt, which are voidable by Statute or at Common Law, may be set aside either by way of Action

or

*Bankruptcy (Scotland).*

or Exception, and a Decree setting aside the Deed by Exception shall have the like Effect, as to the Party objecting to the Deed, as if such Decree were given in an Action at his Instance. by way of Action, &c.

XI. The Trustee on a sequestrated Estate under this Act shall be entitled to set aside any such Deed or Alienation for behoof of the whole Body of Creditors, and in so doing shall be entitled to the Benefit of any Presumption which would have been competent to any Creditor. May be by Trustee.

*Pari passu Ranking of Diligence.*

XII. Arrestments and Poidings which shall have been used within Sixty Days prior to the Constitution of Notour Bankruptcy, or within Four Months thereafter, shall be ranked *pari passu* as if they had all been used of the same Date; provided, that if such Arrestments are used on the Dependence of an Action, or on an illiquid Debt, they be followed up without undue Delay; provided further, that any Creditor judicially producing in a Process relative to the Subject of such Arrestment or Poiding liquid Grounds of Debt or Decree of Payment within such Period shall be entitled to rank as if he had executed an Arrestment or a Poiding; and in case the first or any subsequent Arrester shall, in the meantime, obtain a Decree of Forthcoming and Preference, and thereupon shall recover Payment, or a Poiding Creditor shall carry through a Sale, he shall be accountable for the Sum recovered to those who, by virtue of this Act, may be eventually found to have a Right to a Ranking *pari passu* thereon, and shall be liable to an Action at their Instance for Payment to them proportionally, after allowing out of the Fund the Expense of recovering the same; and if any Arrestments be used for attaching the same Effects after the Period of Four Months subsequent to the Bankruptcy, such Arrestments shall not compete with those used within the said Periods prior or subsequent thereto, but may rank with each other on any Reversion of the Fund attached, according to Law and Practice. Arrestments and Poidings.

*Sequestration, when competent.*

XIII. Sequestration may be awarded of the Estate of any Person in the following Cases:

1st. In the Case of a living Debtor subject to the Jurisdiction of the Supreme Courts of *Scotland*:

A. On his own Petition, with the Concurrence of a Creditor or Creditors, qualified as herein-after mentioned: Sequestration may be awarded in Cases herein enumerated.

B. On the Petition of a Creditor or Creditors, qualified as herein-after mentioned, provided the Debtor be Notour Bankrupt, and have within a Year before the Date of the Presentation of the Petition resided or had a Dwelling House or Place of Business in *Scotland*; or otherwise, in the Case of a Company being Notour Bankrupt, as herein-before provided, if it have within such Time carried on Business in *Scotland*, and any Partner have so resided or had a Dwelling House or if the Company have had a Place of Business in *Scotland*:

2d. In the Case of a deceased Debtor who at the Date of his Death was subject to the Jurisdiction of the Supreme Courts of *Scotland*:

A. On the Petition of a Mandatory to whom he had granted a Mandate to apply for Sequestration: Sequestration of deceased Debtor.

B. On the Petition of a Creditor or Creditors qualified as herein-after mentioned.

XIV. Petitions for Sequestration may be at the Instance or with the Concurrence of any One Creditor whose Debt amounts to not less than Fifty Pounds, or of any Two Creditors whose Debts together amount to not less than Seventy Pounds, or any Three or more Creditors whose Debts together amount to not less than One hundred Pounds, whether such Debts are liquid or illiquid, provided they are not contingent. Qualification of Creditors, petitioning or concurring.

XV. Petitions for Sequestration, presented without the Concurrence of the Debtor, he being in Life, shall be competent only within Four Months of the Date of the Debtor's Notour Bankruptcy; and Petitions for Sequestration of the Estates of a deceased Debtor at the Instance of a Creditor may be presented at any Time after the Debtor's Death, but no Sequestration shall be awarded until the Expiration of Six Months from the Debtor's Death, unless he was at the Time of his Death Notour Bankrupt, or unless his Successors shall concur in the Petition or renounce the Succession, in which several Cases Sequestration shall forthwith be awarded; and in all other Cases falling under this Act a Petition for Sequestration shall be competent at any Time, and Sequestration may follow thereon in manner herein-after directed. Within what Date Petitions may be presented.

*Interim Preservation of Estate.*

XVI. It shall be competent for the Court to which a Petition for Sequestration is presented, whether Sequestration can forthwith be awarded or not, on special Application by a Creditor, either in such Petition or by a separate Petition, with or without Citation to other Parties interested, as the said Court may deem necessary, or without such special Application if the Court think proper, to take immediate Measures for the Preservation of the Estate, either by the Appointment of a Judicial Factor, who shall find such Caution as may be deemed necessary, with the Powers necessary for such Preservation, including the Power to recover Debts, or by such other Proceedings as may be requisite; and such interim Appointments or Proceedings shall be carried into immediate Effect; but if the same have been made or ordered by the Sheriff, they may be recalled by the Court of Session, on Appeal taken, in manner herein-after directed. Court may take Measures to preserve Estate before Sequestration.

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After Sequestration Bankrupt's Papers may be sealed up.

XVII. The Sheriff shall have Power, upon Cause shown by any Creditor, or without any Application, if he shall think fit, at any Time after the Sequestration and before the Election of a Trustee, to cause to be sealed up and put under safe Custody the Books and Papers of the Bankrupt, and to lock up his Shop, Warehouse, or other Repositories, and to keep the Keys thereof till a Trustee is elected and confirmed.

*Forum.*

Courts for awarding Sequestration.

XVIII. Sequestration may be awarded either by the Court of Session or by the Sheriff of any County in which the Debtor, for the Year preceding the Date of the Petition, has resided or carried on Business; provided, that no Sequestration shall be awarded by any Court after Production of Evidence that a Sequestration has already been awarded in another Court, and is still undischarged.

Later Sequestrations to be remitted to the first in Date.

XIX. When Sequestration has been awarded against a Debtor by the Sheriffs of Two or more Counties, the later Sequestration or Sequestrations shall, on Production of a Certificate by the Sheriff Clerk of the County in which the Sequestration first in Date was awarded, setting forth the Date of such Sequestration, be remitted to the Sheriff of such County; and where all the Sequestrations are of the same Date, any One may be brought by Appeal at any Time before either Division of the Court of Session or Lord Ordinary; and on such Appeal, or when a Sequestration has been awarded by the Court of Session alone, or by the Court of Session and also by One or more Sheriff Courts, the Court of Session or Lord Ordinary shall remit the Sequestration to such Sheriff Court as in the whole Circumstances they or he shall deem expedient; and a Notice of such Remit shall be inserted in the Gazette within Four Days after such Remit shall have been made: Provided always, that in any Case in which the Sheriff has refused to sequester, it shall be competent to present a Petition for Sequestration to the Court of Session notwithstanding such Judgment of Refusal.

No Proceeding under Order of Sheriff to be effectual after Appeal.

XX. It shall be competent in such Case for each Sheriff awarding Sequestration to take such Measures in the meantime as may be necessary for preserving the Debtor's Estate and Effects within his Jurisdiction, under the Provisions of this Act; but no other Orders given by any Sheriff on or after awarding Sequestration, and no Proceedings of Creditors or others in pursuance thereof, excepting Orders given by the Sheriff before whom the Sequestration comes to depend, shall be of any Force or Effect from and after the Date of such Appeal, or of Sequestration by the Court of Session.

*Form of Petition, and Productions therewith.*

Form of Petition.

XXI. Petitions for Sequestration in the Court of Session shall be made to the Lord Ordinary, and be signed by the Petitioner or his Counsel or Agent, and the Division of the Court to which the Sequestration is appropriated shall be marked thereon, and in the Sheriff Court shall be signed by the Petitioner or his Agent, and in either Court, in Petitions at the Instance of the Debtor, but not signed by him, there shall be produced therewith a Mandate authorizing the same, signed by him, or in the Case of a Company signed by a Party entitled to act for the Company; and in all Cases the Petitioning or Concurring Creditor shall produce with such Petition an Oath to the Effect herein-after specified, and also the Account and Vouchers of the Debt as herein-after provided; failing which Production the Petition shall be dismissed.

Oath to be produced.

Oath to be to Verity of Debt and Extent of Securities.

XXII. Such Oath, in the Case of a Creditor residing within the Kingdom of *Great Britain and Ireland*, shall be taken by him before a Judge Ordinary, Magistrate, or Justice of the Peace; to the Verity of the Debt claimed by him; and he shall in such Oath state what other Persons, if any, are, besides the Bankrupt, liable for the Debt or any Part thereof, and specify any Security which he holds over the Estate of the Bankrupt or of other Obligants, and depone that he holds no other Obligants or Securities than those specified; and where he holds no other Person than the Bankrupt so bound, and no Security, he shall depone to that Effect.

How taken, when Creditor out of Great Britain or Ireland.

XXIII. Such Oath, in the Case of a Creditor who is out of the Kingdom of *Great Britain and Ireland*, shall be taken by him to the Verity of the Debt in the Manner above provided before a Magistrate or Justice of the Peace, or other Person qualified to administer Oaths in the Country where he resides, (he being certified to be a Magistrate or Justice of the Peace, or qualified as aforesaid, by a *British Minister* or *British Consul*, or by a Notary Public,) or his known Agent or Mandatory in *Great Britain or Ireland* shall make an Oath of Credulity in the Manner and to the Effect before provided.

Oath to specify further Particulars in certain Cases.

XXIV. When a Petition is presented for Sequestration of the Estates of a deceased Debtor, the Petitioning Creditor shall, in his Oath, or in a separate Oath, specify the Place where the Debtor resided or had a Dwelling House or carried on Business in *Scotland* at the Time of his Death, and whether he was then Owner of Estates in *Scotland*; and when the Petition is presented during the Life of the Debtor, without the Consent of the Debtor, the Petitioning Creditor shall in such Oath, in the event of the Debtor's Bankruptcy being founded on his retiring within the Sanctuary, swear that he believes the Debtor to have so retired, as herein-before set forth.

Claims of Companies and Creditors who are Minors or incapable.

XXV. When the Creditor is a Corporation, an Oath of Verity made as aforesaid by the Secretary, Manager, Cashier, Clerk, or other principal Officer of such Corporation shall be sufficient, although the Person making the same be not a Member of such Corporation, or in case of other Companies an Oath by a Partner shall be sufficient; and where any Creditor shall be under Age or incapable to make Oath, an

*Bankruptcy (Scotland).*

an Oath of Credulity as aforesaid by his authorized Agent, Factor, Guardian, or Manager shall be sufficient.

*Citation on Petition.*

XXVI. When a Petition for Sequestration is presented without the Consent of the Debtor, or for the Sequestration of the Estate of a Debtor who is dead, without the Consent of the Successor, the Lord Ordinary or Sheriff to whom it is presented shall grant Warrant to cite the Debtor, or, if dead, his Successor, to appear within a specified Period, if he be within *Scotland*, by delivering to him personally, or by leaving at his Dwelling House or Place of Business, or the Dwelling House or Place of Business last occupied by him, a Copy of the Petition and Warrant, and if the Debtor or his Successor be furth of *Scotland*, to cite him to appear within a specified Period by leaving such Copy at the Office of Edictal Citations, at the Dwelling House or Place of Business last occupied by him, and, if the Debtor be dead, also at the Dwelling House or Place of Business occupied by him at his Death, to show Cause why Sequestration should not be awarded; and the Lord Ordinary or the Sheriff shall, if desired, grant Diligence to recover Evidence of the Notour Bankruptcy or other Facts necessary to be established.

When Citation of Parties necessary.

XXVII. When the Debtor is a Company it shall be a sufficient Citation that a Copy of the Petition and Warrant be left at the Place where the Business of the Company is or was last carried on, provided a Partner or a Clerk or a Servant of the Company be there, and failing thereof at the Dwelling House of any of the acting Partners, and if the House of such Partner cannot be found, by leaving a Copy at the Office of Edictal Citations; and Sequestration may be awarded either on the Application of the Company itself, or on the Application of a Creditor or Creditors to the Amount aforesaid, without the Consent of the Company, of the Estates of the Company and Partners jointly, or of their respective Estates separately.

In Sequestration of a Company.

XXVIII. The Induciae of Citation, when made personally or at a Dwelling House or Place of Business, shall be not less than Six nor more than Fourteen Days, and when made edictally shall be Twenty-one Days; and the Lord Ordinary or the Sheriff at the same Time shall direct Intimation of the Warrant, and of the Diet of Appearance on such Induciae, to be made in the Gazette.

Induciae of Citation.

*Procedure on Petition.*

XXIX. When a Petition is presented in manner aforesaid to the Lord Ordinary, or to the Sheriff for Sequestration, the Lord Ordinary or the Sheriff shall forthwith, if the same is presented by or with the Concurrence of the Debtor, or, if dead, of his Successor, or if the Successor shall renounce the Succession, issue a Deliverance by which he shall award Sequestration of the Estates which then belong or shall thereafter belong to the Debtor before the Date of the Discharge, and declare the Estates to belong to the Creditors for the Purposes of this Act, and if the Debtor is dead shall ordain any Successor who has made up a Title to or is in possession of any Part of his Property to convey the same to the Trustee to be appointed as herein-after mentioned.

Sequestration to be forthwith awarded on Citation by Debtor.

XXX. Where the Petition is not by or with the Concurrence of the Debtor, or, if dead, of his Successor, and if the Debtor, or, if dead, his Successor, do not appear at the Diet of Appearance, either in Person or by his Counsel or Agent, and show Cause why the Sequestration cannot be competently awarded, or if the Debtor so appearing do not instantly pay the Debt or Debts in respect of which he was made Bankrupt, or produce written Evidence of the same being paid or satisfied, and also pay or satisfy, or produce written Evidence of the Payment or Satisfaction of the Debt or Debts due to the Petitioner or to any other Creditor appearing and concurring in the Petition, the Lord Ordinary or Sheriff, on Production of Evidence of the Citation and of the foresaid Requisites for Sequestration, shall award Sequestration in manner and to the Effect before mentioned; and it shall not be competent for any Creditor, after the Date of the First Deliverance on the Petition for Sequestration, to be confirmed Executor Creditor, or to raise or insist in any Adjudication against the Estate of the deceased Debtor.

Sequestration to be awarded after Citation and hearing Parties when Petition not by Debtor.

XXXI. The Deliverance awarding Sequestration shall not be subject to Review; but any Debtor whose Estate has been sequestrated without his Consent, or the Successors of any deceased Debtor whose Estate has been sequestrated without their Consent, unless on the Application of a Mandatory authorized, by the deceased Debtor, or any Creditor, whether the Sequestration has been awarded by the Lord Ordinary or by the Sheriff, may, within Forty Days after the Date of such Deliverance, present a Petition to the Lord Ordinary, setting forth the Grounds for Recal, and praying for Recal; and when Sequestration has been awarded of the Estate of a deceased Debtor, when his Successor was edictally cited, it shall be competent for his Successor, or any Person having Interest, to apply by Petition as aforesaid at any Time before the Publication of the Advertisement for Payment of the First Dividend herein-after mentioned; and the Lord Ordinary shall, in these several Cases, order a Copy of the Petition for Recal and of his Deliverance to be served on the Parties who petitioned or concurred in the Petition for Sequestration, or on their respective known Agents, and on the Trustee, if appointed, and shall require them to answer within a specified short Time, and order a Notice of the Presentation of the Petition for Recal to be published in the Gazette, and on the Expiration of the Time so fixed he shall proceed to pronounce Judgment; and if he shall recal the Sequestration, the Recal shall be entered in the Register of Sequestrations, and on the Margin of the Register of Inhibitions.

Recal of Sequestration within Forty Days.

XXXII. No

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Recal of Sequestration at a future Time.

XXXII. No Petition for Recal of the Sequestration, excepting as herein-after provided, shall be competent after the Expiration of the said Forty Days, or after the Advertisement for Payment of the First Dividend; provided that Nine Tenths in Number and Value of the Creditors ranked on the Estate as herein directed may at any Time apply for Recal by Petition to the Lord Ordinary, who shall order Notice of his Deliverance to be published in the Gazette, requiring all concerned to appear within Fourteen Days from the Date of Publication to show Cause why the Sequestration should not be recalled, and on Expiration of the said Time he shall proceed to pronounce Judgment.

Proceedings not to be stayed. Sisting of one Party for another.

XXXIII. Pending any Petition for Recal, and until the Sequestration be finally recalled, the Proceedings in the Sequestration shall go on as if no such Petition had been presented.

XXXIV. If a Creditor who has petitioned for Sequestration, or concurred in such Petition, or who has petitioned for Recal of a Sequestration, or appeared to oppose a Petition for Sequestration or Recal, or lodged an Objection, shall withdraw, or become Bankrupt, or die, any other Creditor may be sisted in his Place and follow out the Proceedings; and if the Debtor shall die after the Petition for Sequestration is presented, the Proceedings shall notwithstanding be followed out in Terms of this Act, so far as Circumstances will permit.

Majority of Creditors may resolve that Estate be wound up.

XXXV. At the Meeting for the Election of the Trustee, or at any subsequent Meeting to be called for the Purpose, a Majority in Number and Four Fifths in Value of the Creditors present or represented at such Meeting may resolve that the Estate ought to be wound up under a Deed of Arrangement, and that an Application should be presented to the Lord Ordinary or the Sheriff to sist Procedure in the Sequestration for a Period not exceeding Two Months, and on such Resolution being carried, it shall not be necessary to elect a Trustee.

Bankrupt to report Resolution to the Lord Ordinary.

XXXVI. It shall be lawful for the Bankrupt, or any Person appointed by the Meeting, to report such Resolution to the Lord Ordinary or the Sheriff, within Four Days of the Date of such Resolution, and to apply for a Sist of the Sequestration in Terms thereof; and the Lord Ordinary or the Sheriff may hear any Party having Interest, and if he shall find that such Resolution was duly carried, and that the Application is reasonable, may grant the same.

As to interim Management of Estate.

XXXVII. In the event of such Application being granted, the Lord Ordinary or the Sheriff may, on the Application of any Creditor, make such Arrangement for the interim Management of the Estate as he shall think reasonable, if any shall appear to be necessary.

If Sequestration be sisted, Creditors may produce to the Lord Ordinary a Deed of Arrangement.

XXXVIII. If the Sequestration shall be sisted, the Creditors may, at any Time within the Period of such Sist, produce to the Lord Ordinary or the Sheriff a Deed of Arrangement, subscribed by or by Authority of Four Fifths in Number and Value of the Creditors of the Bankrupt; and the Lord Ordinary or the Sheriff may consider the same, and make such Intimation thereof as he may think proper, and hear Parties having Interest, and make any Inquiry he may think necessary; and if he shall be satisfied that such Deed of Arrangement has been duly entered into and executed and is reasonable, he shall approve thereof, and declare the Sequestration at an end; and such Deed shall thereafter be as binding on all the Creditors as if they had all acceded thereto: Provided always, that the Sequestration shall receive full Effect in so far as may be necessary for the Purpose of preventing, challenging, or setting aside Preferences over the Estate.

If Resolution not reported, the Sequestration to proceed.

XXXIX. If such Resolution shall not be duly reported, or if a Sist be refused, or if such Deed of Arrangement shall not be duly produced, or if it shall not be approved of, the Sequestration shall proceed, and the Period of Time subsequent to such Resolution shall not be reckoned in calculating Periods of Time prescribed in this Act; and the Lord Ordinary or the Sheriff may make all necessary Orders, by appointing Meetings of Creditors and otherwise, for resuming the necessary Procedure in the Sequestration.

Judgment to be recorded.

XL. If the Sequestration be declared at an end, the Judgment declaring the same shall be recorded in the same Manner as if the Sequestration had been recalled as herein-before provided.

Payment of Expenses of petitioning Creditor.

XLI. The Petitioning or Concurring Creditor shall be entitled to Payment by the Trustee, when he shall be appointed, out of the first of the Funds which shall come into his Hands, of the Expenses incurred by such Creditor in obtaining the Sequestration and doing the other Acts hereby required prior to the Election of the Trustee, as the same shall be taxed.

Commencement of Sequestration.

XLII. In all Questions under this Act or preceding Acts regarding Sequestration of the Estates of Debtors, the Sequestration shall be held to commence and take effect on and from the Date of the First Deliverance on any Petition for Sequestration, which shall be held to be the Date of the Sequestration, although the Sequestration be not actually awarded until a later Date.

Clerks to Sequestration.

XLIII. In Sequestrations awarded in the Court of Session and remitted to the Sheriff the Process of Sequestration shall be held to be in the Bill Chamber of the Court of Session, and the Clerks of the Bill Chamber shall be Clerks to such Sequestrations; and the Sheriff Clerk of any County shall be Clerk to the Sequestrations awarded by the Sheriff of that County; and no Process of Sequestration, either in the Court of Session or Sheriff Court, shall fall asleep, or shall be liable to be dismissed under the Fifteenth Section of the Act passed in the Sixteenth and Seventeenth Year of the Reign of Her present Majesty, Chapter Eighty; and on a Remit of a Sequestration awarded in the Court of Session being made to the Sheriff, a Copy of the Petition for Sequestration and of the First Deliverance, and also (where it is different) of the Deliverance awarding Sequestration, certified by One of the Clerks of the Bill Chamber

Sequestration not to fall asleep.

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Chamber or Sheriff Clerk, shall, with the Productions, be transmitted by the Petitioner to the Sheriff Clerk of the County to the Sheriff of which the Sequestration is remitted; and in all Sequestrations the Sheriff Clerk and Messengers-at-Arms and Officers of the Sheriff Court shall have Power to act in their respective Offices under this Act.

*Protection or Liberation of Debtor.*

XLIV. The Lord Ordinary or Sheriff, when awarding Sequestration, may grant to the Debtor or Partners of the Company against whom or which it is awarded a Warrant of Protection against Arrest or Imprisonment for Civil Debt until the Meeting of the Creditors for the Election of Trustee, or he may refuse to grant such Warrant of Protection; and every such Warrant of Protection which shall not be advertised in the *London* and *Edinburgh* Gazettes within One Week after the Date of awarding such Sequestration, shall be ineffectual and incapable of being pleaded in bar of personal Diligence; but, notwithstanding that the Lord Ordinary or Sheriff may have refused to grant Interim Warrant of Protection as aforesaid, it shall be competent to the Creditors on the Occasion of the Meeting to elect a Trustee, or at the Meeting after the Examination of the Bankrupt, or at any subsequent Meeting, to resolve that personal Protection ought to be granted to the Bankrupt for such Time as they may think fit, and the Trustee shall thereupon apply to the Sheriff, who shall grant the Protection.

Warrant of Protection may be granted to the Debtor.

XLV. The Lord Ordinary or the Sheriff by whom Sequestration was awarded may, on Application made either in the Petition for Sequestration or by a separate Petition by the Debtor, grant Warrant for liberating the Debtor, if in Prison, after such Intimation to the incarcerating Creditor or his known Agent as the Lord Ordinary or the Sheriff may deem just, and after hearing any Objection to the granting of such Warrant; and if the Application be refused it shall be competent for the Debtor to make a new Application for Liberation, with Consent of the Trustee and Commissioners, and, on Intimation and hearing Objections as aforesaid, the Lord Ordinary or the Sheriff may grant Warrant to liberate; and in any Case the Lord Ordinary or the Sheriff may annex such Conditions of Caution or otherwise to such Warrant as he may judge proper.

Warrant to liberate the Debtor.

XLVI. The Judgment of the Sheriff granting or refusing Liberation shall be subject to Review by a Note of Appeal to either Division of the Court of Session, or, during Vacation, to the Lord Ordinary, which Appeal shall be heard summarily, and the Judgment pronounced thereon shall be final.

Sheriff's Judgment subject to Appeal.

XLVII. The Warrant granting Protection or Liberation, or a Copy thereof, certified by One of the Bill Chamber Clerks if it is granted by the Lord Ordinary, or by the Sheriff Clerk if it is granted by the Sheriff, shall protect or liberate the Debtor from Arrest or Imprisonment in *Great Britain* and *Ireland* and Her Majesty's other Dominions, for Civil Debt contracted previous to the Date of Sequestration, and all Courts of Justice and Judges and all Officers and Gaolers shall be bound to give Effect to such Warrant; but such Warrant of Protection or Liberation shall not be of any Effect against the Execution of a Warrant of Apprehension or Imprisonment in meditatione fugæ or ad factum præstandum, or for any criminal Act.

Effect of Warrant of Protection or Liberation.

*Registration of Sequestrations.*

XLVIII. The Party applying for Sequestration shall present, before the Expiration of the Second lawful Day after the First Deliverance if given by the Lord Ordinary, or present or transmit by Post before the Expiration of the Second lawful Day after the said Deliverance if given by the Sheriff, an Abbreviate of the Petition and Deliverance, signed by him or his Agent, in the Form of Schedule (A. No. 1.) hereunto annexed, to the Keeper of the Register of Inhibitions at *Edinburgh*, who shall forthwith record the said Abbreviate in the Register of Inhibitions, and write and subscribe a Certificate thereof on the said Abbreviate in the Form also specified in the said Schedule (A. No. 2.), and shall, on the Request of the Party transmitting such Abbreviate, and on Payment by him of the Fees of such Registration, and of the Postage, re-transmit the said Abbreviate by Post to the said Party; and the Abbreviate so recorded shall from the Date of the said Deliverance have the Effect of an Inhibition and of a Citation in an Adjudication of the Estate of the Debtor at the Instance of the Creditors afterwards ranked on the Estate; and it shall not be competent to stop such Effect, or the Effect of the Sequestration after it is awarded, by paying the Debt or Debts in respect of which it was applied for or awarded; and if the said Abbreviate be not so recorded it shall have no Effect as an Inhibition or Citation as aforesaid, and the Party applying for Sequestration shall, within Four Days from the Date of the Deliverance awarding the Sequestration (if awarded in the Court of Session), or, if it is awarded by the Sheriff, within Four Days after a Copy of the said Deliverance could be received in course of Post in *Edinburgh*, insert a Notice in the Form of Schedule (B.) hereunto annexed in the *Gazette*, and also One Notice in the same Terms within Six Days from the said Date in the *London Gazette*.

Recording Abbreviate of Sequestration.

*Ranking of Claims.**1st. General Rules as to Voting and Ranking for Payment of Dividends.*

XLIX. To entitle a Creditor to vote or draw a Dividend he shall be bound to produce at the Meeting, or in the Hands of the Trustee, an Oath to the Effect and taken in manner herein-before appointed in the

Creditor claiming must produce Oath.  
Case

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Case of Creditors petitioning for Sequestration, and the Account and Vouchers necessary to prove the Debt referred to in such Oaths.

Oath in Cases where Accounts and Vouchers are not in Creditor's Possession.

L. If the Creditor be not in possession of such Accounts and Vouchers previously to the Period herein-after assigned for lodging Claims with a view to a Share in any Dividend, he shall state, in his Oath, the Cause of the said Accounts and Vouchers not being produced, and in whose Hands, to the best of his Knowledge, the same are; which Oath shall entitle him to have a Dividend set apart till a reasonable Time be afforded for Production thereof, or for otherwise establishing his Debt according to Law; but he shall not be entitled to act or vote till such Production be made, or the Debt established as aforesaid; and the Trustee shall, on Production of the Oaths and Grounds of Debt, mark the same with his Initials, and make an Entry thereof in the Sederunt Book, and of the Date when the same were produced, and, if required, he shall return to the Creditor the Grounds of Debt.

Provision for Correction of Oath.

LI. When it shall appear to the Sheriff or to the Trustee that the Oath or Claim of any Person produced with a view to voting or ranking, and drawing a Dividend on the Sequestration, is not framed in the Manner required by this Act, the Sheriff or Trustee, as the Case may be, shall call upon such Person, or his Agent or Mandatory, to rectify his Oath and Claim, pointing out to him wherein it is defective; and unless such Person or his Agent or Mandatory shall thereupon make such Alteration upon his Oath and Claim as may be necessary in order to rectify the same, the Sheriff or Trustee, as the Case may be, shall disallow or reject such Oath and Claim: Provided always, that when the Failure to comply with the Provisions of this Act shall appear to have been made for some improper or fraudulent Purposes, or where Injury can be qualified by the other Creditors or any of them in respect thereof, it shall not be incumbent upon the Sheriff or Trustee to give such Person an Opportunity to rectify his Oath and Claim as aforesaid.

Creditors may vote and rank for Principal and Interest to Date of Sequestration only.

LII. A Creditor who has a Claim or a Debt due shall be entitled to vote and rank for the accumulated Sum of Principal and Interest to the Date of the Sequestration, but not for any Interest accruing after the Date of the Sequestration, and if the Debt is not payable till after the Date of the Sequestration, he shall be entitled to vote and rank for it only after Deduction of the Interest from that Date, and he shall also be liable to Deduction of any Discount beyond legal Interest to which his Claim is liable by the Usage of Trade applicable to it, but he shall not be bound to specify separately in his Oath or Claim for his Debt the Amount of any Interest due thereon or of any Interest or Discount deducted therefrom, or to specify therein any accumulated Sum of Principal and Interest, and if there be any Residue of the Estate after discharging the Debts ranked he shall be entitled to claim out of such Residue the full Amount of the Interest on his Debt in Terms of Law.

Valuation of Claim depending on a Contingency.

LIII. When the Claim of a Creditor depends upon a Contingency which is unascertained at the Date of lodging his Claim, he shall not be entitled to vote nor to draw a Dividend in respect of such contingent Debt, but he may apply to the Sheriff, if the Trustee has not been elected, or, if elected, to the Trustee, to put a Value on such Debt, and the Sheriff or Trustee (as the Case may be) shall put a Value thereon as at the Date of such Valuation; and on such Value being fixed such Creditor shall be entitled to vote and draw Dividends in respect of such Value, and no more: Provided that if such Contingency have taken place before the Debt has been valued, such Creditor may vote and draw Dividends in respect of the Amount of the Debt, but the same shall not disturb any former Dividends allotted to other Creditors; and when such Application is made to the Sheriff or Trustee, Notice thereof shall be given to the Bankrupt and Petitioning or Concurring Creditor; and the Judgment of the Sheriff or Trustee shall be subject to Review, and any Creditor who has claimed on the Estate may appeal, or appear and be heard on any Appeal.

Valuation of Claim on Annuity.

LIV. No Creditor in respect of an Annuity granted by the Bankrupt shall be entitled to vote and draw a Dividend until such Annuity shall be valued, but he may, if the Trustee has not been elected, apply to the Sheriff, or, if elected, to the Trustee, to put a Value on such Annuity; and the Sheriff or Trustee, as the Case may be, shall put a Value on the Annuity, regard being had to the original Price given for the Annuity, deducting therefrom such Diminution in the Value of the Annuity as shall have been caused by the Lapse of Time since the Grant thereof to the Date of the Sequestration; and such Creditor shall be entitled to vote and draw Dividends in respect of such Value, and no more: Provided always, that when such Application is made to the Sheriff, Notice thereof shall be given to the Bankrupt and the Petitioning or Concurring Creditor; and the Judgment of the Sheriff or Trustee shall be subject to Review, and any Creditor who has claimed on the Estate may appeal, or appear and be heard on any Appeal.

Creditor not to sue Cautioner after the Date of Sequestration.

LV. When any Person is bound as Cautioner for Payment of such Annuity, it shall not be lawful for the Creditor therein to sue or charge such Cautioner after the Date of the Sequestration, except for the Value fixed as aforesaid, and the Arrears of Annuity and Interest thereon; and on such Cautioner making Payment of such Value and Arrears to the Creditor, and the lawful Interest thereon, he shall be discharged of all Liability for such Annuity, and he may thereupon enter a Claim in the Sequestration for the Sum so paid, and vote and draw Dividends thereon; provided that if such Cautioner shall not pay the Sum so fixed, and Arrears and Interest as aforesaid, before any Payment of the Annuity subsequent to the fixing thereof becomes due, he shall be bound to make Payment of the said Annuity, and all subsequent Annuities, until he shall make Payment of the Sum so fixed, Arrears of Annuity and Interest



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Interest as aforesaid, deducting always such Dividends as the Creditor shall have received before full Payment as aforesaid.

LVI. When a Creditor has an Obligant bound to him along with the Bankrupt for the whole or Part of the Debt, such Obligant shall not be freed from his Liability for such Debt in respect of any Vote given or Dividend drawn by the Creditor, or of his assenting to the Discharge of the Bankrupt, or to any Composition; but such Obligant may require and obtain, at his own Expense, from such Creditor, an Assignment to the Debt, on Payment of the Amount thereof, and in virtue thereof enter a Claim on the said Estate, and vote and draw Dividends, if otherwise legally entitled to do so.

Obligant not freed from Liability for Debt.

LVII. No Person shall, by merely lodging an Oath and Claim, or being ranked or receiving Payment of a Dividend, or appearing or voting at a Meeting in a Sequestration as a Creditor, be liable for any Claim by the Agent or other Person employed by the Trustee for Money advanced, or Expense incurred, or Remuneration in relation to the Affairs of the Estate, reserving to the Agent or other Person so employed Right to Payment out of the Estate and from the Trustee by whom he may have been employed, in so far as the same may be competent to him; and no Trustee shall have Relief in respect of such Payment against such Creditor, reserving to such Trustee Relief against the Estate, and against those Creditors or others who may on other Grounds be liable in Relief.

Liability of Creditors for Expenses.

LVIII. In no Case shall Oaths of Verity or Credulity supersede Production of legal Evidence, when required, in any Discussion before the Court of Session, the Lord Ordinary, the Sheriff, or the Trustee.

Oaths not to supersede other Evidence.

*2d. Special Rules as to Voting.*

LIX. If a Creditor hold a Security for his Debt over any Part of the Estate of the Bankrupt, he shall, before voting, make an Oath, in which he shall put a specified Value on such Security, and deduct such Value from his Debt, and specify the Balance, and if the Estate over which the Security extends be sold, he shall specify in his Oath the free Proceeds which he has received or shall be entitled to receive therefrom, and specify the Balance due after Deduction thereof, and he shall be entitled in any Case to vote in respect of the Balance, and no more, without Prejudice to the Amount of his Debt in other respects; and in Questions as to the Disposal or Management of the Estate subject to his Security he shall be entitled to vote as a Creditor for the full Amount of his Debt, without making any such Deduction.

Valuation of Securities for voting.

LX. When a Creditor has an Obligant bound with but liable in Relief to the Bankrupt, or holds any Security from an Obligant liable in Relief to the Bankrupt, or any Security from which the Bankrupt has a Right of Relief, such Creditor shall, before voting, make an Oath, in which he shall put a specified Value on the Obligation of such Obligant, and on such Security, to the Extent to which the Bankrupt is entitled to Relief, and he shall deduct such Value from his Debt, and specify the Balance, and he shall be entitled to vote in respect of such Balance, and no more, without Prejudice to the Amount of his Debt in other respects.

Valuation of Obligations of Co-Obligants with Bankrupt.

LXI. A Creditor on the Estate of a Company shall not be bound, for the Purpose of voting on the Company's Estate, to deduct from his Claim the Value which he may be entitled to draw from the Estates of the Partners; but if he claim on the Estate of a Partner, he shall, before voting, in his Oath put a specified Value on his Claim against the Estate of the Company, and also against the other Partners thereof, in so far as they are liable to relieve such Partner, and deduct such Value from his Debt, and specify the Balance, and he shall be entitled to vote as a Creditor for the said Balance, and no more, without Prejudice to the Amount of his Debt in other respects.

Valuation of Claims against a Company and Partners.

LXII. It shall be competent to the Trustee, with Consent of the Commissioners, within Two Months after an Oath, specifying the Value of a Security, or Obligation, or Claim in the several Cases before mentioned, has been made use of in voting at any Meeting or in assenting to or dissenting from the Bankrupt's Composition or Discharge, and it shall also be competent to the Majority of the Creditors (excluding the Creditor making such Oath) assembled at any Meeting, and during such Meeting, to require from the Creditor making such Oath a Conveyance or Assignment in favour of the Trustee of such Security, Obligation, or Claim, on Payment of the specified Value, with Twenty *per Centum* in addition to such Value; and the Creditor shall be bound to grant such Conveyance or Assignment, at the Expense of the Estate: Provided that where a Creditor has put a Value on such Security or Obligation, he may at any Time before he has been required to convey and assign as aforesaid, correct such Valuation by a new Oath, and deduct such new Value from his Debt.

Trustee may require a Conveyance of Security by Creditor on 20 per Cent. Addition to his own Valuation.

Creditor may correct Valuation by new Oath.

LXIII. The Mandatory of any Person entitled to vote as a Creditor may vote in the Absence of such Creditor, provided he exhibit a Mandate; and the Vote of such Mandatory shall, within his Mandate, be held as the Vote of the Creditor himself.

Mandatories for Creditors may vote.

LXIV. Any Person who shall acquire after the Date of the Sequestration, otherwise than by Succession or Marriage, a Debt due by the Bankrupt, and the Wife of the Bankrupt and any Trustee for her, shall not be entitled to vote in the Election of Trustee or Commissioners, but in all other respects such Person may be ranked as a Creditor.

Persons acquiring Debts after Sequestration not to vote.

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Valuation of Securities with a view to a Dividend.

LXV. To entitle any Creditor who holds a Security over any Part of the Estate of the Bankrupt to be ranked in order to draw a Dividend, he shall on Oath put a specified Value on such Security, and deduct such Value from his Debt, and specify the Balance; and the Trustee, with Consent of the Commissioners, shall be entitled to a Conveyance or Assignment of such Security, at the Expense of the Estate, on Payment of the Value so specified out of the first of the Common Fund, or to reserve to such Creditor the full Benefit of such Security; and in either Case the Creditor shall be ranked for and receive a Dividend on the said Balance, and no more, without Prejudice to the Amount of his Debt in other respects.

As to Claim against a Company.

LXVI. When a Creditor claims on the Estate of the Partner of a Company in respect of a Debt due by such Company, the Trustee on the Estate of such Partner shall, before ranking such Creditor, put a Valuation on the Estate of the Company, and deduct from the Claim of such Creditor such estimated Value, and rank and pay to him a Dividend only on the Balance.

*Election and Removal or Resignation of Trustee.*

Appointment of Meeting to elect a Trustee.

LXVII. The Lord Ordinary or the Sheriff, by the Deliverance which awards the Sequestration, shall appoint a Meeting of the Creditors, to be held at a specified Hour, on a specified Day, being not earlier than Six nor later than Twelve Days from the Date of the Gazette Notice of Sequestration having been awarded, at a convenient Place within the County of the Sheriff awarding Sequestration, or to whom the Sequestration is remitted, to elect a Trustee or Trustees in succession, and do the other Acts hereinafter provided.

Procedure at Meeting for Election of Trustee.

LXVIII. Creditors or their Mandatories, qualified as aforesaid, shall assemble at the Time and Place fixed for the Election of Trustee, with Power to adjourn for such reasonable Time as may seem fit, provided such Adjournment do not postpone the Meeting for the Election of Trustee beyond the Limit of the Period within which that Meeting is by this Act appointed to be held; and if Two or more Creditors shall give Notice to the Sheriff of the County, such Sheriff shall attend the Meeting and adjourned Meetings, and preside; and the Sheriff Clerk or his Depute shall also attend, and mark the Oaths and Productions with his Initials, and write the Minutes in the Presence of the Meeting, and enter therein the Names and Designations of the Creditors present, or of the Mandatories of Creditors, and the Amount for which they claim, and any other Circumstances which the presiding Sheriff shall judge fit, which Minutes the presiding Sheriff shall sign; and the Clerk shall retain the Oaths of the several Claimants, subject to the Exhibition thereof in his Hands, till the Election shall be determined, when he shall deliver the same to the Trustee; and when the Sheriff is not present the Creditors shall elect a Preses and (if the Sheriff Clerk or a Depute be not present) a Clerk; and the Preses shall mark the Oaths and Productions with his Initials, and sign the Minutes; and the Clerk shall, in the Presence of the Meeting, write the Minutes, and enter therein the Names and Designations of the Creditors or Mandatories, and the Amount for which they claim, and any other Circumstances relating to the said Meeting which the Preses shall judge fit, which Minutes the Preses shall sign; and the Creditors or their Mandatories who have produced their Oaths and Documents of Debt, and who have been entered in the Minutes, shall then and there elect a fit Person to be Trustee, or Two or more Trustees, to act in succession, in case of Nonacceptance, Death, Resignation, Removal, or Disqualification, and in the Case of the Sequestration of the Estates of a Company and of the Partners, One Trustee for all the Estates, or separate Trustees on the Estates of the Company and on the Estates of all or each of the individual Partners or Trustees in succession as aforesaid; and it shall not be lawful to elect as Trustee the Bankrupt, or any Person conjunct or confident with the Bankrupt, or who holds an Interest opposed to the general Interest of the Creditors, or whose Residence is not within the Jurisdiction of the Court of Session.

Judgment of Sheriff as to Trustee.

LXIX. If the Sheriff be present at the Election of Trustee, and there be no Competition for the Office, or Objection stated to the Candidate or Candidates, he shall, by a Deliverance on the Minutes, declare the Person chosen by the Creditors to be Trustee, and if there be Competition, or Objections to the Candidate or Candidates, such Objections to the Votes or Candidates shall be stated at the Meeting, and the Sheriff may either forthwith decide thereon, or make Avizandum, and he shall, if necessary, make a short Note of the Objections and of the Answers, on which he shall, within Four Days after the Meeting, hear Parties *vivâ voce*, and declare the Person or Persons Trustee or Trustees in succession whom he shall find to have been duly elected, and state the Grounds of his Decision in a Note, and the same, as well as such short Note, shall form Part of the Process.

When Sheriff not present.

LXX. When the Preses has been elected by the Creditors, such Preses (whether there be any Competition or Objection or not) shall forthwith report the Proceedings to the Sheriff; and the Oaths of the several Claimants shall, if the Sheriff Clerk or his Depute be present, remain in his Possession, or, if he be not present, shall be transmitted to the Sheriff Clerk by the Preses, to be retained by him till the Trustee shall be finally appointed, when he shall deliver the same to the Trustee; and if there be no Competition or Objection the Sheriff shall declare the Person or Persons elected Trustee or Trustees in succession; and if there be Competition or Objection the Parties shall, within Four Days from the Date of the said Meeting,

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Meeting, lodge in the Hands of the Sheriff Clerk short Notes of Objections, and the Sheriff shall forthwith hear Parties thereon *vivâ voce*, and give his Decision, and state the Grounds thereof in a Note, which Note, as well as such short Notes, shall form Part of the Process.

LXXI. The Judgment of the Sheriff declaring the Person or Persons elected to be Trustee or Trustees in succession, shall be given with the least possible Delay ; and such Judgment shall be final, and in no Case subject to Review in any Court or in any Manner whatever.

Judgment of Sheriff as to Trustee final.

LXXII. The Creditors shall at the Meeting for Election of a Trustee fix a Sum for which the Trustee shall find Security for his Intromissions and Performance of the Duties and Rules hereby enacted, and shall also decide on the Sufficiency of the Caution offered ; and the Person declared to be Trustee shall forthwith lodge with the Sheriff Clerk a Bond of Caution, signed by the Trustee and his Cautioner, in the Form of the Schedule (C.) hereunto annexed, which Bond shall be furnished to him by the Sheriff Clerk : Provided, that nothing herein-before contained shall be held or construed to prevent the Creditors accepting the Bond of a Guarantee Society in lieu of the Bond of Caution aforesaid.

Caution to be found by Trustee.

LXXIII. On the Decision of the Sheriff being given, declaring the Person elected Trustee, and on a Bond by the Trustee and his Cautioner being duly lodged as aforesaid, the Sheriff shall confirm his Election as Trustee, which Confirmation shall be final, and not subject to Review in any Court or in any Manner whatever ; and the Sheriff Clerk shall issue an Act and Warrant in the Form of Schedule (D.) hereunto annexed to the Trustee, and the Trustee shall immediately transmit a Copy of such Act and Warrant to the Accountant, who shall make an Entry of the Name and Designation of the Trustee in the Register of Sequestrations, and such Act and Warrant shall be an effectual Title to the Trustee to perform the Duties hereby imposed on him, and shall be Evidence of his Right and Title to the sequestrated Estate, for the Purposes of this Act ; and a Copy of such Act and Warrant in favour of the Trustee, purporting to be certified by the Sheriff Clerk, and to be authenticated by One of the Judges of the Court of Session, shall be received in all Courts and Places within *England, Ireland*, and Her Majesty's other Dominions as *prima facie* Evidence of the Title of the Trustee, without Proof of the Authenticity of the Signatures or of the official Character of the Persons signing, and shall entitle the Trustee to recover any Property belonging or Debt due to the Bankrupt, and to maintain Actions, in the same Way as the Bankrupt might have done if his Estate had not been sequestrated.

Act and Warrant in favour of Trustee.

To be a complete Title to him.

LXXIV. A Majority in Number and Value of the Creditors present at any Meeting duly called for the Purpose, may remove the Trustee, or accept of his Resignation ; and One Fourth of the Creditors in Value may at any Time apply by Petition to the Lord Ordinary for Removal of the Trustee, and the Lord Ordinary shall order such Petition to be served on the Trustee, and intimated in the Gazette ; and if the Lord Ordinary shall be satisfied that sufficient Reason has been shown, he shall remove the Trustee, and appoint a Meeting of the Creditors to be held for devolving the Estate on the Trustee next in succession, or electing a new Trustee ; and if the Trustee shall die, resign, or be removed, or remain at any One Time for Three Months furth of *Scotland*, any Commissioner, or any Creditor ranked or claiming and entitled to be ranked on the Estate, may apply to the Sheriff for an Order to hold a Meeting for devolving the Estate on the Trustee next in succession, or electing a new Trustee ; and the Sheriff shall grant Warrant to hold such Meeting at a certain Time and Place, which shall be advertised in the Gazette by the Commissioner or Creditor so applying, and at the Time and Place so appointed the Creditors at such Meeting may devolve the Estate on the Trustee next in succession, or elect a new Trustee ; and when the Estate is devolved on such Trustee the Creditors shall fix the Amount for which he shall find Security, and on a Bond being lodged the Sheriff shall confirm him, and an Act and Warrant shall be issued and recorded in the same Way and to the same Effect as in the First Election of a Trustee ; and in all Cases of a new Election of a Trustee the Procedure shall take place in the like Manner as is herein-before provided in the Case of the First Election ; and the succeeding or new Trustee shall be vested with the Powers and perform the Duties and be subject to the same Rules as are herein-before provided, and shall call to account the former Trustee, or his Heirs or Representatives.

Removal or Resignation of Trustee.

Election of a new Trustee.

*Election and Removal of Commissioners.*

LXXV. At the Meeting for Election of a Trustee the Creditors present or their Mandatories shall after the Election of the Trustee, elect Three Commissioners (if there be so many Creditors who have claimed), who shall be either Creditors or Mandatories of Creditors, and the like Proceedings shall take place in regard to their Election as is provided in regard to the Election of Trustee (except that they shall not be bound to find Security) ; and the Sheriff shall decide who are the Persons duly elected, and declare their Election by a Deliverance in the Sederunt Book, which Decision shall be final, and shall entitle them to act without further Confirmation, and a Majority of them shall be a Quorum : Provided that no Person shall be eligible as a Commissioner who is disqualified to be a Trustee ; and any Mandatory who has been elected a Commissioner shall lose that Office, upon written Intimation being sent by his Constituent to the Trustee that he has recalled the Mandate, and the Trustee shall immediately record the Intimation in the Sederunt Book ; and the Trustee shall, in all Cases where a Commissioner has declined to act, or resigned, or become incapacitated, call a Meeting of Creditors for the Purpose of electing a new Commissioner, and such Commissioner shall be elected in manner herein-before provided.

Election of Commissioners.

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Removal of Commissioners. LXXVI. A Majority of the Creditors assembled at any Meeting duly called for that Purpose may remove a Commissioner, and may elect another in his Place, in manner before directed.

*Protection and Allowance to Bankrupt.*

Protection to Bankrupt.

LXXVII. At the Meeting for the Election of a Trustee, or at the Meeting held after the Examination of the Bankrupt, or at any Meeting called for the Purpose, the Majority in Number and Value of the Creditors present may resolve that the personal Protection of the Bankrupt ought to be renewed for such Time as they may think fit, and in such Case the Trustee shall apply to the Sheriff, who shall renew the Protection, and the Deliverance by him renewing the same, or an Extract thereof signed by the Sheriff Clerk, shall have the same Effect as the original Warrant of Protection.

Allowance to Bankrupt.

LXXVIII. At the Meeting for Election of a Trustee, or at the Meeting held after the Examination of the Bankrupt, or at any Meeting called for the Purpose, Four Fifths in Value of the Creditors present may authorize Payment from Time to Time to the Bankrupt, or to the Partners of a Company, (if the Sequestration be of a Company Estate,) of such Sum out of the Estate as they shall think proper for Sustenance, until the Period assigned for Payment of the Second Dividend, but such Allowance shall not exceed Three Pounds Three Shillings *per* Week to the Bankrupt, or to each individual Partner of a Company, from the Date of Sequestration to the Period aforesaid, and no Allowance shall be given if the Bankrupt shall not have complied with the Provisions of this Act: Provided always, that if it shall at any Time be the Opinion of a Majority of the Creditors present at a regular Meeting that it is for the Interest of the Estate that a special Allowance should be further made to the Bankrupt, and if the Accountant in Bankruptcy shall report in its Favour, it shall be competent for the Lord Ordinary or the Court, on Application by the Trustee, with the said Concurrence of Creditors, and Report by the Accountant, to award such Allowance, which shall then be payable out of the Estate.

*Duties of Trustee and Commissioners.*

Record of Abbreviate of the Confirmation of Trustee.

LXXIX. The Trustee, within Twenty-one Days after his Election is confirmed, shall present an Abbreviate, signed by him or his Agent, in the Form of Schedule (E. No. 1.), hereunto annexed, to the Keeper of the Register of Abbreviates of Adjudications, who shall forthwith record the same, and write and subscribe a Certificate on the said Abbreviate in the Form specified in the said Schedule (E. No. 2.); and the like Proceeding shall take place within Twenty-one Days after the Election of each new Trustee shall be confirmed.

Trustee to take possession of Estate, &c.

LXXX. The Trustee shall, as soon as may be after his Appointment, take possession of the Bankrupt's Estate and Effects, and of his Title Deeds, Books, Bills, Vouchers, and other Papers and Documents, and also make up an Inventory of such Estate and Effects, and a Valuation showing the estimated Value and the annual Revenue thereof, and shall forthwith transmit Copies of such Inventory and Valuation to the Accountant.

Bankrupt to make up State of his Affairs;

LXXXI. The Bankrupt shall make up, and at the Meeting appointed for the Election of a Trustee deliver to the Clerk of such Meeting, a State of his Affairs, specifying his whole Property, wherever situated, the Property in expectancy or to which he may have an eventual Right, the Names and Designations of his Creditors and Debtors, and the Debts due by and to him, and a Rental of his Heritable Property, which State and Rental shall be subscribed by the Bankrupt, and shall then be delivered to the Trustee, and the same shall be engrossed in a Sederunt Book to be kept by the Trustee; and the Bankrupt shall at all Times give every Information and Assistance necessary to enable the Trustee to execute his Duty; and if the Bankrupt fail to do so, or to grant any Deed which may be requisite for the Recovery or Disposal of his Estate, the Trustee may apply to the Sheriff to compel him to give such Information and Assistance, and to grant such Deeds, under the Penalty of Imprisonment and of Forfeiture of the Benefit of this Act, and unless Cause be shown to the contrary the Sheriff shall issue a Warrant of Imprisonment accordingly.

and to give Information and grant Deeds.

Trustee to recover Funds.

LXXXII. The Trustee shall manage, realize, and recover the Estate belonging to the Bankrupt, wherever situated, and convert the same into Money according to the Directions given by the Creditors at any Meeting, and if no such Directions are given, he shall do so with the Advice of the Commissioners; and he shall lodge all Money which he shall receive in such Bank as the Majority of the Creditors in Number and Value at any General Meeting shall appoint, and failing such Appointment, in any Joint Stock Bank of Issue in *Scotland* (provided that the Bank be not One in which the Trustee shall be an acting Partner, Manager, or Cashier); and the Money shall be lodged in the Name of the Trustee, in his official Character under this Act, at the highest Rate of Interest which can be procured for the same; and such Bank shall, once yearly at least, balance such Account, and accumulate the Interest with the Principal Sum, so that both shall thereafter bear Interest as Principal; and if such Bank fail to do so such Bank shall be liable to account as if such Interest had been so accumulated.

Penalty on Trustee retaining Funds.

LXXXIII. If the Trustee shall keep in his Hands any Sum exceeding Fifty Pounds belonging to the Estate for more than Ten Days, he shall pay Interest to the Creditors at the Rate of Twenty Pounds *per Centum per Annum* on the Excess of such Sum above Fifty Pounds for such Time as the same shall be in his Hands beyond Ten Days; and unless the Money has been so kept from innocent Causes, the Trustee

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Trustee shall be dismissed from his Office, upon Petition to the Lord Ordinary or Sheriff by any Creditor, and have no Claim to Remuneration, and shall be liable in Expenses.

LXXXIV. The Trustee shall keep a Sederunt Book, in which he shall record all Minutes of Creditors and of Commissioners, States of Accounts, Reports, and all the Proceedings necessary to give a correct View of the Management of the Estate, and he shall also keep regular Accounts of the Affairs of the Estate, and transmit to the Accountant in Bankruptcy, before each of the Periods herein assigned for Payment of a Dividend, a Copy, certified by himself, of such Accounts, in so far as not previously transmitted, and such Copies shall be preserved in the Office of the Accountant; and the Sederunt Book and Accounts shall be patent to the Commissioners and to the Creditors or their Agents, at all Times: Provided always, that when any Document is of a confidential Nature (such as the Opinion of Counsel on any Matter affecting the Interest of the Creditors on the Estate) the Trustee shall not be bound to insert it in the Sederunt Book, or to exhibit it to any other Person than the Commissioners.

Trustee to keep a Sederunt Book, and send Copy of Accounts to Accountant.

LXXXV. The Commissioners shall superintend the Proceedings of the Trustee, concur with him in Submissions and Transactions, give their Advice and Assistance relative to the Management of the Estate, decide as to paying or postponing Payment of a Dividend, and may assemble at any Time to ascertain the Situation of the Bankrupt Estate, and any One of them may make such Report as he may think proper to a General Meeting of the Creditors.

Duties of Commissioners.

LXXXVI. The Judicial Factor, the Trustee, and Commissioners shall be amenable to the Lord Ordinary and to the Sheriff, although resident beyond the Territory of the Sheriff, at the Instance of any Party interested, to account for their Intrusions and Management, by Petition served on them; and in case it shall appear that such Application ought not to have been made, the Party complained of shall be entitled to his full Expenses, to be either retained out of the Funds, or recovered from the Party complaining, as the Lord Ordinary or the Sheriff shall direct.

Judicial Factor, &c. amenable to Lord Ordinary and Sheriff.

*Examination of Bankrupt.*

LXXXVII. The Trustee shall, within Eight Days after the Date of the Act and Warrant confirming him, apply to the Sheriff to name a Day for the public Examination of the Bankrupt, and the Sheriff shall issue his Warrant for the Bankrupt to attend for such Examination within the Sheriff Court House on a specified Day and at a specified Hour, being not sooner than Seven Days nor later than Fourteen Days from the Date of the Sheriff's Warrant; and on the Sheriff granting such Warrant the Trustee shall publish an Advertisement, in Terms of Schedule (F.) hereunto annexed, in the Gazette, and send by Post or otherwise special Notice to every Creditor who has lodged a Claim, or who may be named in the Bankrupt's State of Affairs, intimating his Name and Designation, his Election as Trustee, the Day, Hour, and Place fixed for the Examination of the Bankrupt, and also a specified Day, being not sooner than Seven Days nor later than Fourteen Days after the Day appointed for the Examination of the Bankrupt, and in the Sequestration of the Estates of a deceased Debtor a Meeting of Creditors shall be called by the Trustee by public Advertisement and Notice to each Creditor, to be held not later than Fourteen Days after the Date of such Advertisement, and also the Hour and Place for holding a Second Meeting of the Creditors, and shall also in the same Notice intimate the Period within which Claims should be lodged.

Sheriff to name a Day for Bankrupt's Examination.

LXXXVIII. It shall be competent for the Sheriff to grant a Warrant to apprehend the Bankrupt, and bring him before the Sheriff for Examination; and if the Bankrupt be imprisoned for a Debt or other Civil Obligation within *Scotland*, the Sheriff may grant Warrant to Magistrates and Gaolers, on receiving a Duplicate of such Warrant, and an Acknowledgment for the Person of the Bankrupt, to deliver him to the Officer presenting the same, and they shall do so accordingly; and the Sheriff may also grant Warrant to bring the Bankrupt from the Sanctuary, which Warrant shall protect him against Arrest for Debt or other Civil Obligation while under Examination, and on the Way to and from the Place of Examination, and shall be sufficient Authority, either within or beyond the Territory of the Sheriff in *Scotland*, to Messengers-at-Arms, and to the Officers of the Sheriff, to apprehend, transmit, detain, and imprison, and to Gaolers to deliver up, receive, and detain, the Bankrupt, until his Examination is concluded, and also for his Re-transmission after Examination to the Gaol from which he was delivered up, and Re-imprisonment therein; and if the Bankrupt cannot be brought from Gaol or the Sanctuary, or cannot be examined by the Sheriff there, or is by a lawful Cause prevented from attending at the Time and Place appointed, or is in Custody on a criminal Charge, or is abroad, the Sheriff may grant Commission to take the Examination; and the Sheriff or Commissioner may, if he see Cause, adjourn the Examination of the Bankrupt to an early Day, to be then fixed; and the Sheriff may, on the Application of the Trustee, order the Bankrupt to be examined as often as he shall see fit.

Sheriff may grant Warrant to bring Bankrupt for Examination.

LXXXIX. If the Bankrupt be in any Part of *Great Britain* and *Ireland* other than *Scotland*, the Lord Ordinary may, on Petition by the Trustee, grant Warrant to all Judges, Magistrates, Justices of the Peace, and Officers of the Law, to apprehend and transmit him to the Place of his Examination, and to enforce the same, which they are hereby required to do; and if the Bankrupt be in Prison or Custody, the Lord Ordinary may grant Warrant as aforesaid to Magistrates and Gaolers, upon receiving a Duplicate of such Warrant, and an Acknowledgment for the Person of the Bankrupt, to deliver him to the Messenger or Officer presenting such Warrant, which they shall do accordingly; and such

Apprehension and Transmission of the Bankrupt when out of *Scotland*.

Warrant

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Warrant shall be sufficient Authority for the Apprehension, Transmission, Detention, and Imprisonment of the Bankrupt (when necessary for his safe Custody), and for his Re-transmission after Examination to and Re-imprisonment in the Prison or Custody from which he was delivered up.

Examination of Bankrupt's Wife and others.

XC. The Sheriff may, at any Time, on the Application of the Trustee, order an Examination of the Bankrupt's Wife and Family, Clerks, Servants, Factors, Law Agents, and others, who can give Information relative to his Estate, on Oath, and issue his Warrant requiring such Persons to appear; and if they refuse or neglect to appear, when duly summoned, the Sheriff may issue another Warrant to apprehend the Person so failing to appear: Provided that when such Person is not the Bankrupt, nor his Wife, nor One of his Family, nor his Clerk or Servant, no Warrant for Apprehension shall be issued until the Expiration of Eight Days from the Service of the First Warrant, unless the Trustee shall, on Oath, specify a reasonable Cause of Belief that such Person intends to leave the Country to avoid the Examination, in which Case the Sheriff may forthwith issue such Warrant; which several Warrants shall be sufficient to authorize Messengers-at-Arms, or the Officers of the Sheriff, to execute the same, either within or without the Territory of the Sheriff in *Scotland* as aforesaid; and if any Person liable to be examined cannot attend, the Sheriff may grant Commission to take his Examination; and such Examination, whether by the Sheriff or by a Commissioner, may be adjourned, if it shall seem fit, to an early Day, to be then fixed: Provided that Persons, other than the Bankrupt, summoned to attend for Examination shall be entitled to such Allowances as Witnesses are in other Cases entitled to, and the Amount of which, if disputed, shall be fixed by the Sheriff.

Bankrupt and others must answer lawful Questions, &c.

XCII. The Bankrupt and such other Persons shall answer all lawful Questions relating to the Affairs of the Bankrupt; and the Sheriff may order such Persons to produce for Inspection any Books of Account, Papers, Deeds, Writings, or other Documents in their Custody relative to the Bankrupt's Affairs, and cause the same, or Copies thereof, to be delivered to the Trustee.

Mode of Examination.

XCIII. The Examination of the Bankrupt, and of such other Persons, shall be taken upon Oath, and shall, except in the Cases already specified, wherein a Commission is allowed to be granted, take place before the Sheriff, and the Bankrupt's Examination shall be taken and may be written or dictated by the Sheriff, and authenticated in the ordinary Way as a regular Deposition; but Notes of the Evidence of such other Persons shall be written by the Sheriff in the Mode prescribed by the Act passed in the Sixteenth and Seventeenth Year of the Reign of Her present Majesty, Chapter Eighty, with regard to Proofs in Civil Cases in the Sheriff Courts, except where it shall appear to him necessary to record and authenticate such Evidence, in whole or in part, in the Form of a regular Deposition, and if the Trustee shall make an Application to that Effect the Bankrupt and such other Persons shall be examined in open Court.

Penalty on Refusal to answer, &c.

XCIII. If the Bankrupt or any of such other Persons shall refuse to be sworn, or to answer, to the Satisfaction of the Sheriff, any lawful Question put to him by the Sheriff or Trustee, or by any Creditor with the Sanction of the Sheriff, or without lawful Cause shall refuse to sign his Examination, or to produce Books, Deeds, or other Documents in his Custody or Power relating to the Estate, the Sheriff may grant Warrant to commit him to Prison, there to remain until he comply with the Order, which Warrant shall specify the Question and Answer, Book, Deed, Document, or the Refusal to swear or to sign the Examination; and such Warrant shall not be subject to the Review of the Court of Session, but the Bankrupt or Person imprisoned may apply by written Petition (without Argument) to the Lord Ordinary for a Recall of the Warrant, and the Lord Ordinary shall order the Petition to be served on the Trustee or the Creditor and shall thereafter hear Parties *videlicet*, and pronounce Judgment.

Penalty on latent Partner of Bankrupt Company not coming forward.

XCIV. If any latent Partner of a Company whose Estates have been sequestrated shall not, by Intimation to the Trustee, acknowledge that he is a Partner, on or before the Day appointed for the Examination of the known Partners, he shall not be entitled to the Benefits or Privileges of this Act, unless in an Application for the same he shall satisfy the Lord Ordinary or the Sheriff that the Omission proceeded from innocent Mistake, or Ignorance of the Proceedings, or reasonable Misconception as to his Liability as a Partner, and unless he shall then follow out all necessary Steps for remedying as far as possible the Loss and Inconvenience thence arising.

Bankrupt may correct his State, and then must take Oath inserted in this Act.

XCV. The Bankrupt, before the Close of his Examination, may make such Additions to or Alterations upon the State of his Affairs as may have occurred to him to be necessary to give a full View of his Affairs, which State, with the Additions and Alterations, shall be subscribed by the Sheriff and the Bankrupt; and the Bankrupt shall then take the following Oath, which shall be engrossed in the Sederunt Book, and subscribed as aforesaid, as relative to such State; and when the Bankrupt is a Partner with others, and examined respecting the Affairs of the Partnership, the Words of the Oath shall so far be varied as to make it applicable to the Case:

Oath.

' I DO, in the Presence of Almighty God, and as I shall answer to God at the great Day of Judgment, solemnly swear, That the State of my Affairs subscribed by me as relative hereto contains a full and true Account, to the best of my Knowledge and Belief, of all the Debts, of whatever Nature, due to me, and of all my Estate and Effects, Heritable and Moveable, Real and Personal, wherever situated (the necessary Wearing Apparel of myself, my Wife and Family, only excepted), as well of all Claims which I am entitled to make against any Person or Persons whatsoever, and of all Estate  
' in

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' in expectancy, or Means, of whatever kind, to which I have an eventual Right by Contract of Marriage, Trust Deed, Settlement, Deed of Entail, or otherwise; and that the said State likewise contains a full and true Account of all Debts due by me or Demands upon me; and that I have delivered up the whole Books, Documents, Accounts, Title Deeds, and Papers of every kind belonging to me which in any way relate to my Affairs, and which were or are in my Possession or under my Power; and that I have made a full Disclosure of every Particular relating to my Affairs: And further, I promise and swear, That I will forthwith reveal all and every other Circumstance or Particular relative to my Affairs which may hereafter come to my Knowledge, and which may tend to increase or diminish the Estate in which my Creditors may be interested, directly or indirectly.'

*Powers of Second and subsequent Meetings of Creditors.*

XCVI. Prior to the Meeting of Creditors after the Examination of the Bankrupt, or in the Case of a deceased Debtor prior to the First Meeting after the Election of the Trustee, the Trustee shall prepare a Report setting forth the State of the Bankrupt's Affairs, and an Estimate of what the Estate may produce, which Report he shall exhibit at the Meeting of Creditors, and give all Explanations relative thereto; and the Creditors assembled at such Meeting may receive an Offer of Composition, as herein-after provided, and may, either at this or any other Meeting, give Directions for the Recovery, Management, and Disposal of the Estate; and when any Part of the Estate consists of Land or other Heritable Property, it shall be optional to the Creditors to determine whether the Trustee is to bring such Property to Judicial Sale, or to dispose thereof by voluntary Public Sale, or by Private Sale, as herein-after provided.

Report by Trustee after Bankrupt's Examination.

Powers of Creditors over Estate.

XCVII. If it shall appear to a Majority of the Creditors in Number and Value assembled at any Meeting after the Examination of the Bankrupt, that he has not made a full and fair Surrender of his Estate, or that he has disposed of or concealed any Part of his Funds, to the Prejudice of his Creditors, or that his Bankruptcy has been fraudulent, they may authorize the Trustee to proceed against him in Terms of Law, at the Expense of the Estate.

Proceedings if Bankrupt do not make a fair Surrender.

*Calling of and Procedure at Meetings.*

XCVIII. The Trustee, or any Commissioner with Notice to the Trustee, may at any Time call a Meeting of the Creditors, and the Trustee shall call such Meeting, when required by One Fourth in Value of the Creditors ranked on the Estate, or by the Accountant.

When Meetings to be called.

XCIX. Notice of the Day, Hour, Place, and Purpose of all Meetings of Creditors under this Act shall be advertised in the Gazette Seven Days at least before the Day of the Meeting, and such Meeting may be adjourned to the following Day.

Notice of Meetings.

C. It shall not in any Case be necessary to send any Notification of the Day or Place of Meetings by Post to any Creditor whose Debt shall be under Twenty Pounds, unless such Creditor shall have given Directions in Writing that such Notification shall be sent; and no Notification shall be sent to any Creditor who has directed that none shall be sent.

No Notice to be sent in certain Cases.

CI. All Questions at any Meeting of Creditors shall be determined by the Majority in Value of those present and entitled to vote, unless in the Cases herein otherwise provided for; and when, for the Purpose of voting, the Creditors are required to be counted in Number, no Creditor whose Debt is under Twenty Pounds shall be reckoned in Number, but his Debt shall be computed in Value.

Rules as to computing Majorities.

*Extent of Trustee's Right.*

CII. The Act and Warrant of Confirmation in favour of the Trustee shall *ipso jure* transfer to and vest in him or any succeeding Trustee, for behoof of the Creditors, absolutely and irredeemably, as at the Date of the Sequestration, with all Right, Title, and Interest, the whole Property of the Debtor, to the Effect following:

Vesting of Estate in Trustee.

1st. The Moveable Estate and Effects of the Bankrupt, wherever situated, so far as attachable for Debt, to the same Effect as if actual Delivery or Possession had been obtained, or Intimation made at that Date, subject always, to such preferable Securities as existed at the Date of the Sequestration, and are not null or reducible:

Vesting of Moveable Estate.

2d. The whole Heritable Estate belonging to the Bankrupt in *Scotland*, to the same Effect as if a Decree of Adjudication in Implement of Sale, as well as a Decree of Adjudication for Payment and in Security of Debt, subject to no legal Reversion, had been pronounced in favour of the Trustee, and recorded at the Date of the Sequestration, and as if a Poining of the Ground had then been executed, subject always to such preferable Securities as existed at the Date of the Sequestration, and are not null and reducible, and the Creditors Right to poind the Ground, as herein-after provided; and the Right of the Trustee shall not be challengeable on the Ground of any prior Inhibition (saving the Effect which such Inhibition may be entitled to in the ranking of the Creditors): Provided always, that such Transfer and Vesting of the Heritable Estate shall have no Effect upon the Rights of the Superior, nor upon any Question of Succession between the Heir and Executor of any Creditor claiming on the sequestrated Estate, nor upon the Rights of the Creditors of the Ancestor (except that the Act and Warrant of Confirmation shall operate in their Favour as complete Diligence);

Vesting of Heritable Estate in Scotland.

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gence); and if any Part of the Bankrupt's Estate be held under an Entail or by a Title otherwise limited, the Right vested in the Trustee shall be effectual only to the Extent of the Interest in the Estate which the Bankrupt might legally convey, or the Creditors attach :

Vesting of Real Estates in England, Ireland, and other British Dominions.

3d. All Real Estate situated in *England, Ireland*, or in any of Her Majesty's Dominions, belonging to the Bankrupt, and all Interest in or regarding such Real Estate, which the Bankrupt held, or to which he was entitled : Provided always, that as regards all Freehold, Copyhold, and Leasehold Estate in *England, Ireland*, or any of Her Majesty's Dominions (except *Scotland*), the Act and Warrant of Confirmation shall be registered in the Chief Court of Bankruptcy for the Country in which the Property is situated, in the like Manner as an Adjudication of Bankruptcy or other similar Process ought to be registered according to the Law of that Country, either in a separate Book, or in the General Book, as the Court of Bankruptcy shall order, to the Intent that all Persons concerned may have the same Means of ascertaining whether any Person has been adjudged a Bankrupt according to the Law of *Scotland* as they have or shall have of ascertaining whether any Person has been adjudged a Bankrupt according to the Law for the Time being of the Country in which the Property is situated ; and no Purchaser for valuable Consideration of any Freehold, Copyhold, or Leasehold Estate (except in *Scotland*) shall be affected by any such Bankruptcy until the Act and Warrant of Confirmation shall have been so registered as aforesaid : Provided also, that where, according to the Laws of *England, Ireland*, or other Her Majesty's Dominions, any Deed or Conveyance would require Registration, Enrolment, or recording, the Act and Warrant of Confirmation shall be so registered, enrolled, or recorded according to the Laws of *England, Ireland*, or other Her Majesty's Dominions ; and if any Purchase is made by any Person for valuable Consideration, and without Notice of the Sequestration, prior to the Registration, Enrolment, or recording of the said Act and Warrant of Confirmation, such Purchase shall not be invalidated by the Existence of such Act and Warrant, or the subsequent Registration, Enrolment, or recording thereof.

Acquisitions of Bankrupt after the Sequestration to belong to the Creditors.

CIII. If any Estate, wherever situated, shall, after the Date of the Sequestration, and before the Bankrupt has obtained his Discharge, be acquired by him, or descend or revert or come to him, the same shall *ipso jure* fall under the Sequestration, and the full Right and Interest accruing thereon to the Bankrupt shall be held as transferred to and vested in the Trustee, as at the Date of the Acquisition thereof or Succession, for the Purposes of this Act ; and the Trustee shall, on coming to the Knowledge of the Fact, present a Petition setting forth the Circumstance to the Lord Ordinary, who shall appoint Intimation to be made in the Gazette, and require all concerned to appear within a certain Time for their Interest ; and after the Expiration of such Time, and no Cause being shown to the contrary, the Lord Ordinary shall declare all Right and Interest in such Estate which belongs to the Bankrupt to be vested in the Trustee, as at the Date of the Acquisition thereof or Succession thereto, to the same Effect as is herein-before enacted in regard to the other Estates ; and the Proceeds thereof, when sold, shall be divided in Terms of this Act ; and if the Bankrupt do not immediately notify to the Trustee that such Estate has been acquired, or has come to him as aforesaid, he shall forfeit all the Benefits of this Act, and it shall be competent to the Trustee to examine him as aforesaid in relation thereto : Provided always, that the Rights of the Creditors of the Person from whom such Estate shall come or descend to the Bankrupt shall be reserved entire.

As to Subjects improperly included in Sequestration.

CIV. Any Person claiming Right to any Estate included in the Sequestration may present a Petition to the Lord Ordinary, praying to have such Estate taken out of the Sequestration, and the Lord Ordinary shall order the Trustee to answer within a certain Time, and on Expiration of such Time he shall proceed to dispose of the Application.

Trustee may complete Feudal Titles or grant such Rights as Bankrupt could do.

CV. The Bankrupt shall, if required, grant all Deeds necessary for recovering his Property and feudally vesting his Heritable Estate in the Trustee for the Purposes of this Act ; and if the Bankrupt's Title to any Estate has not been completed, the Trustee may complete Titles in his own Person, whom failing, in favour of any Trustee who may succeed him, for behoof of the Creditors, or in the Person of the Bankrupt ; and Superiors shall, if required, enter the Trustee or the Purchaser from him in Terms of Law ; and the Trustee may, without making up a Feudal Title in his Person, and without Concurrence of the Bankrupt, grant Conveyances of the Heritable Estate belonging to the Bankrupt, with such Procuratories, Precepts, or other Warrants, as the Bankrupt might competently have granted, which Conveyances shall be as effectual to the Purchaser as if they had been granted by the Bankrupt with Concurrence of the Trustee, and shall not be affected by any Inhibition against the Bankrupt, reserving the Effect of such Inhibition in the ranking.

Trustee may get Property transferred to him, although the Heir of the Bankrupt has made up Titles.

CVI. When Sequestration is awarded against the Estate of a Person after his Death, and his Successor has made up a Title to his Heritable Estate, the Trustee may apply by Petition to the Lord Ordinary, praying that such Estate shall be transferred to and vested in him, and the Lord Ordinary shall order the Petition to be served upon such Successor, and require him to answer the same within Fourteen Days ; and an Abbreviate of such Petition and Deliverance, in Terms of the Schedule (A. No. 3.) hereunto annexed, being recorded in the Register of Inhibitions kept at *Edinburgh*, shall have the Effect of an Inhibition, and the Keeper of the Register shall write on the said Abbreviate a Certificate in Terms of the said Schedule (A. No. 2.) ; and if on Expiration of that Period no Cause is shown to the contrary, the Lord Ordinary shall declare such Estate to be transferred to and vested in the Trustee, as at the

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Date of the Sequestration, to the same Effect as is herein-before provided in regard to the Act and Warrant of Confirmation; and the Trustee shall, within Eight Days thereafter, cause an Abbreviate of such Petition and Deliverance to be recorded in the Register of Abbreviates of Adjudications, in Terms of the Schedule (E. No. 3.) hereunto annexed, and the Keeper of the said Register shall write on such Abbreviate a Certificate in Terms of the said Schedule (E. No. 2.)

Decree to be recorded in the Register of Adjudications.

*Effect of Sequestration on Ranking of Creditors.*

CVII. The Sequestration shall, as at the Date thereof, be equivalent to a Decree of Adjudication of the Heritable Estates of the Bankrupt for Payment of the whole Debts of the Bankrupt, Principal and Interest, accumulated at the said Date, and when the Sequestration is dated within Year and Day of any effectual Adjudication, the Estate shall be disposed of under the Sequestration according to the Provisions of this Act: Provided, that nothing herein contained shall affect the Rights of any Heritable Creditor holding a Power of Sale preferable to the Powers of the Trustee.

Sequestration equivalent to an Adjudication in Competition;

CVIII. The Sequestration shall, as at the Date thereof, be equivalent to an Arrestment in Execution and Decree of Forthcoming, and to an executed or completed Pounding; and no Arrestment or Pounding executed of the Funds or Effects of the Bankrupt on or after the Sixtieth Day prior to the Sequestration shall be effectual; and such Funds or Effects, or the Proceeds of such Effects, if sold, shall be made forthcoming to the Trustee: Provided, that any Arrester or Poinder before the Date of the Sequestration who shall be thus deprived of the Benefit of his Diligence shall have Preference out of such Funds or Effects for the Expense *bonâ fide* incurred by him in such Diligence.

And to Arrestment and Pounding. Diligence when ineffectual. Expenses of Diligence.

CIX. The presenting of or concurring in a Petition for Sequestration, or the lodging a Claim in the Hands of the Trustee, or the Sheriff, or Preses at any Meeting of Creditors, shall interrupt Prescription of the Debt of the Creditor so petitioning, concurring, or claiming, and in regard to such Debt shall bar the Effect of any Statute of Limitations in *England* or *Ireland*, or other Her Majesty's Dominions, and although this Sequestration shall be recalled, such Interruption or Bar shall, notwithstanding, be effectual.

Interruption of Prescription.

CX. When the Sequestration of the Estates of a deceased Debtor is dated within Seven Months after his Death, any Preference or Security for any prior Debt acquired by legal Diligence on or after the Sixtieth Day before his Death, or subsequent to his Death, and any Preference or Security acquired for a prior Debt by any Act or Deed of the Debtor which has not been lawfully completed for a Period of more than Sixty Days before his Death, and any Confirmation as Executor-Creditor after the Debtor's Death, shall in these several Cases be of no Effect in competition with the Trustee; and the Estates and Effects over which such Preferences or Securities shall have been obtained, or of which Confirmation shall have been expedite, shall belong to the Trustee: Provided, that the Creditor, who is so deprived of the Benefit of his Diligence or Confirmation shall have Preference for Payment out of the said Estates or Effects of the Expenses *bonâ fide* incurred by him in such Diligence or Confirmation.

Preferences in case of a deceased Debtor.

CXI. All Payments and Preferences or Securities obtained by or granted to prior Creditors, and all Acts done or Deeds granted by the Bankrupt after the Date of the Sequestration and before his Discharge out of or in relation to the Estate (unless with the Consent of the Trustee), shall, in the event of Sequestration being awarded, be null and void; and the Trustee shall be entitled to such Preference or Security, and to any Money so paid, deducting any Expense *bonâ fide* incurred; but if a *bonâ fide* Purchaser is in possession of Moveable Effects received from the Bankrupt after Sequestration, but in Ignorance thereof, and when ignorant thereof for a Price paid, or which he is ready to pay, he shall not be obliged to restore the Effects; and if a Debtor, in Ignorance of the Sequestration, have paid his Debt *bonâ fide* to the Bankrupt, he shall not be obliged to pay it a Second Time to the Trustee; and if the Possessor of any Bill or Promissory Note, which is payable by the Bankrupt, with Recourse on other Parties, or of a Security for a Debt due by the Bankrupt, shall have received Payment of his Debt from the Bankrupt in Ignorance of the Sequestration, and given up such Bill, Promissory Note, or Security to the Bankrupt, such Person shall not be liable to repay to the Trustee the Amount so received, unless the Trustee shall replace him in the Situation in which he stood, or reimburse him for any Loss or Damage.

Acts and Payments by Bankrupt after Sequestration null, except in certain Cases.

*Realization of Heritable Estate.*

CXII. A Creditor holding a Security over the Heritable Estate of the Bankrupt, preferable to the Right of the Trustee, with a Power to sell, may sell, in Terms of his Security, notwithstanding the Sequestration, and it shall be competent to the Trustee to concur therein in order to fortify the Title; and the Trustee or any posterior Heritable Creditor preferable to him may, by Petition to the Lord Ordinary or to the Sheriff, compel the said Creditor and the Purchaser to account for any Reversion of the Price.

Sale of Heritable Estate by Creditor.

CXIII. If a Creditor holding an Heritable Security, with a Power to sell, concur with the Trustee in bringing the Estate to Sale, the Trustee shall sell the same in his own Name, and the Articles of Roup and Conveyance to the Purchaser shall be executed by the Trustee, with Consent of such Creditor and the Commissioners; and the Price shall be paid by the Purchaser to the Parties legally entitled thereto, and in so far as not paid at the Time of the Delivery of the Conveyance, it shall be consigned in the

Sale by Trustee with Concurrence of Heritable Creditors.

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Discharge of Burdens on Sale.

Bank in which the Money of the sequestrated Estate is deposited; which Payment or Consignation of the Price shall free and discharge the Estate sold and the Purchaser from the Security of the consenting Creditor, whether the Debt in such Security be satisfied or not, and from all Securities postponed to the Security of such Creditor.

Sale by Trustee alone.

CXIV. If the Creditors, at the Meeting held after the Examination of the Bankrupt, or at any other Meeting called for the Purpose, resolve that the Trustee shall dispose of the Heritable Estate by Public Sale or bring it to Judicial Sale, and if such Resolution has been made before an Heritable Creditor having a Power of Sale shall have commenced Proceedings for Sale, or if such Proceedings, after being commenced prior to the Date of such Resolution, have thereafter been unduly delayed, such Creditor shall not be entitled to interfere with the Sale by the Trustee; and if a Public Sale of the Heritable Estate be resolved on, such Sale shall be made by Auction at the Upset Price and in the Manner which shall be fixed by the Trustee, with Consent of the Commissioners: Provided always, that the Estate shall not be sold for less than the Upset Price, and that such Upset Price shall not be less than sufficient to pay the Debt, Principal, Interest, and Expenses of the Heritable Creditor.

Trustee may sell by private Bargain.

CXV. It shall be competent for the Trustee, with Concurrence of a Majority of the Creditors in Number and Value, and of the Heritable Creditors, if any, and of the Accountant, to sell the Heritable Estate by private Bargain, on such Terms and Conditions regarding Price and otherwise, as the Trustee, with Concurrence of those Parties, may fix.

Trustee to make up a Scheme of Ranking and Division of Price.

CXVI. It shall be the Duty of the Trustee to make up a Scheme of Ranking and Division of the Claims of the Heritable Creditors and other Creditors on the Price of the Heritable Estate sold; and such Scheme of Ranking and Division shall be reported by him to the Lord Ordinary or either Division of the Court of Session; and the Judgment thereon shall be a Warrant for Payment out of the Price against the Purchaser of the Heritable Estate.

Court may grant Interim Warrant for Payment out of Price.

CXVII. It shall be competent for the Lord Ordinary or the Court, on Application by the Trustee or any Creditor interested, with a Report thereon by the Accountant in Bankruptcy, and on Cause shown, to grant an Interim Warrant for Payment of preferable Claims out of the Price of the Estate, or to authorize an Interim Scheme of Division out of the Price, which Scheme of Division shall be disposed of as the Scheme of Division already provided for.

Heritable Creditors Right to poind the Ground limited.

CXVIII. No Poinding of the Ground which has not been carried into execution by Sale of the Effects Sixty Days before the Date of the Sequestration, and no Decree of Mails and Duties on which a Charge has not been given Sixty Days before the said Date, shall (except to the Extent herein-after provided) be available in any Question with the Trustee: Provided, that no Creditor who holds a Security over the Heritable Estate preferable to the Right of the Trustee shall be prevented from executing a Poinding of the Ground, or obtaining a Decree of Mails and Duties after the Sequestration, but such Poinding or Decree shall, in competition with the Trustee, be available only for the Interest on the Debt for the current half-yearly Term, and for the Arrears of Interest for One Year immediately before the Commencement of such Term.

Landlord's Hypothec saved. Creditors may purchase.

CXIX. Nothing in this Act contained shall affect the Landlord's Right of Hypothec.

CXX. When any Estate is sold publicly by virtue of this Act, it shall be lawful for any Creditor to purchase the same; but the Trustee or Commissioners, or Adjudger, selling as aforesaid, shall not be entitled to purchase.

*Payment of Dividends.*

Realized Estate to be a Fund of Division.

CXXI. The whole Estate, when reduced into Money, shall, after paying all necessary Charges and a Commission to the Trustee, be divided among those who were Creditors of the Bankrupt at the Date of the Sequestration, ranked according to their several Rights and Interests.

Workmen's Wages to be privileged.

CXXII. The Wages of Workmen, and of Clerks and Shopmen and Servants employed by the Bankrupt, where such Wages do not exceed Sixty Pounds *per Annum*, shall be entitled to the same Privilege as the Wages of domestic Servants to the Extent of a Month's Wages prior to the Date of Sequestration being awarded, or where Sequestration is not awarded prior to the Concurrence of Diligence for Distribution of the Estate of a Party being Notour Bankrupt.

Creditor to produce Oath, &c. Two Months before Payment of First Dividend, and One Month before subsequent Dividends.

CXXIII. To entitle any Creditor to the Payment of the First Dividend, he shall produce, as is herein-before directed, his Oath and Grounds of Debt at least Two Months before the Time fixed for Payment of the First Dividend, when such Time of Payment shall not have been accelerated, or One Month before the Time fixed for Payment of the First Dividend where such Time shall have been accelerated; and to entitle any Creditor to Payment of any of the subsequent Dividends, he shall produce, as aforesaid, his Oath and Grounds of Debt at least One Month before the Time fixed for Payment of the Dividend which he means to claim; provided that if a Creditor has not produced his Oath and Grounds of Debt in Time to share in the First Dividend, but has done so in Time to share in the Second Dividend, he shall be entitled, on Occasion of Payment of the Second Dividend, to receive out of the first of the Fund (if there be sufficient for that Purpose) an equalizing Dividend corresponding to the Dividend he would have drawn if he had claimed in Time for the First Dividend; and the same Rule shall apply as to all subsequent Dividends.

CXXIV. When

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CXXIV. When any Creditor not resident within *Great Britain* or *Ireland* at the Date of the Deliverance actually awarding Sequestration, or at any Time within Five Months thereafter, shall lodge his Oath and Grounds of Debt Fourteen Days previous to any Time fixed for Payment of a Dividend, though not in Time to entitle such Creditor to participate in such Dividend, the Trustee shall make such Deduction from the divisible Fund as shall be equal to the Dividend which would have been payable to such Creditor had his Oath and Grounds of Debt been timeously lodged and his Claim been sustained; and the Sum so deducted shall form Part of the Fund for Division on the Occasion of Payment of the next Dividend.

Creditors resident abroad may lodge Oath at later Periods.

CXXV. Immediately on the Expiration of Four Months from the Date of the Deliverance actually awarding Sequestration, the Trustee shall proceed to make up a State of the whole Estate of the Bankrupt, of the Funds recovered by him, and of the Property outstanding (specifying the Cause why it has not been recovered), and also an Account of his Intromissions, and generally of his Management; and within Fourteen Days after the Expiration of the said Four Months the Commissioners shall meet and examine such State and Account and ascertain whether the Trustee has lodged the Moneys recovered by him in Bank or not, and if he has failed to do so they shall debit him with a Sum at the Rate of Twenty Pounds on every Hundred Pounds not so lodged, and so after that Rate on any larger or smaller Sum, being not less than Fifty Pounds; and they shall audit his Accounts, and settle the Amount of his Commission, and authorize him to take Credit for such Commission in his Accounts with the Estate; and they shall certify, by a Writing under their Hands engrossed or copied in the Sederunt Book, the Balance due to or by the Trustee in his Account with the Estate as at the Expiration of the said Four Months; and they shall declare whether any and what Part of the net Produce of the Estate, after making a reasonable Deduction for future Contingencies, shall be divided among the Creditors.

Trustee to make up and exhibit to Commissioners State of Funds.

CXXVI. The Trustee shall also within the said Fourteen Days examine the Oaths and Grounds of Debt, and in Writing reject or admit them, or require further Evidence in support thereof, for which Purpose he may examine the Bankrupt, Creditor, or any other Party on Oath relative thereto; and in case he shall reject any Claim, he shall in his Deliverance state the Grounds of such Rejection; and he shall complete the List of the Creditors entitled to draw a Dividend, specifying the Amount of their Debts, with Interest thereon to the Date of the Sequestration, and distinguishing whether they are ordinary Creditors or preferable or contingent, and he shall make up a separate List of any Creditors whose Claims he has rejected in whole or in part.

Commissioners to resolve as to Payment of Dividend, &c.

Trustee to examine and reject or admit Claims and make up List of Creditors entitled to Payment of Dividend;

CXXVII. The Trustee shall, within Eight Days after the Expiration of such Fourteen Days, give Notice in the Gazette published next after Expiration of such Fourteen Days of the Time and Place of the Payment of the Dividend, and also notify the same by Letters put into the Post Office on or before the First lawful Day after the said Fourteen Days, addressed to each Creditor, in which he shall specify the Amount of the Claim and proposed Dividend thereon, and when he has rejected any Claim he shall notify the same to the Claimant by Letter as aforesaid, which Letter shall also contain a Copy of his Deliverance, and specify the Amount of the Claim; and a Certificate by the Trustee or an Execution by a Messenger or Sheriff Officer that such Letters have been put into the Post Office shall be sufficient Evidence thereof; and if any Creditor be dissatisfied with the Decision of the Trustee, he may appeal by a short written Note to the Lord Ordinary or to the Sheriff; but if no such Note be lodged with and marked by the Bill Chamber or Sheriff Clerk (as the Case may be) before the Expiration of Fifteen Days from the Date of the Publication in the Gazette of the said Notice, the Decision of the Trustee shall be final and conclusive so far as regards that Dividend; and in case the Claim have been rejected, such Decision shall be without Prejudice to any new Claim being afterwards made in reference to future Dividends, but which new Claim shall not disturb prior Dividends.

and to publish and send Notices of Payment of Dividend.

Creditors may appeal within a limited Period.

CXXVIII. The Trustees shall, before the Expiration of Six Months from the Date of the Deliverance actually awarding Sequestration, make up a Scheme of Division of the Fund directed by the Commissioners to be divided, and apportion the same, according to their respective Rights, among those Creditors whose Claims have been sustained by him or by the Lord Ordinary or Sheriff, or who shall have appealed against his Decision, and which Scheme shall be patent to all concerned, and shall send Notice to each Creditor of the Amount of the Dividend to which he may be entitled.

Trustee to make up a Scheme of Division.

CXXIX. On the First lawful Day after the Expiration of Six Months from the Date of the Deliverance actually awarding Sequestration, and at the Place appointed, the Trustee shall pay to the Creditors the Dividends allotted to them respectively in Terms of the said Scheme; and he shall lodge the Dividends apportioned to those Claims which are under Appeal, but not finally determined, and the Dividends efferring to contingent Creditors or other Claimants, not then entitled to uplift the same, in the Bank appointed by the Creditors, or failing such Appointment, in any Joint Stock Bank of Issue in *Scotland* in a separate Account, or if the Money be deposited in Bank, he shall transfer it to a separate Account in Name of himself and the Commissioners, to remain therein until the said Appeals be disposed of or the Dividends become payable.

Dividends to be paid, and those disputed or claimed by contingent Creditors to be lodged in Bank.

CXXX. On the Expiration of Eight Months from the Date of the Deliverance actually awarding Sequestration, the Trustee shall again make up a State as herein-before provided, which he shall within Fourteen Days after the Expiration of the said Eight Months exhibit to the Commissioners, who shall meet and examine and audit the same, and perform the other Acts and Duties incumbent on them, in manner before specified, and direct a Second Dividend to be paid, if there shall be Funds to pay the same;

Second Dividend.

Trustee to make up State &c., and Commissioners to re-

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solve as in case of First Dividend.

same; and if the Commissioners shall direct a Dividend to be paid, the Trustee shall also make up Lists of the Creditors who are entitled and who are not entitled to Payment of the Dividend, and frame a Scheme of Division, and notify in the Gazette and by Letters, and any Creditor may appeal, all as is herein-before provided with respect to the First Dividend; provided that no Appeal by a Creditor shall be competent unless the Note of Appeal be lodged within Fifteen Days of the Date of Notification in the Gazette.

Dividend to be paid.

CXXXI. On the First lawful Day after the Expiration of Ten Months from the Date of the Deliverance actually awarding Sequestration, the Trustee shall make Payment of the Second Dividend to those Creditors who are entitled thereto, and shall lodge the Dividend disputed or not then payable, all as herein-before provided with respect to the First Dividend.

*Subsequent Dividends.*

Same Proceedings as in prior Dividends.

CXXXII. The like Procedure shall be followed out as to subsequent Dividends at similar Intervals of Time thereafter, in order that a Dividend may be made on the First lawful Day after the Expiration of every Three Months from the Day of Payment of the immediately preceding Dividend, until the whole Funds of the Bankrupt shall be divided.

Dividends may be accelerated in certain Cases.

CXXXIII. After the Second Dividend is made, a Majority of the Creditors, at any General Meeting called for the Purpose, may determine that future Dividends shall be made at shorter Intervals, and the Affairs of the Estate brought to a more speedy Close; and even before the Period assigned for the First Dividend as aforesaid, it shall be competent to Three Fourths in Number and Value of the Creditors present at the Meeting after the Bankrupt's Examination, or at any subsequent Meeting called for the Purpose, to direct the Trustee to apply to the Lord Ordinary or the Sheriff for Authority to make the First Dividend at an earlier Period than the Expiration of Six Months from the Date of the Deliverance actually awarding Sequestration, but not earlier than Four Months from such Date, if upon Cause shown it shall be found expedient so to do, and also to accelerate the Time for making the Second and other Dividends; and when the Lord Ordinary or the Sheriff shall upon such Application, accelerate the First or any subsequent Dividend, which he is hereby empowered to do, he shall also make the requisite Provision for the Acceleration of any other Matters which he may find it necessary to accelerate in consequence thereof.

Proceedings when Dividend postponed.

CXXXIV. If it shall appear to the Commissioners that a Dividend ought to be postponed, they may do so till the Recurrence of another stated Period for making a Dividend, and they shall authorize the Trustee to give a Notice to that Effect in the next Gazette.

Where Estate is chiefly Land Periods of Payment may be altered.

CXXXV. In Cases where the sequestrated Estate consists chiefly of Land, and in any other Cases where it may be necessary, it shall be competent for the Court of Session or the Lord Ordinary or Sheriff, on a special Application by the Trustee and Commissioners, to authorize such Alteration in the Periods above mentioned for Payment of Dividends as shall be found most suitable to the Circumstances of the Case.

Winding-up of Estate.

CXXXVI. If on the Lapse of Twelve Months from the Date of the Deliverance actually awarding Sequestration it shall appear to the Trustee and Commissioners expedient to sell the Heritable or Moveable Estates not disposed of, and any Interest which the Creditors have in the outstanding Debts and consigned Dividends, they shall fix a Day for holding a Meeting of the Creditors to take the same into consideration; and the Trustee, besides advertising the same in the Gazette, shall, Fourteen Days before the Day appointed, send by Post to each Creditor claiming on the Estate a Notice of the Time and Place of the Meeting, with a Valuation of the Estates and of the outstanding Debts and the consigned Dividends; and if Three Fourths in Value of the Creditors assembled at the Meeting shall decide in favour of a Sale, in whole or in Lots, the Trustee shall cause the Estates, Debts, and Dividends to be sold by Auction, after Notice thereof published at least One Month previous to the Sale, once in the Gazette, and in such other Newspapers as the Creditors at the Meeting shall appoint.

*Discharge of Bankrupt.**1st. On Composition.*

Offer of Composition may be made at the Meeting for Election of Trustee.

CXXXVII. At the Meeting for Election of Trustee the Bankrupt or his Friends, or, in case of his Decease, his Successors, and in case of a Company, One or more of the Partners thereof, may offer a Composition to the Creditors on the whole Debts, with Security for Payment of the same; and if the Majority of the Creditors in Number and Nine Tenths in Value present at such Meeting shall resolve that the Offer and Security shall be entertained for Consideration, the Trustee shall forthwith advertise in the Gazette a Notice that an Offer of Composition has been so made and entertained, and that it will be decided upon at the Meeting to be held after the Examination of the Bankrupt, and shall specify the Hour, Day, and Place, and also transmit by Post Letters to each of the Creditors claiming on the Estate, or mentioned in the Bankrupt's State of Affairs, containing a Notice of such Resolution, and of the Day and Hour at which, and the Place where, such Meeting is to be held, and specifying the Offer and Security proposed, and giving an Abstract of the State of the Affairs and of the Valuation of the Estate, so far as the same can be done, to enable the Creditors to judge of such Offer and Security.

Offer, if entertained, to be disposed of at the Meeting after the Bank-

CXXXVIII. If at the Meeting held after the Examination of the Bankrupt a Majority in Number and Nine Tenths in Value of the Creditors there assembled shall accept such Offer and Security, a Bond of Caution for Payment of the Composition, executed by the Bankrupt or his Successors, or the Partners of a Company (as the Case may be), and the proposed Cautioner, shall be forthwith lodged in the Hands

of

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of the Trustee; and the Trustee shall thereupon subscribe and transmit a Report of the Resolution of the Meeting, with the said Bond, to the Bill Chamber Clerk or Sheriff Clerk, in order that the Approval of the Lord Ordinary or Sheriff (whichever may be selected by the Trustee) may be obtained thereto; and if the Lord Ordinary or the Sheriff, after hearing any Objections by Creditors, shall find that the Offer, with the Security, has been duly made, and is reasonable, and has been assented to by a Majority in Number and Nine Tenths in Value of all the Creditors assembled at the said Meeting, he shall pronounce a Deliverance approving thereof; provided that he shall hear any Objection by opposing Creditors, and if he shall refuse to sustain the Offer or reject the Vote of any Creditor, he shall specify the Grounds of Refusal or Rejection.

rupt's Examination.  
Lord Ordinary or Sheriff to approve.

CXXXIX. In like Manner, at the Meeting held after the Examination of the Bankrupt, or at any subsequent Meeting called for the Purpose by the Trustee, with the Consent of the Commissioners, the Bankrupt, or his Friends, or in case of his Decease his Successors, or any of them, and in the Case of a Company One or more of the Partners thereof, may offer a Composition to the Creditors on the whole Debts, with Security for Payment of the same; and if a Majority in Number and Four Fifths in Value of the Creditors present shall resolve that the Offer and Security shall be entertained for Consideration, the Trustee shall call another Meeting to be held at a specified Hour on a specified Day, being not less than Twenty-one Days thereafter, and at a specified Place, and shall, Seven Days at least before such other Meeting, send by Post Letters addressed to each of the Creditors who have claimed on the Estate or are mentioned in the Bankrupt's State of Affairs, which Letter shall contain a Notice of such Resolution, and of the Hour, Day, and Place, and Purpose of the Meeting, and specify the Offer and Security proposed, and give an Abstract of the State of the Affairs and Valuation of the Estate, so far as can be done, to enable the Creditors to judge of such Offer; and if at the Meeting so called a Majority in Number and Four Fifths in Value of the Creditors present shall accept the said Offer and Security, a Bond of Caution shall be lodged and a Report made, and a Deliverance pronounced, all in the same Manner and to the same Effect as is herein-before provided.

Offer of Composition may also be made at Meeting after Bankrupt's Examination.

CXL. On such Deliverance being pronounced, approving of the Composition in either of the Cases above specified, the Bankrupt, or if deceased his Successor or other Party offering the Composition, shall make a Declaration, or if required by the Trustee or any Creditor, an Oath, before the Lord Ordinary or the Sheriff (as the Case may be), that he has made a full and fair Surrender of his Estate, and has not granted or promised any Preference or Security, or made or promised any Payment, or entered into any secret or collusive Agreement or Transaction, to obtain the Concurrence of any Creditor to such Offer and Security; and if the Bankrupt shall be at the Time beyond the Jurisdiction of the Lord Ordinary or Sheriff, or is by a lawful Cause prevented from appearing before the Lord Ordinary or Sheriff, Commission may be granted to any fit Person to take such Declaration or Oath; and the Lord Ordinary or the Sheriff (as the Case may be), on being satisfied with such Oath or Declaration, shall pronounce a Deliverance discharging the Bankrupt of all Debts and Obligations contracted by him, or for which he was liable at the Date of the Sequestration, and shall declare the Sequestration to be at an end, and the Bankrupt re-invested in his Estate (reserving always the Claims of the Creditors for the said Composition against him and the Cautioner); and the Bond of Caution shall be recorded in the Books of the Court of Session, or, when such Deliverance is pronounced by the Sheriff, in the Books of the Sheriff Court; and an Extract of such Deliverance, signed by the Clerk of the Bills or the Sheriff Clerk, shall forthwith be transmitted to the Accountant, who shall preserve the same, with the Copy of the Proceedings in the Sequestration transmitted to him, as herein provided; and the Clerk of the Bills or the Sheriff Clerk shall also issue an Abbreviate of such Deliverance in the Form of Schedule ( . . . ) hereto annexed, which Abbreviate shall be recorded in the Register of Inhibitions and the Register of Abbreviates of Adjudications at *Edinburgh*, and the Keepers of the said Registers, if required, shall grant Certificates of such Registration in the Form of Schedule ( . . . ) hereto annexed; and such Deliverance of the Lord Ordinary or of the Sheriff shall operate as a complete Discharge and Acquittance to the Bankrupt in Terms thereof, and shall receive Effect within *Great Britain and Ireland* and Her Majesty's other Dominions, and an Entry thereof shall be made by the Accountant in the Register of Sequestrations.

Bankrupt on making Declaration or Oath to obtain his Discharge.

CXLI. Before the Lord Ordinary or the Sheriff shall pronounce the Deliverance approving of the Composition, the Commissioners shall audit the Accounts of the Trustee, and ascertain the Balance due to or by him, and fix the Remuneration for his Trouble, subject to the Review of the Lord Ordinary or the Sheriff, if complained of by the Trustee, the Bankrupt, or any of the Creditors; and the Expense attending the Sequestration and such Remuneration shall be paid or provided for to the Satisfaction of the Trustee and Commissioners before such Deliverance is pronounced.

Trustee's Accounts to be audited before Composition approved of.

CXLII. Notwithstanding such Offer of Composition and Proceeding consequent thereon the Sequestration shall continue, and the Trustee shall proceed in the Execution of his Duty as if no such Offer had been made, until the Deliverance by the Lord Ordinary or the Sheriff be pronounced, when the Sequestration shall cease and be at an end, and the Trustee be exonerated and discharged: Provided nevertheless, that the Trustee and his Cautioner shall be liable, on Petition to the Lord Ordinary or Sheriff by the Bankrupt or his Cautioner for the Composition, to account for his Intromissions and other Acts as Trustee.

Sequestration to go on, notwithstanding Offer of Composition.

CXLIII. Neither

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Bankrupt and Cautioner not to be entitled to object to certain Debts.

CXLIII. Neither the Bankrupt, nor his Successor offering the Composition, nor the Cautioner for the Composition, shall be entitled to object to any Debt which the Bankrupt has given up in the State of his Affairs as due by him, or admitted without Question to be reckoned in the Acceptance of the Offer of Composition, nor to object to any Security held by any Creditor, unless in the Offer of Composition such Debt or Security shall be stated as objected to, and Notice in Writing given to the Creditor in right thereof.

Certain Claims limited to Two Years.

CXLIV. No Person who has not produced an Oath as a Creditor before the Date of the Deliverance approving of the Composition shall be entitled to make any Demand against the Cautioner after the Space of Two Years from the Date of such Deliverance, reserving to such Creditor his Claim for the Composition against the Bankrupt and his Estate.

If Offer of Composition rejected, no other to be entertained unless Nine Tenths of Creditors ranked shall agree.

CXLV. If an Offer of Composition have been made and rejected, or have become ineffectual, no other Offer of Composition shall be entertained unless Nine Tenths in Number and Value of all the Creditors ranked or entitled to be ranked on the Estate shall assent in Writing to such Offer, which Offer shall state the Amount of Composition and the Terms of Payment, and be subscribed by the Cautioner proposed, in which Case a Meeting shall be called in manner before directed by the Trustee for finally disposing of the same; and if at the Meeting so called a Majority in Number and Nine Tenths in Value of the Creditors present shall accept such Offer and Security, and the same shall be assented to by Nine Tenths in Value of all the Creditors who have produced Oaths as aforesaid, a Bond of Caution shall be lodged and a Report made, and Deliverances pronounced, and the other Proceedings shall take place and have effect in the same Manner as is herein-before provided for other Offers of Composition.

*2d. Without Composition.*

Proceedings for this Purpose. May be discharged with Consent of Creditors.

CXLVI. The Bankrupt may at any Time after the Meeting held after his Examination petition the Lord Ordinary or the Sheriff to be finally discharged of all Debts contracted by him before the Date of the Sequestration, provided that every Creditor who has produced his Oath as aforesaid shall concur in the Petition; and the Bankrupt may also present such Petition on the Expiration of Six Months from the Date of the Deliverance actually awarding Sequestration, provided a Majority in Number and Four Fifths in Value of the Creditors who have produced Oaths concur in the Petition, and the Bankrupt may also present such Petition on the Expiration of Twelve Months from the Date of the Deliverance actually awarding Sequestration, provided a Majority in Number and Two Thirds in Value of the Creditors concur in the Petition; and the Bankrupt may also present such Petition on the Expiration of Eighteen Months from the Date of the Deliverance actually awarding Sequestration, provided a Majority in Number and Value concur in the Petition; and the Bankrupt may also present such Petition on the Expiration of Two Years from the Date of the Deliverance actually awarding Sequestration without any Consents of Creditors; and the Lord Ordinary or the Sheriff, as the Case may be, shall in each of the Cases aforesaid order the Petition to be intimated in the Gazette and to each Creditor; and if, at the Distance of not less than Twenty-one Days from the Publication of such Intimation, and on Evidence being produced of Concurrence as aforesaid, where such Concurrence is required, there be no Appearance to oppose the same, the Lord Ordinary or the Sheriff, as the Case may be, shall pronounce a Deliverance finding the Bankrupt entitled to a Discharge; but if Appearance be made by any of the Creditors or by the Trustee, the Lord Ordinary or the Sheriff, as the Case may be, shall judge of any Objections against granting the Discharge, and shall either find the Bankrupt entitled to his Discharge, or refuse the Discharge, or defer the Consideration of the same for such Period as he may think proper, and may annex such Conditions thereto as the Justice of the Case may require: Provided that no Discharge shall be granted to the Bankrupt where under the Provisions of this Act he is only entitled to apply for a Decree of Cessio; and provided also, that it shall not be competent for the Bankrupt to present a Petition for his Discharge, or to obtain any Consent of any Creditor to such Discharge, until the Trustee shall have prepared a Report with regard to the Conduct of the Bankrupt, and as to how far he has complied with the Provisions of this Act, and, in particular, whether the Bankrupt has made a fair Discovery and Surrender of his Estate, and whether he has attended the Diets of Examination, and whether he has been guilty of any Collusion; and whether his Bankruptcy has arisen from innocent Misfortunes or Losses in Business, or from culpable or undue Conduct; and such Report may be prepared by the Trustee, upon the Requisition of the Bankrupt, at any Time after the Bankrupt's Examination, but shall not be demandable from the Trustee till the Expiration of Five Months from the Date of the Deliverance actually awarding Sequestration; and such Report shall be produced in the Proceedings for the Bankrupt's Discharge, and shall be referred to by its Date, or by other direct Reference, in any Consent to his Discharge.

After Two Years may be discharged without Consent.

Bankrupt to make a Declaration or Oath before obtaining Discharge.

CXLVII. If the Bankrupt shall be found entitled to his Discharge he shall make a Declaration, or if required by the Trustee or any Creditor, an Oath, before the Lord Ordinary or Sheriff, that he has made a full and fair Surrender of his Estate, and has not granted or promised any Preference or Security, nor made or promised any Payment, nor entered into any secret or collusive Agreement or Transaction, to obtain the Concurrence of any Creditor to his Discharge; and if the Bankrupt shall be at the Time beyond the Jurisdiction of the Lord Ordinary or Sheriff, or is by lawful Cause prevented from coming before the Lord Ordinary or Sheriff, Commission may be granted to any fit Person to take such Declaration

*Bankruptcy (Scotland).*

ration or Oath; and the Lord Ordinary or the Sheriff, as the Case may be, on being satisfied with such Declaration or Oath, shall pronounce a Deliverance discharging the Bankrupt of all Debts and Obligations contracted by him or for which he was liable at the Date of the Sequestration; and when the Deliverance discharging the Bankrupt is pronounced by the Lord Ordinary or Sheriff, an Extract thereof, signed by the Clerk of the Bills or the Sheriff Clerk, shall forthwith be transmitted to the Accountant, who shall preserve the same with the Copy of the Proceedings in the Sequestration transmitted to him, and Extracts thereof, signed as aforesaid, shall be transmitted to the Keepers of the Registers of Inhibitions and Adjudications at *Edinburgh*, who shall enter the same in the said Register; and such Deliverance by the Lord Ordinary or the Sheriff shall operate as a complete Discharge and Acquittance to the Bankrupt in Terms thereof, and shall receive Effect within *Great Britain and Ireland* and all Her Majesty's other Dominions; and an Entry thereof shall be made by the Accountant in the Register of Sequestrations.

CXLVIII. This Act shall not extend to discharge any Prisoner with respect to any Debt due to Her Majesty or Her Successors, or to any Debt or Penalty with which he shall stand charged at the Suit of the Crown or any Person for any Offence committed against any Act or Acts relative to any Branch of the Public Revenue, or at the Suit of any Sheriff or other Public Officer upon any Bail Bond entered into for the Appearance of any Person prosecuted for any such Offence, unless the Commissioners of Her Majesty's Treasury for the Time being shall consent to such Discharge.

CXLIX. The Lord Ordinary or Sheriff may order such Portion of the Pay, Half Pay, Salary, Emolument, or Pension of any Bankrupt as on Communication from the Lord Ordinary or Sheriff to the Secretary of War, or the Lords Commissioners of the Admiralty, or the Commissioners of the Customs or Excise, or the Chief Officers of the Department to which such Bankrupt may belong or may have belonged, or under which such Pay, Half Pay, Salary, Emolument, or Pension may be enjoyed by such Bankrupt, or to the Court of Directors of the *East India* Company, they respectively may, under their Hands, or under the Hand of their respective chief Secretary, or other chief Officer for the Time being, consent to in Writing, to be paid to the Trustee in order that the same may be applied in Payment of the Debts of such Bankrupt; and such Order and Consent being lodged in the Office of Her Majesty's Paymaster General, or of the Secretary of the said Court of Directors, or of any other Officer or Persons appointed to pay or paying any such Half Pay, Salary, Emolument, or Pension, such Portion of the said Pay, Half Pay, Salary, Emolument, or Pension as shall be specified in such Order and Consent shall be paid to such Trustee until the Lord Ordinary or Sheriff shall make Order to the contrary.

*Preferences and Collusions for procuring Discharge to be void.*

CL. All Preferences, Gratuities, Securities, Payments, or other Consideration not sanctioned by this Act, granted, made, or promised, and all secret or collusive Agreements and Transactions, for concurring in, facilitating, or obtaining the Bankrupt's Discharge; either on or without an Offer of Composition, and whether the Offer be accepted or not, or the Discharge granted or not, shall be null and void; and if during the Sequestration any Creditor shall have obtained any such Preference, Gratuity, Security, Payment, or other Consideration or Promise thereof, or entered into such secret or collusive Consideration or Agreement, or Transaction, the Trustee shall be entitled to retain his Dividend, and he or any Creditor ranked on the Estate may present a Petition to the Lord Ordinary or to the Sheriff, praying that such Creditor shall be found to have forfeited his Debt, and be ordained to pay to the Trustee double the Amount of the Preference, Gratuity, Security, Payment, or other Consideration given, made, or promised, and if no Cause be shown to the contrary, Decree shall be pronounced accordingly; and the Sums which in such Case may be recovered shall, under Deduction of the Expenses of recovering the same, be distributed by the Trustee among the other Creditors under the Sequestration; and if the Sequestration shall have been closed, it shall be competent to any Creditor who shall not have received full Payment of his Debt to raise a Multiplepounding in Name of the Person who has obtained such Preference, Gratuity, Security, Payment, or other Consideration or Promise as aforesaid, and on the Value of the Preference, Gratuity, or Security, or Amount of the Sum paid or Consideration obtained, being ascertained, double such Value or Amount, together with the Amount of the Debt of the colluding Creditor, shall be ordered to be consigned by him, and shall be divided among the Creditors who were ranked or were entitled to be ranked in the Sequestration, and have not received full Payment of their Debts, and who shall lodge Claims in such Multiplepounding, according to their respective Rights and Interests; and such Multiplepounding shall be executed in Terms of Law against the colluding Creditor, and Notice thereof at the same Time be inserted in the Gazette; and in the event of there being any Surplus, after paying the full Debts of the Creditors, and defraying the Expenses of the Sequestration or other Proceeding, the same shall be paid into the Account of Unclaimed Dividends, as herein-after provided.

CLI. If the Bankrupt shall have been personally concerned in or cognizant of the granting, giving, or promising any Preference, Gratuity, Security, Payment, or other Consideration, or in any secret or collusive Agreement or Transaction as aforesaid, he shall forfeit all Right to a Discharge and all Benefits under this Act, and such Discharge, if granted, either on or without an Offer of Composition, shall be annulled; and the Trustee or any One or more of the Creditors may apply by Petition to the Lord Ordinary to have such Discharge annulled accordingly.

Act not to extend to discharge Crown Debtors, &c. unless Treasury Consent.

Pay, Half Pay, and Pensions of Bankrupts to be applicable for the Benefit of Creditors.

Preferences, Payments, and collusive Agreements for Discharge to be void.

Bankrupt to forfeit Privileges, if Participant in giving such Preferences, &c.

*Trustee's*

*Bankruptcy (Scotland).**Trustee's Discharge.*

Proceedings  
for this Pur-  
pose.

CLII. After a final Division of the Funds, the Trustee shall call a Meeting of the Creditors, by an Advertisement in the Gazette, to be held not sooner than Twenty-one Days after such Publication, specifying the Time, Place, and Purpose of holding the Meeting, and by Letters addressed by Post to every Creditor who has produced an Oath as aforesaid, to consider as to an Application for his Discharge, and at such Meeting he shall lay before the Creditors the Sederunt Book and Accounts, with a List of unclaimed Dividends, and the Creditors may then declare their Opinion of his Conduct as Trustee, and he may thereafter apply to the Lord Ordinary or the Sheriff, who, on advising the Petition, with the Minutes of the Meeting, and hearing any Creditor, may pronounce or refuse Decree of Exoneration and Discharge; and an Extract of such Decree, signed by the Clerk of the Bills or the Sheriff Clerk, shall forthwith be transmitted to the Accountant, and shall be entered in the Register of Sequestrations, and the Bond of Caution for the Trustee delivered up.

Trustees to  
lodge unclaimed  
Dividends, &c.  
in Bank,

CLIII. Every Trustee in any Sequestration shall, before his Discharge, transmit the Sederunt Book to the Accountant, who shall thereupon direct the Trustee to deposit the unclaimed Dividends in the same Bank in which Money received by him was lodged under the Provisions of this Act; and the Trustee shall forthwith transfer the whole Dividends not then claimed to such Bank, to be there entered in an Account to be kept under the Title of "Account of Unclaimed Dividends;" and a Book or Books shall be kept in the Office of the Accountant, to be entitled "The Register of Unclaimed Dividends," containing a List, with the Names arranged alphabetically, of all the Creditors entitled to such unclaimed Dividends, and in what Bank deposited, which shall be patent to all Persons, and the Deposit Receipts for such unclaimed Dividends shall be transmitted to the Accountant; and after the Discharge of the Trustee it shall be competent to any Person, producing Evidence of his Right, to apply to the Lord Ordinary for Authority to receive such Dividends, and on the Lord Ordinary being satisfied of the Claimant's Right, a Warrant shall be granted by him for Payment of such Dividend, whereof the Accountant shall make an Entry in the said Register, and upon such Warrant the Bank shall pay the same; provided that the Claimant shall not be entitled to Interest on such Dividend, but such Interest shall go into a general Fund, of which an Account shall be kept by such Bank, to be called "The Interest Account of Unclaimed Dividends," and which Fund shall be applied in such Manner as shall be regulated by any Act of Parliament; and if at the End of Twenty-five Years from the Date of closing any Sequestration there shall remain in the Bank any unclaimed Dividends belonging to the Estate, the same shall be vested in Government Stock, and the Dividends thereon shall be regularly accumulated for the Purpose of forming a Fund for defraying the Expense of Proceedings in Bankruptcy or otherwise, as Parliament shall hereafter direct; and such Bank shall once yearly at least balance the said Accounts, and accumulate the Interest with the Principal Sum, so that both shall thereafter bear Interest as Principal; and if any such Bank fail to do so, such Bank shall be liable to account as if such Money had been so accumulated.

Claimants  
showing Right  
to apply to  
Lord Ordinary  
for Authority  
to receive  
Dividends.

Interest Ac-  
count of un-  
claimed Divi-  
dends.

Law Accounts  
to be taxed.

CLIV. All Accounts for Law Business incurred by the Trustee shall before Payment thereof by the Trustee be submitted for Taxation to the Auditor of the Court of Session, or to the Auditor of the Sheriff Court of the County in which the Sequestration was carried on, as may be directed by a General Meeting of the Creditors.

Surplus to be  
paid to Bank-  
rupt.

CLV. Any Surplus of the Bankrupt's Estate and Effects that may remain after Payment of his Debts, with Interest, and the Charges of recovering and distributing the Estate, shall be paid to the Bankrupt, or to his Successors or Assignees.

*Accountant in Bankruptcy.*

Appointment  
of Accountant  
in Bankruptcy.

CLVI. It shall be lawful for Her Majesty, and Her Heirs and Successors, to appoint a Person versant in Law and Accounts, to be called "The Accountant in Bankruptcy," for performing the Duties of that Office, with such yearly Salary, not exceeding Eight hundred and fifty Pounds *per Annum*, payable quarterly out of any Monies to be voted by Parliament for that Purpose, and with such Accommodation of Office Rooms, or reasonable Allowance for the same out of the said Fund, as may be fixed by the Commissioners of Her Majesty's Treasury, and the Accountant shall be allowed Three Clerks, whom he shall appoint, with a Salary not exceeding One hundred and fifty Pounds yearly, which Salaries shall be paid quarterly out of any Monies to be voted by Parliament for that Purpose; and the Accountant shall hold no other Office appointed to by Government, and shall not, directly or indirectly, by himself or any Partner, be engaged in Practice before the Supreme or any inferior Court, and he shall not, directly or indirectly, have any Management of or Intromission with any Money of any Bankrupt Estate under Charge of the Court of Session or of any Sheriff Court, or constituting the Fund in any Process of Sequestration.

Accountant to  
keep Register  
of Sequestra-  
tions.

CLVII. The Accountant shall keep a Book, entitled "The Register of Sequestrations," in the general Form of Schedule (G.) hereunto annexed, but with such additional Heads as he may find necessary, which Book shall be patent to all concerned, and he shall regularly enter therein the Division of the Court to which any Sequestration awarded in the Court of Session is appropriated, or the Sheriff awarding Sequestration and the Sheriff to whom the Sequestration is remitted, the Date of the First Deliverance on every Petition of Sequestration, whether in the Court of Session or Sheriff Court, the Name and Designation



*Bankruptcy (Scotland).*

Designation of the Debtor, the Place and County of his Residence, Dwelling House or Place of Business, and the Name and Designation of the petitioning or concurring Creditor, the Date of awarding or recalling Sequestration, the Date of Transmission to the Sheriff (if it has not been awarded by him), the Time and Place appointed for the Election of the Trustee and Commissioners, the Name and Designation of the Trustee and Commissioners, and the Time for lodging Claims in order to obtain Payment of the First Dividend, the Bankrupt's Discharge on Composition or otherwise, and the Trustee's Discharge, for which Purpose the Clerks of the Bill Chamber and the Sheriff Clerk of each County shall transmit forthwith to the Accountant a certified Copy of the First Deliverance in Sequestrations awarded in the Court of Session and Sheriff Courts respectively, and the Sheriff Clerk of each County shall every Six Months transmit to the Accountant the Particulars necessary to enable him to make such Entries, and the Trustee shall be bound when required to furnish such Particulars to the Sheriff Clerk.

CLVIII. Each Trustee shall, within Fourteen Days after the Thirty-first Day of *October* in each Year, or on the first lawful Day after Expiry of the said Fourteen Days, deliver, free of Expense, to the Sheriff Clerk of the County, a Return in the Form of the Schedule (H.) hereunto annexed, of every Sequestration in which he is Trustee; and the Sheriff Clerk shall, within Fourteen Days thereafter, transmit, in the Form of the said Schedule, to the Accountant, a Return of all the Sequestrations depending in the Sheriffdom whereof he is Clerk; and the Accountant shall cause the Returns so made to be regularly bound up and preserved, according to the alphabetical Order of Counties, in a Volume to be kept at all Times in his Office, with an Index thereto, framed by him, and which Volume shall be patent to all concerned; and any Trustee who shall fail to make such Return shall be removable from his Office at the Instance of any One Creditor, or of the Accountant, or subject to such Censure as the Lord Ordinary may think suitable, and be found liable in Expenses.

CLIX. The Accountant shall take cognizance of the Conduct of all Trustees and Commissioners in Sequestrations awarded after the passing of this Act, or in which any Proceedings shall have been had within Five Years thereof; and in the event of their not faithfully performing their Duties, and duly observing all Rules and Regulations imposed on them by Statute, Act of Sederunt, or otherwise relative to the Performance of those Duties, or in the event of any Complaint being made to him by any Creditor in regard thereto, he shall inquire into the same, and if not satisfied with the Explanation given he shall report thereon to the Lord Ordinary in Time of Vacation, or during Time of Session to either Division of the Court of Session, who, after hearing such Trustees or Commissioners thereon, and investigating the whole Matter, shall decide, and shall have Power to censure such Trustees or Commissioners, or remove them from their Office, or otherwise to deal with them as the Justice of the Case may require.

CLX. The Accountant shall superintend the annual Returns required by this Act from Trustees, and frame an annual Report to the Court of Session showing the State of each depending Sequestration returned to him, which Report may be published in the Gazette, or otherwise as the Court shall direct; and the Accountant shall have Power, on the Application of One or more of the Creditors, or of his own Accord, to require Exhibition of the Sederunt Book in any Sequestration, and of any Vouchers or Documents which he may think necessary, and to direct that a Meeting of the Creditors shall be called to take any Measures under Consideration which he may judge requisite for the Preservation or due Management of the Estate or more speedy realizing and Division of the Funds or winding up of the Estate.

CLXI. The Accountant shall at all Times, when requisite, report to the Lord Ordinary or either Division of the Court any Disobedience by the Trustee or Commissioners of any Requisition or Order by him, and generally any Matter which he may deem it necessary for the due Discharge of his Office to bring before the Lord Ordinary or the Court, and it shall be competent for the Lord Ordinary or the Court to deal summarily with the Matter reported, as accords of Law.

CLXII. If the Accountant shall possess Information that shall lead him, on reasonable Grounds, to suspect fraudulent Conduct by the Bankrupt, or Malversation or Misconduct on the Part of the Trustee or Commissioners, such as may infer Punishment, he shall be entitled to give Information to Her Majesty's Advocate, who shall direct such Inquiry and take such Proceedings therein as he shall think proper.

CLXIII. In case of the Illness or temporary Absence of the Accountant, the Lord President of the Court of Session may authorize any One of the Accountant's Clerks or other qualified Person to discharge the Duties of the Office for the Time.

*Judicial Power for winding up the Estates of Parties deceased.*

CLXIV. It shall be competent to One or more Creditors of Parties deceased to the Amount of One hundred Pounds, or to Persons having an Interest in the Succession of such Parties, in the event of the Deceased having left no Settlement appointing Trustees or other Parties having Power to manage his Estate or Part thereof, or in the event of such Parties not accepting or acting, to apply by summary Petition to either Division of the Court for the Appointment of a Judicial Factor, and, after such Intimation of the Petition to the Creditors of the Deceased, and other Persons interested, as may be considered necessary, and after hearing Parties, the Court may appoint such Factor, subject to such Conditions as to Caution, and such other Conditions as the Court may provide by Act of Sederunt; and such Factor shall manage the Estate, recover Debts due to it, realize the Moveable Effects by

Trustee to make an annual Return to Sheriff Clerk, and the Sheriff Clerk to the Accountant.

Accountant in Bankruptcy to take cognizance of the Conduct of Trustees and Commissioners;

To superintend annual Returns;

To report Disobedience;

To give Information to Lord Advocate.

As to Illness, &c. of Accountant.

Application for Judicial Factor on Estates of Persons deceased.

*Bankruptcy (Scotland).*

Public or Private Sale, as may be most expedient, dispose of the Heritable Estate by Public Sale or Private Bargain, according to such Directions as the Court, on Report of the Accountant, may give, and shall apply the free Proceeds, after defraying all Expenses in Payment of the Claims of Creditors according to their several Rights and Preferences, conformably to a State of Funds and Scheme of Division to be prepared by him, and considered and approved of by the Court, on a Report by the Accountant; and thereafter the Factor shall account for the Residue, if any, after Payment of Debts and Expenses, to the Parties having a Right to the Deceased's Succession: Provided that the Accountant shall annually examine and audit the Proceedings, Intrusions, and Accounts of such Factor, which shall be duly transmitted for that Purpose, and report to the Court thereon, from Time to Time, as he may deem expedient, and shall generally exercise the like Powers and discharge the same Duties with regard to him as he is empowered and required to exercise and discharge with regard to a Trustee under a Sequestration, but subject always to the Control of the Lord Ordinary or the Court.

As to Judicial  
Factor's Duties.

CLXV. The Court shall have full Power to regulate by Act of Sederunt the Caution to be found by such Factor, the Mode in which he shall proceed in realizing and dividing the Funds, and otherwise in the Discharge of his Duties, and any other Matter which they may deem necessary.

Application of  
Trustees on  
Estate of de-  
ceased Parties  
for Supervision  
of Accountant.

CLXVI. If a Party deceased has left a Settlement, appointing Trustees or other Parties having Power to manage his Estate as aforesaid, it shall nevertheless be competent for the Trustees under the Settlement, with or without Concurrence of the Creditors of the Deceased and of the Persons interested in his Succession, to apply in like Manner to the Court, and obtain from them an Order on the Accountant to superintend the Administration of the Estate, in which Case he shall exercise the like Powers and discharge the like Duties, under the Control of the Lord Ordinary or the Court, which have been provided for in the preceding Sections.

*Process of Cessio Bonorum.*

Cessio Bono-  
rum.

CLXVII. Any Trustee or Trustees to whom the Pursuer of a Cessio shall grant a Conveyance of his Estate and Effects for behoof of his Creditors shall act under the Supervision and Control of the Accountant in like Manner as the Trustee under a Sequestration, and the Accountant shall exercise the like Powers and perform the like Duties as in that Case, but always under the Directions of the Court, for which Purpose it shall be the Duty of every such Trustee, or, failing him, of the Clerk to any such Process in the Court of Session, or of the Clerk of the Sheriff Court in which the Cessio has been granted, to transmit a Note of the same, and Residence of such Trustee, to the Accountant, and the Accountant shall prepare a List of such Processes, and shall require from such Trustees at the End of each Year Accounts of their Intrusions, and report on the same annually to either Division of the Court, and he shall also bring before the Court any Instance of Malversation or Irregularity in such Trustees, whereupon the Court shall be entitled to inflict on them such Censure or Punishment as it may deem just.

When Credi-  
tors may re-  
solve that  
Bankrupt is  
only entitled to  
Decree of  
Cessio.

CLXVIII. It shall be competent for a Majority in Number and Value of the Creditors at any Meeting called for the Purpose after the Election of the Trustee, if it shall appear to them that the Estate is not likely to yield free Funds for Division among the ordinary Creditors, after Payment of preferable Debts and Expenses, beyond One hundred Pounds, to resolve that the Bankrupt shall only be entitled to apply for and obtain a Decree of Cessio, and shall have no Right to a Discharge in the Sequestration; and, on such Resolution being passed, it shall be the Duty of the Trustee, after giving Eight Days previous Notice to the Bankrupt, to report such Resolution to the Lord Ordinary or the Sheriff, who shall hear Parties, if required, and decide with reference to the whole Circumstances of the Case, with or without a Report from the Accountant, whether such Resolution shall be confirmed or recalled; and if such Resolution shall be confirmed, the Bankrupt shall have no Right to a Discharge in the Sequestration, but shall be entitled to apply for a Decree of Cessio, and the Court shall have Power to grant such Decree in the Sequestration, without requiring the Bankrupt to bring a separate Process, and in all other respects the Sequestration shall be proceeded with in common Form.

*Judicial Proceedings.*

Appeals, &c.  
against Resolu-  
tions of Credi-  
tors and De-  
liverances of  
Trustee to the  
Lord Ordinary  
or Sheriff.

CLXIX. It shall be competent to appeal against the Resolutions of the Creditors at Meetings either to the Lord Ordinary or the Sheriff, provided a Note of Appeal shall be lodged with and marked by One of the Clerks of the Bill Chamber within Fourteen Days after the Date of the Meeting at which the Resolution objected to has been passed, or (as the Case may be) in the Hands of and marked by the Sheriff Clerk within the like Period; and it shall in like Manner be competent to appeal against any Deliverance of the Trustee or Commissioners to the Lord Ordinary or the Sheriff, provided the Note of Appeal shall be lodged and marked as aforesaid within Fourteen Days from the Date of the Deliverance; and where any such Appeal is made, or where any Petition or Complaint is presented against the Trustee or Commissioners, or against any of the Creditors, the Lord Ordinary or the Sheriff (as the Case may be) shall appoint a Copy thereof, and of his Deliverance thereon, to be served on the Respondent, or his Mandatory or known Agent, and appoint the Respondent to appear at a specified Diet within such Period as may be reasonable; and the Lord Ordinary or the Sheriff (as the Case may be) shall at such Diet hear Parties *visà voce*, and the Lord Ordinary shall proceed to dispose of the Case, with or without a Record, as he shall consider best; and the Sheriff, without a Record, may decide, provided he shall specify the Facts, and assign the Grounds of his Judgment; but if he shall see Cause

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*Bankruptcy (Scotland).*

he may order Minutes to be lodged by the Parties, containing their Averments in Fact and Pleas in Law, without Argument, and may hold the same as a closed Record, and proceed in a summary Way, and in pronouncing his Judgment he shall assign his Reasons; and it shall be competent to the Lord Ordinary or the Sheriff, if they shall think fit, where any Resolution of a Meeting of the Creditors is appealed against, to order a new Meeting to be held, in order to reconsider the Resolution.

CLXX. It shall be competent to bring under the Review of the Inner House of the Court of Session, or before the Lord Ordinary in Time of Vacation, any Deliverance of the Sheriff, after the Sequestration has been awarded (except where the same is declared not to be subject to Review), provided a Note of Appeal be lodged with and marked by the Sheriff Clerk, within Eight Days from the Date of such Deliverance, failing which the same shall be final; and such Note, together with the Process, shall forthwith be transmitted by the Sheriff Clerk to the Clerk of the Bill Chamber; and the Lord Ordinary's Decision shall, when not expressly made final by this Act, be subject to Review of the Inner House, and it shall be competent to the Inner House or the Lord Ordinary to remit to the Sheriff, with Instructions.

CLXXI. Where any Judgment of the Lord Ordinary is to be brought under Review of the Inner House, the same shall be done by a Reclaiming Note in common Form presented within Fourteen Days from the Date of the Judgment; and such reclaiming Note shall be disposed of by the Inner House as speedily as the Forms of Court will allow.

CLXXII. During the Dependence of Appeals or Petitions and Complaints it shall be competent to the Sheriff to give such Orders as may be necessary to regulate the Interim Possession and Administration of the Estate.

CLXXIII. If any Appeal shall be made to the House of Lords, the Sequestration shall, in all respects not inconsistent with or injurious to the Interests which may be affected by the Appeal, proceed without Interruption, and the Lord Ordinary shall make such Orders as may be necessary to regulate the Interim Possession and Management of the Estate, and which Orders shall not be subject to Appeal.

CLXXIV. All Deliverances under this Act, purporting to be signed by the Lord Ordinary or by any of the Judges of the Court of Session, or by the Sheriff, as well as all Extracts or Copies thereof or from the Books of the Court of Session or the Sheriff Court purporting to be signed or certified by any Clerk of Court, or Extracts from or Copies of Registers purporting to be made by the Keeper thereof, or Extractor, shall be judicially noticed by all Courts and Judges in *England, Ireland*, and Her Majesty's other Dominions, and shall be received as *prima facie* Evidence, without the Necessity of proving their Authenticity or Correctness, or the Signatures appended, or the official Character of the Persons signing, and shall be sufficient Warrants for all Diligence and Execution by Law competent.

CLXXV. All Deliverances, Bonds, Schedules, and Executions under this Act may be either printed or in Writing, or partly both; and Service or Citation may be made by a competent Officer without Witnesses.

CLXXVI. The Trustee may, with Consent of the Commissioners, compound and transact or refer to Arbitration any Questions which may arise in the course of the Sequestration regarding the Estate, or any Demand or Claim made thereon, and the Compromise, Transaction, or Decree Arbitral shall be binding on the Creditors and the Bankrupt.

CLXXVII. It shall be lawful for all Agents duly qualified to practise before the Court of Session to practise in all Sheriff Courts, in so far as relates to any of the Proceedings authorized by this Act to be carried on before the Sheriff; provided that they shall not be entitled to Payment of any higher Fees than those legally exigible in such Courts.

*Miscellaneous Provisions.*

CLXXVIII. If any Person shall be guilty of wilful Falsehood in any Oath made in pursuance of this Act, he shall be liable to a Prosecution, either at the Instance of Her Majesty's Advocate, or at the Instance of the Trustee, with the Concurrence of Her Majesty's Advocate; provided that, in the latter Case, the Prosecution shall be authorized by a Majority of the Creditors present at a Meeting to be called for the Purpose; and such Person shall, on Conviction, besides the awarded Punishment, forfeit to the Trustee, for behoof of the Creditors, his whole Right, Claim, and Interest in or upon the sequestrated Estate, and the same shall be distributed, either under the Sequestration, or, if it be closed, under a Process of Multiplepoinding, as is herein-before provided.

CLXXIX. The Lord Ordinary or Sheriff, on Cause shown, may order that for a Period not exceeding Three Months from the Date of the Order all Letters addressed to the Bankrupt shall be delivered by the Postmaster General, or the Officers acting under him, to the Sheriff Clerk or Trustee, to be opened in Presence of the Sheriff, after written Notice to the Bankrupt to attend, if within *Scotland*; and in case the Letters shall relate in whole or in part to the Estate, they shall be placed in such Custody as the Sheriff may direct; and the Lord Ordinary or Sheriff may, on Cause shown, renew such Order for a like Period as often as shall be necessary.

CLXXX. The Fees which are set forth in the Schedule (I.) hereunto annexed shall be payable on the Proceedings specified, and shall form a Fund, which shall be applied in the Payment of the Salaries and Expenses of Officers in the Court in which the same are payable, and any Surplus which shall at any Time arise shall be paid as the Commissioners of Her Majesty's Treasury shall direct.

CLXXXI. The Bill Chamber Clerks are hereby prohibited from charging or receiving any Fees, except for Copies of Interlocutors or other Papers ordered or required, for which an Allowance shall be paid

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paid at the Rate of Sixpence for each Page of One hundred and fifty Words without any farther Charge for Stationery.

Gazette Keeper  
to furnish Co-  
pies of Gazette.

CLXXXII. From and after the Commencement of this Act the Keeper of the Gazette shall on each Day of Publication furnish a Copy thereof to the Keeper of Edictal Citations and to the Bill Chamber Clerks, and to the Accountant, who shall keep the same regularly filed, and make the said Gazettes on all Occasions patent to the Lieges at Office Hours, on Payment of a Fee of Sixpence and no more.

Charges on Ad-  
vertisements  
under this Act.

CLXXXIII. No Advertisement inserted in the *London Gazette* or in the *Edinburgh Gazette*, by virtue of this Act, or the Act passed in the Sixth and Seventh Year of the Reign of His late Majesty King *William* the Fourth, Chapter Fifty-six, shall be charged by the Keepers of the said Gazettes for Publication therein at a higher Price, nor shall a higher Price be paid for such Publication, than the Sums specified in the Schedule (K.) hereunto annexed.

Conveyances,  
Deeds, &c. re-  
lating to Estates  
of Bankrupts,  
not liable to  
Stamp or other  
Duties.

CLXXXIV. From and after the Commencement of this Act, all Conveyances, Assignations, Instruments, Discharges, Writings, or Deeds relating solely to the Estate belonging to any Bankrupt against whom Sequestration has been or may be awarded, either under this or any former Act, and which Estate, after the Execution of such Conveyances, Assignations, Instruments, Discharges, Writings, or Deeds, shall be and remain the Property of such Bankrupt, for the Benefit of his Creditors, or the Trustees appointed or chosen under or by virtue of such Sequestration, and all Discharges to such Bankrupt, and all Deeds, Assignations, Instruments, or Writings for reinvesting such Bankrupt in the Estate, and all Powers of Attorney, Commissions, Factories, Oaths, Affidavits, Articles of Roup or Sale, Submissions, Decrees Arbitral, and all other Instruments and Writings whatsoever, relating solely to the Estate of such Bankrupt, and all other Deeds or Writings forming a Part of the Proceedings ordered under such Sequestration, shall be exempt from all Stamp Duties or other Government Duty.

Power to Court  
of Session to  
apportion  
Duties and  
regulate Pro-  
cedure in rela-  
tion to Act.

CLXXXV. It shall be lawful for the Judges of the Court of Session, either during Session or Vacation, by an Act or Acts of Sederunt, from Time to Time to apportion the Duties to be performed by the Officers in the Bill Chamber, or in the said Court, or in the Sheriff Courts, and to regulate Procedure in relation to this Act, in so far as consistent therewith, and to establish a Table of Fees to be allowed to Agents, both in the Court of Session and Sheriff Courts, for conducting the Proceedings, and to amend or alter such Act or Acts from Time to Time; and such Act or Acts of Sederunt shall within One Month after the making thereof be transmitted by the Lord President of the Court of Session to One of Her Majesty's Principal Secretaries of State, that the same may be laid before both Houses of Parliament.

## SCHEDULES referred to in this Act.

## SCHEDULE (A.)

## No. 1.

*Abbreviate for the Register of Inhibitions.*

PETITION for Sequestration of *A.B.* [*Name and Designation*].

Date of First Deliverance

Day of

(Signed) *C.D.* [*If an Agent, state so.*]

## No. 2.

*Certificate by the Keeper.*

THIS Abbreviate was presented by [*or received by Post from*] [*name and design the Presenter or Party transmitting by Post*] and recorded on [*Date*] in the Register of Inhibitions at Edinburgh.

(Signed) *E.F.*, Keeper.

## No. 3.

*Abbreviate.*

PETITION for transferring, in Terms of the "Bankruptcy (Scotland) Act, 1856," from *A.B.* [*Name and Designation*], as Heir of *C.D.* [*Name and Designation*], the Estates of *C.D.*, Date of Deliverance

Day of

(Signed) *G.H.* [*If an Agent, state so.*]

## SCHEDULE (B.)

*Notice to the Gazettes.*

THE Estates of *A.B.* [*Name and Designation*] were sequestrated on [*Date, Month, and Year*] by the [*Court of Session or Sheriff of*].

The First Deliverance is dated the [*Date*].

The Meeting to elect the Trustee and Commissioners is to be held at [*Hour*] o'Clock on the [*Day of the Week*] the [*Date, Month, and Year*], within [*specify particular Place*] in [*Town*]. A Composition may be offered at this latter Meeting; and to entitle Creditors to the First Dividend their Oaths and Grounds of Debt must be lodged on or before the [*insert Date*].

All future Advertisements relating to this Sequestration will be published in the *Edinburgh Gazette* alone.

(Signed) *P.Q.*, Agent [*specify Place of Business*].

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*Bankruptcy (Scotland).*

## SCHEDULE (C.)

*Form of Bond of Caution for Trustee.*

I *A.B.* [*Name and Designation*], having been appointed Trustee on the sequestrated Estate of *C.D.* [*Name and Designation*], and I *E.F.* [*Designation*] as Cautioner, Surety, and full Debtor for and with the said *A.B.*, hereby bind and oblige ourselves, conjunctly and severally, our Heirs and Executors, That I the said *A.B.* shall faithfully discharge all the Duties which by Law attach to the said Office of Trustee, and fully account for my whole Intromissions with the said Estate, and make Payment of any Balance due by me to the Creditors on the said Estate, or Trustee elected by them to succeed me; declaring that this Bond shall not be in any way affected, nor shall I the said *E.F.* be liberated, by any Omission, Negligence, or Want of Diligence on the Part of the Creditors or Commissioners on the said Estate. [*In case the Caution has been limited by the Creditors, the following Clause will be here inserted:* And declaring further, that this Bond, so far as concerns me the said *E.F.*, shall not bind me or my foresaids to a greater Extent than the Sum of [*here insert Sum in Writing*], to which my Obligation before written is hereby limited.] In witness whereof this Bond (*so far as not printed*), written and filled up by [*here shall be inserted in Writing a testing Clause in legal Form*].

*O.T.*, Witness.  
*L.F.*, Witness.

(Signed) *A.B.*  
*E.F.*

## SCHEDULE (D.)

*Act and Warrant of Confirmation of the Trustee.*

THE Sheriff of the County of [*insert County*] has confirmed and hereby confirms *A.B.* [*Name and Designation*] Trustee on the sequestrated Estate of *C.D.* [*Name and Designation*]; and the whole of the Estates and Effects, Heritable and Moveable, and Real and Personal, wherever situated, of the said *C.D.*, are transferred and belong to *A.B.* as Trustee for behoof of the Creditors of the said *C.D.*, in Terms of the "Bankruptcy (Scotland) Act, 1856;" and the said *A.B.* has, as Trustee aforesaid, in Terms of the said Act, full Right and Power to sue for and recover all Estates, Effects, Debts, and Money belonging or due to the said *C.D.*

(Signed) *C.D.*, Sheriff Clerk.

## SCHEDULE (E.)

## No. 1.

*Abbreviate for the Register of Adjudications.*

THE whole Estates and Effects, Heritable and Moveable, and Real and Personal, wherever situated, of *A.B.* [*Name and Designation*], are transferred and belong to *E.F.* [*Name and Designation*], as Trustee on his sequestrated Estate, conform to Act and Warrant of Confirmation dated the Day of \_\_\_\_\_, issued in Terms of the "Bankruptcy (Scotland) Act, 1856."

[*Signed by the Trustee or his Agent.*]

## No. 2.

*Certificate by the Keeper.*

THIS Abbreviate was presented by [*Name and Designation*] and recorded on [*Date*] in the Register of Abbreviates of Adjudications.

(Signed) *E.F.*, Keeper.

## No. 3.

*Abbreviate of Adjudication.*

THE Estates vested in *A.B.* [*Name and Designation*] as Heir of *C.D.* [*Name and Designation*] are transferred and belong to *E.F.* [*Name and Designation*], as Trustee on the sequestrated Estate of the said *C.D.*, conform to Deliverance by the Lord Ordinary, dated the \_\_\_\_\_ Day of \_\_\_\_\_ and in Terms of the "Bankruptcy (Scotland) Act, 1856."

[*Signed by the Trustee or his Agent.*]

## SCHEDULE (F.)

*For the Gazette.**Sequestration of C.D. [Designation].*

*A.B.* [*Name and Designation*] has been elected Trustee on the Estate, and *E.F.* and *G.* [*Names and Designations*], have been elected Commissioners. The Examination of the Bankrupt will take place in the Sheriff Court House [*or other Place*] on [*Day of Week*] the [*Date*] of [*Month*] next, at [*Hour*]. The Creditors will meet in [*specify the Place, Day, Date, Month, and Hour*] o'Clock. [*If any Offer of Composition has been entertained at the Meeting for Election of Trustee, intimate this, as provided by the Act.*]

[*Signed by the Trustee.*]

[*Date.*]

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SCHEDULE (H.)

ANNUAL RETURN by each TRUSTEE within Fourteen Days after the Thirty-first Day of October, and by each SHERIFF CLERK within Fourteen Days thereafter.

Name and Designation of Bankrupt.	County and Place.	By whom Sequestration awarded.	Name and Designation of Trustee.	Names and Designation of Commissioners.	Amount of Funds as in the Bankrupt's State.	Amount of Funds realized.	Amount of Debts.	Allowance to Bankrupt.	Discharge on Composition or without Composition.	Amount of Composition, and when payable, and Names and Designation of Cautioners.	Dividend,— Amount paid or unpaid.	AMOUNT OF EXPENSES.			
												Trustees Commission.	Law Expenses.	Miscellaneous.	

*Signed by Trustee  
and by  
Sheriff Clerk.*

*Bankruptcy (Scotland).*

## SCHEDULE (I.)

*Table of Fees payable under this Act.*

## I.—IN THE COURT OF SESSION.

	£	s.	d.
(1.) To the Collector of the Fee Fund :			
Original Petitions for Sequestration, or any other Writ or Step by which a Process of Sequestration is originated	0	10	0
All other Papers, being Steps of Procedure, and not Productions, each	0	2	6
(2.) To the Keeper of the General Minute Book :			
For entering the First Deliverance, and Deliverance awarding Sequestration, Adjudication, and Discharge, and Approval of Composition, each	0	2	6
For entering any other Deliverance or Intimation	0	1	0
(3.) To the Extractors :			
For every Extract made of the Proceedings or of the Deliverance of the Lord Ordinary or Inner House, per Sheet	0	1	0

## II.—TO THE KEEPERS OF THE RECORDS.

For entering any Schedule	0	1	0
For entering on the Margin of any Record the Recal of Sequestration, or Discharge in favour of the Bankrupt	0	1	0
For Access to and Liberty to make Excerpts of Proceedings under this Act from any Register or Record appointed herein to be kept, or in which Entries are herein appointed to be made, a Fee of One Shilling for each Year of the Record inspected, but not exceeding in all for any One Record	0	10	0
For Extracts or certified Copies therefrom, per Sheet	0	1	0
For collating and certifying Extracts therefrom, per Sheet	0	0	6

## III.—SHERIFF COURT.

(1.) To the Sheriff Clerk :			
On every Deliverance pronounced by the Sheriff, awarding Sequestration, declaring the Election of a Trustee, appointing Diets of Examination, granting a Discharge to the Bankrupt, approving of Composition, or exonerating the Trustee	0	2	6
For every other Deliverance, not being merely an Order for Papers or Revisals	0	1	0
For every Transmission to or by him of the Proceedings	0	1	0
For entering the First Deliverance, and the Deliverance awarding Sequestration, in the Register, each (if separate)	0	0	6
For entering the Name and Designation of the Trustee and Commissioners in the Register	0	0	6
For issuing, receiving back, and examining Bond of Caution for Trustee, to be paid at the issuing of Bond	0	2	6
For Oath of the Bankrupt, and Examinations of him or others, per Sheet	0	1	0
For every Warrant of Apprehension or Citation of the Bankrupt or others, or Commission to take Examination	0	2	6
For every certified Copy or Extract of the Proceedings before the Sheriff, or of any Deliverance pronounced by him, per Sheet	0	1	0
For every annual Report of the depending Sequestrations, for each Sequestration, to be paid by the Trustee	0	0	6
For every borrowing of all or any Part of the Proceedings	0	0	6
(2.) To the Sheriff :			
Attending any Meeting of Creditors or Examination, for each such Meeting or Diet of Examination, not being on the same Day	1	1	0

## SCHEDULE (K.)

*Table of Prices payable for Advertisements in the London or Edinburgh Gazette.*

For Six Lines and under	0	6	0
For more than Six Lines and not exceeding Ten Lines	0	7	6
For more than Ten Lines and not exceeding Fifteen Lines	0	10	6
For more than Fifteen Lines and not exceeding Twenty Lines	0	14	6
For more than Twenty Lines and not exceeding Twenty-five Lines	0	17	6
For more than Twenty-five Lines and not more than Thirty Lines	1	0	6



*Income and Land Taxes.*

C A P. LXXX.

An Act to grant Relief in assessing the Income Tax on Lands in *Scotland* in respect of certain Public Burdens charged thereon; to alter and regulate the Allowances to Clerks to the Commissioners of Income Tax; and to amend the Laws relating to the Land, Assessed, and Income Taxes, and the Redemption and Purchase of the Land Tax. [29th July 1856.]

‘ WHEREAS it is expedient to grant Relief in assessing the Income Tax on Lands in *Scotland* in respect of certain Public Burdens charged thereon, and to alter and regulate the Allowances to Clerks to the Commissioners of Income Tax, and also to amend the Laws relating to the Redemption and Purchase of the Land Tax:’ 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. ‘ Whereas the Rules contained in the Act passed in the Fifth and Sixth Years of Her Majesty’s Reign, Chapter Thirty-five, for estimating the annual Value of Properties described in Schedules (A.) and (B.) of the Acts relating to the Income Tax, in order to the assessing and charging of the same under the said Acts, direct that where any Landlord shall be subject to any Covenant or Agreement to pay or satisfy out of the Rent reserved Parochial Rates, Taxes, and Assessments which by Law are a Charge on the Occupiers of Lands, the annual Value of such Lands shall be estimated for the Purpose aforesaid, exclusive of such Rates, Taxes, and Assessments: And whereas certain Public Rates and Taxes which in *England* are by Law a Charge on the Occupiers of Lands are in *Scotland* charged on the Landlords, and other Public Burdens, the like whereof do not exist in *England*, are also charged on the Landlords in *Scotland*; and it is expedient to afford Relief to Landlords in *Scotland* with respect to the Charge of the Income Tax upon them in regard to all such Cases as aforesaid:’ Be it enacted, That where it shall be made to appear to the Satisfaction of the Commissioners of Inland Revenue that the Landlord of Lands in *Scotland* is by Law charged with any Public Rates, Taxes, or Assessments which in *England* are by Law a Charge on the Occupiers of Lands, or that such Landlord is by Law charged with any Public Rates or Taxes or other Public Burdens the like whereof are not chargeable on Lands in *England*, the said Commissioners shall cause such Relief to be given to the said Landlords in *Scotland* as shall be just and reasonable in regard to the Charge of the Income Tax on them in respect of an annual Value exceeding by the Amount of such Rates, Taxes, Assessments, and Public Burdens the Charge of the said Tax on Landlords in *England*, and such Relief shall be given either by Abatement from the Assessment, or by Repayment of the Tax, and under such Rules, Regulations, and Directions as the said Commissioners shall think fit to make or give in that Behalf.

Relief from Income Tax to Landlords in *Scotland* in respect of Public Burdens not paid by Landlords in *England*.

II. ‘ And whereas by Section One hundred and eighty-three of the said recited Act certain Allowances were directed to be granted to the Clerks of the respective Commissioners of Income Tax for the due Performance by the said Clerks of the Duties of their Offices respectively, and by an Act passed in the Sixteenth and Seventeenth Years of Her Majesty’s Reign, Chapter Thirty-four, Section Fifty-seven, certain other Allowances were directed to be granted to the said Clerks in lieu of the said former Allowances:’ Be it enacted, That the said Allowances directed to be granted by the said recited Acts or either of them to the Clerks of the respective Commissioners of Income Tax shall be and the same are hereby repealed as to all Assessments made or to be made for any Year commencing from or after the Fifth Day of *April*, One thousand eight hundred and fifty-six, and in lieu thereof there shall be granted the following Allowances; (that is to say,) the Clerk of the respective Commissioners who shall duly perform the Duties of his Office within the respective Times limited by Law in that Behalf, and shall have borne and sustained the incidental Expenses mentioned in the said first-recited Act, shall, by Warrant under the Hands of the said Commissioners, have and receive from the respective Officers for Receipt Twopence in the Pound on so much of the net Amount of the Sums assessed and charged in the Duplicates of Assessment for any Year commencing as aforesaid, after all Appeals heard and determined, and all just Reductions, Abatements, and Discharges made from such Assessments and Duplicates respectively, as will give to such Clerk an Allowance not exceeding Five hundred Pounds for any one Year, and at the Rate of One Penny in the Pound on the Remainder (if any) of the said net Amount: Provided always, that it shall be lawful for the Commissioners of Her Majesty’s Treasury, in any Case in which they shall see fit, to cause such further Allowance to be made to any such Clerk as aforesaid of any Sum not exceeding One Penny in the Pound on the Amount of such Part of the gross Assessment as shall have been discharged on occasion of Claims for Exemption or Abatement made or allowed on the Ground of Income being below One hundred and fifty Pounds and One hundred Pounds a Year respectively as the said last-mentioned Commissioners shall, on consideration of the Extent and Population of the District, and the Number of such Claims, think proper to direct; and the Certificate of the Commissioners of Inland Revenue shall be an Authority to the Officers for Receipt respectively to pay such further Allowance as last mentioned.

Allowances to Clerks to Income Tax Commissioners under recited Acts repealed, and other Allowances granted in lieu thereof.

III. ‘ And whereas by an Act passed in the Sixteenth and Seventeenth Years of Her Majesty’s Reign, Chapter One hundred and seventeen, Section Two, it is enacted, that upon the Completion of any Contract

Section 2. of 16 & 17 Vict. c. 117. relating

*Income and Land Taxes.**Stamp Duties.*

to Redemption  
of Land Tax  
repealed.

Parishes or  
Places may be  
united for the  
more conven-  
ient Execu-  
tion of the Acts  
relating to the  
Land Tax, &c.

‘ Contract entered into after the passing of the said last-mentioned Act for the Redemption of Land Tax, and upon the Transfer or Payment of the Consideration for the same, the Messuages, Lands, Tenements, or Hereditaments comprised in such Contract shall be wholly freed and exonerated from the Land Tax charged thereon, and from all further Assessments thereof, and from any yearly Term, Rent, or Rent-charge in respect of any Consideration for such Contract :’ Be it enacted, That the said last-recited Enactment, so far as regards any such Contract as aforesaid to be entered into at any Time after the passing of this Act, shall be and the same is hereby repealed.

IV. ‘ And for the more convenient Execution of the Acts relating respectively to the Land Tax, the Assessed Taxes, and the Income Tax,’ be it enacted, That it shall be lawful for the Commissioners acting in the Execution of the Acts relating to the Land Tax for any Division, at any Meeting of such Commissioners convened for that Purpose, if and as they shall see fit (subject as herein provided), to unite any Two or more Parishes, Townships, Tithings, Hamlets, or Places (extra-parochial or otherwise), for the Purpose of the more convenient Execution of the said several Acts relating to the said Taxes respectively, and to certify such Union to the Commissioners of Inland Revenue for the Approbation of the Commissioners of Her Majesty’s Treasury ; and if the said last-mentioned Commissioners shall approve of such Union, such Approbation shall be certified by the Commissioners of Inland Revenue to the respective Commissioners acting in the Execution of the several Acts relating to the several Taxes aforesaid respectively ; and thereupon, and from and after such Time as shall be fixed by such last-mentioned Certificate, such united Parishes, Townships, Tithings, Hamlets, or Places shall, for all the Purposes of the said several Acts and Taxes respectively, be considered as One Parish or Place only, and the said respective Commissioners shall execute the said Acts with respect to such united Parishes, Townships, Tithings, Hamlets, or Places as if the same were One Parish or Place only : Provided always, that nothing herein contained shall extend to authorize any Alteration of the Quota of Land Tax now chargeable by Law on any Parish or Place.

## C A P. LXXXI.

An Act to reduce the Stamp Duties on certain Instruments of Proxy; to amend the Laws relating to the stamping of Articles of Clerkship to Attorneys and others; and to exempt from Stamp Duty Admissions to the Freedom of the City of *London* by Redemption.

[29th July 1856.]

‘ **WHEREAS** it is expedient to reduce the Stamp Duties on certain Instruments of Proxy, and to amend the Laws relating to the stamping of Articles of Clerkship to Attorneys and others :’ 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 :

Stamp Duties  
on Instruments  
of Proxies  
herein named  
repealed, and  
new Duties  
granted in lieu  
hereof.

I. From and after the passing of this Act, in lieu of the Stamp Duties now payable on the several Instruments of Proxy herein-after described, there shall be charged and paid the Duties following ; that is to say,

For and in respect of every Letter or Power of Attorney, and every Commission, Factory, Mandate, or other Instrument in the Nature thereof, made for the sole Purpose of appointing or nominating a Proxy to vote at any Meeting within any Part of the United Kingdom of the Proprietors or Shareholders of or in any Joint Stock Company or other Company or Society whose Stock or Funds are divided into Shares, and transferable, or made for the Purpose of appointing, nominating, or authorizing any Person to vote as a Proxy, Commissioner, Mandatory, or otherwise, at any Parish Meeting of Heritors or Proprietors of Real or Heritable Property in *Scotland*, the Stamp Duty of Sixpence.

Provision in  
Section 6. of  
7 Vict. c. 21.  
and other  
Stamp Acts to  
be applied to  
the new Duties.

II. The Provision contained in Section Six of the Act passed in the Seventh Year of Her Majesty’s Reign, Chapter Twenty-one, relating to Instruments for appointing Proxies, thereby charged with a certain Stamp Duty, and also, so far as the same shall be applicable, and shall not be inconsistent with such Provision, all other Powers, Provisions, Clauses, Regulations, Directions, Allowances, and Exemptions, Fines, Forfeitures, Pains, and Penalties contained in or imposed by any Act or Acts relating to any Duties of the same Kind or Description, shall, for and in the raising, levying, collecting, and securing of the Duties hereby granted, and otherwise in relation thereto respectively, have full Effect, and be observed, applied, allowed, enforced, and put in execution with respect to the last-mentioned Duties, and to the Vellum, Parchment, and Paper, Matters and Things, charged and chargeable therewith, and to the Persons signing, or voting or acting, or attempting to vote or act, under any such Instrument, as fully and effectually, to all Intents and Purposes, as if the same had been herein repeated, and specially enacted with reference to the Duties hereby granted, and the Instruments charged or chargeable therewith.

Power to Treas-  
ury to autho-  
rize Articles to  
be stamped on  
the Terms  
stated.

III. ‘ And whereas by an Act passed in the Seventh Year of the Reign of His late Majesty King *George* the Fourth, Chapter Forty-four, it is enacted, that it shall not be lawful for the Commissioners of Stamps or any of their Officers to stamp, under any Pretence whatever, after the Expiration of Six Months from the Date thereof, any Vellum, Parchment, or Paper upon which shall be engrossed, printed, or

*Stamp Duties.**Race-horse Duty.*

‘ or written any Articles of Clerkship, Contract, Indenture, or other Instrument, whereby any Person shall become bound to serve as a Clerk or Apprentice, in order to his Admission as a Solicitor, Attorney, Proctor, Writer to the Signet, Agent, or Procurator in any of the Courts of Law or Equity, or the High Court of Admiralty, or any Ecclesiastical Court, or the Courts of Session, Justiciary, Exchequer, Commission of Teinds, or the Commissary Court, or any Inferior Court in *Great Britain*.’ Be it enacted, That it shall be lawful for the Commissioners of Inland Revenue, notwithstanding the said last-mentioned Act, in any Case where they shall be directed so to do by the Commissioners of Her Majesty’s Treasury, to stamp any such Instruments as last mentioned, upon Payment of the Duty chargeable thereon at the Date thereof, and of such further Sum as herein-after specified by way of Penalty, and in lieu of all other Penalties; that is to say,

As to any such Instrument bearing Date and executed before the Fifth Day of *August* One thousand eight hundred and fifty-three, the Sum of Twenty Pounds;

As to any other such Instrument where the same shall be brought to be stamped within the Period of One Year from the Date thereof, the Sum of Ten Pounds;

After One Year and within Two Years, Twenty Pounds;

After Two Years and within Three Years, Thirty Pounds;

After Three Years and within Four Years, Forty Pounds;

And after Four Years, Fifty Pounds.

IV. ‘ Whereas by an Act passed in the First and Second Years of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act to repeal the Stamp Duty now paid on Admissions to the Freedom of Corporations in England*, it was enacted, that after the passing of that Act no Stamp Duty should be chargeable on the Admission of any Person entitled to take up his Freedom by Birth or Servitude in any City or Borough in *England* returning a Member or Members to serve in Parliament: And whereas in the City of *London* the Right to vote in Ward Elections is vested in the Freemen Occupiers, and it is expedient that all Impediments to the Admission of Occupiers in the City of *London* to the Freedom of the City of *London* by Redemption for that Purpose should be removed, and that the Stamp Duty payable on such Admission should be abolished.’ Be it enacted, That from and after the passing of this Act no Stamp Duty shall be chargeable on the Admission of any Person to the Freedom of the City of *London* by Redemption: Provided always, that this Act shall not repeal any Stamp Duty now payable on the Admission to the Freedom of any Company.

Admissions to the Freedom of the City of *London* by Redemption exempted from Stamp Duty.

## C A P. LXXXII.

An Act to repeal and reimpose under new Regulations the Duty on Race-horses.

[29th July 1856.]

‘ WHEREAS by an Act passed in the Sixteenth and Seventeenth Years of Her Majesty’s Reign, Chapter Ninety, the annual Duty of Three Pounds Seventeen Shillings is chargeable under the Rules and Regulations relating to the Assessed Taxes for every Horse kept or used for the Purpose of racing, or running for any Plate, Prize, or Sum of Money or other Thing, or kept in training for any of the said Purposes: And whereas it is expedient to repeal the said Duty, and in lieu thereof to impose a Duty on Race-horses in the Manner and under the Regulations 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:

16 & 17 Vict. c. 90.

I. From and after the Fifth Day of *April* One thousand eight hundred and fifty-seven, the said Duty of Three Pounds Seventeen Shillings so chargeable as aforesaid under or by virtue of the said recited Act shall cease and determine, save and except as to any Arrears thereof, and as to any Penalty incurred in relation to the said Duty.

Present Duty payable on Race-horses repealed.

II. In lieu of the said Duty hereby repealed, there shall be charged and paid, for the Use of Her Majesty, Her Heirs and Successors, for every Horse which shall start or run for any Plate, Prize, or Sum of Money or other Thing, the Sum of Three Pounds Seventeen Shillings as the Duty for such Horse for One Year ending on the Fifth Day of *April* next after the Day on which such Horse shall so start or run.

New Duty on Race-horses imposed in lieu of that repealed.

III. The said Duty by this Act imposed shall be deemed to be a Duty of Excise, and all Powers, Provisions, Regulations, and Penalties contained in or enacted by any Act in force for securing Duties of Excise, or otherwise in relation thereto, shall, in all Cases not herein expressly provided for, and so far as the same are not superseded by and are consistent with the express Provisions of this Act, be duly observed, applied, and put in execution for charging, levying, collecting, and securing the said Duty hereby imposed, and otherwise relating thereto, as fully and effectually as if the same Powers, Provisions, Regulations, and Penalties were herein particularly repeated and re-enacted with reference to the said last-mentioned Duty.

Duty imposed to be deemed an Excise Duty, and Powers, &c. of Excise Acts applied thereto.

IV. The said Duty by this Act imposed shall be paid into the Hands of the Clerk of the Course, by or on behalf of the Owner of the Horse, previously to the starting or running of such Horse at any Race, and the said Clerk of the Course shall give a Receipt for such Duty in such Form and with such

Duty to be paid to Clerk of Course previously to starting of Race-horse,

*Race-horse Duty.*

Particulars as herein-after mentioned, and the Production of such Receipt at any future Race during the Year ending as aforesaid shall free the Owner for the Time being of the Horse named in such Receipt from any further Payment of the said Duty in respect of the said Horse for the same Year ; and if the Owner of any such Horse shall neglect or refuse to pay the said Duty to the Clerk of the Course previously to the starting or running of such Horse at any Race, and shall not, previously to such starting or running, produce and show to such Clerk of the Course a proper Receipt for the said Duty previously paid in respect of the same Horse in the same Year, such Owner shall for every such Neglect or Refusal forfeit the Sum of Fifty Pounds.

Penalty on Owner refusing to pay the Duty, &c.

Clerk of Course to demand Duty previously to starting any Race-horse.

V. Every Clerk of the Course shall, previously to the starting of any Horse at any Race, demand of the Owner or other Person having the Care or Control of such Horse the said Duty by this Act imposed, or the Production of a proper Receipt for the said Duty, if the same shall have been paid for the same Horse at any former Race within the same Year ending as aforesaid ; and unless the said Duty shall be paid to the said Clerk of the Course, or such Receipt as aforesaid be produced to him, he shall not allow such Horse to start or run at any Race.

Commissioners of Inland Revenue to provide Books of Receipts and Counterfoils.

VI. The Commissioners of Inland Revenue shall provide Books of printed Forms of Receipts, with Counterfoils, for the said Duty imposed by this Act, and such Forms of Receipts and Counterfoils respectively shall be adapted for the Insertion therein of the Name or Description of the Race-horse and also of the Race for or in respect of which the said Duty shall be paid, and the Time and Place of holding such Race, and the Name of the Owner of such Horse, and also the Date of the Receipt of the said Duty by the Clerk of the Course ; and the said Commissioners shall supply a proper and sufficient Number of such Forms to every Clerk of the Course who shall apply for the same.

Clerk of Course to give Receipt for Duty, &c. ;

VII. Every Clerk of the Course who shall receive the said Duty for any Race-horse shall give a Receipt for the same upon One of such printed Forms, properly filled up with all the several Particulars for which the same shall be adapted, and signed by him, and he shall also properly fill up with all the like Particulars the Counterfoil of such Receipt, and keep the same remaining in the said Book.

To be accountable for Forms of Receipts and Counterfoils supplied to him ;

VIII. Every Clerk of the Course who shall have been supplied with any such Book of printed Forms of Receipts and Counterfoils shall be chargeable with and accountable for the same in manner herein-after mentioned, and shall, upon every Request of any Officer of Inland Revenue authorized by the said Commissioners in this Behalf, produce and show to such Officer all such Books and Forms as may from Time to Time be in the Possession of the said Clerk of the Course, and shall account with such Officer for all such Forms of Receipts and Counterfoils respectively as shall have been cut out of or separated from any such Book ; and for and in respect of each and every such Form which shall have been so cut out or separated as aforesaid, and for and in respect also of each and every such Form of Receipt and Counterfoil respectively contained in any Book of such Forms delivered to such Clerk of the Course, and not produced by him to such Officer, the said Clerk of the Course shall be deemed to have received the Amount of the said Duty of Three Pounds Seventeen Shillings, and shall be charged with the same accordingly as so much Money had and received by him for the Use of Her Majesty, Her Heirs and Successors.

To make out Lists half-yearly of Race-horses which have started at Races at which he has officiated ;

IX. Every Clerk of the Course shall twice in every Year, that is to say, within Ten Days after the First Day of *January* and the First Day of *July* in every Year, make out and deliver to the Commissioners of Inland Revenue, or to such Officer as they shall direct, a true and correct List, in such Form as the said Commissioners shall require or direct, of all the Horses which have started or run at any Race at which such Clerk of the Course officiated in that Capacity within the preceding Half Year, and shall specify in such List the Names by which such Horses were called or known, and the Names of their respective Owners, and also the Name or other Description of the Race, and the Date and Place of holding the same, and shall distinguish in such List the Horses in respect of which the Duty was paid to such Clerk of the Course, and the Horses in respect of which Receipts were produced, showing the Payment of the said Duty to some other Clerk of the Course, and in the latter Case the Name of such Clerk of the Course, and the Place and Date of such Payment.

To pay over Monies to Collector of Inland Revenue ; To have an Allowance for due Payment and Performance of Duty.

X. The Clerk of the Course shall pay over all Monies received by him or for which he shall be chargeable under this Act to the Collector of Inland Revenue, or to such other Officer as the Commissioners of Inland Revenue may direct, and under such Regulations as the said Commissioners may make in that Behalf ; and upon the due Payment of all such Monies, and on the Performance by the said Clerk of the Course, to the Satisfaction of the said Commissioners, of all Matters and Things required of him by or under the Authority of this Act, the said Clerk of the Course shall have and be entitled to an Allowance at the Rate of One Shilling in the Pound on all such Monies paid by him as aforesaid, and such Allowance shall be paid to him by such Collector or other Officer, by Warrant of the said Commissioners.

Penalty on Clerk of the Course for Neglect of Duty.

XI. If any Clerk of the Course shall refuse or neglect to do or perform any Act, Matter, or Thing required of him by or under the Authority of this Act, or shall do or permit or suffer to be done any Act, Matter, or Thing contrary in any respect to any Prohibition, Injunction, or Direction herein contained, he shall for every such Offence forfeit the Sum of Fifty Pounds.

Interpretation of Terms.

XII. The Term "Race-horse," used in this Act, shall be construed to mean any Horse which shall start or run for any Plate, Prize, or Sum of Money or other Thing ; and the said Term "Race-horse," as well as the Term "Horse," used in this Act, shall be deemed to include also a Mare or Gelding ; and in all Proceedings for the Recovery of the said Duty by this Act imposed, or of any Penalty in relation thereto,

*Race-horse Duty.**Coast-guard Service.*

thereto, it shall be sufficient to designate any such Horse as aforesaid by the Term "Race-horse," without further or otherwise describing the same; and for the Purposes of this Act the Person by whom or in whose Name any Race-horse shall be entered to start or run at any Race shall be deemed to be the Owner of such Race-horse.

XIII. This Act shall not extend to *Ireland*.

Extent of Act.

## C A P. LXXXIII.

An Act to provide for the better Defence of the Coasts of the Realm, and the more ready Manning of the Navy, and to transfer to the Admiralty the Government of the Coast Guard.  
[29th July 1856.]

WHEREAS it is expedient to make better Provision for the Defence of the Coasts of the Realm, and for the more ready Manning of Her Majesty's Navy in case of War or sudden Emergency, as well as for the Protection of Her Majesty's Revenue: And whereas it is expedient that the Officers and Men to be employed for these Purposes should be under the Control and Authority of the Commissioners of the Admiralty, and that the existing Force now employed in the Coast Guard and in the Revenue Cruisers should be placed under their Control: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. In citing this Act for any Purpose, it shall be sufficient to use the Expression "The Coast-guard Service Act, 1856." Short Title.

II. In this Act the Words and Expressions following shall have the Meanings hereby respectively assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,) Interpretation of the Terms herein set forth.

"The Commissioners of the Admiralty" shall mean the Commissioners for the Time being for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or any Two or more of them, and the Lord High Admiral, when Her Majesty shall be pleased to appoint a Lord High Admiral:

"Commissioners of the Treasury" shall mean the Lords Commissioners for executing the Office of the Lord High Treasurer:

"The Commissioners of the Customs" shall mean the Commissioners of Her Majesty's Customs:

"The existing Coast Guard" shall mean the Officers and Men who shall be employed in the Service commonly called the Coast-guard Service and in the Revenue Cruisers on the Day to be named in Writing by the Commissioners of the Treasury, as herein-after mentioned:

"The Coast Guard" shall mean the Officers and Men to be employed and maintained by the Commissioners of the Admiralty under the Authority of this Act:

"Person" shall include any Body Politic or Corporate as well as any Individual:

"Lands" shall include all Lands, Tenements, and Hereditaments, and every Estate, Right, Title, and Interest therein.

III. From and after such Day as shall be named for that Purpose by the Commissioners of the Treasury, by Writing under their Hands, such Number of Officers and Men as the Commissioners of the Admiralty may from Time to Time think fit (but so that the whole Number of Officers and Men constituting the Coast Guard shall not at any One Time exceed Ten thousand) shall be employed, raised, maintained, equipped, and governed by the Commissioners of the Admiralty, and such Officers and Men shall be and constitute and form the Coast Guard; and the Commissioners of the Admiralty shall and may have and exercise over and with reference to the Coast Guard all the Powers, Authorities, Control, Government, Rights, Privileges, and Immunities which shall be vested in or which may be had or exercised by any Person or Persons whomsoever over or in any way affecting the existing Coast Guard. Coast Guard, after Order from Treasury, shall be raised and governed by Admiralty.

IV. All Lands held for the Purposes of the existing Coast-guard Service under the Authority of any Act or otherwise, and all other Property whatsoever held, possessed, or used for the like Purposes, shall, from and after such Day as shall be named by the Commissioners of the Treasury as aforesaid, become and be vested in and be the Property of the Commissioners of the Admiralty, in trust for Her Majesty, Her Heirs and Successors, for the Public Service; and the Commissioners of the Admiralty may from Time to Time sell, exchange, or otherwise dispose of to such Persons as they shall think fit any Lands which may become vested in them under the Authority of this Act, or in the Exercise of the Powers thereby given, and the Monies payable on or by reason of such Sales, Exchange, or Disposal shall be paid to Her Majesty's Paymaster General for the Time being (or to such other Person as the said Paymaster General shall appoint), and the Receipt of such Paymaster General (or other Person) endorsed on the Conveyance or Assignment shall be an effectual Discharge. Lands held for existing Coast-guard Service to be vested in Admiralty.

V. The Commissioners of the Admiralty may from Time to Time, by any Writing under their Hands, authorize any Person to survey and mark out any Lands not exceeding Three Acres, at or for any One Coast-guard Station which may be wanted for the Purposes of the Coast-guard Service, with all necessary Ways unto and from the same, and may authorize any Person, by Warrant, to treat and agree with the Power to Admiralty to acquire Lands for Coast-guard Stations.

*Coast-guard Service.*

the proper Parties for the Purchase of such Lands, or the Possession thereof; and the Sections of the Act passed in the Seventeenth Year of the Reign of Her present Majesty, Chapter One hundred and seven, numbered respectively from Three hundred and thirty-six to Three hundred and forty-five (each inclusive), and all Sections of other Acts therein mentioned, shall be and are hereby incorporated with this Act; and whenever in any of the Sections of any Act so hereby incorporated the Expression "the Commissioners of the Treasury," or the Expression "the Commissioners of Customs," shall occur, each of such Expressions shall for the Purposes of this Act be deemed and taken to mean the Commissioners of the Admiralty, and whenever in any of such Sections the Expression "the Officers of Customs" shall occur, such Expression shall for the Purposes of this Act be deemed and taken to mean Officers of the Coast Guard.

Powers, &c. of existing Coast Guard vested in Coast Guard. Coast Guard to have certain Privileges as Persons serving in the Fleet.

VI. All Laws for the Protection of the existing Coast Guard, and all Rights, Authorities, Powers, Privileges, and Immunities which shall be vested in or may be had or exercised by them, shall be applicable to and be vested in and had and exercised by the Coast Guard.

VII. All Officers and Men employed in the Coast Guard, and borne on the Books of any Ship or Ships belonging to Her Majesty's Fleet, shall have the same Privileges of making Allotments of Wages, and of making Remittances, and otherwise have the Benefit of and be subject to the Provisions of the Laws relating to the Pay of Her Majesty's Navy, in like Manner as Officers and Men of their respective Ratings in Her Majesty's Navy, and the Laws concerning the Discharge of Seamen serving on board Her Majesty's Ships, and becoming entitled to be discharged, (except as altered or affected by this Act,) shall be applicable to the Discharge of any of such Officers and Men becoming entitled to be discharged; and Time served in the Coast Guard shall be reckoned and count for the Purposes of Pensions to such Men, as if such Men had served the same Time as Men in Full Pay and actual Service in Her Majesty's Fleet.

Coast Guard borne on Books of Vessels of War to be subject to the same Laws and Customs as Persons serving in the Fleet. As to summary Punishment.

VIII. All the Laws, Statutes, Articles, Orders, and Customs for the Time being in force for the Government of Her Majesty's Ships and Vessels and Forces by Sea, and applicable to any Offence, or the Trial and Punishment of any Offence, committed on the Main Sea, or elsewhere, by any Person in or belonging to the Fleet, or by any Person in actual Service and Full Pay, and Part of the Crew of any of Her Majesty's Ships or Vessels of War, shall be applicable to such of the Officers and Men of the Coast Guard as shall from Time to Time be borne on the Books of any Ship or Ships belonging to Her Majesty's Fleet, and to the like Offences by them committed in any Place whatsoever, whilst serving in the Coast-guard Service on shore; and every Officer of the Coast Guard authorized by the Commissioners of the Admiralty, by Commission or Warrant under their Hand, shall from Time to Time have and exercise over the Petty Officers and Men of the Coast Guard under his Command borne on any Ship's Books as aforesaid, and serving in such Coast-guard Service on shore, such and the like Powers of ordering and inflicting Punishment of Offences by such Officers or Men in any Place whatsoever committed, as by the Laws and Customs of Her Majesty's Navy, or by any Act of Parliament, or otherwise, may for the Time being be lawfully had and exercised by any Officer commanding any of Her Majesty's Ships and Vessels of War over the Petty Officers and Men thereof in respect of Offences by them committed; and when any Petty Officers or Men of the Coast Guard shall be punished by Imprisonment under any Sentence or Order of any such Officer of the Coast Guard, they may be imprisoned in any of Her Majesty's Gaols, or in any House of Correction, or in any other Prison in which Petty Officers or Men serving in Her Majesty's Navy may for the Time being lawfully be imprisoned by Sentence or Order of any Officer commanding any of Her Majesty's Ships or Vessels, but no such Order for Imprisonment to be made by any such Officer of the Coast Guard so authorized as aforesaid shall have any Force or Effect until the same shall have been approved of by Writing under the Hand of the Officer of the Coast Guard for the Time being commanding the District within which the Offence shall have been committed; and all Petty Officers and Men of the Coast Guard, when so sentenced or ordered to be imprisoned, or when so imprisoned respectively, shall be deemed and taken to be within the Provisions, as to Persons sentenced to be imprisoned or imprisoned respectively, of an Act of the Eleventh Year of the Reign of Her present Majesty, Chapter Sixty-two, which Act, and the Act passed in the Seventeenth Year of the Reign of Her present Majesty, Chapter Sixty-nine, shall, so far as the same are or may be applicable, be respectively incorporated with this Act, and be held to apply to the Officers and Men of the Coast Guard borne on Ships Books as aforesaid, and serving in the Coast-guard Service on shore.

Constitution of Court-martial.

IX. Any Court-martial constituted according to the Act of the Twenty-second Year of the Reign of His late Majesty King *George* the Second, Chapter Thirty-three, shall be a Court-martial properly constituted for the Trial of Offences committed by any Officers or Men of the Coast Guard borne on Ships Books as aforesaid, and serving in the Coast-guard Service on shore, wheresoever such Offences shall or may be committed.

Officers of Coast Guard may command Royal Naval Coast Volunteers.

X. The Officers of the Coast Guard shall be deemed and taken to be Officers by whom the Royal Naval Coast Volunteers may be instructed, trained, and exercised, and to whose Command such Volunteers may be made subject, under the Provisions of the Act passed in the Seventeenth Year of the Reign of Her present Majesty, Chapter Seventy-three.

XI. This

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XI. This Act shall extend to the *Isle of Man*, and to the Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, and their Dependencies, and shall be registered in the Royal Courts of the Islands of *Guernsey* and *Jersey* respectively, and the said Royal Courts respectively shall have full Power and Authority and are hereby required to register the same.

Act may be registered in Guernsey and Jersey.

## C A P. LXXXIV.

An Act to continue the Corrupt Practices Prevention Act, 1854. [29th July 1856.]  
[17 & 18 Vict. c. 102. continued to 10th August 1857.]

## C A P. LXXXV.

An Act to continue the General Board of Health. [29th July 1856.]  
[17 & 18 Vict. c. 95. further continued for One Year after Day of passing of Act.]

## C A P. LXXXVI.

An Act to abolish the Office of Cursitor Baron of the Exchequer. [29th July 1856.]

‘ WHEREAS the Office of Cursitor Baron of Her Majesty’s Court of Exchequer at *Westminster* is now vacant by the Death of the Right Honourable *George Bankes*, and the Duties thereof having for the most part ceased, it is expedient that such Office be abolished:’ Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. The said Office of Cursitor Baron is hereby abolished, and any Duty or Act which might have been performed or done by such Cursitor Baron if this Act had not been passed shall and may be performed and done by the said Court or any Baron of the Coif, or any Officer of the said Court of Exchequer, in such Manner and at such Times as the said Court or the Lord Chief Baron thereof shall from Time to Time direct.

Office abolished.

## C A P. LXXXVII.

An Act to amend the Lunatic Asylums Act, 1853. [29th July 1856.]

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

I. Where a Committee is or shall hereafter be appointed to provide an Asylum for any County under the Lunatics Asylum Act, 1853, the Recorder of every Borough now or hereafter annexed to such County for the Purposes of the said Act shall, at the General or Quarter Sessions next after such Appointment as aforesaid, or where such Committee has been already appointed, shall, at the General or Quarter Sessions next after the passing of this Act, appoint Two Justices of such Borough to be Members of such Committee.

Recorder to appoint Two Justices to be Members of Committee of Justices of County for providing an Asylum.

## C A P. LXXXVIII.

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*.

[29th July 1856.]

‘ WHEREAS it is expedient, for the Advancement of Religion and Learning, to enlarge the Powers of making and altering Statutes, Ordinances, and Regulations now possessed by the University of *Cambridge* and the Colleges thereof, and to make and enable to be made further Provision for the Government and for the Extension of the said University, and for the Abrogation of Oaths now taken therein, and otherwise for maintaining and improving the Discipline and Studies and the good Government of the said University of *Cambridge* and the Colleges thereof:’ Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. The several Persons herein-after named, (that is to say,) the Right Reverend *John* Lord Bishop of *Lichfield*, the Right Reverend *John* Lord Bishop of *Chester*, the Right Honourable *Edward Henry Stanley*, commonly called Lord *Stanley*, the Right Honourable *Matthew Talbot Baines*, Vice-Chancellor Sir *William Page Wood* Knight, the Right Honourable Sir *Laurence Peel* Knight, the Very Reverend *George Peacock* Dean of *Ely*, and the Reverend *Charles John Vaughan* Doctor in Divinity, shall be Commissioners for the Purposes of this Act, and shall have a Common Seal, and Three of the said Commissioners shall be a Quorum, and the Commissioner appointed or acting as Chairman shall have a Second or Casting Vote when the Votes of the said Commissioners shall be equally divided.

Appointment of Commissioners.

II. The

*Cambridge University.*

Duration of Powers of Commissioners.

II. The Powers hereby conferred on the Commissioners shall be in force until the First Day of *January* One thousand eight hundred and fifty-nine, and it shall be lawful for Her Majesty, if She shall think fit, by and with the Advice of Her Privy Council, to continue the same until the First Day of *January* One thousand eight hundred and sixty, and no longer.

Death, &c. of Commissioners. Commissioners may require Production of Documents, &c.

III. If any Vacancy occurs in the Number of such Commissioners, by means of Death, Resignation, or Incapacity to act, Her Majesty may fill up such Vacancy.

*Constitution of the University.*

Establishment of Council of the Senate.

IV. In the Exercise of the Authorities hereby vested in the Commissioners they shall have Power to require from any Officer of the University of *Cambridge* or of any College therein the Production of any Documents or Accounts relating to such University or College, and any Information relating to the Revenues, Statutes, Usages, or Practice thereof respectively; and no Oath which may have been taken by any such Officer shall be a Bar to any Authorities of the Commissioners.

V. Upon the Sixth Day of *November* One thousand eight hundred and fifty-six, all Powers, Privileges, and Functions now possessed or exercised by the Caput Senatus of the said University shall cease, and upon the Seventh Day of the said Month of *November* One thousand eight hundred and fifty-six there shall be elected in manner herein-after mentioned a Council, which shall be called the Council of the Senate, and which shall consider and prepare all Graces to be offered to the Senate, whether proceeding from individual Members of the Senate or from Syndicates, and no Grace shall be offered to the Senate without the Sanction of the major Part of those voting upon it in the Council.

Composition of Council.

VI. The Council of the Senate shall consist of the Chancellor, the Vice-Chancellor, Four Heads of Colleges, Four Professors of the University, and Eight other Members of the Senate, such Eight Members to be chosen from the Electoral Roll herein-after mentioned, and such Heads of Colleges, Professors, and Members of the Senate to be elected by the Persons whose Names shall be on such Electoral Roll: Provided always, that there shall never be more than Two Members of the same College among such Eight elected Members.

Vice-Chancellor to promulgate Lists of Members of Senate.

VII. The Vice-Chancellor shall on or before *Monday* the Thirteenth Day of *October* One thousand eight hundred and fifty-six, and also on or before the Second *Monday* in *October* in every Year, cause to be promulgated, in such Way as may to him seem expedient for the Purpose of giving Publicity thereto, a List of the Members of the Senate, whom he shall ascertain to have resided within One Mile and a Half of *Great Saint Mary's* Church for Fourteen Weeks at the least between the First Day of the preceding *Michaelmas* Term and the First Day of the said Month of *October*; and such List, together with the following Persons, (that is to say,) all Officers of the University, being Members of the Senate, the Heads of Houses, the Professors, and the Public Examiners, shall be the Electoral Roll of the University for the Purposes of this Act.

Lists may be objected to and amended.

VIII. The Vice-Chancellor shall at the same Time fix some convenient Time and Place, not more than Fourteen nor less than Seven Days from the Time of such Promulgation, for publicly hearing Objections to the said List, which any Member of the Senate may make on the Ground of any Person being improperly placed on or omitted from the said List; and if any such Objections shall appear to the Vice-Chancellor to be well founded, he shall correct the said List accordingly, and he shall thereupon sign and promulgate the said List, which shall thenceforth be the Electoral Roll for the Year thence next ensuing, and until a new Roll shall in like Manner have been promulgated.

As to vacating of Seats of Members of Council.

IX. Two of the Heads of Colleges, Two of the Professors, and Four of the other Members of the Council to be elected on the Seventh Day of *November* One thousand eight hundred and fifty-six, shall be elected to hold Office for Two Years only, and shall vacate their Seats at the End of Two Years, and the other Members of the Council to be then elected shall hold Office for Four Years, and shall vacate their Seats at the End of Four Years; and the Election of the Two Heads of Colleges, Two Professors, and Four other Members of the Council, who are to hold Office for Two Years only, shall be made separately from the Election of the other Heads of Colleges and Professors and other Members of the Council.

For Supply of periodical Vacancies in Council.

Members vacating may be re-elected.

As to filling up of casual Vacancies.

X. The Places of the Members of the Council vacating their Seats shall be supplied by a new Election, to be made on the Seventh of *November*, or in case the Seventh of *November* should be *Sunday*, on the Eighth of *November* in every other Year, in the same Manner as is herein-before prescribed as to the Election to take place on the Seventh Day of *November* One thousand eight hundred and fifty-six, save only that all Members of the Council to be then elected shall be elected to hold Office for Four Years; and all Members so vacating their Seats shall (if otherwise eligible) be capable of Re-election.

XI. Any casual Vacancy occurring by Death, Resignation, or otherwise among the Members of the Council shall be filled by the Election of a qualified Person, according to the Directions of this Act, upon a Day not later than Twenty-one Days or sooner than Seven Days after such Occurrence, to be fixed by the Vice-Chancellor and publicly notified by him; but if such Vacancy shall occur during Vacation the Occurrence shall be deemed for the Purpose of such Notice to have taken place on the First Day of the ensuing Term; and the Person so elected shall be subject to the same Rules and Conditions as to the Tenure of Office, and in all other respects, as the Person to whose Place he succeeds would have been subject to if no such Vacancy had taken place.

Votes of Electors.

XII. In all Elections of Members of the Council every Elector may vote for any Number of Persons, being Heads of Colleges, Professors, or Members of the Senate as aforesaid respectively, not exceeding the



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the Number of Heads of Colleges, Professors, or Members of the Senate respectively to be then chosen; and in case of an Equality of Votes for any Two or more of such Heads of Colleges, Professors, or Members of the Senate respectively, the Vice-Chancellor shall name from amongst those Persons for whom the Number of Votes shall be equal as many as shall be requisite to complete the Number of Heads of Colleges, Professors, or Members of the Senate to be then chosen.

XIII. If any Member of the Council, other than the Chancellor or the Vice-Chancellor, shall have been absent from all the Meetings of the Council during the whole of One Term, his Seat shall at the Close of such Term become and shall be declared by the Vice-Chancellor to be vacant. Absence to create a Vacancy.

XIV. If any Member of the Council shall become Vice-Chancellor his Seat shall not thereby become vacant, nor shall the Seat of any Member of the Council become vacant by reason that after his Election he may have become or may have ceased to be a Professor or a Head of a College: Provided always, that if any of the Eight Members of the Senate chosen from the Electoral Roll as aforesaid shall afterwards cease to be on the Electoral Roll, his Seat shall thereupon become and be declared to be vacant. Member of Council becoming Vice-Chancellor not to vacate Seat.

XV. No Professor shall be ineligible for the Council by reason of anything contained in the Statutes of his Foundation. Professors eligible.

XVI. The Vice-Chancellor shall, before the Tenth Day of *October* One thousand eight hundred and fifty-six, make and promulgate all such Regulations as to the voting for, Election, Resignation, and Return of Members of the Council, as may be necessary for the Election and assembling of the Council according to this Act, and for keeping the Number of such Council complete, and shall appoint the Time and Place at which they shall assemble; and if the Vice-Chancellor fails to comply with the Provisions of this Section, the Commissioners shall thereupon make such Regulations in respect of the Matters aforesaid as they may think fit. Vice-Chancellor to make Regulations respecting Council.

XVII. Subject to the Provisions of this Act, and without Prejudice to the Rights of the Senate in the making of Statutes, Regulations, and Ordinances for the University of *Cambridge*, the Council shall have Power from Time to Time to make Rules for the Regulation of its own Proceedings, and to revise or alter the Regulations herein-before directed to be made by the Vice-Chancellor, or, in the Case of his failing to do so, by the Commissioners, and also to appoint Committees for the Purpose of examining all Questions referred to them by the said Council. Power to Council to make Rules for Regulation of its own Proceedings.

XVIII. The Council shall meet for the Despatch of Business on the Eighth Day of *November* One thousand eight hundred and fifty-six. Date of Meeting.

XIX. The President of the Council shall be the Chancellor, or in his Absence the Vice-Chancellor, or a Member of the Council appointed by the Vice-Chancellor to act as his Deputy, or if at any Council duly convened and assembled neither the Chancellor nor the Vice-Chancellor nor any Deputy so appointed shall be present, then some Member to be chosen by the Members of the Council then assembled. Who shall be President of the Council.

XX. No Business shall be transacted in the Council unless Five Members at least be present; and all Questions in the Council shall be decided by the Majority of the Votes of the Members present, and the President shall have a Second or Casting Vote when the Votes are equally divided: Provided always, that in case of a Difference of Opinion between the Chancellor, or the Vice-Chancellor or his Deputy, and the Majority of the Members present at any Meeting of the Council, the Question as to which such Difference may exist shall not be deemed to be carried by such Majority unless the same shall constitute a Majority of the whole Council, but in such Case the Question shall be adjourned to the next Meeting of the Council, and such adjourned Question shall be finally decided by the Majority of the Members of Council then present. Quorum of Council. Questions in the Council to be decided by the Majority.

XXI. The Council shall nominate Two qualified Persons to the Senate, of whom the Senate shall choose One, in the Manner heretofore accustomed, to fill every vacant Office in the University to which the Heads of Colleges have heretofore nominated Two Persons to the Senate; provided always, that the Persons nominated as aforesaid to the Office of Vice-Chancellor shall be Heads of Colleges. Council to nominate to Offices.

XXII. Every Oath directly or indirectly binding the Juror—  
Not to disclose any Matter or Thing relating to his College, although required so to do by lawful Authority; Certain Oaths deemed illegal and not to be administered.

To resist or not concur in any Change in the Statutes of the University or College;  
To do or forbear from doing anything the doing or the not doing of which would tend to any such Concealment, Resistance, or Non-concurrence,  
shall from the Time of the passing of this Act be an illegal Oath in the said University and the Colleges thereof, and no such Oath shall hereafter be administered or taken.

XXIII. Any Member of the University, of such Standing and Qualifications as may be provided by any Statute hereafter to be made, may obtain a Licence from the Vice-Chancellor to open his Residence, if situate within One Mile and a Half of *Great Saint Mary's Church*, for the Reception of Students, who shall be matriculated and admitted to all the Privileges of the University, without being of necessity entered as Members of any College; but no such Licence as aforesaid shall be granted by the Vice-Chancellor until such Regulations as are herein-after mentioned have come into operation. Vice-Chancellor may license Members of University to receive Students.

XXIV. Every Person to whom such Licence is granted shall be called a Principal, and his Residence so opened as aforesaid shall be called a Hostel. Hostels.

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Power of University to make Statutes as to Hostels.

XXV. The University, before the First Day of *January* One thousand eight hundred and fifty-eight, may proceed to frame Statutes—

For regulating the Terms and Conditions of granting Licences to Principals, and the Qualifications of such Principals :

For the Government of Hostels, the Discipline of the Students therein, and their Status in the event of the Death or Removal of any such Principal, or of the Withdrawal or Suspension of his Licence :

For punishing Neglect or Breach of Regulation on the Part of a Principal by the Withdrawal or Suspension of his Licence, and on the Part of any Students by such reasonable Penalties or other Punishments as the University may think fit :

But no such Statute shall be of any Force or Effect unless and until it shall have been approved in the Manner herein-after mentioned.

Commissioners to frame Statutes, &c. if University omit to do so.

XXVI. If the said University shall not, on or before the First Day of *January* One thousand eight hundred and fifty-eight, have framed, and submitted for the Approval of the Commissioners, such Statutes as may in the Opinion of the Commissioners be sufficient for carrying into effect the Objects of this Act with respect to the Establishment and Regulation of Hostels, the Commissioners shall forthwith proceed to frame Statutes in that Behalf.

Power to Colleges to frame Statutes for certain Purposes.

XXVII. In order to promote useful Learning and Religious Education in the Colleges and University, and the main Designs of the Founders and Donors so far as is consistent with these Purposes, it shall be lawful for the Governing Body of any College, or the major Part thereof, at any Time before the First Day of *January* One thousand eight hundred and fifty-eight, without Prejudice to any existing Interest of any Member of such College, and notwithstanding anything contained in the Statutes, Charters, Deeds of Composition, or other Instruments of Foundation or Endowment either of such College or of any Emolument therein, to make Statutes for the Purposes following ; (that is to say.)

1. For repealing, altering, and amending the College Statutes, and for making fresh Provision respecting the Eligibility of Persons to the Headship or the Fellowships or other College Emoluments, respecting the Right and Mode of appointing, nominating, or electing to such Headship, Fellowships, and Emoluments, and respecting the Duration and Conditions of the Tenure of such Fellowships and Emoluments, so as to insure such Fellowships and Emoluments being conferred according to personal Merits and Fitness, and being retained for such Periods as are likely to conduce to the better Advancement of the Interests of Religion and Learning, and for the said Objects to modify or abolish any Right of Preference :
2. For altering or abolishing the Oaths or any of them required to be taken by the Statutes of the College :
3. For re-distributing or apportioning the divisible Revenues of the College :
4. For rendering Portions of the College Property or Income available to Purposes for the Benefit of the University at large :
5. For the Consolidation, Division, or Conversion of Emoluments, including therein the Conversion of Fellowships or Scholarships attached to Schools into Scholarships or Exhibitions so attached, or either partly so attached and partly open, or altogether open, and of Fellowships otherwise limited into Scholarships or Exhibitions either subject or not subject to any similar or modified Limitation :
6. For the Creation of a sufficient Number of Open Scholarships either by Conversion of Fellowships or otherwise :
7. For incorporating Bye-Fellowships with the original Foundation either in reduced Number or otherwise :
8. For transferring to the College in its corporate Capacity any Trusts now vested in any One or more of the Master and Fellows :
9. And generally for making further Provision for maintaining and improving the Discipline, Studies, and good Government of such College, and for amending the Statutes thereof from Time to Time :

But all Statutes so made by the Governing Body of such College, or the major Part thereof, shall be of no Force or Effect until they shall have been approved in the Manner herein-after mentioned : Provided that nothing herein contained with respect to the Right of nominating or appointing to the Headship of a College shall be deemed to apply to the Headship of *Mary Magdalen College*, unless the Consent by Deed of the Person or Persons entitled to such Right shall be first had and obtained.

Power to sever Benefices from Headships.

XXVIII. ' And whereas it is expedient, where certain Benefices with or without Cure of Souls are annexed to the Headship of a College, or may at the Option of the Head for the Time being be held with his Headship, to enable the Colleges to put an end to such Annexation or Option : ' Be it enacted, That it shall be lawful for the Governing Body of any College or the major Part thereof, at any Time before the First Day of *January* One thousand eight hundred and fifty-eight, without Prejudice to any existing Interest of any Member thereof, and notwithstanding anything contained in any Act of Parliament or in any Deed or Instrument whatever, to make Statutes for putting an end to such Annexation or Option, and either for selling such Benefices or for adding them to the Number of those already in the Patronage of the College, and for making adequate Compensation out of its Revenues to the Head

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of the College for the consequent Diminution of his Income : Provided always, that all such Statutes, and also all Statutes made by any College under the Powers of the Twenty-seventh Section of this Act, shall be laid before the Commissioners, who shall have Power, by Writing under their Common Seal, to approve of or reject the same, and to remit the same from Time to Time for further Consideration or Revision, with Amendments or Alterations therein.

XXIX. If the Powers granted in the Twenty-seventh Section shall not be exercised by any College, or shall not be exercised to such Extent as the Commissioners may deem expedient, and no Statute for effecting the Objects of such Powers, or no Statute which the Commissioners may deem sufficient for that Purpose, shall be submitted by the Governing Body of such College, or the major Part thereof, to the Commissioners, and approved of by them, before the First Day of *January* One thousand eight hundred and fifty-eight, it shall be lawful for the Commissioners to frame such Statutes or such further Statutes as shall appear to them to be expedient for the Purpose of effecting or promoting the Objects which the College is herein-before empowered to effect or promote; and all such Statutes, if sanctioned and confirmed as herein-after required, shall take effect as Statutes of such College, notwithstanding anything contained in the Statutes, Charters, Deeds of Composition, or other Instruments of Foundation or Endowment thereof : Provided always, that all such Statutes, when properly settled by the Commissioners, shall be laid before the College to which the same relate, and the Visitor thereof, Two Calendar Months at least before the same are submitted to Her Majesty in Council, as herein-after directed ; and if within the next Two Calendar Months, or where the Statutes shall have been laid before the College and Visitor in Vacation then within Two Months after the First Day of the following Term, Two Thirds of the Governing Body of the said College shall by Writing under their Hands declare that in their Opinion any One or more of such Statutes will be prejudicial to the said College as a Place of Learning and Education, then such Statute or Statutes shall not take effect, but it shall be lawful for the Commissioners to frame and submit another Statute or other Statutes for the like Purpose to the said College, and so on as often as Occasion shall require.

When Colleges omit to make Statutes Commissioners may frame them.

XXX. The Council of the Senate may prepare or cause to be prepared new Statutes,—

1. For repealing, altering, or adding to any of the existing Royal Statutes of the University :
2. Or, in order to promote useful Learning and Religious Education, and the main Designs of the Founders and Donors so far as is consistent with these Purposes, for altering or modifying the Trusts, Statutes, or Directions affecting any Gift or Endowment held or enjoyed by the University, or by any Professor, Lecturer, Reader, Preacher, or Scholar therein, or the Endowment of *Lady Sadler* for Lecturers in the several Colleges, or the Endowment of the Offices of Christian Preacher and Christian Advocate, or the Endowment of *William Worts* for Bachelors of Arts :

University may frame new Statutes.

And all such Statutes shall be submitted to the Senate by way of Grace for their Adoption or Rejection; but no such Statute shall be of any Force or Effect until it shall have been assented to by the Commissioners under their Seal, and shall have been approved by Her Majesty by an Order in Council, as herein-after mentioned ; but no Statute framed by the Council for altering or modifying the Trusts, Statutes, or Directions affecting the Endowments held by the *Regius* Professors of *Greek*, *Hebrew*, or *Divinity*, and which affect or alter any Statute of *Trinity College* touching such Professors or their Endowments, shall be submitted to the Senate until it shall have received the Assent of the said College under its Common Seal.

XXXI. If no new Statute for any of the Purposes in the next preceding Section of this Act mentioned shall be submitted to the Commissioners for their Assent as aforesaid, or if any such new Statute for such Purpose shall not be approved by the Commissioners, and shall not be assented to by them, the Commissioners, after the First Day of *January* One thousand eight hundred and fifty-eight, may frame Statutes for such Purpose, and such Statutes shall be laid before Her Majesty in Council in the Manner herein-after directed : Provided always, that any such Statutes framed by the Commissioners shall be laid before the Council of the Senate Two Calendar Months before the same are submitted to Her Majesty in Council as herein-after directed ; and if within the next Two Calendar Months, or if such Statutes shall be laid before the Council in Vacation, then within Two Calendar Months from the First Day of the following Term, Two Thirds of the whole Council shall, by Writing under their Hands and Seals, declare that in their Opinion any One or more of such Statutes will be prejudicial to the University as a Place of Learning and Education, then such Statute or Statutes shall not take effect, but it shall be lawful for the Commissioners to frame and submit another Statute or other Statutes for the like Purpose, and so on, as often as Occasion shall require.

Commissioners may frame University Statutes.

XXXII. The University may provide by Statute that Members of the Senate may vote at any Election of a Chancellor or High Steward of the University by Proxy, such Proxy being a Member of the Senate authorized by an Instrument in Writing signed by the Member nominating such Proxy ; but no Member shall be entitled to vote as a Proxy unless the Instrument appointing him has been transmitted to the Vice-Chancellor not less than Forty-eight Hours before the Time appointed for holding such Election of a Chancellor or High Steward, as the Case may be ; and such Instrument may be in the Form contained in the Schedule to this Act annexed.

Votes may be given by Proxy.

XXXIII. If in the Execution of the Powers of this Act it shall be proposed by the Governing Body of any College, or the major Part thereof, or by the Commissioners, to make any Statute for the Abolition of any Right of Preference in Elections to any Emolument within any College, now lawfully belonging

Right of Preference belonging to Schools not to be abolished in certain

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Cases if  
Governors of  
Schools or  
Charity Com-  
missioners dis-  
sent therefrom.

to any School or other Place of Education beyond the Precincts of the University, individually named or designated in any Statute, Deed of Composition, or other Instrument of Foundation or Endowment, and which Right has been exercised or enjoyed by such School or Place of Education on the Occurrence of any One of the Three Occasions next before the passing hereof on which such Right might have been exercised or enjoyed, or for the Conversion of any Fellowship or Scholarship attached to such School or other Place of Education into One or more Scholarships or Exhibitions, either partly so attached and partly open, or altogether open, where any Appointment or Election to any such Fellowship or Scholarship of a Person educated in such School or Place has taken place on the Occurrence of any One of the Three Vacancies of such Fellowship or Scholarship next before the passing of this Act, Notice thereof shall be given in Writing to the Governing Body of every such School or Place of Education, and also to the Commissioners appointed under "The Charitable Trusts Act, 1853," at least Two Calendar Months before any final Resolution for that Purpose shall be adopted by such College or by the Commissioners; and in Cases where it is proposed by such Statute to abolish any Right of Preference in Elections to any Emolument other than a Fellowship, or to convert any Fellowship or Scholarship attached to any School or other Place of Education into One or more Scholarships or Exhibitions, either partly so attached and partly open, or altogether open, no such Statute shall be made if within Two Calendar Months after receiving such Notice Two Thirds of the said Governing Body, or if there shall be several Schools interested in such Right of Preference then Two Thirds of the aggregate Body composed of the several Governing Bodies of such Schools, or the said Commissioners appointed under "The Charitable Trusts Act, 1853," shall by Writing under their Hands and Seals declare their Opinion that such Statute would be prejudicial to such School or Place of Education as a Place of Learning and Education: Provided always, that every such Right of Preference, when retained, shall be subject to all such Statutes as may be made by the Governing Body of any College, or by the Commissioners, under the Powers given by this Act, for the Purpose of making such Emolument more conducive to the mutual Benefit of such College and such School or Place of Education as aforesaid, or of throwing the same open to general or extended Competition upon any Vacancy for which no Candidate or Claimant of sufficient Merit may offer himself from any School or Place of Education so entitled as aforesaid; provided also, that where the Governing Body of any such School as aforesaid shall be a Corporate Body the Governing Body of the Corporation shall be deemed the Governing Body of the School; and when any Right of Preference shall belong to any School contingently only upon the Failure of fit Objects from some other School or Schools entitled to and in the Enjoyment of a prior Right of Preference, then and in such Case the Power of Dissent hereby given shall only belong to the Governing Body or Governing Bodies of the School or Schools entitled to and in the Enjoyment of the First Right of Preference; and if in any College where Fellowships are tenable by Undergraduates either the College or the Commissioners acting in respect thereof shall divide its Fellowships into Elder and Younger, the Elder only shall be taken to be Fellowships within the Meaning of this Section.

Notice served  
on Principal of  
School to be  
sufficient.

XXXIV. Where any such Notice in Writing as aforesaid is required to be given to the Governing Body of any School or Place of Education, such Notice, if served on the Master or Principal of any such School or Place of Education, shall be deemed and taken to be a sufficient Notice to the Governing Body of the same School or Place of Education for all the Purposes of this Act.

Statutes ob-  
jected to by  
Governing  
Body of Col-  
lege, &c. to be  
laid before  
Parliament.

XXXV. All Statutes framed by the Commissioners, and objected to by Two Thirds of the Governing Body or Bodies of the College, School or Schools, to which the same respectively relate, or by the said Commissioners appointed under the Charitable Trusts Act, 1853, shall, in all Cases where new Statutes shall not have been substituted under the Provisions of this Act for such as shall have been so objected to, be embodied in a Report to be transmitted forthwith to One of Her Majesty's Principal Secretaries of State, and laid before the Two Houses of Parliament.

Statutes as to  
Scholarships in  
Trinity College  
appropriated  
to Scholars of  
Westminster  
School.

XXXVI. And whereas by the Statutes of *Trinity College* and the Laws and Practice of *Westminster School* certain Scholarships in the said College have been annually appropriated to Scholars of the said School elected therefrom: Be it enacted, That the Governing Body of the said College, or the major Part thereof, with the Sanction of the Dean and Chapter of *Westminster*, signified by Writing under their Common Seal, may make and lay before the Commissioners any Statutes which to such College may seem fit for abolishing the said Preference of the said School, and for converting the said Scholarships into open Scholarships, and for enabling the said College to receive annually from the said School any Number of Exhibitioners not exceeding Three in any One Year, and may charge the Revenues of the said College with an annual Sum of Forty Pounds for each of such Exhibitioners, for or towards his Maintenance, from the Time of his commencing his Residence in the said College and during such Residence until by the Statutes of the University he shall be qualified to apply for the Degree of Bachelor of Arts, and the said Dean and Chapter may frame Statutes, with the Consent of *Trinity College* and of *Christ Church College, Oxford*, as to the Studies to be prosecuted in the said School, and the Mode of electing the Head Master and Under Master thereof, and may frame Statutes, with the Consent of *Trinity College*, as to the Persons by whom and the Mode in which the Election of such Exhibitioners shall be made, and generally as to the Conditions on which such Exhibitions shall be held and enjoyed; and the Commissioners shall have full Power, by Writing under their Common Seal, to approve of such Statutes: Provided

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Provided always, that no such Exhibition shall be held for more than Three Years and a Quarter, and no such Exhibitioner shall by holding such Exhibition be disqualified from being elected a Scholar of the said College.

XXXVII. And whereas certain Scholarships at *Pembroke College*, called the *Grindal* Scholarships, have heretofore been appropriated to Scholars educated at the Free Grammar School of *Saint Beghes* or *Saint Bees* in the County of *Cumberland*, and a certain Fellowship at the said College, called the *Grindal* Fellowship, has heretofore been appropriated to Scholars educated at the said School, and subsequently elected to the said Scholarships, and the Fellow and Scholars holding such Fellowship and Scholarships respectively have been from Time to Time maintained by the said College out of the general Revenues thereof, pursuant to a Covenant entered into by the Master, Fellows, and Scholars of the said College with the Keepers or Wardens and Governors of the said School, and contained in a certain Indenture of Demise, bearing Date the First Day of *June* in the Fourth Year of the Reign of His late Majesty King *James* the First, and made between the said Keeper and Governors of the one Part, and the said Master, Fellows, and Scholars of the other Part, by which Indenture, in consideration of the aforesaid Covenant on the Part of the said College, certain Lands situate at *Croydon* in the County of *Surrey*, called "*Palmer's Fields*," were demised by the Keepers or Wardens and Governors of the said School to the Master, Fellows, and Scholars of the said College, for the Term of One thousand Years from the Date of the said Indenture, at the yearly Rent of a Red Rose: Be it enacted, That it shall be lawful for the Governing Body of the said College or the major Part thereof, with the Consent of the Governing Body of the said School, to make and lay before the Commissioners Statutes for abolishing the aforesaid Preference of the said School, and for converting the said *Grindal* Fellowship and *Grindal* Scholarships partly into open Scholarships and partly into Exhibitions, and for that Purpose to charge the Revenues of the said College with the Payment to the said School of an annual Sum, to be applied in providing such Exhibitions for meritorious Scholars educated at the said School, and proceeding to any College in the University of *Cambridge*; and it shall be lawful for the Governing Body of the said School to convey the Reversion in Fee Simple expectant upon the Determination of the aforesaid Term of One thousand Years in the aforesaid Lands called "*Palmer's Fields*" to the said College, to be held by the said College as Part of the general Property thereof; and the Commissioners shall have full Power, by Writing under their Common Seal, to approve of such Statutes.

Statutes as to the *Grindal* Fellowship and *Grindal* Scholarships at *Pembroke* College.

XXXVIII. The College of King *Henry* the Sixth at *Eton* shall, for the Purposes of this Act, be subject to the Provisions herein contained with respect to Colleges, and shall have the same or the like Powers as are hereby given to the Colleges of the University, and be subject to the Authorities hereby conferred on the Commissioners for the Alteration and Amendment of Statutes, in like Manner as is hereby provided with respect to the Colleges of the University.

College of King *Henry* VI. at *Eton* subject to this Act as to Colleges.

XXXIX. All Statutes which, under the Power herein contained, shall be made by the Governing Body of any College or the major Part thereof, and be approved of by the Commissioners, and all Statutes which shall be framed by the Commissioners, and not objected to in manner aforesaid, and every Statute passed by the University or framed by the Commissioners, under the Powers herein-before contained, for the Regulation of Hostels, or for altering or modifying the Trusts, Statutes, or Directions affecting any Gift or Endowment, or for repealing, altering, or adding to any of the existing Royal Statutes of the University, shall, as to Statutes made by the Commissioners, and liable to be objected to in manner aforesaid, after the Expiration of the Period within which the same may be objected to, and as to all other Statutes without any unnecessary Delay, be laid before Her Majesty in Council, and be forthwith published in the *London Gazette*; and it shall be lawful for every College, and for the Visitor thereof, and for the Trustees, Governors, and Patron of any University or College Emolument, and for the University, and for any other Person directly affected by such new Statutes, within One Month after the Publication as aforesaid in the *London Gazette*, to petition Her Majesty in Council praying Her Majesty to withhold Her Approbation of the whole or of any Part thereof; and every such Petition shall be referred by Her Majesty by Order in Council for the Consideration and Advice of Five Members of Her Privy Council, of whom Two, not including the Lord President, shall be Members of the Judicial Committee, who shall be named in such Order, and such Five Members may, if they think fit, admit any Petitioner or Petitioners to be heard by Counsel in support of his or their Petition.

Statutes to be laid before the Queen in Council.

Power to Colleges, &c. to petition Her Majesty against Approbation thereof, &c.

XL. All Statutes which shall be so published in the *London Gazette* as aforesaid shall be at the same Time laid before both Houses of Parliament, if Parliament be sitting, or if not then within Three Weeks after the Commencement of the next ensuing Session of Parliament; and, unless an Address is within Forty Days presented by One or other of the said Houses, praying Her Majesty to withhold Her Consent from such Statutes or any Parts thereof, or unless the Approbation of Her Majesty shall be withheld on such Petition as aforesaid, it shall be lawful for Her Majesty, by Order in Council, to declare Her Approbation of such Statutes respectively, or any Parts thereof, to which such Address shall not relate, or of which She shall not withhold Her Approbation on such Petition, and the same shall thereupon become Statutes of the University of *Cambridge*, or of the College therein to which the same respectively relate; and if any such Statutes, or any Part thereof, shall not be so approved by Her Majesty, it shall be lawful for Her Majesty to signify Her Disapproval of such Statutes or such Part thereof by Order in Council, and then the Commissioners may thereupon proceed to frame other Statutes in that Behalf, subject to the

Statutes to be laid before Parliament.

same

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same Conditions and Provisions as to the Approbation of Her Majesty in Council, and all other Conditions and Provisions, as are imposed by this Act in relation to the making of original Statutes by the Commissioners, and so on from Time to Time as often as Occasion shall require.

Statutes made by Queen Elizabeth in 1570 for Regulation of University repealed.

Power to the Chancellor to settle Doubts as to Meaning of University Statutes.

Statutes to be subject to Repeal, &c.

Future Members not to possess vested Interests.

Not necessary to make Declaration or take an Oath on matriculating, nor on taking a Degree ;

nor on obtaining any Exhibition, Scholarship, &c.

Stamp Duties on Matriculations, &c. abolished.

Colleges, with Consent of Church Estate Commissioners, may sell Estates, &c.

XLII. After the First Day of *January* One thousand eight hundred and sixty, the Statutes made by Queen *Elizabeth* in the Year of our Lord One thousand five hundred and seventy for the Government and Regulation of the University, or such and so much of them or of any of them as shall be then unrepealed by any Statute made under the Authority of this Act, shall be repealed, but not so as to revive any Statute of the University thereby repealed.

XLIII. If any Doubt shall arise with respect to the true Intent and Meaning of any of the new Statutes of the University framed and approved as aforesaid, or of any Statute which may hereafter be approved in the Manner herein-after mentioned for amending or altering the same, the Council may apply to the Chancellor of the University for the Time being, and it shall be lawful for him to declare in Writing the Intent and Meaning of the Statute on the Matter submitted to him, and such Declaration shall be registered by the Registry of the University, and the Intent and Meaning of the Statute as therein declared shall be deemed the true Intent and Meaning thereof.

XLIII. Every Statute made in pursuance of the Provisions of this Act by the University, or by any College, or by the Commissioners, and likewise all Provisions herein-before contained respecting the Election, Constitution, Powers, and Proceedings of the Council of the Senate, or respecting Hostels, shall be subject to Repeal, Amendment, and Alteration from Time to Time by the University or College, as the Case may be, with the Approval of Her Majesty in Council.

XLIV. No Person who after the passing of this Act shall become a Member of any College, or shall be elected or become eligible to any University or College Emolument, shall be deemed or taken to have acquired or to possess an existing Interest within the Meaning of this Act.

XLV. From the First Day of *Michaelmas* Term One thousand eight hundred and fifty-six, no Person shall be required, upon matriculating, or upon taking, or to enable him to take, any Degree in Arts, Law, Medicine, or Music, in the said University, to take any Oath or to make any Declaration or Subscription whatever ; but such Degree shall not, until the Person obtaining the same shall, in such Manner as the University may from Time to Time prescribe, have subscribed a Declaration stating that he is *bonâ fide* a Member of the Church of *England*, entitle him to be or to become a Member of the Senate, or constitute a Qualification for the holding of any Office, either in the University or elsewhere, which has been heretofore always held by a Member of the United Church of *England*, and *Ireland*, and for which such Degree has heretofore constituted One of the Qualifications.

XLVI. From and after the First Day of *Michaelmas* Term One thousand eight hundred and fifty-six, it shall not be necessary for any Person, on obtaining any Exhibition, Scholarship, or other College Emolument available for the Assistance of an Undergraduate Student in his Academical Education, to make or subscribe any Declaration of his Religious Opinion or Belief, or to take any Oath, any Law or Statute to the contrary notwithstanding.

XLVII. The Stamp Duties now payable on Matriculations and Degrees shall be abolished so soon as Provision shall have been made by the University, to the Satisfaction of the Commissioners of Her Majesty's Treasury, in lieu of the Monies heretofore voted annually by Parliament.

XLVIII. It shall be lawful for any College, with the Consent of the Church Estates Commissioners, to sell any Estate in Lands or Hereditaments vested in such College, or to exchange any Estate in Lands or Hereditaments for any other Lands or Hereditaments, or either of them, and upon any such Exchange to receive or pay any Money by way of Equality of Exchange ; and all Monies which on any such Sale or Exchange shall be received by or become payable to or for the Benefit of such College shall be paid into the Bank of *England*, for the Benefit of such College, to such Account as the said Church Estates Commissioners shall appoint in that Behalf ; and the Receipt of the said Church Estates Commissioners shall be an effectual Discharge to any Purchaser for any Money therein expressed to be received, and shall be Evidence of their Consent as aforesaid ; and all Monies so paid into the Bank of *England* shall be applied in Payment for Equality of Exchange as aforesaid, or shall be laid out by such College, with such Consent as aforesaid, in the Purchase of the absolute Estate of Freehold in other Lands and Hereditaments, or either of them, to be conveyed to the Use or for the Benefit of such College ; and such Lands and Hereditaments, and any Lands and Hereditaments received in Exchange by such College, shall be held by the College upon the like Trusts and for the like Purposes as the Lands and Hereditaments sold or given in Exchange by such College respectively ; and the Monies from Time to Time remaining unapplied for the Purposes aforesaid shall be invested, by and in the Names of the said Church Estates Commissioners, in the Purchase of Government Stocks, Funds, or Securities, which the said Church Estates Commissioners shall hold in trust for such College, and the said Church Estates Commissioners may sell and dispose of the same for the Purpose of effecting any such Purchase of Lands and Hereditaments, or either of them, as aforesaid, or of paying Money for Equality of Exchange as aforesaid, as Occasion may require ; and in the meantime the Interest, Dividends, and annual Proceeds of such Monies, Stocks, Funds, and Securities shall be paid to such College, to be applied to the same Purposes as the annual Income was applicable which arose out of those Lands and Hereditaments from the Sale or Exchange of which the Money invested in such Stocks, Funds, and Securities was produced : Provided that nothing in

in this Section contained shall apply to any Estate of the College in reversion in Lands or Hereditaments expectant upon any Lease for Lives, or for a Term of Years determinable upon any Life or Lives, or for a Term of Years whereof more than Seven shall be unexpired, on which a Rent less than Three Fourths of the clear yearly Value of such Lands or Hereditaments shall have been reserved.

XLIX. Except in so far as they are expressly altered or taken away by the Provisions of this Act, the Powers and Privileges of the University and its Officers, and of the Colleges and their Officers, shall continue in full Force.

L. In the Construction of this Act, the Expression "University or College Emolument" shall include all Headships, *Downing* Professorships, Fellowships, Bye-Fellowships, Scholarships, Exhibitions, Bible Clerkships, Sizarships, Subsizarships, and every other such Place of Emolument payable out of the Revenues of the University or of any College, or to be held and enjoyed by the Members of any College as such within the University; and the Word "Professor" shall be taken to include the Three Royal Professors of *Hebrew*, *Greek*, and Divinity, and Public Readers or Lecturers in the University, except the *Barnaby* Lecturers; and the Governing Body of any College shall mean the Head and all actual Fellows thereof, Bye-Fellows excepted, being Graduates, and in *Downing College* shall mean the Head, Professors, and all actual Fellows thereof, Bye-Fellows excepted, being Graduates; and the Word "Statutes" shall be taken to include all Ordinances and Regulations of the University, and all Ordinances and Regulations contained in any Charter, Deed of Composition, or other Instrument of Foundation or Endowment of a College, and all Byelaws, Ordinances, and Regulations; and the Word "Vacation" shall be taken to include that Part of *Easter Term* which falls after the Division of Term.

LI. The Lands Clauses Consolidation Act, 1845, except the Parts and Enactments of that Act with respect to the Purchase and taking of Lands otherwise than by Agreement, and with respect to the Recovery of Forfeitures, Penalties, and Costs, and with respect to Lands required by the Promoters of the Undertaking, but which shall not be wanted for the Purposes thereof, shall be incorporated with and form Part of this Act, so far as relates to Land within the Town of *Cambridge* required for the Erection of any Buildings for the Extension of the Buildings of the said University, or of any College therein, and as if the Corporate Name of the University or College, as the Case may be, had been inserted therein instead of the Expression "the Promoters of the Undertaking."

LII. The several Powers given by Sections Twenty-seven, Twenty-eight, Twenty-nine, Thirty, and Thirty-one of this Act may be exercised, notwithstanding anything contained in any Act of Parliament, Decree, or Order constituting, either wholly or in part, an Instrument of Foundation or Endowment, or confirming or varying any Foundation or Endowment, or otherwise regulating any Foundation or Endowment.

LIII. Where, upon an Application of the University as to any University Emolument, or upon the Application of any College as to any Emolument within such College, it may appear to the Commissioners that it would be advisable for the Purposes of this Act to suspend for a limited Period the Election to such Emolument (not being the Headship of a College or Hall), it shall be lawful for the Commissioners, by Instrument under their Common Seal, to authorize the University or such College, as the Case may be, to suspend such Election accordingly for such a Time as may appear to the Commissioners sufficient for the Purposes aforesaid.

Powers of University to continue in force, except, &c.  
Interpretation of Terms.

Parts of Lands Clauses Act, 1845, incorporated herewith.

As to Exercise of Powers given by ss. 27, 28, 29, 30, and 31.

Elections to Emoluments may be suspended by Commissioners.

#### SCHEDULE.

*A.B.*, a Member of the Senate, doth hereby appoint *C.D.*, a Member of the Senate, to be the Proxy of the said *A.B.* in his Absence, and to vote in his Name at the Election of a Chancellor, or High Steward, as the Case may be, for the University of Cambridge, on the Day of next, in such Manner as he the said *C.D.* may think proper: In witness whereof the said *A.B.* hath hereunto set his Hand, the Day of (Signature) *A.B.*

#### C A P. LXXXIX.

An Act to abolish certain unnecessary Forms in the framing of Deeds in *Scotland*.

[29th July 1856.]

WHEREAS an Act of the *Scottish* Parliament was passed in the Sixth Session of the First Parliament of His Majesty King *William*, intituled *Act allowing Securities, &c. to be written Bookways*, which Act statutes and ordains that it shall be lawful to write any Contract, Decreet, Disposition, Extract, Transumpt, or other Security by way of Book, in Leaves of Paper, provided that every Page be marked by the Number, first, second, &c., and signed, and that the End of the last Page make mention how many Pages are therein contained, in which Page only Witnesses are to sign in Writs and Securities, where Witnesses are required by Law: And whereas the Safeguards prescribed by the said Act, other than the said Provision as to marking every Page by Number, have been found in Practice to be of themselves amply sufficient for the Purposes thereof, and the said Provision as to marking every Page by Number has been very generally neglected in Practice, and it would therefore be beneficial to and for the Security of the Public that the same should be abolished: Be it therefore

Act of Parliament of Scotland, 1696, c. 15.

*Deeds (Scotland).**Militia Pay.*

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,

After Sept. 1,  
1856, Pages of  
Deeds and  
Writings need  
not be marked  
by Numbers.

I. That from and after the First Day of *September* in the Year One thousand eight hundred and fifty-six it shall not be competent to institute or to insist in or maintain any Challenge of or Exception to any Deed or Writing aforesaid, or any Deed or Writing of any Description whatever, on the Ground that the Pages thereof are not marked by Numbers; and it shall no longer be necessary to mark the Pages of any Deed or Writing by Numbers, any Law or Practice to the contrary notwithstanding: Provided always, that nothing herein contained shall be construed to affect any Question which may have been in dependence in any Court prior to the passing of this Act, or any Judgment already pronounced, or any Decree which has already gone out, or the Provision of the said recited Act, or of any other Act or Acts of Parliament, as to mentioning in the Testing Clause the Number of the Pages of which the Deed consists, or the Provision as to signing each Page of the Deed, or any other Provision of the said recited Act.

## C A P. XC.

An Act to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in *Great Britain* and *Ireland*; to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, and Surgeons Mates of the Militia; and to authorize the Employment of the Non-commissioned Officers. [29th July 1856.]

WHEREAS it is necessary that Provision should be made for defraying the Charge of the Pay, Clothing, and contingent and other Expenses of the Regular Militia and of the Miners of *Cornwall* and *Devon*, when disembodied, in *Great Britain* and *Ireland*, and for making in certain Cases Allowances of Retired Pay to Subaltern Officers and Surgeons Mates and Assistant Surgeons of the Regular Militia, and of the Miners of *Devon* and *Cornwall*, also to Adjutants, Paymasters, Surgeons, and Quartermasters of the Regular Militia who have been allowed to retire, and to Adjutants disabled after long Service: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. The Secretary of State for War for the Time being shall cause to be issued and paid the whole Sum required for the Regular Militia of *Great Britain* and *Ireland* (when disembodied), in the Manner and for the several Uses herein-after mentioned; (that is to say,) for the Pay of the said Regular Militia at the daily Rates following; (that is to say,)

For each Adjutant of Infantry, Eight Shillings, and of Artillery, Nine Shillings:

For each Quartermaster, where One is appointed in Corps consisting of not less than Three hundred and sixty Private Men, Five Shillings *per Diem*; and of less than Three hundred and sixty Private Men, Three Shillings and Sixpence *per Diem*:

For each Serjeant Major of Infantry, where One is appointed in Corps consisting of Two or more Companies, One Shilling and Tenpence, and of Artillery, Three Shillings:

For each Quartermaster Serjeant and Paymaster Serjeant (in Corps whose Establishment exceeds Four Companies) of Infantry, One Shilling and Eightpence, and of Artillery, Two Shillings and Sixpence; and to the Serjeant performing the Duty of both Quartermaster Serjeant and Paymaster Serjeant (in Corps consisting of Four Companies or less) of Infantry, One Shilling and Eightpence, and of Artillery, Two Shillings and Sixpence:

For each Serjeant of Infantry, One Shilling and Sixpence, and of Artillery, Two Shillings and Twopence:

For each Drummer, Trumpeter, or Bugler above Sixteen Years of Age, One Shilling, and under Sixteen Years of Age, Tenpence:

Provided always, that when any Serjeant Major or Serjeant shall be absent on Furlough or Licence he shall during such Absence receive Sixpence *per Diem* less than the above-mentioned Rates respectively:

And also at Rates varying from Two Shillings to Sixpence *per Annum* for each Private Man for defraying the contingent Expenses of each Regiment, Battalion, or Corps, when enrolled:

And the Secretary of State for War for the Time being shall give the necessary Instructions for the Provision of Clothing for each Serjeant Major, Serjeant, and Drummer on the Disembodied Staff of the Militia of *Great Britain* and *Ireland* who shall be resident at Head Quarters, and the said Disembodied Staff shall be entitled to be clothed once in Two Years.

II. Except when employed as herein-after provided, every Adjutant and Non-commissioned Officer on the Staff of the Regular Militia, when disembodied, shall reside in such Places as shall be sanctioned by the Secretary of State for War, and every such Adjutant and Non-commissioned Officer shall forfeit his Pay for any Period during which he shall be absent, except when employed as herein-after provided,

or

Secretary of  
State for War  
to issue the  
Money required  
for Pay of Re-  
gular Militia.  
Rates of Pay.

Rates of Pay  
when absent on  
Furlough.

Contingent  
Fund.

Clothing.

Adjutant, &c.  
to reside where  
the Secretary of  
State for War  
shall appoint.



*Militia Pay.*

or when absent by Leave from the Colonel or Commandant of the Regiment, Battalion, or Corps, which Leave shall not, except in case of certified Sickness, extend beyond Three Calendar Months in One Year, nor to a greater Proportion than One Third of the Non-commissioned Officers at the same Time.

III. Every Adjutant, Quartermaster, and Non-commissioned Officer of the Regular Militia, when disembodied, and not called out for Training or Exercise, shall be liable to be employed within the County to which the Regiment, Battalion, or Company of the said Militia Staff belongs, under the Officers appointed to pay and superintend the Out-Pensioners of *Chelsea Hospital*, in such Manner as One of Her Majesty's Principal Secretaries of State may determine; Provided always, that the Senior Officer shall have the Command of the Force so employed.

Adjutants, Quartermasters, &c. of Militia may be employed in their Counties.

IV. The Quartermaster of each Regiment of Militia in which a Quartermaster is appointed and receives daily Pay under the Provisions of the First Section of this Act, and when no Quartermaster is appointed, then the Adjutant of each Regiment of Militia, shall have the Charge and Care of the Arms, Accoutrements, Great Coats, Clothing, Necessaries, and other Stores thereof, under the Superintendence of the Colonel or Commandant, and the Adjutant shall, out of the Allowance directed by this Act to be issued and paid for defraying the contingent Expenses of such Regiment, Battalion, or Corps, from Time to Time issue and pay such Sums of Money as may be necessary for the Repair of Arms, and other usual contingent Expenses, upon an Order in Writing signed by the Colonel or other Commandant, and after Payment of such Sums as aforesaid he shall Three Times in the Year make up Accounts of all such Money, and of the Expenditure thereof, showing the Balance remaining in his Hands, (which said Balance shall form a Stock Purse for the Use of the Regiment, Battalion, or Corps,) and shall transmit the same to the Colonel or other Commandant of such Regiment, Battalion, or Corps, to be by him examined, allowed, and signed; and the said Accounts, so allowed and signed, shall be the proper Vouchers and Acquittal of such Adjutant for the Application and Disposal of such Money: Provided always, that it shall and may be lawful for the Secretary of State for War to order and direct that the Arms, Accoutrements, and other Stores, or any Part thereof, belonging to any Regiment, Battalion, or Corps of Militia of the United Kingdom shall at any Time, while such Regiment, Battalion, or Corps shall not be embodied or in actual Service, be conveyed to and deposited and kept in any of Her Majesty's War Department Stores.

Quartermaster, &c. to have Charge of the Arms and Clothing. Adjutant to issue the Money for contingent Expenses on an Order signed by the Colonel. Balance to form a Stock Purse.

Arms may be deposited in War Department Stores, by Order of Secretary of State for War.

V. In the occasional and unavoidable Absence of the Adjutant from the City, Town, or Place where the Disembodied Staff is quartered, or during any Vacancy in the Appointment of Adjutant, the Serjeants and Drummers shall be under the Command of the Quartermaster in Cases in which One is appointed, and when no Quartermaster is appointed or is present, then under the Command of the Serjeant Major, or of some Serjeant who shall be appointed by the said Adjutant, with the Approbation of the Colonel or other Commanding Officer, to act as Serjeant Major during the Absence of such Adjutant and Quartermaster; and the said Quartermaster and Serjeant Major or acting Serjeant Major shall render the same Returns and perform such other Acts as are by Law required from the Adjutant.

In Absence of the Adjutant, the Serjeants to be under the Command of the Quartermaster, or the Serjeant Major.

VI. The Officers and Non-commissioned Officers, Drummers, and Private Men of the Regular Militia shall, for the Period or Periods during which they shall be called out for the Purpose of Exercise or Training, be entitled to the following daily Rates of Pay and Allowances:

Militia when called out for Training or Exercise entitled to Pay.

	Infantry.			Artillery.		
	£	s.	d.	£	s.	d.
Colonel	1	2	6	1	2	6
Lieutenant-Colonel	0	15	11	0	15	11
Major	0	14	1	0	14	1
Captain (including non-effective Allowance)	0	10	6	0	10	6
Lieutenant	0	6	6	0	6	6
Ensign	0	5	3	0	5	3
Adjutant, if acting also as Paymaster in Corps consisting of Four Companies and upwards*	0	3	9	0	3	9
„ if acting also as Paymaster in Corps consisting of less than Four Companies*	0	2	6	0	2	6
„ if acting also as Paymaster and Quartermaster in Corps consisting of Four Companies and upwards*	0	7	0	0	7	0
„ if acting also as Paymaster and Quartermaster in Corps consisting of less than Four Companies*	0	4	6	0	4	6
Quartermaster (if not holding a Subaltern's Commission, nor on the Permanent Staff)	0	6	6	0	6	6
„ (if holding a Subaltern's Commission, and if not on the Permanent Staff)	0	3	6	0	3	6

\* These Rates of Pay, during Training and Exercise only, are in addition to the Daily Rates of Disembodied Pay granted by Section I.

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	Infantry.			Artillery.		
	£	s.	d.	£	s.	d.
Quartermaster (if on the Permanent Staff in Corps of not less than 360 Private Men)	0	1	6	0	1	6
(if on the Permanent Staff in Corps of less than 360 Private Men)	0	3	0	0	3	0
Surgeon	0	11	4	0	11	4
Assistant Surgeon	0	7	6	0	7	6
Serjeant Major*	0	0	2 <sup>3</sup> / <sub>4</sub>	0	0	6
Quartermaster Serjeant*	0	0	4 <sup>3</sup> / <sub>4</sub>	0	0	4
Paymaster Serjeant*	0	0	4 <sup>3</sup> / <sub>4</sub>	0	0	4
Serjeant (if on the Permanent Staff)	0	0	0 <sup>3</sup> / <sub>4</sub>	0	0	4
„ (if not on the Permanent Staff)	0	1	6 <sup>3</sup> / <sub>4</sub>	0	2	6
Corporal	0	1	2 <sup>1</sup> / <sub>4</sub>	0	1	4 <sup>1</sup> / <sub>4</sub>
Drummer, Bugler, or Trumpeter	0	0	1	0	0	3
Private	0	1	0	0	1	2
Command Allowance to the Officer actually in Command during Training and Exercise, if the Pay of Colonel is not drawn	0	3	0	0	3	0
Beer Money to each Non-commissioned Officer, Drummer, and Private present at Training and Exercise	0	0	1	0	0	1

\* These Rates of Pay, during Training and Exercise only, are in addition to the Daily Rates of Disembodied Pay granted by Section I.

Volunteers attached to Regiments of the Line to be subject to the Mutiny Act. Certain Officers unfit for Duty entitled to a retired Allowance, upon making the following Declaration.

VII. Volunteers shall, with the Sanction of the Secretary of State for War, when attached to Regiments of the Line to qualify themselves for the Permanent Staff, either as Serjeants or Drummers, be allowed Pay whilst so under Instruction, but while they remain so attached they will be under the Command of the Officer commanding the Regiment of the Line equally with the Soldiers of that Regiment, and will be subject to the Provisions of the Mutiny Act.

VIII. ' And whereas certain Lieutenants, Ensigns, and Surgeons Mates of the Militia of *Great Britain*, or Subaltern Officers and Assistant Surgeons of the Militia of *Ireland*, when unfit for further Duty, have been placed upon a retired Allowance equal to and instead of the Allowance granted to them on the disembodiment of the Militia at the Termination of the War in the Year One thousand eight hundred and fifteen: And whereas certain Paymasters, Surgeons, and Quartermasters, when unfit for Duty, have also been placed on a retired Allowance equal to and instead of their reduced Allowances granted to them in pursuance of an Act passed in the Tenth Year of the Reign of His Majesty King *George the Fourth*, all such Paymasters, Surgeons, Quartermasters, Subalterns, Surgeons Mates, and Assistant Surgeons, to entitle them to the Receipt of such retired Allowances, shall make and subscribe the following Declaration; (*videlicet*,)

Form of Declaration.

' I do solemnly and sincerely declare, That I formerly served as a \_\_\_\_\_ in the \_\_\_\_\_ Militia; that I am not in Holy Orders; and that from the \_\_\_\_\_ Day of \_\_\_\_\_ to the \_\_\_\_\_ Day of \_\_\_\_\_ I did not hold or enjoy any Place or Employment of Profit, Civil or Military, under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, besides my Allowance of \_\_\_\_\_ per Diem as a \_\_\_\_\_ of the said Militia, except my Half Pay or Civil Pension as a \_\_\_\_\_.

Out-Pension to reduced Non-commissioned Officers, &c. not to be received while serving.

IX. ' And whereas certain Non-commissioned Officers and Drummers of the Militia of the United Kingdom of *Great Britain and Ireland* have, on the Reduction of the Establishment of the Disembodied Staff, been placed on the Out-pension, although not unfit for further Service: No Non-commissioned Officer or Drummer so placed on Pension shall be entitled to receive the said Pension for any Period during which he shall be receiving Pay in the Militia.

Persons on Half Pay, or entitled to Allowance as having served in the Army or Navy, empowered to receive Pay, &c. during Training.

X. Provided always, That any Person, being on Naval or Military Half Pay, or being entitled to any Allowance as having served in any of Her Majesty's Regular Forces or Navy or Marines, and serving in the Militia, may receive the Pay and Allowances by this Act directed to be paid to the Field Officers, Captains, Lieutenants, Ensigns, Adjutants, Quartermasters, Surgeons, Surgeons Mates, and Assistant Surgeons, when assembled for annual Training; and the receiving any such Pay and Allowances by any such Field Officer, Captain, Lieutenant, Ensign, Adjutant, Quartermaster, Surgeon, Surgeon's Mate, or Assistant Surgeon, shall not prevent such Person on Half Pay, or being entitled to any such Allowance, from receiving his Half Pay or such Allowance: Provided also, that such Person shall, in the Declaration to be taken for the Receipt of the Half Pay or such Allowance, declare that he has received or is entitled to such Militia Pay and Allowances, and shall specify the Militia Rank which entitles him to the same.

Adjutants, &c., Non-commissioned Officers, or Privates, not

XI. Provided always, That no Adjutant, Quartermaster, Non-commissioned Officer, Drummer, or Private Man in the Regular Militia, entitled to receive any *Chelsea* or *Kilmainham* Pension or Allowance on account of Service in the Regular Army, shall forfeit or lose his Right to the same by reason of his serving

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servng and receiving Pay in the Regular Militia; nor shall any Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon forfeit or lose his Right to receive any such *Chelsea* or *Kilmainham* Pension or Allowance by reason of his receiving the Allowance by this Act granted to him when disembodied. to lose Right to Chelsea or Kilmainham Pensions, &c.

XII. There shall be granted for each Regiment of Regular Militia, when disembodied, a Sum of Money after the Rate of One Guinea for every One hundred Men of each such Regiment, for the Expense of necessary Medicines for the sick Non-commissioned Officers, Drummers, Fifers, and Private Men of such Regiment; during the Period or Periods of Assembly for Exercise or Training, and also an Allowance of Twopence *per Week* for each of the Non-commissioned Officers and their Families of each Regiment on the Disembodied Staff at Head Quarters, for the Expenses of necessary Medicines and Attendance given to the said Non-commissioned Officers and their Families while such Regiment is not called out for Training and Exercise. Allowance to be made for Medicines.

XIII. In case any Regiment, Battalion, or Corps of Militia shall have already ceased and determined or been reduced in its Establishment, or shall cease and determine or be reduced in its Establishment during the Continuance of this Act, the Sum of Four Shillings *per Diem* shall be paid to such Person as was or shall be actually serving as Adjutant to such Regiment, Battalion, or Corps at the Time of Reduction, from the Thirty-first Day of *July* One thousand eight hundred and fifty-six, or from the Time such Regiment shall cease and determine or be reduced in its Establishment, (as the Case may be,) to the Thirty-first Day of *July* One thousand eight hundred and fifty-seven, in like Manner and subject to the same Restrictions and Conditions as the Allowances granted by this Act to Adjutants who shall by Age or Infirmary be rendered unfit for further Service: Provided always, that no such reduced Adjutant shall lose any Right he may have to Half Pay of the Navy, Army, Marines, or Provisional Battalion formed from the Militia, by reason of receiving such Allowance as last aforesaid, but shall be entitled to receive such Half Pay as well as such Allowance. Reduced Adjutants to receive 4s. per Day till 31st July 1857.

XIV. And whereas certain Adjutants are entitled to and have received certain Allowances in consequence of having been reduced under the Provisions of an Act passed in the Thirty-ninth and Fortieth Years of the Reign of King *George* the Third, which Allowances have been continued, and as to such Adjutants augmented to Four Shillings *per Diem*: All such Adjutants shall be entitled to receive and shall receive such Allowance from the Thirty-first Day of *July* One thousand eight hundred and fifty-six to the Thirty-first Day of *July* One thousand eight hundred and fifty-seven. Right to Half Pay reserved.

XV. Every reduced Adjutant entitled to any Allowance granted under the said Act of the Thirty-ninth and Fortieth Years of the Reign of King *George* the Third, and continued by any subsequent Act or by this Act, may receive such Allowance, together with any Full Pay, Half Pay, or Allowance which was tenable together with such reduced Allowance under the Provisions of an Act passed in the Twenty-sixth Year of the Reign of King *George* the Third, intituled *An Act for amending and reducing into One Act of Parliament the Laws relating to the Militia in that Part of Great Britain called England*, or under the Provisions of the aforesaid Act of the Thirty-ninth and Fortieth Years of the Reign of His Majesty King *George* the Third: Provided always, that no such reduced Adjutant shall be entitled to receive any Allowance under this Act during the Time he shall hold any Military Office of Profit under Her Majesty, other than such as aforesaid, or under any other Government, or any Civil Office or Employment under Her Majesty, or any other Government, otherwise than according to the Provisions of this Act in relation to the Allowances granted to Adjutants on account of Age or Infirmary. Adjutants entitled to Allowance under 39 & 40 G. 3. c. 44.

XVI. And whereas certain Allowances have been granted in pursuance of former Acts to Adjutants, Surgeons, and Quartermasters of Regular Militia who have by Age or Infirmary been rendered unfit for further Service: Such Allowances shall be issued and paid, during the Continuance of this Act, in like Manner and subject to the same Restrictions as the Allowances granted by this Act to Adjutants who shall by Age or Infirmary be rendered unfit for further Service: Provided always, that no Person receiving such Allowance shall by reason thereof forfeit his Right to any Half Pay to which he may be entitled. Reduced Adjutants may take such Allowance with any Pay or other Allowance under 39 & 40 G. 3. c. 44. and 26 G. 3. c. 107. Proviso.

XVII. The following Allowances shall be granted and paid, under the Restrictions and Limitations herein-after expressed, to Adjutants of the Militia of *Great Britain* and *Ireland*, on the Completion of the following Periods of Service in Her Majesty's Regular Forces and in the Militia, if unfit, either by Age or Infirmary, for the Performance of the Duties of their Commissions; (that is to say,)

To every Adjutant who shall have completed in the Service a Period of, (*videlicet*,

Fifteen Years, of which Five Years as an Adjutant of Militia, an Allowance of Three Shillings *per Diem*:

Twenty Years, of which Seven Years as an Adjutant of Militia, an Allowance of Four Shillings *per Diem*:

Twenty-five Years, of which Ten Years as an Adjutant of Militia, an Allowance of Five Shillings *per Diem*:

Thirty Years, of which Fifteen Years as an Adjutant of Militia, an Allowance of Six Shillings *per Diem*:

Provided, that such Adjutants shall retain any Right they may have to Half Pay or to Out-Pension, notwithstanding the Grant of such retired Allowance as aforesaid; and all such Allowances shall be granted

*Militia Pay.*

upon the Production to the Secretary of State for War of a Certificate of such Service and Disability ; and upon the Order of the Secretary of State for War, founded upon such Certificate, the Paymaster General shall pay to such Adjutant the above Allowance : Provided always, that no Person shall be entitled to receive such Allowance as aforesaid who shall hold any Military Office or Employment of Profit under Her Majesty or any other Government ; and that no Person who before the First Day of *June* One thousand eight hundred and twenty-nine held any Civil Place or Employment of Profit under the Crown, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall receive any Part of the said Allowance for any Time during which he held such Civil Place or Employment, except in the Cases in which the Emoluments of such Civil Place or Employment shall not exceed Three Times the Amount of the said Allowance, and unless in such excepted Cases the Royal Consent to the holding of such Civil Place or Employment shall have been signified through the Secretary of State for War ; and that no Person appointed on or after the First Day of *June* One thousand eight hundred and twenty-nine to any Civil Place or Employment of Profit under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall receive any Part of the said Allowance for any Time during which he shall hold such Civil Place or Employment.

Restrictions as to Allowances to reduced Adjutants of the Local Militia.

XVIII. ' And whereas certain Allowances have been granted to reduced Adjutants of the Local Militia : The said Allowances shall be issued and paid during the Continuance of this Act, under the Restrictions and in the Manner herein-after expressed : Provided always, that in the Cases in which any such Local Militia Adjutants have been permitted to receive the said Allowances whilst holding any Civil Offices under the Crown, to which Offices they had been appointed previously to the Twenty-eighth Day of *July* One thousand eight hundred and twenty-eight, it shall be lawful to continue the Payment of the said Allowances under the same Regulations and Restrictions as those under which the Permission was originally granted.

A Declaration to be taken by Adjutants of Local Militia claiming the said Allowance.

XIX. Every Adjutant of Local Militia who shall claim under the Authority of this Act to receive any Part of the said Allowance shall, previous to receiving the same, and in order to entitle himself thereto, take and subscribe a Declaration before some One of Her Majesty's Justices of the Peace in the United Kingdom, or Notary Public, or other Officer now by Law authorized to administer or receive such Declaration, or before some One of Her Majesty's Ministers, Secretaries of Embassy, of Legation, or Consuls abroad, in the Words or to the Effect following ; (that is to say,)

' I *A.B.* do solemnly and sincerely declare, That I was serving as Adjutant in the  
' of Local Militia at the Reduction of the Staff of the said Militia in One thousand eight hundred and  
' twenty-nine ; and that I was not in Holy Orders during any Part of the Period for which I now claim  
' to receive an Allowance, that is to say, from the Day of One  
' thousand eight hundred and to the Day of One thousand  
' eight hundred and ; and that I did not hold or enjoy, nor did any Person for me hold or  
' enjoy, during any Part of the said Period, any Place, Office, or Employment of Profit, Civil or Military,  
' under the Crown or any other Government, besides the Allowance of a Day now claimed,  
' except my Half Pay as a [of the Army or Navy or Marines, or of a Provisional  
' Battalion formed from the Militia, as the Case may be].'

Which Declaration, so taken and subscribed, shall be produced to the Paymaster General of Her Majesty's Forces by the Adjutant claiming the Allowance : Provided always, that any Adjutant receiving such Allowance, and being on Naval or Military Half Pay, or entitled to any Allowance as having served in any of Her Majesty's Regular Forces, or Navy, or Marines, shall, notwithstanding such Militia Allowance, be entitled to receive such Half Pay or Allowance.

Allowance to Clerks of General Meetings, &c.

XX. Where the Militia is raised by Ballot in *Great Britain*, Allowances shall be made and issued to the Clerks of General and Subdivision Meetings of Lieutenantancy and others mentioned in Schedule A. to this Act for their Trouble and Expenses in the Execution of the Laws relating to the Militia at the Rates mentioned in the same Schedule ; and where the Militia is raised in the United Kingdom otherwise than by Ballot, Allowances shall be made and issued to the Clerks of General Meetings for their Trouble and Expenses in the Execution of such Laws at the Rates mentioned in the Schedule B. to this Act.

Manner of granting Allowances.

XXI. The said Allowances shall be granted as follows ; (*videlicet*,) the Account shall be certified by the Lieutenant of the County, Stewartry, City, or Place, or by Two or more Deputy Lieutenants acting for such County, Stewartry, City, or Place, or by the Lord Warden of the Stannaries of *Cornwall* and *Devon*, or by Two or more Deputy Wardens of the Stannaries of *Cornwall* and *Devon* ; and the Clerks of General and Subdivision Meetings in *Great Britain*, and the Schoolmasters, Constables, and other Officers in *Scotland*, shall make a Declaration as to the Justness of the Accounts, in the following Terms respectively, before some Justice of the Peace ; (*videlicet*,)

Clerks, &c. to make Declaration of the Justness of their Accounts.

Declaration of a Clerk of General or Subdivision Meetings.

' I do solemnly declare, That the preceding Account, so far as regards my Interest  
' therein, is a just and true Account of Business performed by me for and in behalf of the Public  
' Service, according to the Manner therein set forth ; and the Sums claimed as disbursed were actually  
' paid by me.'

Declaration

*Militia Pay.**Judicial Procedure, &c. (Scotland).*Declaration of a Schoolmaster, Constable, or other Officer in *Scotland*.

I do solemnly declare, That I am the Parochial Schoolmaster [or Constable or other Officer] of the District of \_\_\_\_\_ in the \_\_\_\_\_ Subdivision of the County of \_\_\_\_\_; and that the preceding Account is a just and true Account of Business actually performed by myself for and in behalf of the Public Service according to the Manner therein set forth; and that I was employed on such Business the full Time therein stated; and that the Sums claimed as disbursed were actually paid by me.

And the said Accounts shall be transmitted to the Secretary of State for War, who is hereby empowered to issue the Allowances according to the Rates specified in the respective Tables to this Act annexed, or such Sums as he shall think reasonable and proper.

XXII. And whereas it is expedient that the Deputy Lieutenants acting in any Subdivision of any County, Stewartry, City, or Place in *Great Britain*, and the Special Deputy Wardens acting in any Subdivision in the Stannaries of the Counties of *Cornwall* and *Devon*, should be assisted by the Advice of a Surgeon in deciding upon the Appeals of Persons claiming to be exempt from compulsory Service in the Militia by reason of bodily Infirmity, and upon the Fitness for Service of the Persons presenting themselves for Enrolment: It shall be lawful for any Two Deputy Lieutenants and they are hereby empowered and required to summon, by Two Days previous Notice in Writing, any competent Surgeon residing at or nearest to the Place where any Meeting for Appeals or Enrolment shall be held to attend at such Meeting; and every such Surgeon shall, before he begins any such Examination, make the following Declaration, which Declaration any Deputy Lieutenant is hereby authorized to administer; (*videlicet*),

Deputy Lieutenants may require the Attendance of any Surgeon residing near the Place of Meeting for Appeals.

I do solemnly declare, That I will, to the best of my Ability, faithfully and truly report as to the Fitness for Service of the Man or Men about to be submitted to my Examination, and that I will not receive from any of them any Fee or Reward whatever for any such Examination.

Declaration to be made by Surgeon.

And every such Surgeon shall receive for each Day's Attendance at such Meeting a Sum not less than Half a Guinea, nor exceeding Two Guineas, according to the Extent of the Duty performed: Provided always, that the Accounts and Vouchers upon which the said Allowances shall be recommended by the Deputy Lieutenants of the respective Subdivisions shall be transmitted to the Secretary of State for War, with the Accounts of the Lieutenancy Clerks, for Examination and Payment.

Allowance to Surgeon.

XXIII. All Sums of Money granted for the Pay, contingent and other Expenses, and for the Allowances to the Officers and Men of the Regular and Local Militia, when disembodied, shall be issued and paid under the Direction of the Secretary of State for War, by the Acceptance of Bills or otherwise, according to such Regulations as have been or shall be established on that Head.

Pay, &c. to be issued under Directions of the Secretary of State for War.

XXIV. All Bills, Drafts, and Orders drawn for Pay or Allowances under this Act may be drawn upon unstamped Paper; and no such Bill, Draft, or Order shall be void by reason of being drawn or written on unstamped Paper.

Bills drawn may be on unstamped Paper.

XXV. No Fee or Gratuity whatsoever shall be given or paid for or upon account of any Warrant or Sum of Money which shall be issued in relation to or in pursuance of this Act.

No Fee to be taken.

XXVI. All Things in this Act contained relating to Counties, and to Regiments of Militia respectively, shall be construed to extend to all Ridings, Shires, Stewartries, Cities, and Places, and to all Battalions, Corps, and independent Companies respectively, and to the Corps of Miners of *Cornwall* and *Devon*.

All Things in this Act relating to Counties shall extend to Ridings, &c.

XXVII. This Act shall take effect and continue in force from the Thirty-first Day of July One thousand eight hundred and fifty-six until the First Day of September One thousand eight hundred and fifty-seven.

Continuance of Act.

[The Schedules to this Act are the same as to 18 & 19 Vict. c. 123.]

### C A P. XCI.

An Act to amend and re-enact certain Provisions of an Act of the Fifty-fourth Year of King George the Third, relating to Judicial Procedure and Securities for Debts in *Scotland*.

[29th July 1856.]

WHEREAS a Bill has been brought into Parliament, intituled *A Bill to consolidate and amend the Laws of Scotland regarding Insolvency and Bankruptcy*, by which it is proposed to repeal the Act passed in the Fifty-fourth Year of the Reign of His Majesty King George the Third, Chapter One hundred and thirty-seven, and it is expedient that certain Provisions therein contained relating to Judicial Procedure and Securities for Debts in *Scotland* should be amended and re-enacted: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. An Arrestment executed to attach the Effects of a Debtor, as in the Hands of a Person out of *Scotland*, shall not be held to have interpellated such Person from paying to the original Creditor, unless

Effect of Arrestments executed as in Proof

*Judicial Procedure, &c. (Scotland).*

the Hands of  
Persons out of  
Scotland.

Court of Session  
may regulate  
Judicial Sales  
of Estates.

Sales may pre-  
cede Ranking.

What Proof  
of Insolvency  
necessary for  
Sales.

Decree of Sale  
to be held as a  
General Decree  
of Adjudica-  
tion.

Different Cre-  
ditors may be  
joined in One  
Adjudication.

Mode of ren-  
dering an  
Adjudication  
effectual.

Proof be made that he, or those having Authority to act for him, were previously in the Knowledge of such Arrestment having been so used.

II. The Court of Session shall have full Powers to make Acts of Sederunt for abridging the Forms of Publication and Citation, and regulating the Proceedings in Processes of Sale, Ranking, and Division, whether at the Instance of Creditors or of apparent Heirs; and in every Case of a Sale under the Authority of the Court of Session it shall be lawful for the Purchaser, at any Term of *Whitsunday* or *Martinmas* subsequent to the Term of Payment of the Price, to lodge the Price, with the Interest due upon it, in any Joint Stock Bank of Issue in *Scotland*, at such Interest as can be procured for it, by doing which, and by giving Notice thereof to the Agent who carried on the Sale, he shall be discharged of the said Price; and further, the Court of Session, upon the Application of any of the Creditors, shall be empowered to make an Order on the Purchaser to lodge the Price and Interest, at any of the said Terms subsequent to the Term of Payment, in one or other of the said Banks, sufficient Intimation being always previously given, both to the Purchaser and to the common Agent for the Creditors, that such Application is made, in order that all Parties may have an Opportunity to object; and in all Cases of Judicial Sales the Lands or other Heritable Property may be brought to actual Sale, so soon as the necessary previous Steps are taken, whether the Ranking be concluded or not, unless the Court, upon Application of any Party concerned, shall find sufficient Cause to delay the Sale.

III. 'And whereas Doubts have arisen upon the Construction of an Act of the Parliament of *Scotland* passed in the Year One thousand six hundred and ninety, Chapter Twenty, intituled *Act anent the Sale of Bankrupt's Lands*, in so far as it requires that the common Debtor be found bankrupt and 'utterly insolvent.' Be it enacted, That a Judicial Sale at the Instance of Creditors may in all Cases proceed where the Interest of the Debts and the other annual Burdens exceed the yearly Income of the Property under Sale, or where a Sequestration shall have taken place, without other Proof of Bankruptcy or Insolvency.

IV. When the Estate of a Debtor is brought into the Court of Session by Process of Judicial Sale and Ranking, the Decree of Sale to be pronounced by the Court shall be held as a General Decree of Adjudication in favour of every Creditor who shall afterwards be included in the Decree of Division; and the Effect of such General Decree shall be the same in all Competitions, or Questions of Ranking and Preference, as if it had been pronounced and extracted of the Date of the First Calling of the Process of Sale before the Lord Ordinary in the Outer House, and no separate Adjudication shall be allowed to proceed during the Dependence of a Judicial Sale, and the Court is hereby authorized to settle, by an Act or Acts of Sederunt, in what Manner and at what Period or Periods the Principal Sums and bygone Interests of the Debts shall be accumulated, so as to do equal Justice to all concerned: Provided that it shall be competent to any Creditor who is in a Situation to adjudge to carry on the Action of Sale to its Conclusion, although deserted or abandoned by the original Pursuer.

V. And in order to lessen the Number of Adjudications for Debt, and the Expense to all Parties, and to facilitate the *pari passu* Preference of Creditors in similar Circumstances, be it enacted, That the Lord Ordinary officiating in the Court of Session before whom the First Process of Adjudication against any Estate for Payment or Security of Debt is called shall ordain Intimation thereof to be made in the Minute Book and on the Wall, in order that any other Creditors of the common Debtor who at the next Calling of the Cause can show that, although they have not executed their Summonses of Adjudication, they are in other respects, by the Nature of the Grounds of Debt and Steps taken by them, in Condition to proceed in adjudging the common Debtor's Estate, may produce the Instructions of their Debts, with Summonses of Adjudication, libelled and signetted, for the Purpose of their being conjoined in the Decree of Adjudication, Twenty Sederunt Days being allowed for such Intimation before the Cause can be called a Second Time; and if any of those Forms shall happen to be omitted, such Adjudication shall be null and void, without Prejudice to its being brought forward again in more due Form, or still conjoined with any after Adjudication; and without Prejudice to the Validity and Order of ranking of posterior Adjudications according to the Rules of Law, when any after Process or Processes of Adjudication are brought into Court, the same shall be regulated, as to the Time and Manner of proceeding in them, by an Act or Acts of Sederunt of the Court of Session, so as to provide, as far as Circumstances will admit, for the *pari passu* Preference of such posterior Adjudications with one another, and to abridge the Number and Expense of such Proceedings; and in all Cases where Penalties for Nonpayment, over and above Performance, are contained in Bonds or other Obligations for Sums of Money, and are made the Subject of Adjudication, or of Demand in any other Shape, it shall be in the Power of the Court to modify and restrict such Penalties, so as not to exceed the real and necessary Expenses incurred in making the Debt effectual.

VI. And in order to fix more clearly in Time coming what Diligence is necessary to make an Adjudication effectual, be it enacted, That the lodging of a Draft Charter and Note in the Office of the Presenter of Signatures, in Terms of the Act passed in the Tenth and Eleventh Years of the Reign of Her present Majesty, Chapter Fifty-one, when the Holding is of the Crown, or the executing a Charge of Horning against Superiors, when the Holding is of a Subject, and recording a Copy of such Note and an Abstract of such Draft Charter, or such Charge, in the Register of Abbreviates of Adjudications, shall be held in all Time coming as the proper Diligence for the Purpose aforesaid.

VII. It

*Judicial Procedure, &c. (Scotland).**Court of Appeal in Chancery (Ireland).*

VII. It shall be lawful for any Person possessed of Lands or other Heritable Property, and desiring to pledge the same in Security of any Sums paid or Balances arising or which may arise upon Cash Accounts or Credits, or by way of Relief to any Persons who may become bound with him for the Payment of such Sums or Balances, although paid or arising posterior to the Date of the Infetment, to grant Heritable Securities accordingly upon his Lands or other Heritable Property, containing Procuratory of Resignation and Precept of Sasine, for infetting any Bank or Bankers or other Persons who shall agree to give such Cash Accounts or Credits, or for infetting such Persons as shall become Cautioners for him, or jointly bound with him in such Cash Accounts or Credits: Provided always, that the Principal and Interest which may become due upon such Cash Accounts or Credits shall be limited to a certain definite Sum, to be specified in the Security, such definite Sum not exceeding the Amount of the Principal Sum, and Three Years Interest thereon at the Rate of Five Pounds *per Centum*: Provided also, that it shall be lawful for the Person to whom any such Cash Account or Credit is granted to operate upon the same by drawing out and paying in such Sums from Time to Time as the Parties shall settle between themselves, and that the Sasines or Infetments taken upon such Heritable Securities shall be equally valid and effectual as if the whole Sums advanced upon such Cash Account or Credit had been paid prior to the Date of the Sasine or Infetment taken thereon, and that any such Heritable Security shall remain and subsist to the Extent of the Sum limited, or any lesser Sum, until the Cash Account or Credit is finally closed, and the Balance paid up and discharged, and the Sasine or Infetment renounced.

Securities for  
Cash Accounts  
or Credits.

## C A P. XCII.

An Act to constitute a Court of Appeal in Chancery, and to amend the Law relating to Appeals from the Incumbered Estates Court in *Ireland*. [29th July 1856.]

‘ WHEREAS it is expedient to constitute a Court of Appeal in Chancery, and it is also expedient to enable the said Court of Appeal to determine all Appeals from the Court of the Commissioners for the Sale and Transfer of Incumbered Estates in *Ireland* which may now be made to the Privy Council: 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. This Act may be cited for all Purposes as the “Chancery Appeal Court (*Ireland*) Act, 1856.”

Short Title.

II. In the Construction of this Act “Chancery” and “Court” shall mean the Court of Chancery in *Ireland*, and “Chancellor” shall mean and include the Lord Chancellor, Lord Keeper, and Lords Commissioners for the Custody of the Great Seal of *Ireland*; “Suit” shall include Cause, Cause Petition, and Petition Matter.

Interpretation  
of Terms.

III. It shall be lawful for Her Majesty from Time to Time, by Letters Patent under the Great Seal of *Ireland*, to nominate and appoint a fit Person who shall have exercised the Office of High Chancellor of *Ireland*, or who shall have practised at the Bar for not less than Fifteen Years, to be a Judge of the Court of Appeal in Chancery, and every Judge so nominated and appointed shall hold his Office during good Behaviour: Provided always, that it shall be lawful for Her Majesty to remove any such last-mentioned Judge from his Office upon an Address of both Houses of Parliament.

Appointment  
of Judge of  
Court of  
Appeal.

IV. The Chancellor, together with such Judge for the Time being appointed under this Act, shall form the Court of Appeal in Chancery, and the Secretaries, Registrars, and other Officers appointed to attend the Chancellor shall attend the said Court of Appeal and the respective Judges thereof, as Circumstances shall require and the Chancellor shall direct.

Court of  
Appeal.

V. The said Judge shall be styled “Lord Justice of the Court of Appeal in Chancery in *Ireland*,” and shall as such have Rank and Precedence next after the Lord Chief Baron of the Court of Exchequer in *Ireland*; provided, however, that if the said Judge shall have exercised the Office of High Chancellor of *Ireland* he shall rank next after the Chancellor for the Time being.

Title and Rank  
of Judge of  
Appeal Court.

VI. Every Judge so appointed shall, previous to his executing any of the Duties of his Office, take the following Oath, which the Chancellor or the Master of the Rolls for the Time being is hereby respectively authorized and required to administer.

Oath of Office.

‘ I do solemnly and sincerely promise and swear, That I will duly and faithfully, and to the best of my Skill and Power, execute the Office of Lord Justice of the Court of Appeal in Chancery. So help me GOD.’

VII. From and after the First Day of *January* One thousand eight hundred and fifty-seven all Decisions, Decrees, or Orders which shall thereafter be pronounced by the Master of the Rolls in any Suit shall be subject to Appeal to the said Court of Appeal; and it shall not be lawful to appeal to the Chancellor alone in relation to such Decisions, Decrees, or Orders as aforesaid, anything herein contained, or any Law or Usage to the contrary notwithstanding; and from and after the said First Day of *January* One thousand eight hundred and fifty-seven all Rehearings of Decisions, Decrees, or Orders made or to be made by the Chancellor shall be heard and determined by the said Court of Appeal: Provided, that nothing herein contained in relation to the said Court of Appeal shall apply to Appeals from

Appeals from  
Master of Rolls  
to Court of  
Appeal.

from

*Court of Appeal in Chancery (Ireland).*

from Decisions, Decrees, or Orders of the Master of the Rolls pronounced antecedently to the said First Day of *January* One thousand eight hundred and fifty-seven, or to Appeals from the Masters, but such Appeals may be preferred as if the Provisions of this Act relating to the said Court of Appeal had not passed.

Powers and Jurisdiction of Court of Appeal.

VIII. From and after the First Day of *January* One thousand eight hundred and fifty-seven all the Jurisdiction of the Court which is now possessed and exercised, or which but for the passing of this Act would be possessed and exercised, by the Chancellor in Chancery, in relation to Appeals from the Master of the Rolls or such Rehearings as aforesaid, and all Powers, Authorities, and Duties, as well ministerial as judicial, incident to such Jurisdiction, now exercised and performed by the Chancellor, shall be then exercised and performed by the said Court of Appeal in relation to Appeals and Rehearings under this Act.

The Jurisdiction of Chancellor transferred to Court of Appeal in relation to Appeals.

IX. Where under any Act of Parliament any Jurisdiction is vested in the Chancellor, or any Power, Authority, or Duty is to be exercised or performed by the Chancellor, and under the Directions of any Act or by any Usage such Power, Authority, or Duty is or ought to be exercised or performed by the Chancellor acting judicially in the Court, all Orders made or to be made by the Chancellor in exercise of such Jurisdiction, Power, Authority, or Duty shall be subject to Appeal, and all such Jurisdiction, Power, Authority, and Duty, and the ministerial Powers and Authorities incident thereto or consequent thereupon, which are now exercised and performed by the Chancellor, shall from and after the said First Day of *January* One thousand eight hundred and fifty-seven be had, exercised, and performed by the said Court of Appeal in relation to Appeals and Rehearings under this Act: Provided always, that, save as regards Appeals and Rehearings under this Act, the Chancellor shall and may, whilst sitting alone, have and exercise the like Jurisdictions, Powers, and Authorities as might have been exercised by the Chancellor if no Court of Appeal in Chancery had been created by and no Judge of Appeals in Chancery had been appointed under this Act.

Appeals from the Incumbered Estates Court shall be to Court of Appeal.

X. All Appeals which by Section Fifty-one of the Act of the Twelfth and Thirteenth *Victoria*, Chapter Seventy-seven, or any Act amending or continuing the same, are authorized to be made from the Orders of the Commissioners or Commissioner for the Sale and Transfer of Incumbered Estates to the Privy Council in *Ireland*, shall from and after the said First Day of *January* One thousand eight hundred and fifty-seven be made to the Court of Appeal, and from and after the said First Day of *January* One thousand eight hundred and fifty-seven it shall not be lawful to make such Appeals to the Privy Council; and the Court of Appeal in Chancery shall have the same Power of hearing and determining such Appeals as is by the said Act of the Twelfth and Thirteenth *Victoria*, or any Act amending or continuing the same given to the Privy Council, and the Costs of such Appeals shall be in the Discretion of the Court of Appeal.

Appeals to be brought within 3 Months, unless special Leave obtained.

XI. Appeals and Rehearings under this Act to the said Court of Appeal may be brought without Leave of the Court at any Time within the Period of Three Months from the Time when the Decision, Decree, or Order complained of was made or shall have taken place, anything in Section Thirty of the Court of Chancery (*Ireland*) Regulation Act, 1850, to the contrary notwithstanding, but that after the Expiration of the Period aforesaid no such Appeal or Rehearing shall be brought unless with the special Leave of the Court.

Court of Appeal, &c. may have Assistance of Common Law Judge.

XII. It shall be lawful for the said Court of Appeal, and for the Master of the Rolls, and for each of the said Jurisdictions, to sit, with the Assistance of any Judge of Her Majesty's Courts of Common Law in *Ireland*, upon the Request of the Chancellor, if any such Common Law Judge shall find it convenient to attend upon such Request; and any such Common Law Judge so attending the said Court of Appeal shall, as regards the Matters heard before the said Court, be deemed a Judge of the said Court of Appeal.

Decision of Majority of Judges of Court of Appeal to bind.

XIII. The Decision of the Majority of the Judges of the Court of Appeal, including such Judge so attending as aforesaid, shall be taken and deemed to be the Decision of the said Court; and if the Judges of the Court be equally divided in Opinion on any Matter brought before the Court by way of Appeal, or reheard, the Decree or Order appealed from or reheard shall be taken and deemed to be affirmed by the Court of Appeal.

Final Appeal to House of Lords.

XIV. All Decisions, Decrees, or Orders of the Court of Appeal, whether on Appeals in Chancery or from the said Commissioners, 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, or Orders of the Chancellor would have been subject to such Appeal if this Act had not been passed.

As to Absence of Judge of Appeal.

XV. All the Jurisdiction, Powers, and Authorities of the said Court of Appeal may, in the unavoidable Absence of such Judge of Appeal to be appointed under this Act, be exercised by the Chancellor sitting alone, or with such Common Law Judge as aforesaid at such Court of Appeal.

Chancellor to regulate Business of Court.

XVI. The Chancellor shall fix the Times at which the Judge of the said Court of Appeal appointed under this Act shall sit with the Chancellor, and generally make such Regulations as to him may seem proper for regulating the Business of the said Court of Appeal, and for the Attendance of a Registrar of the said Court of Chancery at the Sittings of the said Court of Appeal.

Saving of Powers of Chancellor.

XVII. Nothing herein contained shall affect any of the Powers, Duties, or Authorities attached to the Office of Chancellor, or exercised by the Chancellor as Keeper of the Great Seal of *Ireland* (except the Powers, Authorities, and Duties which are exercised and performed by him in relation to the Appeals and



*Court of Appeal in Chancery (Ireland).*

and Rehearings to which this Act relates), or shall create any Right of Appeal, or affect the Powers, Authorities, and Duties of the Chancellor at the Common Law or Petty Bag Side of the Court, or in relation to Bankruptcy, or under the Laws or Statutes relating to Bankrupts and Bankruptcy, or under and by virtue of any Appointment under the Sign Manual of the Crown, as having the Custody of the Persons and Estates of Persons found idiot, lunatic, or of unsound Mind, or in relation to Letters Patent, Grants, or Writings passed or to be passed under the Great Seal of *Ireland*, or the Revocation of such Letters Patent, Grants, or Writings, or the Powers and Authorities of the Chancellor in right or on behalf of Her Majesty as Visitor of any Charity or other Foundation, or to the Powers of the Chancellor of Appointment to or Removal from or otherwise in relation to Offices in the Court or other Offices, save as herein specially provided.

XVIII. And in case the Chancellor or Master of the Rolls shall be prevented by Illness or otherwise from sitting at any Time when according to ordinary Course his Court would be open, or if the State of Business of the Court or other Circumstances should render it expedient and proper, the Chancellor may, by Writing under his Hand, from Time to Time, as often as Occasion may require, authorize the Judge of the said Court of Appeal to sit for the hearing and determining of Causes and Matters; and the Judge sitting under such Authority as aforesaid shall have all the Power, Authority, and Jurisdiction of the Lord Chancellor and Master of the Rolls for the hearing and determining of Causes and Matters, and may, for the Purpose of disposing of any Cause or Matter which has been partly heard by him, continue such his Sittings, notwithstanding the Chancellor or Master of the Rolls in whose Stead he has partly heard such Cause or Matter may also be sitting for the hearing of other Causes or Matters; and all Decrees and Orders made by such Judge in pursuance of such Authority shall be of the same Effect and Validity, and subject to Revision and Appeal, in the same Manner in all respects as if made by the Chancellor or Master of the Rolls, as the Case may be.

If Chancellor or Master of Rolls prevented from sitting, Judge of Appeal Court may sit for him.

XIX. It shall be lawful for Her Majesty to direct that there shall be paid to the Judge of Appeal to be appointed under this Act a Salary not exceeding One thousand Pounds, in case such Judge shall be in the Receipt of any Salary or Pension as exercising or having exercised a Judicial Office in any of the Superior Courts of Law, Equity, or in the Court of Perogative, and over and above and without Prejudice to any such Salary or Pension; and in case the Person to be appointed Judge of the Court of Appeal under this Act shall not be in the Receipt of any such Salary or Pension, such Person, on being appointed by Letters Patent under this Act, shall be entitled to and shall be paid the net yearly Salary of Four thousand Pounds, which Salaries of One thousand Pounds or Four thousand Pounds, as the Case may be, shall be issued and payable out of and charged upon the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, and shall be free from all Deductions, Abatements, and Taxes, except the Income Tax, and shall be paid quarterly on the usual quarterly Days, by equal Portions, and the First of such Payments, or a proportionate Part thereof to be computed from the Time of the Appointment of such Judge of Appeal, shall be made on such of the said Days of Payment as shall first happen after the Date of such Appointment; and upon the Resignation, Death, or Removal from Office of any such Judge of Appeal, such Judge of Appeal, or his Executors or Administrators, shall be paid such proportionate Part of his Salary as shall have accrued from the Time of the Commencement or from the last quarterly Day of Payment thereof to the Time of such Resignation, Death, or Removal from Office.

Salary of Judge of Appeal Court.

XX. Her Majesty, by Letters Patent, under the Great Seal of the United Kingdom may grant unto any Person executing the Office of Judge of Appeal, in pursuance of this Act, who shall not be in Receipt of any such Pension, an Annuity not exceeding Two thousand six hundred and sixty-six Pounds Thirteen Shillings and Fourpence, to commence immediately after the Period when the Person to whom such Annuity shall be granted shall resign the said Office of Judge of Appeal, and to continue from thenceforth during the natural Life of the Person to whom the same shall be granted; and such Annuity shall be issued and payable out of and charged upon the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*; and such Annuity shall be paid quarterly, free from all Taxes and Deductions whatsoever, except Income Tax, by equal Portions, on the same quarterly Days as the Salary of such Judge of Appeal was payable; and the first quarterly Payment, or a proportionate Part thereof, to be computed from the Time of the Resignation of the said Office, shall be made on each of the same Days as shall happen next after the Resignation of the said Office; and the Executors and Administrators of the Person to whom the same Annuity shall be granted as aforesaid shall be paid such proportionate Part of the said Annuity as shall accrue from the Commencement or the last quarterly Payment thereof, as the Case may be, to the Day of his Death; provided that it shall be lawful for Her Majesty, in and by such Letters Patent, to limit the Duration of Payment of such Annuity or any Part thereof to such Periods of Time during the natural Life of such Person in which he shall not exercise any Office of Profit under Her Majesty, so that such Annuity, together with the Salary and Profits of such other Office, shall together not exceed in the whole the said Sum of Two thousand six hundred and sixty-six Pounds Thirteen Shillings and Fourpence; provided also, that no Annuity granted to any Person having executed the Office of Judge of Appeal under this Act shall be valid unless such Person shall have continued in the said Office, or in other Judicial Office as aforesaid, for the Period of Fifteen Years, or shall be afflicted with some permanent Infirmity disabling him from the due Execution of his Office, which shall be distinctly recited in the said Grant.

Retiring Pension to Vice-Chancellor.

*Court of Appeal in Chancery (Ireland).*

14 & 15 Vict.  
c. 15. repealed,  
save as to any-  
thing done, &c.

XXI. 'Whereas it is expedient that the Court should have increased Powers of making General Orders to reform and regulate its Procedure and Practice, with a view to Economy, Simplicity, and Expedition, and that the existing Law as to the Mode of making General Orders of the Court should be amended: Be it therefore enacted, That the Act of the Fourteenth and Fifteenth *Victoria*, Chapter Fifteen, intituled *An Act to amend the Court of Chancery, Ireland, Regulation Act, 1850*, is hereby repealed, save as to anything done or Proceeding commenced under the same.

Orders to con-  
tinue in force.

XXII. All General Orders of the Court or Masters in force at the passing of this Act shall continue in force unless altered by or inconsistent with the General Orders to be made under this Act.

General Orders  
how to be made.

XXIII. The Power of making, rescinding, and varying General Orders in relation to all Proceedings in the Court, and to all Business to be transacted by the Court and the Judges and Officers of the Court, shall be deemed to be a Power at all Times appertaining and incidental to the Jurisdiction of the Court, and such Power shall be exercisable by the Chancellor, by and with the Advice and Assistance of the Master of the Rolls and the Judge of Appeal, or of either of them, anything in any Act or Acts prescribing a different Method of making such General Orders to the contrary notwithstanding, and shall be exercisable as well in relation to all Matters now falling within the Jurisdiction of the Court as to all Matters which may hereafter be brought within such Jurisdiction.

Court empow-  
ered to make  
General Orders  
for certain  
Purposes.

XXIV. In addition and without Prejudice to the Power which the Court now has of making General Orders in relation to any Matters within its Jurisdiction, the Court may, in manner aforesaid, make, rescind, and vary General Orders for regulating the Times and Form and Mode of Procedure, the Division and Distribution of Business, the Formalities to be observed upon Transfers and Sales of Stock and Payments and Investments of Cash, the Lodgment of Deeds and Papers, the Substitution of or dispensing with Service of Notices or Process upon any Person, the Examination of Witnesses and Parties, the Examination, Cross-examination, and Re-examination of Persons making Affidavits to be used in any Cause or Matter, for determining the necessary Parties to any Cause or Matter, and for regulating the Employment of Conveyancing or other Counsel, Valuers, Surveyors, Engineers, Accountants, Merchants, Actuaries, and other skilled Persons, and the Costs, Fees, and Allowances to be paid or allowed to Solicitors or other Persons, and for ensuring the Despatch of Business by requiring Returns of the State thereof from any Judge or Officer or otherwise, and for transferring the Conduct of Proceedings, and for allowing Proceedings to be taken or Acts done, notwithstanding the proper Time for taking or doing the same may have elapsed, and for enlarging the Time for any such Act, and for supplying Omissions or correcting Errors in Proceedings, and for regulating the Security to be given by Receivers, or altering the existing Mode of giving such Security, and substituting any new Mode, either generally or as regards particular Cases, and for regulating the Appointment and Remuneration of Receivers, and the Management of Estates under Receivers, and in relation to any other Matter or Thing whatsoever incident to the Business of the Court, whether of the Kind herein-before specified or not; and such Orders shall take effect at such Time as may be therein specified, or, in default of such Specification, from the Time of the making thereof.

General Orders  
to be laid before  
Parliament.

XXV. Such General Orders shall be laid before Parliament within the Time and subject to the Provisions in all respects in that Behalf specified and contained in the "*Court of Chancery, Ireland, Regulation Act, 1850*," in relation to the General Orders to be made by the Chancellor, with the Assistance of the Master of the Rolls, under that Act.

Forms of Pro-  
ceeding may be  
settled.

XXVI. The Chancellor may, with the Advice and Assistance of the Master of the Rolls and the Judge of Appeal, or of either of them, from Time to Time frame and cause to be printed and circulated Forms of Proceedings and Documents in relation to the Business of the Court, and may direct any Proceedings or Documents to be printed and made available for the Use of all Parties interested.

Part of s. 16. of  
13 & 14 Vict.  
c. 89. repealed.

After 1st Jan.  
1857, Masters  
may make  
Orders for  
Money.

XXVII. So much of Section Sixteen of the "*Court of Chancery, Ireland, Regulation Act, 1850*," as provides that the Master, in Cases within the said Section, shall not make Orders for the Distribution or Payment of any Share of Money, shall from the First Day of *January* One thousand eight hundred and fifty-seven be repealed, and from and after the said First Day of *January* One thousand eight hundred and fifty seven the Masters shall in all Cases to which the said Section applies have and exercise the Jurisdiction by the said Section conferred upon them, without any such Restriction as aforesaid.

Deficiency of  
Suitors Fee  
Fund to be  
supplied from  
Consolidated  
Fund.

XXVIII. In case the Account now standing to the credit of the Accountant General of the Court in the Books of the Bank of *Ireland*, termed the Suitors Fee Fund Account, should be inadequate to the Payment of the Charges now chargeable thereon, the Amount of such Charges beyond what can be so satisfied thereout shall be charged and chargeable and paid and payable upon and out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, by way of Advance in aid of the said Suitors Fee Fund Account: Provided always, that the said Sums which shall be so advanced out of the Consolidated Fund in aid of the Suitors Fee Fund Account shall become and remain a Charge thereon in favour of the Crown, so far as the same will extend, after Payment of prior Charges, and the same shall be repaid to the proper Officers of Her Majesty's Exchequer, to be carried to the Credit of the Consolidated Fund, at such Times and in such Manner as the Lord High Treasurer or the Commissioners of Her Majesty's Treasury shall order and direct.

## Commissioners of Supply (Scotland).

## C A P. XCIII.

An Act to constitute all legally qualified Persons in *Scotland* Commissioners of Supply without being named in an Act of Supply. [29th July 1856.]

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

I. All Persons, being Males and of full Age, qualified in Terms of the Nineteenth Section of the Act of the Seventeenth and Eighteenth Years of Queen *Victoria*, Chapter Ninety-one, "for the Valuation of Lands and Heritages in *Scotland*," otherwise than by Nomination *ex officio*, for acting as Commissioners of Supply in any County in *Scotland*, shall, without being named in an Act of Supply, be Commissioners of Supply of such County while so qualified, and shall as such be entitled and have Power to vote and act as freely and to the like Effect as if they had been so named. Persons qualified for Commissioners of Supply to be such.

II. For the Purpose of making up the List of Commissioners of Supply after mentioned, the last completed Valuation Roll of the County, made up under the Provisions of the said recited Act, shall be *prima facie* Evidence that every Person entered thereon as the Proprietor of any Lands and Heritages within such County is the Proprietor, in Terms of the Act, of such Lands and Heritages, and shall further be conclusive Evidence that the same are of the yearly Value, in Terms of the said Act, set forth as their yearly Value in such Roll: Provided always, that where any Lessee shall have been entered on the said Valuation Roll in the Column of Proprietors the Assessor shall write, and he is hereby required to write, the Word "Lessee" immediately after or under the Name of such Lessee, and such Entry of any such Lessee in the Valuation Roll shall be no Evidence of his being a Proprietor of Lands and Heritages, in Terms of the said Act. Valuation Rolls under 17 & 18 Vict. c. 91. to be Evidence.

III. Before the Tenth Day of *December* in each Year every Person desirous of being placed on the List of Commissioners shall give in to the Clerk of Supply a Claim in Writing, setting forth the Grounds of such Claim; and any Commissioner of Supply intending to object to any Claimant being placed on the List, or to any Person already on the List remaining thereon, shall within Seven Days thereafter give Notice in Writing to the Clerk of Supply of his Intention; and such Clerk of Supply shall, on receiving any such Notice of Objection, forthwith intimate the same by written Notice transmitted by Post to the Person to be objected to, and he shall also give to him, and to all Parties who may have lodged Claims or Objections respectively, Ten free Days Notice in Writing of the Time and Place fixed as herein-after provided for disposing of the same. Claims and Objections to be lodged with Clerk of Supply.

IV. The Commissioners of Supply in each County shall yearly, at their Annual Meeting on the Thirtieth Day of *April*, appoint a Committee to meet at such Times and Places as they may fix, but not sooner than the Twentieth Day of *November*, and of which Committee Meetings the Quorum shall be Three, to dispose of such Claims and Objections; and at the Time and Place fixed and intimated as aforesaid the several Persons objected to shall produce the Titles on or in respect of which they found their Right as Commissioners of Supply; and the Committee at such Meetings shall dispose of such Claims and Objections, hearing comparing Parties, and receiving and making a Memorandum of such competent Evidence as may be adduced by them: Provided always, that these Claims and Objections shall all be disposed of before the Twentieth Day of *December* in each Year. Commissioners of Supply to appoint adjourned Meetings for disposing of Claims and Objections.

V. On or before the Thirty-first Day of *December* in each Year, the Clerk of Supply in every County shall make up and adjust the List of Commissioners of Supply in such County in accordance with the Determinations of the Commissioners of Supply on the Claims and Objections as aforesaid, and the List, when adjusted, shall be authenticated by the Subscription of the Clerk of Supply, and shall remain in his Custody, all Persons interested therein being entitled to inspect or make Copies of the same or any Part thereof, at their own Expense, at such reasonable Times and subject to such Regulations as the Commissioners of Supply may prescribe; and such each List, subject to Corrections in accordance with Judgments on Appeal, as after mentioned, shall, till the next List shall have been completed and authenticated, be conclusive as to the Right of acting and voting as Commissioners of Supply, except as regards such Sheriffs and Magistrates of Burghs and Towns for the Time being as may in any subsisting Act of Supply be constituted *Ex-officio* Commissioners of Supply without being required to possess any Property Qualification, who, and whose Successors in Office, shall be entitled to act and vote as such Commissioners *virtute officii*, and without being inserted on such List. On or before 31st December in each Year Clerk of Supply to make up the List of Commissioners.

VI. If any Party shall be dissatisfied with the Determination of the Commissioners of Supply on any such Claim or Objection as aforesaid, he may, within Ten Days after the same has been pronounced, appeal by Note of Appeal to the Lord Ordinary officiating on the Bills in the Court of Session, who shall summarily dispose of the Appeal, and whose Judgment shall be final and conclusive, and not subject to Review; and on a certified Copy of any such Judgment being presented to the Clerk of Supply he shall forthwith, if the Determination of the Commissioners of Supply appealed against shall have been altered or reversed, forthwith correct the List adjusted as aforesaid in accordance with such Judgment. Appeal from Determination of Commissioners on Claims or Objections.

VII. This Act may be cited for all Purposes as "The Commissioners of Supply (*Scotland*) Act, 1856." Short Title.

*Intestates Personal Estates.**Oxford College Estates.*

## C A P. XCIV.

An Act for the uniform Administration of Intestates Estates.

[29th July 1856.]

‘ **W**HEREAS it is expedient that throughout *England* and *Wales* One uniform Rule should prevail concerning the Distribution of the Personal Estate of Persons dying intestate: 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:

Repeal of s. 4. of 22 & 23 Car. 2. c. 10. and Part of s. 18. of 11 G. 1. c. 18., save with respect to Estates of Persons who have died before 31st Dec. 1856. Special Customs concerning the Distribution of Personal Estates of Intestates in certain Places to cease.

I. That from and after the Thirty-first Day of *December* One thousand eight hundred and fifty-six, Section Four of the Act passed in the Session holden in the Twenty-second and Twenty-third Years of King *Charles* the Second (Chapter Ten), “for the better settling of Intestate Estates,” and also so much of Section Eighteen of the Act of the Eleventh Year of King *George* the First, Chapter Eighteen, “for regulating Elections within the City of *London*, and for preserving the Peace, good Order, and Government of the said City,” as preserves the Custom of *London* in the Case of Persons dying intestate, shall be repealed, save only with respect to the Distribution of the Personal Estate of Persons who may have died on or before the said Thirty-first Day of *December*; and the special Customs concerning the Distribution of the Personal Estate of Intestates observed in the City of *London*, or in relation to the Citizens and Freemen of such City, and in the Province of *York*, and certain other Places, shall, with reference to all Persons dying on or after the First Day of *January* One thousand eight hundred and fifty-seven, wholly cease and determine, and the Distribution of the Personal Estate of all Persons so dying shall take place as if such Customs had never existed, and as if the Rules for the Distribution of the Personal Estate of Intestates generally prevalent in the Province of *Canterbury* had prevailed throughout *England* and *Wales*, any Law or Statute to the contrary notwithstanding.

## C A P. XCV.

An Act to give to the University of *Oxford* and to Colleges in the said University, and to the College of *Saint Mary of Winchester* near *Winchester*, Power to sell and exchange Lands, under certain Conditions.

[29th July 1856.]

‘ **W**HEREAS it is expedient that the University of *Oxford* and the Colleges in that University, and the College of *Saint Mary of Winchester* near *Winchester*, should have Power, under certain Conditions, of selling and exchanging their Lands or Hereditaments: And whereas no Provision for that Purpose was made by the “*Oxford University Act, 1854*.” 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:

Colleges in the University of *Oxford* may sell and exchange Lands under certain Conditions.

I. It shall be lawful for the said University and for any College in the said University respectively, and for the College of *Saint Mary of Winchester* near *Winchester*, with the Consent of the Church Estates Commissioners, to sell any Estate in Lands or Hereditaments vested in such University or in such College, as the Case may be, or to exchange any Estate in Lands or Hereditaments for any other Lands or Hereditaments, or either of them; and upon any such Exchange to receive or pay any Money by way of Equality of Exchange; and all Monies which on any such Sale or Exchange shall be received by or become payable to or for the Benefit of such University or College shall be paid into the Bank of *England* for the Benefit of such University or College, to such Account as the said Church Estates Commissioners shall appoint in that Behalf, and the Receipt of the said Church Estates Commissioners shall be an effectual Discharge to any Purchaser for any Money therein expressed to be received, and shall be Evidence of their Consent as aforesaid; and all Monies so paid into the Bank of *England* shall be applied in Payment for Equality of Exchange as aforesaid, or shall be laid out by such University or such College, with such Consent as aforesaid, in the Purchase of the absolute Estate of Freehold in other Lands and Hereditaments, or either of them, to be conveyed to the Use or for the Benefit of such University or College; and such Lands and Hereditaments, and any Lands and Hereditaments received in Exchange by such University or College, shall be held by the University or College, as the Case may be, upon the like Trusts and for the like Purposes as the Lands and Hereditaments sold or given in Exchange by such University or College respectively; and the Monies from Time to Time remaining unapplied for the Purposes aforesaid shall be invested by and in the Names of the said Church Estates Commissioners in the Purchase of Government Stocks, Funds, or Securities, which the said Church Estates Commissioners shall hold in trust for such University or College, and the said Church Estates Commissioners may sell and dispose of the same for the Purpose of effecting any such Purchase of Lands and Hereditaments, or either of them, as aforesaid, or of paying Money for Equality of Exchange as aforesaid, as Occasion may require; and in the meantime the Interest, Dividends, and annual Proceeds of such Monies, Stocks, Funds, and Securities shall be paid to such University or College, to be applied to the same Purposes as the annual Income was applicable which arose out of those Lands and Hereditaments from the Sale or Exchange of which the Money invested in such Stocks, Funds, or Securities was produced: Provided that, except as herein-after mentioned, nothing in this Act contained shall apply to any

any Estate of the University or any College in Reversion in Lands or Hereditaments expectant upon any Lease for Lives, or for a Term of Years determinable upon any Life or Lives, or for a Term of Years whereof more than Seven shall be unexpired, on which a Rent less than Three Fourths of the clear yearly Value of such Lands or Hereditaments shall have been reserved.

II. The Powers and Provisions of this Act in relation to any Estate of Land and Hereditaments vested in the said University and in any College of such University respectively, and in the College of *Saint Mary of Winchester* near *Winchester*, shall extend and be applicable, not only to any Estate in Lands or Hereditaments so vested as the Property or for the general Purposes of such University or such College respectively, but also to any such Estate so vested which may be held in trust for any special Endowment or other Purpose connected with such University or College.

Act to extend to Lands held in trust for special Endowments.

III. Provided also, That for facilitating such Transactions by way of Sale and Exchange between Colleges and their Lessees it shall be lawful for any College in the said University, and for the College of *Saint Mary of Winchester* near *Winchester*, with the Consent of the said Church Estates Commissioners, upon accepting the Surrender of the whole or any Part of the Lands or Hereditaments comprised in any Lease for Years or for Lives, to covenant or agree to pay to the Person so surrendering during the Residue then unexpired of the Term, or so long as such Lease, but for such Surrender, would have continued, an annual Sum equal to the Difference between the Rent reserved by such Lease, or (if Part only of the Land or Hereditaments comprised therein be surrendered) a proportional Part of such Rent, and the estimated annual Value of the Lands or Hereditaments so surrendered; and it shall also be lawful for such College upon accepting such Surrender as aforesaid, and with such Consent as aforesaid, to contract with the Lessee or Person so surrendering for the Sale or Exchange to or with such Lessee or Person of the Lands or Hereditaments comprised in the Surrender, such Lands and Hereditaments being for the Purpose of such Sale or Exchange valued as if in the Possession of such College discharged of such Lease, and to convey the same in pursuance of such Contract accordingly.

Colleges may accept Surrenders from Lessees in consideration of annual Payments, and may sell and exchange to or with such Lessees.

## C A P. XCVI.

An Act for amending the Law of Marriage in *Scotland*.

[29th July 1856.]

‘WHEREAS it is expedient to amend the Law touching Marriages in *Scotland*.’ 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. After the Thirty-first Day of *December* One thousand eight hundred and fifty-six, no irregular Marriage contracted in *Scotland* by Declaration, Acknowledgment, or Ceremony shall be valid, unless One of the Parties had at the Date thereof his or her usual Place of Residence there, or had lived in *Scotland* for Twenty-one Days next preceding such Marriage; any Law, Custom, or Usage to the contrary notwithstanding.

Marriages in *Scotland* not to be valid without Residence.

II. If any Persons who shall have contracted an irregular Marriage in *Scotland* after the Day and Year aforesaid shall within Three Months thereafter present a joint Application for a Warrant to register such Marriage to the Sheriff or Sheriff Substitute of the County where such Marriage was contracted, and shall prove to his Satisfaction that they have been married to one another, and that One of them had lived in *Scotland* for Twenty-one Days next preceding such Marriage, or had his or her usual Residence in *Scotland* at the Date thereof, such Sheriff or Sheriff Substitute shall certify the same under his Hand, and shall thereupon grant Warrant to the Registrar of the Parish or Burgh in which the Marriage was contracted, who shall forthwith enter such Marriage in the Register of Marriages kept by him, in Terms of an Act of the Seventeenth and Eighteenth Years of Her present Majesty, Chapter Eighty; and any certified Copy of such Entry, signed by such Registrar, and which such Registrar is hereby required and empowered to give, charging for the same the Sum of Five Shillings, shall be received in Evidence of such Marriage, and of such Residence or of such previous living Twenty-one Days in *Scotland*, in all Courts in the United Kingdom and Dominions thereunto belonging.

Certificated Copy of Entry by Sheriff Depute that Parties were married, and that One of them lived in *Scotland* Twenty-one Days preceding such Marriage, conclusive as to its Validity.

III. It shall not be lawful, after the Date aforesaid, to convict any Parties of having irregularly contracted Marriage, unless there shall be adduced to the Justice or Justices of the Peace, Magistrate or Magistrates, before whom the Complaint against such Parties has been brought, sufficient Proof, other than the Acknowledgment of such Parties, that One of them had at the Date thereof his or her usual Residence in *Scotland*, or had lived in *Scotland* for Twenty-one Days next preceding such Marriage; nor shall it be lawful for any Registrar of Births, Deaths, and Marriages in *Scotland* to register any Marriage under the Provisions of the said recited Act, on the Production of an Extract of a Conviction for having irregularly contracted Marriage, unless such Conviction shall bear that such sufficient Proof as aforesaid was so adduced.

No Conviction for, nor Registration of, irregular Marriage without Proof of previous Residence.

*Mercantile Law Amendment.*

## C A P. XCVII.

An Act to amend the Laws of *England* and *Ireland* affecting Trade and Commerce.

[29th July 1856.]

WHEREAS Inconvenience is felt by Persons engaged in Trade by reason of the Laws of *England* and *Ireland* being in some Particulars different from those of *Scotland* in Matters of common Occurrence in the course of such Trade, and with a view to remedy such Inconvenience it is expedient to amend the Laws of *England* and *Ireland* as herein-after is 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:

Protection of  
Persons acquir-  
ing Title to  
Goods before  
Seizure, &c.  
under Writ  
against Seller.  
Specific Deli-  
very of Goods  
sold.

I. No Writ of Fieri facias or other Writ of Execution, and no Writ of Attachment against the Goods of a Debtor, shall prejudice the Title to such Goods acquired by any Person *bonâ fide* and for a valuable Consideration before the actual Seizure or Attachment thereof by virtue of such Writ; provided such Person had not, at the Time when he acquired such Title, Notice that such Writ, or any other Writ by virtue of which the Goods of such Owner might be seized or attached, had been delivered to and remained unexecuted in the Hands of the Sheriff, Under Sheriff, or Coroner.

II. In all Actions and Suits in any of the Superior Courts of Common Law at *Westminster* or *Dublin*, or in any Court of Record in *England*, *Wales*, or *Ireland*, for Breach of Contract to deliver specific Goods for a Price in Money, on the Application of the Plaintiff, and by Leave of the Judge before whom the Cause is tried, the Jury shall, if they find the Plaintiff entitled to recover, find by their Verdict what are the Goods in respect of the Non-delivery of which the Plaintiff is entitled to recover and which remain undelivered; what (if any) is the Sum the Plaintiff would have been liable to pay for the Delivery thereof; what Damages (if any) the Plaintiff would have sustained if the Goods should be delivered under Execution, as herein-after mentioned, and what Damages if not so delivered; and thereupon, if Judgment shall be given for the Plaintiff, the Court or any Judge thereof, at their or his Discretion, on the Application of the Plaintiff, shall have Power to order Execution to issue for the Delivery, on Payment of such Sum (if any) as shall have been found to be payable by the Plaintiff as aforesaid, of the said Goods, without giving the Defendant the Option of retaining the same upon paying the Damages assessed; and such Writ of Execution may be for the Delivery of such Goods; and if such Goods so ordered to be delivered, or any Part thereof, cannot be found, and unless the Court, or such Judge or Baron as aforesaid, shall otherwise order, the Sheriff, or other Officer of such Court of Record, shall distrain the Defendant by all his Lands and Chattels in the said Sheriff's Bailiwick, or within the Jurisdiction of such other Court of Record, till the Defendant deliver such Goods, or, at the Option of the Plaintiff, cause to be made of the Defendant's Goods the assessed Value or Damages, or a due Proportion thereof; provided that the Plaintiff shall, either by the same or a separate Writ of Execution, be entitled to have made of the Defendant's Goods the Damages, Costs, and Interest in such Action or Suit.

Consideration  
for Guarantee  
need not appear  
by Writing.

III. No special Promise to be made by any Person after the passing of this Act to answer for the Debt, Default, or Miscarriage of another Person, being in Writing, and signed by the Party to be charged therewith or some other Person by him thereunto lawfully authorized, shall be deemed invalid to support an Action, Suit, or other Proceeding to charge the Person by whom such Promise shall have been made, by reason only that the Consideration for such Promise does not appear in Writing, or by necessary Inference from a written Document.

Guarantee to  
or for a Firm  
to cease upon a  
Change in the  
Firm, except in  
special Cases.

IV. No Promise to answer for the Debt, Default, or Miscarriage of another made to a Firm consisting of Two or more Persons, or to a single Person trading under the Name of a Firm, and no Promise to answer for the Debt, Default, or Miscarriage of a Firm consisting of Two or more Persons, or of a single Person trading under the Name of a Firm, shall be binding on the Person making such Promise in respect of anything done or omitted to be done after a Change shall have taken place in any One or more of the Persons constituting the Firm, or in the Person trading under the Name of a Firm, unless the Intention of the Parties, that such Promise shall continue to be binding notwithstanding such Change, shall appear either by express Stipulation or by necessary Implication from the Nature of the Firm or otherwise.

A Surety who  
discharges the  
Liability to be  
entitled to As-  
signment of all  
Securities held  
by the Creditor.

V. Every Person who, being Surety for the Debt or Duty of another, or being liable with another for any Debt or Duty, shall pay such Debt or perform such Duty, shall be entitled to have assigned to him, or to a Trustee for him, every Judgment, Specialty, or other Security which shall be held by the Creditor in respect of such Debt or Duty, whether such Judgment, Specialty, or other Security shall or shall not be deemed at Law to have been satisfied by the Payment of the Debt or Performance of the Duty, and such Person shall be entitled to stand in the Place of the Creditor, and to use all the Remedies, and, if need be, and upon a proper Indemnity, to use the Name of the Creditor, in any Action, or other Proceeding, at Law or in Equity, in order to obtain from the principal Debtor, or any Co-Surety, Co-Contractor, or Co-Debtor, as the Case may be, Indemnification for the Advances made and Loss sustained by the Person who shall have so paid such Debt or performed such Duty, and such Payment or Performance so made by such Surety shall not be pleadable in bar of any such Action or other Proceeding

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ceeding by him: Provided always, that no Co-Surety, Co-Contractor, or Co-Debtor shall be entitled to recover from any other Co-Surety, Co-Contractor, or Co-Debtor, by the Means aforesaid, more than the just Proportion to which, as between those Parties themselves, such last-mentioned Person shall be justly liable.

VI. No Acceptance of any Bill of Exchange, whether Inland or Foreign, made after the Thirty-first Day of December One thousand eight hundred and fifty-six, shall be sufficient to bind or charge any Person, unless the same be in Writing on such Bill, or, if there be more than One Part of such Bill, on One of the said Parts, and signed by the Acceptor or some Person duly authorized by him.

VII. Every Bill of Exchange or Promissory Note drawn or made in any Part of the United Kingdom of *Great Britain* and *Ireland*, the Islands of *Man*, *Guernsey*, *Jersey*, *Alderney*, and *Sark*, and the Islands adjacent to any of them, being Part of the Dominions of Her Majesty, and made payable in or drawn upon any Person resident in any Part of the said United Kingdom or Islands, shall be deemed to be an Inland Bill; but nothing herein contained shall alter or affect the Stamp Duty, if any, which, but for this Enactment, would be payable in respect of any such Bill or Note.

VIII. In relation to the Rights and Remedies of Persons having Claims for Repairs done to, or Supplies furnished to or for, Ships, every Port within the United Kingdom of *Great Britain* and *Ireland*, the Islands of *Man*, *Guernsey*, *Jersey*, *Alderney*, and *Sark*, and the Islands adjacent to any of them, being Part of the Dominions of Her Majesty, shall be deemed a Home Port.

IX. All Actions of Account or for not accounting, and Suits for such Accounts, as concern the Trade of Merchandise between Merchant and Merchant, their Factors or Servants, shall be commenced and sued within Six Years after the Cause of such Actions or Suits, or when such Cause has already arisen then within Six Years after the passing of this Act; and no Claim in respect of a Matter which arose more than Six Years before the Commencement of such Action or Suit shall be enforceable by Action or Suit by reason only of some other Matter of Claim comprised in the same Account having arisen within Six Years next before the Commencement of such Action or Suit.

X. No Person or Persons who shall be entitled to any Action or Suit with respect to which the Period of Limitation within which the same shall be brought is fixed by the Act of the Twenty-first Year of the Reign of King *James* the First, Chapter Sixteen, Section Three, or by the Act of the Fourth Year of the Reign of Queen *Anne*, Chapter Sixteen, Section Seventeen, or by the Act of the Fifty-third Year of the Reign of King *George* the Third, Chapter One hundred and twenty-seven, Section Five, or by the Acts of the Third and Fourth Years of the Reign of King *William* the Fourth, Chapter Twenty-seven, Sections Forty, Forty-one, and Forty-two, and Chapter Forty-two, Section Three, or by the Act of the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, Chapter One hundred and thirteen, Section Twenty, shall be entitled to any Time within which to commence and sue such Action or Suit beyond the Period so fixed for the same by the Enactments aforesaid, by reason only of such Person, or some One or more of such Persons, being at the Time of such Cause of Action or Suit accrued beyond the Seas, or in the Cases in which by virtue of any of the aforesaid Enactments Imprisonment is now a Disability, by reason of such Person or some One or more of such Persons being imprisoned at the Time of such Cause of Action or Suit accrued.

XI. Where such Cause of Action or Suit with respect to which the Period of Limitation is fixed by the Enactments aforesaid or any of them lies against Two or more Joint Debtors, the Person or Persons who shall be entitled to the same shall not be entitled to any Time within which to commence and sue any such Action or Suit against any One or more of such Joint Debtors who shall not be beyond the Seas at the Time such Cause of Action or Suit accrued, by reason only that some other One or more of such Joint Debtors was or were at the Time such Cause of Action accrued beyond the Seas, and such Person or Persons so entitled as aforesaid shall not be barred from commencing and suing any Action or Suit against the Joint Debtor or Joint Debtors who was or were beyond Seas at the Time the Cause of Action or Suit accrued after his or their Return from beyond Seas, by reason only that Judgment was already recovered against any One or more of such Joint Debtors who was not or were not beyond Seas at the Time aforesaid.

XII. No Part of the United Kingdom of *Great Britain* and *Ireland*, nor the Islands of *Man*, *Guernsey*, *Jersey*, *Alderney*, and *Sark*, nor any Islands adjacent to any of them, being Part of the Dominions of Her Majesty, shall be deemed to be beyond Seas within the Meaning of the Act of the Fourth and Fifth Years of the Reign of Queen *Anne*, Chapter Sixteen, or of this Act.

XIII. In reference to the Provisions of the Acts of the Ninth Year of the Reign of King *George* the Fourth, Chapter Fourteen, Sections One and Eight, and the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, Chapter One hundred and thirteen, Sections Twenty-four and Twenty-seven, an Acknowledgment or Promise made or contained by or in a Writing signed by an Agent of the Party chargeable thereby, duly authorized to make such Acknowledgment or Promise, shall have the same Effect as if such Writing had been signed by such Party himself.

XIV. In reference to the Provisions of the Acts of the Twenty-first Year of the Reign of King *James* the First, Chapter Sixteen, Section Three, and of the Act of the Third and Fourth Years of the Reign of King *William* the Fourth, Chapter Forty-two, Section Three, and of the Act of the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, Chapter One hundred and thirteen, Section Twenty, when

Acceptance of any Bill of Exchange to be in Writing on it, &c.

What are to be deemed "Inland Bills."

In certain Cases every Port in United Kingdom, &c. a Home Port.

Limitation of Actions for "Merchants Accounts."

Absence beyond Seas or Imprisonment of a Creditor not to be a Disability.

Period of Limitation to run as to Joint Debtors in Kingdom, though some beyond Seas.

As to Judgment against Joint Debtors in the Kingdom when others beyond Seas after their Return.

Definition of "beyond Seas."

9 G. 4. c. 14. ss. 1 & 8. and 16 & 17 Vict. c. 113. ss. 24. & 27. extended to Acknowledgments by Agents.

Part Payment by one Contractor, &c. not to prevent Bar by certain when

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Statutes of Limitations in favour of another Contractor, &c.

Rules and Regulations may be made and Writs and Proceedings framed for the Purposes of this Act.

Short Title.

Extent of Act.

when there shall be Two or more Co-Contractors or Co-Debtors, whether bound or liable jointly only or jointly and severally, or Executors or Administrators of any Contractor, no such Co-Contractor or Co-Debtor, Executor, or Administrator, shall lose the Benefit of the said Enactments, or any of them, so as to be chargeable in respect or by reason only of Payment of any Principal, Interest, or other Money, by any other or others of such Co-Contractors or Co-Debtors, Executors, or Administrators.

XV. In order to enable the Superior Courts of Common Law at *Westminster* and *Dublin*, and the Judges thereof respectively, to make Rules and Regulations, and to frame Writs and Proceedings, for the Purpose of giving effect to this Act, the Two hundred and twenty-third and Two hundred and twenty-fourth Sections of "The Common Law Procedure Act, 1852," shall, so far as this Act is to take effect in *England*, and the Two hundred and thirty-third and Two hundred and fortieth Sections of "The Common Law Procedure Amendment Act (*Ireland*), 1853," shall, so far as this Act is to take effect in *Ireland*, be incorporated with this Act, as if those Provisions had been severally herein repeated and made to apply to this Act.

XVI. In citing this Act it shall be sufficient to use the Expression "The Mercantile Law Amendment Act, 1856."

XVII. Nothing in this Act shall extend to *Scotland*.

## C A P. XCVIII.

An Act to amend the Laws relating to the Burial of the Dead in *Ireland*. [29th July 1856.]

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

I. This Act may be cited as "The Burial Grounds (*Ireland*) Act, 1856."

II. In this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction ; that is to say, "Lord Lieutenant" shall mean the Lord Lieutenant of *Ireland* or other Chief Governor or Governors thereof ; "Council" shall mean Her Majesty's Privy Council in *Ireland* ; "Borough" shall mean any Borough or Town Corporate in *Ireland*, or any Town in which a Board of Municipal Commissioners shall have been elected, under the Provisions of an Act of the Third and Fourth Years of Her present Majesty, Chapter One hundred and eight, or in which Town Commissioners shall have been appointed, under the Provisions of an Act of the Ninth Year of King *George* the Fourth, Chapter Eighty-two, or an Act of the Seventeenth and Eighteenth Years of Her present Majesty, Chapter One hundred and three, or any Act amending the same ; "Town Council" shall mean the Town Council of the Borough, or, where there is no Town Council, the Board of Municipal Commissioners, or the Town Commissioners acting for the Borough or Town ; "the Borough Fund" shall be held to include "the Town Fund ;" "Parish" shall extend to any Extra-parochial Precinct or Place ; "Ratepayers" shall mean the Persons for the Time being assessed to and paying Rates, or liable to be rated, under the Provisions of this Act ; "Town Clerk" shall mean the Town Clerk of the Borough, or, where there is no Town Clerk, the Clerk of the Board of Municipal Commissioners, or of the Town Commissioners acting for the Borough or Town.

III. In the Execution of this Act in Poor Law Unions, or any Portion thereof not within the Limits or Boundaries of any Borough as defined by this Act, "Burial Board" shall be held to signify the Board of Guardians for the Relief of the Poor within any such Poor Law Union or Portion thereof, and the Manner of holding and transacting Business at Meetings of such Burial Boards shall be similar to the Manner in use in respect of the Relief of the Poor, and within the Limits or Boundaries of any Borough "the Town Council of the Borough" shall be held to be the "Burial Board" of such Borough.

IV. The Board of Guardians for the Relief of the Poor shall, in carrying into execution the Provisions of this Act, be subject to the Direction and Control of the Commissioners appointed for administering the Law for the Relief of the Poor in *Ireland*.

V. In case it shall appear to the Lord Lieutenant in Council, upon Representation duly made to him, that for the Protection of the Public Health the opening of any new Burial Ground in any City or Town or within any other Limits in *Ireland*, save with the Approval of the Lord Lieutenant, should be prohibited, or that Burials in any City or Town or within any other Limits, or in any Burial Grounds or Places of Burial, should be wholly discontinued, or should be discontinued subject to any Exception or Qualification, it shall be lawful for the Lord Lieutenant, by and with the Advice of Her Majesty's Privy Council in *Ireland*, to order that no new Burial Ground shall be opened in any City or Town or within such Limits without such previous Approval, or (as the Case may require) that after a Time mentioned in the Order Burials in such City or Town or within such Limits, or in such Burial Grounds or Places of Burial, shall be discontinued, wholly, or subject to any Exceptions or Qualifications mentioned in such Orders, and so from Time to Time as Circumstances may require : Provided always, that Notice of such Representation, and of the Time when it shall please the Lord Lieutenant to order the same to be taken into consideration by the Privy Council, shall be published in the *Dublin Gazette*, and shall be affixed on the Doors of the Churches or Chapels of or on some other conspicuous Places within the Parishes affected by such Representation, One Month before such Representation is so considered.

VI. It

Short Title.  
Interpretation  
of Terms.

Burial Boards  
to carry this  
Act into exe-  
cution.

Guardians sub-  
ject to Poor  
Law Commis-  
sioners.

On Representa-  
tion duly made  
to him, Lord  
Lieutenant in  
Council may  
restrain the  
opening of new  
Burial Grounds,  
and order Dis-  
continuance of  
Burials in spe-  
cified Places.



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VI. It shall be lawful for the Lord Lieutenant, by and with the Advice of the Privy Council, to postpone the Time appointed by any Order in Council for the Discontinuance of Burials, or otherwise to vary any Order in Council made under this Act (whether the Time thereby appointed for the Discontinuance of Burials thereunder or other Operation of such Order shall or shall not have arrived,) as to the Lord Lieutenant in Council shall seem fit; and every Order of the Lord Lieutenant in Council made for varying any Order previously made under this Act shall be deemed valid and effectual in Law.

Lord Lieutenant in Council may postpone Order for Discontinuance of Burials, &c.

VII. No such Order in Council as aforesaid shall be deemed to extend to any Burial Ground of the People called Quakers, used solely for the Burial of the Bodies of such People, unless the same shall be expressly mentioned in such Order; and nothing in this Act shall prevent the Burial in any such Burial Ground in which for the Time being Interment is not required to be discontinued of the Bodies of such People.

Order not to extend to Burial Grounds of Quakers, &c.

VIII. Provided, That no such Order in Council as aforesaid shall be deemed to extend to the Burial Grounds or Cemeteries situate respectively in *Merrion Row* and *Peter Street* in the City of *Dublin*, the Property of the *French* Protestants, and used solely for the Burial of the Bodies of the Descendants of the *French* Protestant Refugees, unless the same be expressly mentioned in such Order; and nothing in this Act shall prevent the Burial as heretofore in such Burial Grounds or Cemeteries respectively, so situate in *Merrion Row* and *Peter Street* aforesaid, of the Bodies of such Descendants of French Protestant Refugees.

Order not to extend to Burial Grounds of French Protestants, &c.

IX. If any Person, after the Time mentioned in any Order in Council under this Act for the Discontinuance of Burials, shall knowingly and wilfully bury any Body, or in anywise act or assist in the Burial of any Body, in or under any Church, Chapel, Churchyard, Burial Ground, or Place of Burial, or elsewhere, as the Case may be, within the Limits in which Burials have by such Order been ordered to be discontinued, in violation of the Provisions of any such Order, every Person so offending shall, upon summary Conviction thereof, forfeit a Sum not exceeding Ten Pounds.

Penalty on Persons burying contrary to Provisions of Orders in Council.

X. Provided always, That, notwithstanding any such Order in Council, where, by virtue of any Faculty legally granted, or by Usage or otherwise, there is at the Time of the passing of this Act any Usage or Right of Interment in or under any Church or Chapel affected by such Order, or in any Vault of any such Church or Chapel, or of any Churchyard or Burial Ground affected by such Order, and where any exclusive Right of Interment in any such Burial Ground has been purchased or acquired before the passing of this Act, it shall be lawful for the Lord Lieutenant, from Time to Time, on Application being made to him, and on being satisfied that the Exercise of such Right shall not be injurious to Health, to grant a Licence for the Exercise of such Right, during such Time and subject to such Conditions and Restrictions as the Lord Lieutenant may think fit; but such Licence shall not prejudice or in anywise affect the Authority of the Ordinary, or of any other Person who if this Act had not been passed might have prohibited or controlled Interment under such Right, nor dispense with any Consent which would have been required under such Right, nor otherwise give to such Right any greater Force or Effect than the same would have had if this Act had not been passed.

Saving of certain Rights to bury in Vaults.

XI. Where by any such Order in Council it is ordered that no new Burial Ground shall be opened in any City or Town or within any Limits in such Order mentioned, without the previous Approval of the Lord Lieutenant, no new Burial Ground or Cemetery (parochial or non-parochial) shall be provided and used in such City or Town or within such Limits without such previous Approval.

New Burial Grounds not to be opened contrary to Order in Council.

XII. Where by Usage or otherwise any Grave, Vault, or Place of Interment in any Burial Ground or Cemetery has been the burying Place of and used as such by any Family, no Corpse of any Person not having been a Member of such Family shall be buried in such Grave, Vault, or Place of Interment without the Consent in Writing of some immediate Relative of the Member of such Family last interred therein; and if any Person shall knowingly act or assist in any Burial contrary to the Provisions of this Clause, every such Person shall be liable, on summary Conviction before any Two Justices of the Peace at Petty Sessions, to a Penalty not exceeding Ten Pounds; and upon any Complaint made under this Clause it shall be lawful for the Justices at Petty Sessions to make such Order for the Exhumation and Re-interment of such Corpse so buried as to such Justices shall seem fit.

No Corpse to be buried in private Grave without Consent.

XIII. No Animal of any Description shall be allowed to graze or to be within the Limits of any Burial Ground having a sufficient Fence; and it shall be lawful to any Two Justices of the Peace at Petty Sessions to order the Owners of any Animal or Animals so found within such Burial Ground to pay as a Fine a Sum not exceeding Two Shillings and not less than One Shilling for each Animal so found as aforesaid, and to levy and dispose of said Fine in the same Manner as Fines for Trespass of Cattle are now levied and disposed of under the Provisions of the Law at present in force in *Ireland*.

No Animal to be allowed to graze in Burial Places.

XIV. Although no Burial Ground has been closed by Order in Council, the Clerk of the Union in which any City, Town, or Place is situate, not being within the Limits of a Borough, and the Town Clerk of any Borough, shall, upon the Requisition in Writing of Ten or more Persons assessed for the Relief of the Poor in such City, Town, or Place, or liable to the Payment of Borough Rate in such Borough respectively, or upon the Requisition in Writing of any Two or more Members of the Burial Board of such Union or Borough respectively, convene a Special Meeting of the Burial Board of such City or Borough, for determining whether a Burial Ground shall be provided under this Act for such City, Town, or Place, or for such Borough respectively; and if a Majority of such Meeting shall resolve

Upon Requisition of Rate-payers, &c. Meeting of Board to be convened to determine whether Burial Ground shall be provided.

*Burial Grounds (Ireland).*

that a Burial Ground shall be provided under this Act for such City, Town, or Place, or Borough respectively, such new Burial Ground shall be provided, in the same Manner as if an old Burial Ground had been closed by Order in Council.

Board to provide suitable Burial Grounds, &c.

XV. Whenever any Burial Ground shall have been closed in any City, Town, or Place, or in any Borough respectively, by Order in Council, the Burial Board may, if it shall seem necessary or expedient, forthwith proceed to provide a suitable and convenient Burial Ground for such City, Town, or Place, or Borough respectively, and to make Arrangements for facilitating Interments therein, under the Provisions of this Act.

Consent of Owners of Houses to new Burial Grounds, where necessary.

XVI. Any Burial Ground may be provided under this Act, either within or without the Limits of the City or Town or Borough for which the same is provided, and in case any Burial Ground to be so provided for any City, Town, or Borough shall be situate without the Limits of such City, Town, or Borough, the same shall, for the Purposes of this Act, be considered as if the same was within such Limits; but no Ground not already used as or appropriated for a Cemetery shall be appropriated as a Burial Ground, or as an Addition to a Burial Ground, under this Act, nearer than One hundred Yards to any Dwelling House, without the Consent in Writing of the Owner, Lessee, and Occupier of such Dwelling House.

Board may purchase Land for Cemeteries, or contract with Cemetery Companies.

XVII. For the providing such Burial Ground, it shall be lawful for the Burial Board to contract for and purchase or take any Lands, and Buildings thereon, for the Purpose of forming a Burial Ground, or for making Additions to any Burial Ground to be formed or purchased under this Act, as such Board may think fit, or to purchase from any Company or Persons entitled thereto any Cemetery or Cemeteries or Part or Parts thereof, subject to the Rights in Vaults and Graves and other subsisting Rights which may have been previously granted therein: Provided always, that it shall be lawful for such Board, in lieu of providing any such Burial Ground, to contract with any such Company or Persons entitled as aforesaid for the Interment in such Cemetery or Cemeteries, and either in any allotted Part of such Cemetery or Cemeteries or otherwise, and upon such Terms as the Burial Board may think fit, of the Bodies of Persons who would have had Rights of Interment in the Burial Grounds of such Parish or Place.

Certain Provisions of 8 & 9 Vict. c. 18. incorporated with this Act.

XVIII. The Lands Clauses Consolidation Act, 1845, except the Provisions of that Act "with respect to the Provisions to be made for affording Access to the Special Act by all Parties interested," and "with respect to the Purchase and taking of Lands otherwise than by Agreement," shall be incorporated with this Act; and for the Purposes of this Act the Expression "the Promoters of the Undertaking," wherever used in the said Act, shall mean any Burial Board under this Act: Provided always, that the Provisions in the said Act "with respect to Lands acquired by the Promoters of the Undertaking under the Provisions of this or the Special Act, or any Act incorporated therewith, but which shall not be required for the Purposes thereof," shall be held to apply only to such Lands in which no Burial shall have taken place, and such Provisions shall not be restricted in Operation to any fixed Period after the Purchase of such Lands.

Liabilities of old Burial Grounds transferred to new Burial Grounds.

XIX. Where any Burial Ground shall be closed under the Provisions of this Act, and a new Burial Ground provided in place thereof, the whole Burthen upon and Liabilities attaching to the Burial Ground so closed shall be transferred to and become Burthens upon the Burial Ground provided in place thereof, and the Revenues of the new Burial Ground shall be liable for the same in like Manner as the Revenues of the Burial Ground so closed were liable.

Management to be vested in Burial Boards.

XX. The general Management, Regulation, and Control of the Burial Grounds provided under this Act shall, subject to the Provisions of this Act and the Regulations to be made thereunder, be vested in and exercised by the respective Burial Boards providing the same: Provided always, that any Question which shall arise touching the Fitness of any Monumental Inscription placed or proposed to be placed in any Part or Portion of such Grounds shall be determined by the proper Ministers of the Religious Denomination to which such Part or Portion shall have been allotted: Provided also, that at the Burials of the Bodies of Members of the United Church of *England* and *Ireland*, or of the Roman Catholic Church, or of any other Religious Denomination, Burial Service according to the respective Rites of such Church or Denomination may be performed or celebrated by the proper Ministers of such Church or Denomination.

Boards may sell exclusive Rights of Burial, and Rights to erect Monuments, &c.

XXI. Any Burial Board, under such Restrictions and Conditions as they think proper, may sell the exclusive Right of Burial, either in perpetuity or for a limited Period, in such Parts of any Burial Ground provided by such Board as may be appropriated to that Purpose, and also the Right of constructing any Chapel, Vault, or Place of Burial, with the exclusive Right of Burial therein, in perpetuity or for a limited Period, and also the Right of erecting and placing any Monument, Gravestone, Tablet, or Monumental Inscription in such Burial Ground, subject to the Provisions herein-before contained: Provided always, that such exclusive Rights shall not extend in all to a Space of One Half of such Burial Ground.

Boards may make Arrangements, for facilitating Conveyance of Bodies

XXII. Any Burial Board may make such Arrangements as they may from Time to Time think fit for regulating and facilitating the Conveyance of the Bodies of the Dead from the Place of Death to any Burial Ground which shall be provided under this Act, subject to the Provisions of this Act, and the Regulations to be made thereunder; and it shall be lawful for any of the aforesaid Cemetery Companies from

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from whom the Burial Board shall have made any such Purchase, or with whom the Burial Board shall have made any such Contract as herein-before provided, to undertake any such Arrangement, and to carry the same into effect, subject to the Provisions and Regulations aforesaid.

XXIII. It shall be lawful for any Burial Board, subject to the Provisions of this Act and the Regulations to be made thereunder, to hire, take, or lease, or otherwise to provide, fit and proper Places in which Bodies may be received and taken care of previously to Interment, and to make Arrangements for the Reception and Care of the Bodies to be deposited therein; and for providing such Places such Boards may exercise all the Powers vested in them under this Act for providing Burial Grounds.

XXIV. It shall be lawful for the Lord Lieutenant in Council from Time to Time to make such Rules and Regulations in relation to the Burial Grounds and Places of Reception of Bodies previous to Interment which may be provided under this Act as may seem proper for the Protection of the Public Health and the Maintenance of Public Decency, and for the proper Registry of Interments, and to provide for the Imposition and Recovery of Penalties not exceeding Ten Pounds for each Offence for the Breach or Non-observance of such Regulations; and the Burial Boards, and all other Persons having the Care of such Burial Grounds and Places for the Reception of Bodies, shall conform to and obey such Regulations.

XXV. No Funeral Procession, or Carriage in such Procession, and no Foot Passenger shall, while going to or returning from the Place of Interment on the Occasion of any Interment, be liable to any Toll or Pontage.

XXVI. It shall be lawful for any Burial Board to enclose, lay out, and embellish any Burial Ground provided by such Board, in such Manner as may be fitting or proper: Provided always, that in all Cases in which a Burial Board shall provide a new Burial Ground under this Act, it shall be lawful for such Burial Board, with the Sanction of the Lord Lieutenant, to divide such new Burial Ground or some Part thereof into certain Parts and Proportions, to be allotted in such Manner as to the Lord Lieutenant shall seem fit, for the Burial of the Members of any particular Religious Denomination; and each such Allotment shall, as the Case may require, be consecrated according to the Rites and by the proper Ministers of the respective Religious Denominations for which each such Allotment is so set apart.

XXVII. Every Burial Board under this Act shall, subject to the Approval of the Lord Lieutenant, fix and receive such Fees and Payments in respect of Interments in any Burial Ground provided by such Board as they shall think fit, and from Time to Time revise and alter such Fees and Payments; and a Table showing such Fees and Payments shall be printed and published, and shall be affixed and at all Times continued on some conspicuous Part of such Burial Ground.

XXVIII. Minutes of all Proceedings of the Burial Board under this Act, with the Names of the Members who attend each Meeting, shall be kept; and the Burial Board shall provide and keep Books in which shall be entered true and regular Accounts of all Sums of Money received and paid for or on account of the Purposes of this Act, and of all Liabilities incurred by them for such Purposes, and of the several Purposes for which such Sums of Money are paid and such Liabilities incurred; and all such Books shall at all reasonable Times be open to the Examination of every Member of the Burial Board and Ratepayer, without Fee, and they may take Copies of or Extracts from such Books or any Part thereof, without paying for the same.

XXIX. The Burial Board may appoint and may remove at Pleasure a Clerk and such other Officers and Servants as shall be necessary for the Business of the Board in respect of or for the Purposes of their Burial Ground, and may appoint reasonable Salaries, Wages, and Allowances for such Clerk, Officers, and Servants, and, when necessary, may hire a sufficient Office for transacting the Business of such Burial Board; and the Provisions and Clauses of "The Commissioners Clauses Act, 1847," with respect to the "Appointment and Accountability of the Officers of the Commissioners," shall, so far as the same are not varied by or inconsistent with the Provisions of this Act, be incorporated therewith; and the Commissioners in the said Act shall signify the "Burial Board" under this Act.

XXX. All Burials within any Burial Ground provided under this Act shall be registered in a Register Book to be provided by the Burial Board providing such Ground, and kept for that Purpose; and such Register Book shall be so kept by some Officer appointed by the said Board to do that Duty; and in such Register Book shall be distinguished in what Parts of the Burial Ground the several Bodies (the Burials of which are entered in such Register Book) are buried; and such Register Book, or Copies or Extracts thereof, or purporting to be Copies or Extracts thereof, shall be received in all Courts as Evidence of the Burials entered therein.

XXXI. The Commissioners for carrying into execution an Act of the Fourteenth and Fifteenth Year of Her present Majesty, Chapter Twenty-three, intituled *An Act to authorize for a further Period the Advance of Money out of the Consolidated Fund to a limited Amount, for carrying on Public Works and Fisheries and Employment of the Poor*, and any Act or Acts amending the same, may from Time to Time, if they shall so think fit, make to the Burial Board of any Borough or Place for the Purposes of this Act any Loan, under the Provisions of the recited Act or the several Acts therein recited or referred to, upon Security of the Assessments for the Relief of the Poor of the Union, or the Borough Fund, or Rates in this Act mentioned.

XXXII. For the Purpose of defraying the Expenses incurred in the Execution of this Act, or paying any Money borrowed for such Purpose, or any Interest thereon, the Guardians of every Union who shall

to Burial Grounds.

Places may be provided for Reception of Bodies until Interment.

Lord Lieutenant in Council may make Regulations as to Burial Grounds, &amp;c.

Exemption of Burials from Toll.

Board may lay out and embellish Burial Ground.

Board to fix Payments for Interments in Burial Grounds.

Minutes of Proceedings of Board to be entered in a Book.

Board to keep Accounts, &amp;c.

Board may appoint and remove Officers, &amp;c.

Register of Burials to be kept in every Ground provided under this Act.

Public Works Loan Commissioners may advance Money for the Purposes of this Act.

Expenses of Act to be defrayed by a separate Rate.

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shall be appointed the Burial Board of such Union or any Part thereof, under the Provisions of this Act, shall from Time to Time make and levy such Rates as may be necessary on every Occupier of rateable Hereditaments in or arising within such Union or any Part thereof, not being within the Boundaries or Limits of any Borough as defined by this Act; and all Rates so made under this Act by the Guardians of such Union shall be apportioned, assessed, and levied on such Union, or on such Electoral Division situate in such Union, and wholly or partly on the Parishes for which any new Burial Ground shall have been provided under this Act, as the Poor Law Commissioners for *Ireland* shall by any Order in that Behalf direct, and shall be apportioned, assessed, and levied as if the Sums so payable were Sums to be apportioned, assessed, and levied for the Purpose of carrying into execution the Laws for the Relief of the destitute Poor in *Ireland*; and all Monies borrowed by the Guardians of such Unions for the Purposes of this Act, or any Interest thereon, shall be secured upon the Rates authorized to be made by the Guardians of such Union by this Act; and any Money required to be raised in any Borough or Town in which a Board of Municipal Commissioners shall have been elected, as herein-before mentioned, for defraying such Expense, or paying any Money borrowed under this Act by the Council of such Borough, or the Municipal Commissioners or Town Commissioners of such Town, or any Interest thereon, by means of a Rate levied in such Borough or Town, shall be raised by a separate Rate to be levied within such Borough or Town; and the Council of such Borough and the Municipal Commissioners of such Town shall have all such Powers for making and levying such Rate respectively, and all Provisions shall be applicable in respect thereof, as in the Case of any Borough Rate or Improvement Rate authorized to be made therein under the Provisions of the respective Acts of Parliament under which the Council of such Borough or the Municipal Commissioners of such Town are constituted: Provided always, that such Rates shall be levied wholly or partly in the Parishes within such Borough or Town for which any new Burial Ground shall have been provided under this Act, as the Lord Lieutenant in Council shall by any Order in that Behalf direct; and provided also, that when the Amount of the Rates to be assessed by the Council of such Borough or the Municipal Commissioners or Town Commissioners of such Town are limited by Law to a certain rateable Amount, such Limitation shall not apply or extend to Expenses incurred for carrying this Act into execution; and it shall be lawful for the Council of such Borough or the Municipal Commissioners or Town Commissioners of such Town to charge the Expenses under this Act in addition to the other Borough or Town Rates respectively; and all Monies borrowed by the said Council or the said Commissioners under this Act; or any Interest thereon, shall be charged upon the Rates authorized to be levied by the said Council or Commissioners respectively by this Act.

Guardians or Council may appropriate Lands for Purposes of Act.

XXXIII. It shall be lawful for the Guardians of any Union or the Council of any Borough to appropriate for the Purposes of this Act any Land belonging to the Board of Guardians of such Union or to the Body Corporate of such Borough respectively, or vested in any Feoffees, Trustees, or others for the general Benefit of the Union or Borough respectively, or any specific Charity: Provided always, that when any Land so appropriated shall be subject to any Charitable Use such Land shall be taken on such Conditions only as the Court of Chancery, in the Exercise of its Jurisdiction over Charitable Trusts, shall appoint and direct.

Burial Ground already provided by the County and City of *Waterford* to vest in Poor Law Guardians of *Waterford* Union.

XXXIV. 'Whereas the Grand Juries of the County and City of *Waterford*, acting under the Act of the Fortieth Year of King *George* the Third, Chapter Ninety-three, purchased a Piece of Ground situate in the Townland of *Ballymasheagh* in the Barony of *Gaultier* in the County of *Waterford*, for the Purpose of a Cemetery, in lieu of the ancient Burial Places of the Six several Parishes of *Trinity Within*, *Saint Michael*, *Saint Stephen Within*, *Saint Olave*, *Saint John Within*, and *Saint Patrick*, in the Borough of *Waterford*, and of the Three Parishes of *Trinity Without*, *Saint John Without*, and *Saint Stephen Without*, partly in the Borough and partly in the County of *Waterford*, and of the Two Parishes of *Kilbarry* and *Kil Saint Laurence* in the County of *Waterford*: And whereas the said Eleven Parishes are all situate within the Poor Law Union of *Waterford*, and it is advisable that the said Piece of Ground should be used as a Burial Ground for all the said Parishes as if all the said Parishes were situate without the Limits of the said Borough of *Waterford*, and as if the said Piece of Ground had been provided as the Burial Ground under this Act for the said several Parishes: Be it enacted, That from and after the passing of this Act the said Piece of Ground shall, without further Conveyance, be vested in the Guardians of the Poor of the *Waterford* Union as the Burial Board, and for the Use of all the District at present comprised in the said Eleven Parishes, subject to all the Powers and Regulations in this Act contained relative to Burial Grounds, and as if the same had been purchased and acquired under this Act; and unless the said Piece of Ground shall be discontinued as a Burial Ground by the Lord Lieutenant and Council under the Provisions of the Fifth Section of this Act, all the said Parishes and Portions of Parishes situate in the Borough of *Waterford* shall, for the Purposes of this Act, be considered as if the same were without the Limits of the said Borough of *Waterford*.

Certain Provisions of 10 & 11 Vict. c. 65. incorporated with this Act.

XXXV. The Provisions of "The Cemeteries Clauses Act, 1847," with respect to the Protection of the Cemetery, shall be incorporated with this Act, and be applicable to any Burial Ground provided under this Act; and the Words "The Company" in "The Cemeteries Clauses Act, 1847," shall signify the "Burial Board" under this Act: Provided always, that every Penalty imposed under and by virtue of

*Burial Grounds (Ireland).**Lunatic Asylums (Superannuations) (Ireland).*

of this Act shall be enforced, recovered, and appropriated under the Provisions of the "Petty Sessions (Ireland) Act, 1851," except when the Act or Offence in respect of which such Penalty shall have been incurred shall have been committed within the Jurisdiction of the Justices of the Police District of Dublin Metropolis, in which Case such Penalty shall be enforced and recovered under the Provisions of the Acts relating to such Police Districts.

XXXVI. Every Burial Board under this Act may, with the Consent of the Lord Lieutenant, borrow any Sum of Money not exceeding such Sum as the Lord Lieutenant may sanction and appoint, required for providing, laying out, and embellishing any Burial Ground under this Act, or any such Purposes, and may charge the future Assessments or Rates respectively under this Act with the Payment of such Money, and Interest thereon not exceeding Six *per Cent.*; provided that there shall be paid in every Year, in addition to the Interest of the Money borrowed and unpaid, not less than One Twentieth of the Principal Sum borrowed, until the whole is discharged.

Burial Boards may borrow Money, &c., and charge same on Rates to be levied under this Act.

XXXVII. Any Burial Board acting under this Act may, if they think fit, borrow Money in order to pay off and discharge any Security or Securities, and secure the Repayment of the Money so borrowed, and the Interest to be paid thereon, in like Manner as other Monies authorized to be borrowed by such Burial Board under this Act.

Money may be borrowed to pay off Securities.

XXXVIII. No Land already or hereafter to be purchased or acquired under the Provisions of this Act, for the Purpose of a Burial Ground (with or without any Building erected or to be erected thereon), shall, while used for such Purposes, be assessed to any County, Parochial, or other Local Rates at a higher Value or more improved Rent than the Value or Rent at which the same was assessed at the Time of such Purchase or Acquisition.

Assessment of Land not to be increased when purchased under this Act.

XXXIX. It shall be lawful for any Burial Board, with the sanction of the Lord Lieutenant, and subject to Regulations approved of by him, to let any Land purchased by and vested in them under this Act, and which has not been consecrated, and in which no Body has been at any Time interred, and which is not for the Time being required for the Purposes of a Burial Ground, in such Manner and on such Terms as such Board may see fit, but so, nevertheless, that Power shall be reserved to such Board to resume any such Land which may be required for the Purposes aforesaid, upon giving Six Months Notice.

Burial Board may let Land not required for Burials.

XL. In every Case in which any Order in Council has been or shall hereafter be issued for the Discontinuance of Burials in any Churchyard or Burial Ground, the Burial Board shall maintain such Churchyard or Burial Ground in decent Order, and also do the necessary Repair of the Walls and other Fences thereof; and the Costs and Expenses shall be repaid out of the Rates by this Act authorized, unless there shall be some other Fund legally chargeable with Costs and Expenses.

Burial Board to keep in order closed Burial Grounds, &c.

XLI. ' And whereas the Mayor, Aldermen, and Burgesses of the Borough of *Limerick* have, with the Consent and Approbation of the Commissioners of Her Majesty's Treasury, executed a Lease of a certain Plot of Ground situate at *Gortuemanagh* in the Barony of *Clanwillians* and County of *Limerick* (which Plot of Ground is Part of the Property of the said Corporation of *Limerick*, but is not situate within the Limits or Boundaries of the Borough of *Limerick*,) unto certain Parties for the Term of Two Thousand Years, at a certain yearly Rent, for the Purpose of the same being used as a Cemetery or Burial Ground: Be it further enacted, That for the Purposes of this Act the said Plot of Ground shall be deemed and taken to be within the Limits or Boundaries of the said Borough of *Limerick*.

Certain Plot of Ground to be deemed to be within the Limits of the Borough of *Limerick*.

XLII. The Provisions of this Act shall not apply to any private and exclusive Family Mausoleum or Burial Place not being within the Limits of any public Burial Ground.

Not to apply to private Mausoleums. Extent of Act.

XLIII. This Act shall extend to *Ireland* only.

## C A P. XCIX.

An Act to amend the Acts relating to Lunatic Asylums in *Ireland*, so far as relates to Superannuations.

[29th July 1856.]

WHEREAS an Act was passed in the Session of Parliament holden in the First and Second Years of His Majesty King *George* the Fourth, intituled *An Act to make more effectual Provision for the Establishment of Asylums for the Lunatic Poor and for the Custody of Insane Persons charged with Offences in Ireland*; and the said Act was amended by the following Acts; that is to say, an Act of the Session holden in the Sixth Year of His Majesty King *George* the Fourth, Chapter Fifty-four; an Act of the Session holden in the Seventh Year of His Majesty King *George* the Fourth, Chapter Fourteen; an Act of the Session holden in the Eleventh Year of His Majesty King *George* the Fourth, Chapter Twenty-two; an Act of the Session holden in the Eighth and Ninth Years of Her Majesty, Chapter One hundred and seven; an Act of the Session holden in the Ninth and Tenth Years of Her Majesty, Chapter One hundred and fifteen; and an Act of the Session holden in the Eighteenth and Nineteenth Years of Her Majesty, Chapter One hundred and nine; and it is expedient to amend the said Acts so far as to enable the Governors of Asylums to grant Superannuations in certain Cases: 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 & 2 G. 4. c. 33.

6 G. 4. c. 54.

7 G. 4. c. 14.

11 G. 4. &

1 W. 4. c. 22.

8 & 9 Vict.

c. 107.

9 & 10 Vict.

c. 115.

18 & 19 Vict.

c. 109.

I. In

*Lunatic Asylums (Superannuations) (Ireland).**Joint Stock Banks.*

Short Title.	I. In citing this Act for any Purpose whatever it shall be sufficient to use the Expression "The Lunatic Asylums, Superannuations, <i>Ireland</i> , Act, 1856."
Interpretation of Terms.	II. In the Interpretation of this Act, save where there is anything in the Subject or Context repugnant to such Construction, the Word "Asylums" shall mean "Asylums for the Lunatic Poor" established under the said recited Acts; and the Word "Officer" shall mean and include Managers, Chaplains, Physicians, Surgeons, Apothecaries, Matrons, Attendants, and Servants.
Superannuation of Officers.	III. It shall be lawful for the Governors of Asylums, with the Approval of the Inspectors of Lunatics, or One of them, to direct that any Officer who is incapable, from Age, Infirmity of Mind or Body, or otherwise, to discharge the Duties of his Office, shall be superannuated, and shall receive such yearly Superannuation Pension as upon Consideration of all the Circumstances of each Case shall appear to be just, not exceeding the Proportions, with reference to the Amount of the Salary of such Officer and the Period of his Service, which by an Act passed in the Fourth and Fifth Years of the Reign of His Majesty King <i>William</i> the Fourth, intituled <i>An Act to alter, amend, and consolidate the Laws for regulating the Pensions, Compensations, and Allowances to be made to Persons in respect of their having held Civil Offices in His Majesty's Service</i> , or by any Act amending the same, are directed to be observed.
4 & 5 W. 4. c. 24.	
Superannuation Pensions, how to be raised, &c.	IV. The several Superannuation Pensions hereafter to become payable shall respectively be advanced, paid, presented for, and raised in like Manner as any other Monies advanced or raised for supporting and maintaining such Asylums respectively under the said recited Acts or any of them.
Construction of Acts.	V. This Act and the said recited Acts shall be construed together as if One Act.

## C A P. C.

An Act to amend the Law with respect to the Election of Directors of Joint Stock Banks in *England*. [29th July 1856.]

7 & 8 Vict. c. 113.

WHEREAS by the Act of the Seventh and Eighth Years of the Queen, Chapter One hundred and thirteen, it is enacted, that the Deed of Partnership of every Banking Company to be established under that Act shall contain a specific Provision for the Retirement of at least One Fourth of the Directors yearly, and for preventing the Re-election of the retiring Directors for at least Twelve Calendar Months: And whereas it is expedient that so much of the said Enactment as relates to the Re-election of such retiring Directors should be repealed: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say,

Retiring Directors eligible for Re-election.

I. It shall not be necessary in the Deed of Partnership of any Banking Company established after the passing of this Act to insert any Provision for preventing the Re-election of retiring Directors, either absolutely or for any limited Period.

Provision for existing Banking Companies established under recited Act.

II. In every Banking Company already established under the Provisions of the said recited Act, and whose Deed of Partnership or Settlement contains a Provision in accordance with the Enactment hereinbefore repealed, the Directors retiring at any General Meeting after the passing of this Act shall and may, if duly qualified in other respects, be immediately eligible for Re-election, anything in the Deed of Partnership of such Company contained to the contrary notwithstanding.

## C A P. CI.

An Act to continue certain Acts to prevent the spreading of contagious or infectious Disorders among Sheep, Cattle, and other Animals. [29th July 1856.]

[11 & 12 Vict. c. 107. as extended by 16 & 17 Vict. c. 62. further continued until 1st August 1857.]

## C A P. CII.

An Act to further amend the Procedure in and to enlarge the Jurisdiction of the Superior Courts of Common Law in *Ireland*. [29th July 1856.]

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.

I. This Act may be cited for all Purposes as the "Common Law Procedure Amendment Act (*Ireland*), 1856."

16 & 17 Vict. c. 113. incorporated.

II. This Act and "The Common Law Procedure Amendment Act (*Ireland*), 1853," shall be incorporated and construed together as One Act.

18 & 19 Vict. c. 7, and so much of Section 103. of 17 & 18 Vict. c. 125. as relates

III. The Act of the Eighteenth and Nineteenth *Victoria*, Chapter Seven, and so much of Section One hundred and three of "The Common Law Procedure Act, 1854," as provides that the Enactments in the said Section enumerated shall apply and extend to every Court of Civil Judicature in *Ireland*, are hereby repealed; provided that such Repeal shall not affect anything duly done or any Liability accruing before the Commencement of this Act, or any Penalty, Forfeiture, or other Punishment incurred or to be incurred in respect of any Offence committed before the Commencement of this Act, or anything required

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required to be done or which may hereafter become necessary to be done to support or continue any Proceeding taken before the Commencement of this Act. to Ireland repealed.

IV. The Parties to any Cause may, by Consent in Writing, signed by them or their Attorneys, as the Case may be, leave the Decision of any Issue of Fact to the Court, provided that the Court, or a Judge, shall, in their or his Discretion, think fit to allow such Trial, or provided the Judges of the Superior Courts of Law at *Dublin* shall, in pursuance of the Power in "The Common Law Procedure Amendment Act (*Ireland*), 1853," contained, make any General Rule or Order dispensing with such Allowance, either in all Cases or any particular Class or Classes of Cases to be defined in such Rule or Order; and such Issue of Fact may thereupon be tried and determined, and Damages assessed where necessary, in open Court, either in Term or Vacation, by any Judge who might otherwise have presided at the Trial thereof by Jury, either with or without the Assistance of any other Judge or Judges of the same Court, or included in the same Commission at the Assizes; and the Verdict of such Judge or Judges shall be of the same Effect as the Verdict of a Jury, save that it shall not be questioned upon the Ground of being against the Weight of Evidence; and the Proceedings upon and after such Trial, as to the Power of the Court or Judge, the Evidence, and otherwise, shall be the same as in the Case of Trial by Jury. Court or Judge may, by Consent of Parties, try Questions of Fact.

V. It shall be lawful for any One of the Judges of any of the Superior Courts at *Dublin*, at the Request of the Lord Chief Justice, the Chief Justice of the Common Pleas, or Lord Chief Baron, to try the Causes entered for Trial at *Nisi Prius* in *Dublin* in any of the Courts, on the same Days on which the said Lord Chief Justice, the Chief Justice of the Common Pleas, or Lord Chief Baron, or any other Judge of the same Court, shall be sitting to try Causes in *Dublin*, so that the Trial of Two Causes may be proceeded with at the same Time; and all Jurors, Witnesses, and other Persons who may have been summoned or required to attend at or for the Trial of any Cause before the said Lord Chief Justice, the Chief Justice of the Common Pleas, or Lord Chief Baron, as the Case may be, shall give their Attendance at and for the Trial thereof before such other Judge as may be sitting to try the same by virtue of this Act; and it shall be lawful for the Registrars and other Officers of the Lord Chief Justice, the Chief Justice of the Common Pleas, or Lord Chief Baron, as the Case may be, to appoint from Time to Time fit and proper Persons, to be approved by the said Lord Chief Justice, the Chief Justice of the Common Pleas, or Lord Chief Baron, to attend for them and on their Behalf respectively before such Judge; and the Trial of every Cause which shall be so had by virtue of this Act shall, if necessary, be entered of Record, as having been had before the Judge by whom such Cause in fact was tried. Two Judges may sit at the same Time for Trial of Causes pending in the same Court.  
Power to Registrars to appoint fit Persons to attend the Second Judge.

VI. If it be made appear, at any Time after the issuing of the Writ, to the Satisfaction of the Court or a Judge, upon the Application of either Party, that the Matter in dispute consists wholly or in part of Matters of mere Account which cannot conveniently be tried in the ordinary Way, it shall be lawful for such Court or Judge, upon such Application, if they or he think fit, to decide such Matter in a summary Manner, or to order that such Matter, either wholly or in part, be referred to an Arbitrator appointed by the Parties, or to the Master of the Court, or, in Country Causes, to the Assistant Barrister of any County or Riding, upon such Terms, as to Costs and otherwise, as such Court or Judge shall think reasonable; and the Decision or Order of such Court or Judge, or the Award or Certificate of such Referee, shall be enforceable by the same Process as the Finding of a Jury upon the Matter referred. Power to Court or Judge, upon Application, to direct Arbitration before Trial.

VII. If it shall appear to the Court or a Judge that the Allowance or Disallowance of any particular Item or Items in such Account depends upon a Question of Law fit to be decided by the Court, or upon a Question of Fact fit to be decided by a Jury, or by a Judge, upon the Consent of both Parties, as herein-before provided, it shall be lawful for such Court or Judge to direct a Case to be stated, or an Issue or Issues to be tried; and the Decision of the Court upon such Case, and the Finding of the Jury or Judge upon such Issue or Issues, shall be taken and acted upon by the Arbitrator, Master, or Assistant Barrister, as the Case may be, as conclusive. Special Case may be stated, and Question of Fact tried.

VIII. It shall be lawful for the Arbitrator, Master, or Assistant Barrister, upon any compulsory Reference under this Act, or upon any Reference by Consent of Parties where the Submission is or may be made a Rule or Order of any of the Superior Courts of Law or Equity at *Dublin*, if he shall think fit, and if it is not provided to the contrary, to state his Award, as to the whole or any Part thereof, in the Form of a Special Case for the Opinion of the Court, and when an Action is referred, Judgment, if so ordered, may be entered according to the Opinion of the Court. Arbitrator may state Special Case.

IX. If upon the Trial of any Issue of Fact by a Judge under this Act it shall appear to the Judge that the Questions arising thereon involve Matter of Account which cannot conveniently be tried before him, it shall be lawful for him, on the Application of either Party, to order that such Matter of Account be referred to an Arbitrator appointed by the Parties, or to the Master of the Court, or, in Country Causes, to the Assistant Barrister of any County or Riding, upon such Terms, as to Costs and otherwise, as such Judge shall think reasonable; and the Award or Certificate of such Referee shall have the same Effect as herein-before provided as to the Award or Certificate of a Referee before Trial; and it shall be competent for the Judge to proceed to try and dispose of any other Matters in question, not referred, in like Manner as if no Reference had been made. Power to Judge to direct Arbitration at Time of Trial, when Issues of Fact left to his Decision.

X. The Proceedings upon any such Arbitration or Reference as aforesaid shall, except otherwise directed hereby or by the Submission or Document authorizing the Reference, be conducted in like Manner, and subject to the same Rules and Enactments, as to the Power of the Arbitrator, Master of the Court, Proceedings before and Power of such Arbitrator.  
Court,

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Court, or Assistant Barrister, and of the Court, the Attendance of Witnesses, the Production of Documents, enforcing or setting aside the Award, and otherwise, as upon a Reference made by Consent under a Rule of Court or Judge's Order.

Judge may send back Matters for Re-consideration to Arbitrator. Applications to set aside the Award.

XI. In the Case of any such Arbitration or Reference as aforesaid the Court or a Judge shall have Power at any Time, and from Time to Time, to remit the Matters referred, or any or either of them, to the Re-consideration and Re-determination of the said Arbitrator or Referee, upon such Terms, as to Costs and otherwise, as to the said Court or Judge may seem proper.

XII. All Applications to set aside any Award made on a compulsory Reference under this Act shall and may be made within the first Seven Days of the Term next following the Publication of the Award to the Parties, whether made in Vacation or Term; and if no such Application is made, or if no Rule is granted thereon, or if any Rule granted thereon is afterwards discharged, such Award shall be final between the Parties.

Enforcing Awards within Period for setting aside.

XIII. Any Award made on a compulsory Reference under this Act may, by Authority of a Judge, on such Terms as to him may seem reasonable, be enforced at any Time after Seven Days from the Time of Publication, notwithstanding that the Time for moving to set it aside has not elapsed.

If Action commenced by One Party after all have agreed to Arbitration, Court or Judge may stay Proceedings.

XIV. Whenever the Parties to any Deed or Instrument in Writing to be hereafter made or executed, or any of them, shall agree that any then existing or future Differences between them or any of them shall be referred to Arbitration, and any One or more of the Parties so agreeing, or any Person or Persons claiming through or under him or them, shall nevertheless commence any Action at Law or Suit in Equity against the other Party or Parties, or any of them, or against any Person or Persons claiming through or under him or them in respect of the Matters so agreed to be referred, or any of them, it shall be lawful for the Court in which the Action or Suit is brought, or a Judge thereof, on Application by the Defendant or Defendants, or any of them, before Appearance and Defence or Answer, upon being satisfied that no sufficient Reason exists why such Matters cannot be or ought not to be referred to Arbitration according to such Agreement as aforesaid, and that the Defendant was at the Time of the bringing of such Action or Suit and still is ready and willing to join and concur in all Acts necessary and proper for causing such Matters so to be decided by Arbitration, to make a Rule or Order staying all Proceedings in such Action or Suit, on such Terms, as to Costs and otherwise, as to such Court or Judge may seem fit: Provided always, that any such Rule or Order may at any Time afterwards be discharged or varied as Justice may require.

On Failure of Parties to appoint Arbitrators, the Judge may appoint an Arbitrator, Umpire, or Third Arbitrator.

XV. If in any Case of Arbitration the Document authorizing the Reference provide that the Reference shall be to a single Arbitrator, and all the Parties do not, after Differences have arisen, concur in the Appointment of an Arbitrator; or if any appointed Arbitrator refuse to act, or become incapable of acting, or die, and the Terms of such Document do not show that it was intended that such Vacancy should not be supplied, and the Parties do not concur in appointing a new one; or if, where the Parties or Two Arbitrators are at liberty to appoint an Umpire or Third Arbitrator, such Parties or Arbitrators do not appoint an Umpire or Third Arbitrator; or if any appointed Umpire or Third Arbitrator refuse to act, or become incapable of acting, or die, and the Terms of the Document authorizing the Reference do not show that it was intended that such a Vacancy should not be supplied, and the Parties or Arbitrators respectively do not appoint a new one; then in every such Instance any Party may serve the remaining Parties or the Arbitrators, as the Case may be, with a written Notice to appoint an Arbitrator, Umpire, or Third Arbitrator respectively; and if within Seven clear Days after such Notice shall have been served no Arbitrator, Umpire, or Third Arbitrator be appointed, it shall be lawful for the Court or any Judge of any of the Superior Courts of Law or Equity at *Dublin*, upon the Application of the Party having served such Notice as aforesaid, to appoint an Arbitrator, Umpire, or Third Arbitrator, as the Case may be, and such Arbitrator, Umpire, and Third Arbitrator respectively shall have the like Power to act in the Reference and make an Award as if he had been appointed by Consent of all Parties.

When Reference is to Two Arbitrators, and One Party fail to appoint, the other Party may appoint Arbitrator to act alone.

XVI. When the Reference is or is intended to be to Two Arbitrators, One appointed by each Party, it shall be lawful for either Party, in the Case of the Death, Refusal to act, or Incapacity of any Arbitrator appointed by him, to substitute a new Arbitrator, unless the Document authorizing the Reference show that it was intended that the Vacancy should not be supplied; and if on such a Reference One Party fail to appoint an Arbitrator, either originally or by way of Substitution as aforesaid, for Seven clear Days after the other Party shall have appointed an Arbitrator, and shall have served the Party so failing to appoint with Notice in Writing to make the Appointment, the Party who has appointed an Arbitrator may appoint such Arbitrator to act as sole Arbitrator in the Reference, and an Award made by him shall be binding on both Parties as if the Appointment had been by Consent; provided, however, that the Court or a Judge may revoke such Appointment on such Terms as shall seem just.

When Reference is to Two Arbitrators they may appoint an Umpire.

XVII. When the Reference is to Two Arbitrators, and the Terms of the Document authorizing it do not show that it was intended that there should not be an Umpire, or provide otherwise for the Appointment of an Umpire, the Two Arbitrators may appoint an Umpire at any Time within the Period during which they have Power to make an Award, unless they be called upon by Notice as aforesaid to make the Appointment sooner.

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XVIII. The Arbitrator acting under any such Document or compulsory Order of Reference as aforesaid, or under any Order referring the Award back, shall make his Award under his Hand, and (unless such Document or Order respectively shall contain a different Limit of Time) within Three Months after he shall have been appointed, and shall have entered on the Reference, or shall have been called upon to act by a Notice in Writing from any Party, but the Parties may by Consent in Writing enlarge the Term for making the Award; and it shall be lawful for the Court of which such Submission, Document, or Order is or may be made a Rule or Order, or for any Judge thereof, for good Cause to be stated in the Rule or Order for Enlargement, from Time to Time to enlarge the Term for making the Award; and if no Period be stated for the Enlargement in such Consent or Order for Enlargement, it shall be deemed to be an Enlargement for One Month; and in any Case where an Umpire shall have been appointed it shall be lawful for him to enter on the Reference in lieu of the Arbitrators, if the latter shall have allowed their Time or their extended Time to expire without making an Award, or shall have delivered to any Party or to the Umpire a Notice in Writing stating that they cannot agree.

Award to be made in Three Months, unless Parties or Court enlarge the Time.

XIX. When any Award made on any such Submission, Document, or Order of Reference as aforesaid directs that Possession of any Lands or Tenements capable of being the Subject of an Action of Ejectment shall be delivered to any Party, either forthwith or at any future Time, or that any such Party is entitled to the Possession of any such Lands or Tenements, it shall be lawful for the Court of which the Document authorizing the Reference is or is made a Rule or Order to order any Party to the Reference who shall be in possession of any such Lands or Tenements, or any Person in possession of the same claiming under or put in possession by him since the making of the Document authorizing the Reference, to deliver Possession of the same to the Party entitled thereto, pursuant to the Award, and such Rule or Order to deliver Possession shall have the Effect of a Judgment in Ejectment against every such Party or Person named in it, and Execution may issue, and Possession shall be delivered by the Sheriff as on a Judgment in Ejectment.

Rule to deliver Possession of Land pursuant to Award to be enforced as a Judgment in Ejectment.

XX. Every Agreement or Submission to Arbitration by Consent, whether by Deed or Instrument in Writing not under Seal, may be made a Rule of any One of the Superior Courts of Law or Equity at *Dublin*, on the Application of any Party thereto, unless such Agreement or Submission contain Words purporting that the Parties intend that it should not be made a Rule of Court; and if in any such Agreement or Submission it is provided that the same shall or may be made a Rule of One in particular of such Superior Courts, it may be made a Rule of that Court only; and if when there is no such Provision a Case be stated in the Award for the Opinion of One of the Superior Courts, and such Court be specified in the Award, and the Document authorizing the Reference have not, before the Publication of the Award to the Parties, been made a Rule of Court, such Document may be made a Rule only of the Court specified in the Award; and when in any Case the Document authorizing the Reference is or has been made a Rule or Order of any One of such Superior Courts, no other of such Courts shall have any Jurisdiction to entertain any Motion respecting the Arbitration or Award.

Agreement or Submission in Writing may be made Rule of Court, unless a contrary Intention appear.

XXI. Upon the Trial of any Cause the Addresses to the Jury shall be regulated as follows: The Party who begins, or his Counsel, shall be allowed, in the event of his Opponent not announcing at the Close of the Case of the Party who begins his Intention to adduce Evidence, to address the Jury a Second Time at the Close of such Case, for the Purpose of summing up the Evidence; and the Party on the other Side, or his Counsel, shall be allowed to open the Case, and also to sum up the Evidence (if any); and the Right to reply shall be the same as at present.

As to Addresses of Counsel to Juries on Trials of Causes.

XXII. It shall be lawful for the Court or Judge, at the Trial of any Cause, where they or he may deem it right for the Purposes of Justice, to order an Adjournment for such Time, and subject to such Terms and Conditions as to Costs, and otherwise, as they or he may think fit.

Power to Court to adjourn Trials.

XXIII. If any Person called as a Witness, or required or desiring to make an Affidavit or Deposition, shall refuse or be unwilling from alleged conscientious Motives to be sworn, it shall be lawful for the Court or Judge or other presiding Officer, or Person qualified to take Affidavits or Depositions, upon being satisfied of the Sincerity of such Objection, to permit such Person, instead of being sworn, to make his or her solemn Affirmation or Declaration in the Words following; *videlicet*,

Affirmation instead of Oath in certain Cases.

‘ I A.B. do solemnly, sincerely, and truly affirm and declare, That the taking of any Oath is, according to my Religious Belief, unlawful; and I do also solemnly, sincerely, and truly affirm and declare, &c.’ Which solemn Affirmation and Declaration shall be of the same Force and Effect as if such Person had taken an Oath in the usual Form.

XXIV. If any Person making such solemn Affirmation or Declaration shall wilfully, falsely, and corruptly affirm or declare any Matter or Thing which, if the same had been sworn in the usual Form, would have amounted to wilful and corrupt Perjury, every such Person so offending shall incur the same Penalties as by the Laws and Statutes of this Kingdom are or may be enacted or provided against Persons convicted of wilful and corrupt Perjury.

Persons making false Affirmation subject to Punishment as for Perjury.

XXV. A Party producing a Witness shall not be allowed to impeach his Credit by general Evidence of bad Character, but he may, in case the Witness shall in the Opinion of the Judge prove adverse, contradict him by other Evidence, or, by Leave of the Judge, prove that he has made at other Times a Statement inconsistent with his present Testimony; but before such last-mentioned Proof can be given,

How far a Party may discredit his own Witness.

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the Circumstances of the supposed Statement, sufficient to designate the particular Occasion, must be mentioned to the Witness, and he must be asked whether or not he has made such Statement.

Proof of contradictory Statements of adverse Witness.

XXVI. If a Witness, upon Cross-examination as to a former Statement made by him relative to the Subject Matter of the Cause, and inconsistent with his present Testimony, does not distinctly admit that he has made such Statement, Proof may be given that he did in fact make it; but before such Proof can be given, the Circumstances of the supposed Statement, sufficient to designate the particular Occasion, must be mentioned to the Witness, and he must be asked whether or not he has made such Statement.

Cross-examination as to previous Statements in Writing.

XXVII. A Witness may be cross-examined as to previous Statements made by him in Writing, or reduced into Writing, relative to the Subject Matter of the Cause, without such Writing being shown to him; but if it is intended to contradict such Witness by the Writing, his Attention must, before such contradictory Proof can be given, be called to those Parts of the Writing which are to be used for the Purpose of so contradicting him: Provided always, that it shall be competent for the Judge, at any Time during the Trial, to require the Production of the Writing for his Inspection, and he may thereupon make such Use of it for the Purposes of the Trial as he shall think fit.

Proof of previous Conviction of a Witness may be given.

XXVIII. A Witness in any Cause may be questioned as to whether he has been convicted of any Felony or Misdemeanor, and, upon being so questioned, if he either denies the Fact, or refuses to answer, it shall be lawful for the opposite Party to prove such Conviction; and a Certificate containing the Substance and Effect only (omitting the formal Part) of the Indictment and Conviction for such Offence, purporting to be signed by the Clerk of the Court or other Officer having the Custody of the Records of the Court where the Offender was convicted, or by the Deputy of such Clerk or Officer, (for which Certificate a Fee of Five Shillings and no more shall be demanded or taken,) shall, upon Proof of the Identity of the Person, be sufficient Evidence of the said Conviction, without Proof of the Signature or official Character of the Person appearing to have signed the same.

Attesting Witness need not be called, except in certain Cases.

XXIX. It shall not be necessary to prove by the attesting Witness any Instrument to the Validity of which Attestation is not requisite; and such Instrument may be proved by Admission, or otherwise, as if there had been no attesting Witness thereto.

Comparison of disputed Writing.

XXX. Comparison of a disputed Writing with any Writing proved to the Satisfaction of the Judge to be genuine shall be permitted to be made by Witnesses; and such Writings, and the Evidence of Witnesses respecting the same, may be submitted to the Court and Jury as Evidence of the Genuineness, or otherwise, of the Writing in dispute.

Certified Copy of Will to be sufficient Evidence.

XXXI. In any Action at Law or Suit in Equity where, according to the existing Law, it would be necessary to produce and prove an original Will or other Testamentary Instrument in order to establish a Devise or other Testamentary Disposition, Probate or Letters of Administration of such Will or other Testamentary Instrument, or a Copy thereof purporting to be certified as a true Copy by some Officer of the Testamentary Court in which the same shall have been lodged, shall be sufficient Evidence of such Will or other Testamentary Instrument and its Contents; provided that the Party intending to produce such Probate, Letters of Administration, or Copy shall have given Seven Days Notice of such his Intention to the opposite Party, and unless the Party receiving such Notice shall, within Three Days thereafter, by a counter Notice, require the Production and Proof of the original Will or other Testamentary Instrument.

Court or Judge may order certain Documents to be taken as sufficient Evidence of Will, &c.

XXXII. Provided always, That in case any such counter Notice shall be served, it shall be lawful for the Party intending to produce such Probate, Letters of Administration, or Copy, to apply to the Court or a Judge for an Order that such Probate, Letters of Administration, or Copy shall be deemed and taken as sufficient Evidence of such Will or other Testamentary Instrument, and its Contents, and thereupon the Court or Judge may make such Order in relation thereto as may be fit, and the said Court or Judge may thereupon determine by whom the Costs of such Application shall be paid, and upon what Terms, if any, such Will or other Testamentary Document shall be produced.

As to Costs of Proof of Will.

XXXIII. In every Case in which, after the Notices mentioned in the last Section, the original Will or other Testamentary Instrument shall be produced and proved, it shall be lawful for the Court or Judge before whom such Evidence shall be given to direct by which of the Parties the Costs thereof shall be paid.

Provision as to Documents produced at Trial and not sufficiently stamped.

XXXIV. Upon the Production of any Document as Evidence at the Trial of any Cause, it shall be the Duty of the Officer of the Court whose Duty it is to read such Document to call the Attention of the Judge to any Omission or Insufficiency of the Stamp; and the Document, if unstamped, or not sufficiently stamped, shall not be received in Evidence until the whole or (as the Case may be) the Deficiency of the Stamp Duty, and the Penalty required by Statute, together with the additional Penalty of One Pound, shall have been paid.

Officer of the Court to receive the Duty and Penalties, and pay them over to the Inland Revenue.

XXXV. Such Officer of the Court shall, upon Payment to him of the whole or (as the Case may be) of the Deficiency of the Stamp Duty payable upon or in respect of such Document, and of the Penalty required by Statute, and of the additional Penalty of One Pound, give a Receipt for the Amount of the Duty or Deficiency which the Judge shall determine to be payable, and also of the Penalty, and thereupon such Document shall be admissible in Evidence, saving all just Exceptions on other Grounds; and an Entry of the Fact of such Payment and of the Amount thereof shall be made in a Book kept by such Officer; and such Officer shall, at the End of each Sittings or Assizes (as the Case may be), duly make a Return

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a Return to the Commissioners of the Inland Revenue of the Monies, if any, which he has so received by way of Duty or Penalty, distinguishing between such Monies, and stating the Name of the Cause and of the Parties from whom he received such Monies, and the Date, if any, and Description of the Document, for the Purpose of identifying the same; and he shall pay over the said Monies to the Receiver General of the Inland Revenue, or to such Persons as the said Commissioners shall appoint or authorize to receive the same; and in case such Officer shall neglect or refuse to furnish such Account, or to pay over any of the Monies so received by him as aforesaid, he shall be liable to be proceeded against in the Manner directed by the Eighth Section of an Act passed in the Session of Parliament holden in the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, intituled *An Act to repeal certain Stamp Duties, and to grant others in lieu thereof, and to amend the Laws relating to the Stamp Duties*; and the said Commissioners shall, upon Request, and Production of the Receipt herein-before mentioned, cause such Documents to be stamped with the proper Stamp or Stamps in respect of the Sums so paid as aforesaid: Provided always, that the aforesaid Enactment shall not extend to any Document which cannot now be stamped after the Execution thereof on Payment of the Duty and a Penalty.

If Officer neglect to pay over Monies he shall be proceeded against as directed by 13 & 14 Vict. c. 97.

XXXVI. No Document made or required under the Provisions of this Act shall be liable to any Stamp Duty.

Documents need not be stamped.

XXXVII. No new Trial shall be granted by reason of the Ruling of any Judge that the Stamp upon any Document is sufficient, or that the Document does not require a Stamp.

No new Trial as to Sufficiency of Stamp.

XXXVIII. Error may be brought upon a Judgment upon a Special Case stated under this Act in any Award in the same Manner as upon a Judgment upon a Special Verdict, unless the Parties agree to the contrary; and the Proceedings for bringing such Special Case before the Court of Error shall, as nearly as may be, be the same as in the Case of a Special Verdict; and the Court of Error shall either affirm the Judgment or give the same Judgment as ought to have been given in the Court in which it was originally decided, the said Court of Error being required to draw any Inferences of Fact from the Facts stated in such Special Case which the Court where it was originally decided ought to have drawn.

Error may be brought on a Special Case.

XXXIX. In every Rule Nisi for a new Trial or to enter a Verdict or Nonsuit, the Grounds upon which such Rule shall have been granted shall be shortly stated therein.

Grounds to be stated in Rule Nisi.

XL. In all Cases of Rules to enter a Verdict or Nonsuit upon a Point reserved at the Trial, if the Rule to show Cause be refused or granted and then discharged or made absolute, the Party decided against may appeal.

If Rule refused, Party may appeal.

XLI. In all Cases of Motions for a new Trial upon the Ground that the Judge has not ruled according to Law, if the Rule to show Cause be refused, or if granted be then discharged or made absolute, the Party decided against may appeal, provided any One of the Judges dissent from the Rule being refused, or, when granted, being discharged or made absolute, as the Case may be, or provided the Court in its Discretion think fit that an Appeal should be allowed; provided, that where the Application for a new Trial is upon Matter of Discretion only, as on the Ground that the Verdict was against the Weight of Evidence or otherwise, no such Appeal shall be allowed.

Appeal upon Rule discharged or absolute.

XLII. The Court of Exchequer Chamber and the House of Lords shall be Courts of Appeal for the Purposes of this Act.

As to Courts of Appeal.

XLIII. No Appeal shall be allowed unless Notice thereof be given in Writing to the opposite Party or his Attorney, and to the Master of the Court, within Four Days after the Decision complained of, or such further Time as may be allowed by the Court or a Judge.

Notice of Appeal.

XLIV. Notice of Appeal shall be a Stay of Execution, provided Bail to pay the Sum recovered and Costs, or to pay Costs where the Appellant was Plaintiff below, be given, in like Manner and to the same Amount as Bail in Error, within Eight Days after the Decision complained of, or before Execution delivered to the Sheriff.

Bail.

XLV. The Appeal herein-before mentioned shall be upon a Case to be stated by the Parties (and in case of Difference, to be settled by the Court or a Judge of the Court appealed from), in which Case shall be set forth so much of the Pleadings, Evidence, and the Ruling or Judgment objected to, as may be necessary to raise the Question for the Decision of the Court of Appeal.

Form of Appeal.

XLVI. When the Appeal is from the Refusal of the Court below to grant a Rule to show Cause, and the Court of Appeal grant such Rule, such Rule shall be argued and disposed of in the Court of Appeal.

As to Rule Nisi on Appeal.

XLVII. The Court of Appeal shall give such Judgment as ought to have been given in the Court below; and all such further Proceedings may be taken thereupon as if the Judgment had been given by the Court in which the Record originated.

Court of Appeal to give Judgment, &c.

XLVIII. The Court of Appeal shall have Power to adjudge Payment of Costs, and to order Restitution, and they shall have the same Powers as the Court in which the Record originated in respect of awarding Process and otherwise.

Powers of Court of Appeal as to Costs.

XLIX. Upon an Award of a Trial *de novo* by any One of the Superior Courts, or the Court of Exchequer Chamber, upon Matter appearing upon the Record, Error may at once be brought; and if the Judgment in such or any other Case be affirmed in Error, it shall be lawful for the Court of Error to adjudge Costs to the Defendant in Error.

Error upon Award of Trial *de novo*.

L. When a new Trial is granted on the Ground that the Verdict was against Evidence, the Costs of the First Trial shall abide the Event, unless the Court shall otherwise order.

Payment of Costs.

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Power to Court or Judge to direct oral Examination of Witnesses.

LI. Upon the Hearing of any Motion it shall be lawful for the Court or Judge, at their or his Discretion, and upon such Terms as they or he shall think reasonable, from Time to Time to order such Documents as they or he may think fit to be produced, and such Witnesses as they or he may think necessary to appear, and be examined *vivâ voce*, either before such Court or Judge, or before the Master, and upon hearing such Evidence, or reading the Report of such Master, to make such Rule or Order as may be just.

Proceedings before and upon such Examination.

3 & 4 Vict. c. 105.

LII. The Court or Judge may by such Rule or Order, or any subsequent Rule or Order, command the Attendance of the Witnesses named therein, for the Purpose of being examined, or the Production of any Writings or other Documents to be mentioned in such Rule or Order; and such Rule or Order shall be proceeded upon in the same Manner, and shall have the same Force and Effect, as a Rule of the Court under the Act of the Third and Fourth *Victoria*, Chapter One hundred and five; and it shall be lawful for the Court, or Judge, or Master to adjourn the Examination from Time to Time as Occasion may require; and the Proceedings upon such Examination shall be conducted, and the Depositions taken down, as nearly as may be, in the Mode now in use with respect to the *vivâ voce* Examination of Witnesses under the last-mentioned Act.

Examination of Person who refuses to make an Affidavit.

LIII. Any Party to any Action, Suit, or other Civil Proceeding in any of the Superior Courts, requiring the Affidavit of a Person who refuses to make an Affidavit, may apply by Notice for an Order to such Person to appear and be examined upon Oath before a Judge or Master as to the Matters concerning which he has refused to make an Affidavit; and the Court or Judge may make such Order for the Attendance of such Person before the Judge or Master appointed to take such Examination, for the Purpose of being examined as aforesaid, and for the Production of any Writings or Documents to be mentioned in such Order, and may therein impose such Terms as to such Examination, and the Costs of the Application and Proceedings thereon, as shall appear just.

Proceedings upon Order for Examination as under 3 & 4 Vict. c. 105.

LIV. Such Order shall be proceeded upon in like Manner as an Order made under the herein-before mentioned Act of the Third and Fourth *Victoria*, Chapter One hundred and five, and the Examination thereon shall be conducted, and the Depositions taken down and returned, as nearly as may be, in the Mode now used on *vivâ voce* Examinations under the said Act of Parliament.

Power to Court or Judge to order Production of Documents.

LV. Upon the Application of either Party to any Action, Suit, or other Civil Proceeding in any of the Superior Courts, upon an Affidavit by such Party of his Belief that any Document, to the Production of which he is entitled for the Purpose of Discovery or otherwise, is in the Possession or Power of the opposite Party, it shall be lawful for the Court or Judge to order that the Party against whom such Application is made, or if such Party is a Body Corporate that some Officer to be named of such Body Corporate, shall answer on Affidavit, stating what Documents he or they has or have in his or their Possession or Power relating to the Matters in dispute, or what he knows as to the Custody they or any of them are in, and whether he or they objects or object (and if so, on what Grounds,) to the Production of such as are in his or their Possession or Power; and upon such Affidavit being made the Court or Judge may make such further Order thereon as shall be just.

Power to deliver written Interrogatories to opposite Party.

LVI. In all Causes in any of the Superior Courts, by Order of the Court or a Judge, the Plaintiff may, with the Writ of Summons and Complaint, and the Defendant may, with the Appearance and Defence, or either of them, by Leave of the Court or a Judge, may, at any other Time, deliver to the opposite Party or his Attorney (provided such Party, if not a Body Corporate, would be liable to be called and examined as a Witness upon such Matter) Interrogatories in Writing upon any Matter as to which Discovery may be sought, and require such Party, or in the Case of a Body Corporate any of the Officers of such Body Corporate, within Ten Days, to answer the Questions in Writing by Affidavit, to be sworn and filed in the ordinary Way; and any Party or Officer omitting, without just Cause, sufficiently to answer all Questions as to which a Discovery may be sought within the above Time, or such extended Time as the Court or a Judge shall allow, shall be deemed to have committed a Contempt of the Court, and shall be liable to be proceeded against accordingly.

Affidavits by Party proposing to interrogate, and his Attorney.

LVII. The Application for such Order shall be made upon an Affidavit of the Party proposing to interrogate, and his Attorney or Agent, or, in the Case of a Body Corporate, of their Attorney or Agent, stating that the Deponents or Deponent believe or believes that the Party proposing to interrogate, whether Plaintiff or Defendant, will derive material Benefit in the Cause from the Discovery which he seeks, that there is a good Cause of Action or Defence upon the Merits, and, if the Application be made on the Part of the Defendant, that the Discovery is not sought for the Purpose of Delay; provided that where it shall happen, from unavoidable Circumstances, that the Plaintiff or Defendant cannot join in such Affidavit, the Court or Judge may allow and order that the Interrogatories may be delivered without such Affidavit.

Oral Examination of Parties, when to be allowed.

LVIII. In case of Omission, without just Cause, to answer sufficiently such written Interrogatories, the Court or a Judge may direct an oral Examination of the interrogated Party, as to such Points as shall appear fit, before a Judge or the Master; and the Court or Judge may by such Rule or Order, or any subsequent Rule or Order, command the Attendance of such Party or Parties before the Person appointed to take such Examination, for the Purpose of being orally examined as aforesaid, or the Production of any Writings or other Documents to be mentioned in such Rule or Order, and may impose

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impose therein such Terms as to such Examination, and the Costs of the Application, and of the Proceedings thereon, and otherwise, as to such Court or Judge shall seem just:

LIX. Such Rule or Order shall have the same Force and Effect, and may be proceeded upon in like Manner, as an Order made under the said herein-before mentioned Act of the Third and Fourth *Victoria*, Chapter One hundred and five. Proceedings upon such Rule.

LX. Whenever, by virtue of this Act, an Examination of any Witness or Witnesses has been taken before a Judge of One of the said Superior Courts, or before the Master, the Depositions shall be returned to and kept in the Master's Office of the Court in which the Proceedings are pending; and Office Copies of such Depositions may be given out, and the Depositions may be otherwise used, in the same Manner as in the Case of Depositions taken under the herein-before mentioned Act of the Third and Fourth *Victoria*, Chapter One hundred and five. Depositions upon such Examinations to be returned to Master's Office.

LXI. It shall be lawful for every Judge or Master named in any such Rule or Order as aforesaid for taking Examinations under this Act, and he is hereby required, to make, if need be, a special Report to the Court in which such Proceedings are pending touching such Examination, and the Conduct or Absence of any Witness or other Person thereon or relating thereto; and the Court is hereby authorized to institute such Proceedings and make such Order and Orders upon such Report as Justice may require, and as may be instituted and made in any Case of Contempt of the Court. Examiner may make Report to the Court.

LXII. The Costs of every Application for any Rule or Order to be made for the Examination of Witnesses by virtue of this Act, and of the Rule or Order and Proceedings thereon, shall be in the Discretion of the Court or Judge by whom such Rule or Order is made. Costs of Rule and Examination at Discretion of Court.

LXIII. It shall be lawful for a Judge, upon the *ex-parte* Application of a Judgment Creditor, and upon Affidavit by himself or his Attorney stating that Judgment has been recovered, and that it is still unsatisfied, and to what Amount, and that any other Person is indebted to the Judgment Debtor, and is within the Jurisdiction, to order that all Debts owing or accruing from such Third Person (herein-after called the Garnishee) to the Judgment Debtor shall be attached to answer the Judgment Debt; and by the same or any subsequent Order it may be ordered that the Garnishee shall appear before the Judge or Master, as such Judge shall appoint, to show Cause why he should not pay the Judgment Creditor the Debt due from him to the Judgment Debtor, or so much thereof as may be sufficient to satisfy the Judgment Debt. Judge may order an Attachment of Debts.

LXIV. Service of an Order that Debts due or accruing to the Judgment Debtor shall be attached, or Notice thereof to the Garnishee, in such Manner as the Judge shall direct, shall bind such Debts in his Hands. Order for Attachment to bind Debts.

LXV. If the Garnishee does not forthwith pay into Court the Amount due from him to the Judgment Debtor, or an Amount equal to the Judgment Debt, and does not dispute the Debt due or claimed to be due from him to the Judgment Debtor, or if he does not appear upon Summons, then the Court or a Judge may order Execution to issue, and it may be sued forth accordingly, without any previous Writ or Process, to levy the Amount due from such Garnishee towards Satisfaction of the Judgment Debt. Proceedings to levy Amount due from Garnishee to Judgment Debtor.

LXVI. If the Garnishee disputes his Liability, the Court or a Judge, instead of making an Order that Execution shall issue, may order that the Judgment Creditor shall be at liberty to proceed against the Garnishee by Writ, calling upon him to show Cause why there should not be Execution against him for the alleged Debt, or for the Amount due to the Judgment Debtor, if less than the Judgment Debt, and for Costs of Suit; and the Proceedings upon such Suit shall be the same, as nearly as may be, as upon a Writ of Revivor issued under "The Common Law Procedure Act Amendment Act, *Ireland*, 1853." Judge may allow Judgment Creditor to sue Garnishee.

LXVII. Payment made by or Execution levied upon the Garnishee under any such Proceeding as aforesaid shall be a valid Discharge to him as against the Judgment Debtor to the Amount paid or levied, although such Proceeding may be set aside or the Judgment reversed. Discharge of Garnishee.

LXVIII. In each of the Superior Courts there shall be kept at the Master's Office a Debt Attachment Book, and in such Book Entries shall be made of the Attachment and Proceedings thereon, with Names, Dates, and Statements of the Amount recovered, and otherwise; and the Mode of keeping such Books shall be the same in all the Courts; and Copies of any Entries made therein may be taken by any Person, upon Application to the Master. Attachment Book to be kept by the Masters of each Court.

LXIX. The Costs of any Application for an Attachment of Debt under this Act, and of any Proceedings arising from or incidental to such Application, shall be in the Discretion of the Court or a Judge. As to Costs, &c.

LXX. The Plaintiff in any Action in any of the Superior Courts, except Replevin and Ejectment, may claim in the Writ of Summons and Plaint, either together with any other Demand which may now be enforced in such Action or separately, a Writ of Mandamus commanding the Defendant to fulfil any Duty in the Fulfilment of which the Plaintiff is personally interested. Action for Mandamus to enforce Performance of Duties.

LXXI. The Writ of Summons and Plaint in such Action shall set forth sufficient Grounds upon which such Claim is founded, and shall set forth that the Plaintiff is personally interested therein, and that he sustains or may sustain Damage by the Nonperformance of such Duty, and that Performance thereof has been demanded by him, and refused or neglected. Declaration in Action for Mandamus.

LXXII. The Pleadings and other Proceedings in any Action in which a Writ of Mandamus is claimed shall be the same in all respects, as nearly as may be, and Costs shall be recoverable by either Party, as in an ordinary personal Action. Proceedings upon Claim for Mandamus.

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Judgment and Execution.

LXXXIII. In case Judgment shall be given for the Plaintiff that a Mandamus do issue, it shall be lawful for the Court in which such Judgment is given, if it shall see fit, besides issuing Execution in the ordinary Way for the Costs and Damages, also to issue a peremptory Writ of Mandamus to the Defendant, commanding him forthwith to perform the Duty to be enforced.

Form of peremptory Writ.

LXXXIV. The Writ need not recite the Writ of Summons and Plaint, or other Proceedings, or the Matter therein stated, but shall simply command the Performance of the Duty, and in other respects shall be in the Form of an ordinary Writ of Execution, except that it shall be directed to the Party and not to the Sheriff, and may be issued in Term or Vacation, and returnable forthwith; and no Return thereto, except that of Compliance, shall be allowed, but Time to return it may, upon sufficient Grounds, be allowed by the Court or a Judge, either with or without Terms.

Effect of Writ of Mandamus, &c.

LXXXV. The Writ of Mandamus so issued as aforesaid shall have the same Force and Effect as a peremptory Writ of Mandamus issued out of the Court of Queen's Bench, and in case of Disobedience may be enforced by Attachment.

Court may order Act required to be done to be done at Expense of Defendant.

LXXXVI. The Court or a Judge may, upon Application by the Plaintiff, besides or instead of proceeding against the disobedient Party by Attachment, direct that the Act required to be done may be done by the Plaintiff, or some other Person appointed by the Court, at the Expense of the Defendant; and upon the Act being done the Amount of such Expense may be ascertained by the Court, either by Writ of Inquiry or Reference to the Master, as the Court or a Judge may order; and the Court may order Payment of the Amount of such Expenses and Costs, and enforce Payment thereof by Execution.

Prerogative Writ of Mandamus preserved.

LXXXVII. Nothing herein contained shall take away the Jurisdiction of the Court of Queen's Bench to grant Writs of Mandamus; nor shall any Writ of Mandamus issued out of that Court be invalid by reason of the Right of the Prosecutor to proceed by Action for Mandamus under this Act.

Proceedings for Prerogative Writ of Mandamus accelerated.

LXXXVIII. Upon Application by Motion for any Writ of Mandamus in the Court of Queen's Bench, the Rule may in all Cases be absolute in the first instance, if the Court shall think fit; and the Writ may bear Teste on the Day of its issuing, and may be made returnable forthwith, whether in Term or in Vacation, but Time may be allowed to return it, by the Court or a Judge, either with or without Terms.

Proceedings on Prerogative Writ of Mandamus.

LXXXIX. The Provisions of "The Common Law Procedure Amendment Act (*Ireland*), 1853," and of this Act, so far as they are applicable, shall apply to the Pleadings and Proceedings upon a Prerogative Writ of Mandamus issued by the Court of Queen's Bench, but subject to any General Rules which the said Court may make, and which it is hereby empowered to make in relation thereto.

Specific Delivery of Chattels.

LXXX. The Court or a Judge shall have Power, if they or he see fit so to do, upon the Application of the Plaintiff in any Action for the Detention of any Chattel, to order that Execution shall issue for the Return of the Chattel detained, without giving the Defendant the Option of retaining such Chattel upon paying the Value assessed, and that if the said Chattel cannot be found, and unless the Court or a Judge should otherwise order, the Sheriff shall distrain the Defendant by all his Lands and Chattels in the said Sheriff's Bailiwick till the Defendant render such Chattel, or, at the Option of the Plaintiff, that he cause to be made of the Defendant's Goods the assessed Value of such Chattel; provided that the Plaintiff shall, either by the same or a separate Writ of Execution, be entitled to have made of the Defendant's Goods the Damages, Costs, and Interest in such Action.

Claim of Writ of Injunction.

LXXXI. In all Cases of Breach of Contract or other Injury, where the Party injured is entitled to maintain and has brought an Action, he may, in like Case and Manner as herein-before provided with respect to Mandamus, claim a Writ of Injunction against the Repetition or Continuance of such Breach of Contract or other Injury, or the Committal of any Breach of Contract or Injury of a like kind, arising out of the same Contract, or relating the same Property or Right; and he may also in the same Action include a Claim for Damages or other Redress.

Form of Writ of Summons and Endorsement thereon.

LXXXII. The Writ of Summons and Plaint in such Action shall be in the same Form as the Writ of Summons and Plaint in any personal Action; but on every such Writ and Copy thereof there shall be endorsed a Notice that in default of Appearance the Plaintiff may, besides proceeding to Judgment and Execution for Damages and Costs, apply for and obtain a Writ of Injunction.

Form of Proceedings and of Judgment.

LXXXIII. The Proceedings in such Action shall be the same, as nearly as may be, and subject to the like Control, as the Proceedings in an Action to obtain a Mandamus under the Provisions herein-before contained; and in such Action Judgment may be given that the Writ of Injunction do or do not issue, as Justice may require; and in case of Disobedience such Writ of Injunction may be enforced by Attachment by the Court or by a Judge.

Writ of Injunction may be applied for at any Stage of the Cause.

LXXXIV. It shall be lawful for the Plaintiff, at any Time after the Commencement of the Action, and whether before or after Judgment, to apply *ex parte* to the Court or a Judge for a Writ of Injunction to restrain the Defendant in such Action from the Repetition or Continuance of the wrongful Act or Breach of Contract complained of, or the Committal of any Breach of Contract or Injury of a like kind, arising out of the same Contract, or relating to the same Property or Right; and such Writ may be granted or denied by the Court or Judge, upon such Terms as to the Duration of the Writ, keeping an Account, giving Security, or otherwise, as to such Court or Judge shall seem reasonable and just, and in case of Disobedience such Writ may be enforced by Attachment: Provided always, that any Order for a Writ of Injunction made by a Judge, or any Writ issued by virtue thereof, may be discharged or varied or set aside by the Court, on Application made thereto by any Party dissatisfied with such Order.

LXXXV. It

*Courts of Common Law (Ireland).*

LXXXV. It shall be lawful for the Defendant in any Action, and for the Plaintiff in any Action for Replevin of Goods, in any of the Superior Courts, in which, if Judgment were obtained, he would be entitled to Relief against such Judgment on equitable Grounds, to plead the Facts which entitle him to such Relief, and the said Courts are hereby empowered to receive such Pleading, provided that such Pleading shall begin with the Words "For Defence on equitable Grounds," or Words to the like Effect.

Equitable Defence may be pleaded.

LXXXVI. Any such Matter which, if it arose before or during the Time for pleading, would be an Answer to the Action if pleaded, may, if it arise after the Lapse of the Period during which it could be pleaded, be set up by way of *Auditâ querelâ*, or in such other Manner as the Judges may by any General Rules or Orders direct.

Equitable Defence after Judgment.

LXXXVII. It shall be lawful for the Court or a Judge to permit any of the Parties to reply in answer to any Pleading of the opposite Facts which avoid such Pleading upon equitable Grounds, provided that such Reply shall begin with the Words "For Replication on equitable Grounds," or Words to the like Effect.

Equitable Replication.

LXXXVIII. If it shall appear to the Court or a Judge that any such equitable Pleading cannot be dealt with by a Court of Law so as to do Justice between the Parties, it shall be lawful for such Court or Judge to order the same to be struck out, on such Terms, as to Costs and otherwise, as may seem reasonable.

Court or Judge may strike out Plea or Replication.

LXXXIX. It shall and may be lawful for any of the Superior Courts of Common Law in *Ireland*, in any Action of Ejectment on the Title to be commenced after the passing of this Act, to make an Order directing temporary Bars to be waived and the real Title tried in such Ejectment, in any Case in which it shall be made appear to the Satisfaction of such Court that a Decree or Decretal Order to the same Effect would be pronounced by the Court of Chancery upon a Bill or Cause Petition filed for the Purpose of having temporary Bars waived, but upon such Terms or Conditions as to said Court shall seem just.

Superior Courts may in Action of Ejectment order real Title to be tried in such Ejectment.

XC. In case of any Action founded upon a Bill of Exchange or other negotiable Instrument, it shall be lawful for the Court or a Judge to order that the Loss of such Instrument shall not be set up, provided an Indemnity is given, to the Satisfaction of the Court, Judge, or Master, against the Claims of any other Person upon such negotiable Instrument.

Actions on lost Instruments.

XCI. The Superior Courts or any Judge thereof may, upon summary Application, by Rule or Order, exercise such and the like Jurisdiction as may, under Section 514 of the Merchant Shipping Act, 1854, be exercised by any Court of Equity.

Jurisdiction under 17 & 18 Vict. c. 104.

XCII. Any Person who shall, upon any Examination upon Oath or Affirmation, or in any Affidavit in Proceedings under this Act, wilfully and corruptly give false Evidence, or wilfully and corruptly swear or affirm anything which shall be false, being convicted thereof, shall be liable to the Penalties of wilful and corrupt Perjury.

Penalty on giving false Evidence.

XCIII. Where an Action would, but for the Provisions of "The Common Law Procedure Amendment Act (*Ireland*), 1853," have abated by reason of the Death of either Party, and in which the Proceedings may be revived and continued under that Act, the Defendant or Person against whom the Action may be so continued may apply by Notice to compel the Plaintiff, or Person entitled to proceed with the Action in the Room of the Plaintiff, to proceed according to the Provisions of the said Act within such Time as the Court or Judge shall order; and in default of such Proceeding the Defendant or other Person against whom the Action may be so continued as aforesaid shall be entitled to enter a Suggestion of such Default, and of the representative Character of the Person by or against whom the Action may be proceeded with, as the Case may be, and to have Judgment for the Costs of the Action and Suggestion against the Plaintiff, or against the Person entitled to proceed in his Room, as the Case may be, and in the latter Case to be levied of the Goods of the Testator or Intestate.

Power to compel Continuance or Abandonment of Action in case of Death of Parties.

XCIV. A Judgment in an Action of Ejectment under the Common Law Procedure Amendment Act (*Ireland*), 1853, shall have no greater Effect than a Judgment in an Ejectment before the passing of an Act made in the Session of Parliament holden in the Thirteenth and Fourteenth Years of the Reign of the Queen, Chapter Eighteen.

Effect of a Judgment in Ejectment.

XCV. If any Person shall bring an Action of Ejectment after a prior Action of Ejectment for the same Premises has been or shall have been unsuccessfully brought by such Person, or by any Person through or under whom he claims, against the same Defendant, or against any Person through or under whom he defends, the Court or a Judge may, on the Application of the Defendant, at any Time order that the Plaintiff shall give to the Defendant Security for the Payment of the Defendant's Costs, and that all further Proceedings in the Cause shall be stayed until such Security be given, whether the prior Action has been or shall have been disposed of by Discontinuance, or by Nonsuit, or by Judgment for the Defendant.

Claimant in a Second Ejectment against same Defendant may be ordered to give Security for Costs.

XCVI. Section CCXXXIX. of "The Common Law Procedure Amendment Act (*Ireland*), 1853," is hereby repealed, and the Superior Courts may appoint and hold Sittings either in Banc, or for the Trial of Issues in Fact by Judge or Jury, and the Court of Error in the Exchequer Chamber may hold its Sittings, at any Time or Times, whether in Term or Vacation, not being between the First of August and the Twentieth of October.

Courts may appoint Sittings.

XCVII. If

*Courts of Common Law (Ireland).**Nuisances Removal, &c. (Scotland).*

Limitation of Costs in certain Cases.

XCVII. If in any Action of Contract brought after the Commencement of this Act in the Superior Courts (save for Breach of Promise of Marriage), when the Parties reside within the Jurisdiction of the Civil Bill Court of the County in which the Cause of Action has arisen, the Plaintiff shall recover, exclusive of Costs, a Sum less than Twenty Pounds, or in any Action for any Wrong or Injury disconnected with Contract (not being for Replevin, Slander, Libel, Malicious Prosecution, Seduction, or Criminal Conversation,) a Sum not exceeding Five Pounds, the Plaintiff in any such Action shall not be entitled to any Costs, unless at the Trial of such Cause the Judge shall certify on the Back of the Record, either that the Case was one which could not have been tried in the Civil Bill Court, or that, although within the Jurisdiction of the Civil Bill Court, it nevertheless was a fit Case to be tried in One of such Superior Courts, or (in case there shall be no Trial) unless the Court or a Judge shall on Motion make an Order to the like Effect; and in case there shall be no such Certificate or Order it shall not be necessary to enter any Suggestion on the Record to deprive such Plaintiff of Costs.

Certain Sections of Act to apply to every Civil Court in Ireland.

XCVIII. The Enactments contained in Sections 14, 22, and 90 of this Act shall apply and extend to every Court of Civil Judicature in *Ireland*, and the Enactments contained in Sections 23, 24, 25, 26, 27, 28, 29, 30; 34, 35, 36, and 92 shall apply and extend to all Courts of Judicature, as well Criminal as all others, and to all Persons having by Law or by Consent of Parties Authority to hear, receive, and examine Evidence.

Master may proceed under Sections 98, and 101, of 16 & 17 Vict. c. 113, without Order of Court.

Court may direct Master to hold Inquiries when Venue not in Dublin.

XCIX. In all Cases within Sections Ninety-eight and One hundred and one of the Common Law Procedure Amendment Act (*Ireland*), 1853, it shall not be necessary to obtain any Direction of the Court or a Judge that the Amount for which final Judgment shall be marked shall be ascertained by the Master, but it shall be lawful for the Master without any such Direction to ascertain such Amount, and the Proceedings for that Purpose shall be in all respects as if a Direction to the Master by the Court or a Judge had in pursuance of the said Sections been made; and it shall be lawful for the Court or a Judge, in any Case in which the Venue shall be laid elsewhere than in the County or County of the City of *Dublin*, instead of a Writ of Inquiry to the Sheriff to ascertain the Amount of Damages, to direct that the Amount for which final Judgment shall be marked shall be ascertained by the Master, and thereupon such Proceedings shall be had as if the Case had been within Section One hundred and one of the Common Law Procedure Amendment Act (*Ireland*), 1853, and a Direction to the Master under the said Section had been obtained, provided that the Jury shall be a Jury of the County of the City of *Dublin*, and shall be summoned accordingly.

Provision in case Plaintiff in Replevin shall delay to file the Summons, &c.

C. In case the Plaintiff in Replevin shall neglect to file the Summons and Plaint, or Copy thereof, within Ten Days after Service, unless the Time shall have been extended, or to proceed to Trial within One Term from that in which or the Vacation of which the Defence or other subsequent Proceeding is filed, the Defendant may proceed to enter such Rules as are in Sections Thirty-eight and One hundred and six of the Common Law Procedure Amendment Act (*Ireland*), 1853, in Cases of such Default respectively provided.

Judgment in Replevin for Amount of Arrears.

CI. In all Actions for a Replevin of a Distress made for Rent, when the Amount of Rent in arrear at the Time of making such Distress shall have been ascertained as provided by Section Two hundred and thirty of the Common Law Procedure Amendment Act (*Ireland*), 1853, the Defendant shall have Judgment and Execution to recover against the Plaintiff the Arrears of Rent, whether the Value of the Goods and Chattels distrained shall amount to so much or not, anything in the said Act to the contrary notwithstanding.

Master may draw for Money lodged as Security for Costs.

CII. In all Cases where Money shall have been lodged in Court in lieu of Security for Costs, and the Party lodging shall become entitled to be repaid the said Money or any Part thereof, such Party may, without any Rule or Order for that Purpose, apply to the Master of the Court to draw on the Bank of *Ireland* in favour of such Party or his Attorney upon Record for such Money or such Part thereof, and the said Master, on being satisfied by Affidavit or otherwise that the Party applying is so entitled to be repaid, shall thereupon draw accordingly.

Commencement of Act.

CIII. The Provisions of this Act shall come into operation on the First Day of *October* in the Year of our Lord One thousand eight hundred and fifty-six.

## C A P. CIII.

An Act to make better Provision for the Removal of Nuisances, Regulation of Lodging Houses, and the Health of Towns in *Scotland*.  
[29th July 1856.]

11 & 12 Vict. c. 123.  
12 & 13 Vict. c. 111.

‘ WHEREAS the Provisions of “The Nuisances Removal and Diseases Prevention Act, 1848,” amended by “The Nuisances Removal and Diseases Prevention Amendment Act, 1849,” are defective, and it is expedient to repeal the said Acts, so far as relates to *Scotland*, and to substitute other Provisions more effectual in that Behalf, and also to make Provision for the Supervision and Regulation of Common Lodging Houses and for the Health of Towns in *Scotland*:’ 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. This



*Nuisances Removal, &c. (Scotland).*

- I. This Act may be cited for all Purposes as "The Nuisances Removal (*Scotland*) Act, 1856." Short Title.
- II. From and after the passing of this Act the said Acts are hereby repealed, in so far as they apply to *Scotland*: Provided always, that all Proceedings commenced or taken under the said Acts, and not yet completed, may be proceeded with under the said Acts; and all Orders in Council for *Scotland*, and all Directions and Regulations issued by the General Board of Health under the said Acts, and all Appointments made and all Contracts or Works undertaken by virtue of the said Acts, shall continue and be as effectual as if the said Acts had not been repealed. Repealed Acts repeated, but saving Proceedings in progress.
- III. In this Act the following Words and Expressions shall have the Meanings herein-after assigned to them: The Word "Board" shall signify the Board of Supervision for the Relief of the Poor in *Scotland*; the Word "Sheriff" shall include Sheriff Substitute; the Word "Owner" shall signify the Person for the Time entitled to receive, or who would if the same were let be entitled to receive, the Rents of the Premises, and shall include a Trustee, Factor, Tutor, or Curator, and in case of Public or Municipal Property shall apply to the Persons to whom the Management thereof is intrusted; the Word "Premises" shall include Lands, Buildings, or Places open, covered, or inclosed, public or private; the Word "Person," and Words applying to any Person or Individual, shall apply to and include Women, Corporations, Statutory Boards, Joint Stock Companies, and Partnerships; the Expression "Author of a Nuisance" shall signify the Person through whose Act or Default the Nuisance is caused, exists, or is continued, whether he be the Owner or Occupier, or both; the Expression "Common Lodging House" shall signify a House or Part thereof where Lodgers are housed at an Amount not exceeding Threepence *per* Night for each Person, whether the same be paid nightly or weekly, as well as to entire Houses occupied as Common Lodging Houses; the Expression "Keeper of a Common Lodging House" shall include any Person having or acting in the Care and Management of a Common Lodging House. Interpretation of certain Terms.
- IV. The following Bodies shall respectively be the Local Authority to execute this Act in the Districts hereunder stated in *Scotland*: As to Local Authorities to execute this Act.
  - In Places within the Jurisdiction of any Town Council, and not subject to the Jurisdiction of Police Commissioners or Trustees as after mentioned, the Town Council, or in Places within the Jurisdiction of Police Commissioners or Trustees exercising the Functions of Police Commissioners under any General or Local Act, the Police Commissioners or Trustees, except as herein-after provided:
  - In any Parish or Part thereof over which the Jurisdiction of a Town Council or of Police Commissioners does not extend, the Parochial Board of such Parish,
- V. Where any Parish shall be partly within and partly beyond the Jurisdiction of a Town Council and of Police Commissioners or Trustees, or of one or other of them, the Board of Supervision shall, on the Application of either of these Bodies or of the Parochial Board, determine whether the Town Council or the Police Commissioners or Trustees, as the Case may be, or the Parochial Board, shall be the Local Authority within the Limits of such Parish; and where any Burgh or Town shall be situated in more than One County, the Board of Supervision shall, on Application being made to them by any Person having Interest, determine in which one of such Counties such Burgh or Town shall be held to be situated for the Purposes of this Act, whose Decision shall be final. Board of Supervision to determine Local Authority in Parishes not wholly within Jurisdiction of a Town Council, &c.
- VI. The Local Authority may appoint any Committee or Committees of their own Body to receive Notices, take Proceedings, and in all or certain specified respects execute this Act, whereof Two shall be a Quorum; and such Local Authority, or their Committee, may, by Order in Writing, signed by the Chairman of such Body or Committee, empower any Officer or Person to make Complaints and take Proceedings on their Behalf; and all Acts done or Proceedings taken by or against such Committee or Officer or Person shall be as valid as if they were done by or taken in the Name of all the Members of the Local Authority. Committee may be appointed.
- VII. The Local Authority may, where it shall be thought necessary for the Purposes of this Act, appoint an Inspector or Inspectors of Nuisances, and an Inspector or Inspectors of Common Lodging Houses, and shall make Byelaws for regulating the Duties of such Inspectors, and shall appoint convenient Places for their Offices, and shall allow to every such Inspector on account of his Employment a proper Salary; and if no such Inspector is appointed the Local Authority shall, in all Cases in which any Duty is laid on them by this Act, appoint some Person, where the same shall be necessary, to perform such Duty, and shall remunerate him as they shall see fit. Local Authority to appoint Sanitary Inspectors.

PART I.

*Removal of Nuisances.*

- VIII. The Word "Nuisances" under this Act shall include— Description of Nuisances under this Act.
  - (a) Any Insufficiency of Size, Defect of Structure, Want of Repairs, or other Matter or Circumstance rendering any inhabited House, Building, or Part thereof unwholesome or unfit for Human Habitation:
  - (b) Any Pool, Watercourse, Ditch, Gutter, Drain, Privy, Urinal, Cesspool, or Ashpit, so foul as to be injurious to Health:
  - (c) Any Animal so kept as to be injurious to Health:

*Nuisances Removal, &c. (Scotland).*

(d) Any Accumulation or Deposit within Fifty Yards of any Dwelling House within the Limits of any Burgh, or offensive or injurious to Health :

(e) Any Work, Manufactory, Trade, or Business offensive or injurious to the Health of the Neighbourhood.

Power of Entry to Local Authority or their Officer.

IX. If the Local Authority or Inspector of Nuisances have reasonable Grounds for believing that Nuisance exists in any private Premises, such Local Authority or Inspector may demand to be admitted to inspect the same at any Hour between Nine in the Morning and Six in the Evening, and if Admission be refused may apply to any Justice of the Peace having Jurisdiction in the Place, stating on Oath such Belief; and such Justice may, by Order in Writing, require the Occupier or Person having the Custody of such Premises to admit the Local Authority or Inspector; and if such Occupier or Person refuse to obey such Order he shall, on Conviction of such Offence, be liable to a Penalty not exceeding Five Pounds; and if no such Occupier or Person can be discovered, the Local Authority or their Officers may enter the Premises.

Proceedings by Local Authority when Nuisances are ascertained to exist.

X. In any Case where the Existence of a Nuisance is ascertained on Examination by the Local Authority, or is certified to them in Writing, signed by the Medical Officer of the Parish, or where the Nuisance in the Opinion of the Local Authority did exist at the Time when Demand of Admission was made or the Certificate was given, and, although the same may have been since removed or discontinued, is in their Opinion likely to recur or to be repeated, they may apply to the Sheriff, or to any resident Magistrate or Justice of the Peace, by summary Petition, in manner herein-after directed; and if it appear to his Satisfaction that the Nuisance exists, or, if removed or discontinued since the Demand of Admission was made or the Certificate was given, that it is likely to recur or to be repeated, he shall decern for the Removal or Remedy or Discontinuance or Interdict of the Nuisance, as herein-after mentioned; provided that in the Cases under the Head marked (e) in Section Eight such Application shall be made only on Medical Certificate as aforesaid.

Form of Interlocutor.

XI. It shall not be necessary to restrict such Decree to any special Remedy prayed for in the Petition, but as the Case shall require, the Author of the Nuisance may be ordained to provide sufficient Privy Accommodation, Means of Drainage or Ventilation for, or to repair, make safe, and habitable, or to pave, cleanse, whitewash, disinfect, or purify, the Dwelling House, Building, or Premises, or to drain, empty, cleanse, fill up, cover, repair, or remove any Pool, Ditch, Gutter, Watercourse, Privy, Cesspool, Drain, or Ashpit, or to provide a Substitute for that complained of, or to remove the Animal, or to carry away the offensive Matter, or to discontinue the Work, Trade, Manufactory, or Business, or prevent the injurious Effects thereof, (according to the Nature of the Case,) or to do such other Works or Acts as are necessary to remove the Nuisance complained of, in such Manner and within such Time as in the Interlocutor shall be specified; and if the Sheriff, Magistrate, or Justice of the Peace is of opinion that such or the like Nuisance is likely to recur, he may further grant Interdict against the Recurrence of it, or otherwise, as the Case may in his Judgment require; and if the Nuisance proved to exist be such as to render a House or Building in the Judgment of the Sheriff unfit for Human Habitation, he may prohibit the using thereof for that Purpose until it is rendered fit for that Purpose in his Judgment, or do otherwise as the Case may in his Judgment require.

Interdict against future Nuisance.

Penalty for Contravention of Decree and of Interdict.

XII. If the said Decree be not complied with in good and sufficient Manner, the Author of the Nuisance shall be liable, in the Case of Nuisances specified in Clauses (a), (b), (c), and (d), in Section Eight of this Act, to a Penalty of not more than Ten Shillings *per* Day during his Failure so to comply; and if the said Interdict be knowingly infringed by the Act or Authority of the Owner or Occupier such Owner or Occupier shall be liable for every such Offence to a Penalty not exceeding Twenty Shillings *per* Day during such Infringement; and in the Case of Nuisances specified in Clause (e) in the said Section, the Party not complying with or infringing such Decree shall be liable to a Penalty not exceeding Five Pounds nor less than Two Pounds for the First Offence, and of Ten Pounds for the Second, and for each subsequent Conviction a Sum double the Amount of the Penalty in the last preceding Conviction, but no Penalty shall exceed Two hundred Pounds: Provided always, in the Case of such last-mentioned Nuisance, that if it appears to the Sheriff or other Magistrate that the best Means then known to be available for mitigating the Nuisance, or the injurious Effects thereof, have not been adopted, he may suspend his final Determination, upon Condition that the Author of the Nuisance shall undertake to adopt within a reasonable and definite Time such Means as he shall judge to be practicable, and order to be carried into effect, for mitigating or preventing such injurious Effects.

Order when structural Works are required.

XIII. When it shall appear to the Sheriff or other Magistrate that the Execution of structural Works is required for the Removal or Remedy of a Nuisance, he may direct such Works to be carried out, under the Direction or with the Consent or Approval of any Public Board, Trustees, or Commissioners having Jurisdiction in the Place in respect of similar Works, or where no such Body has such Jurisdiction, under the Direction and subject to the Approval of any Person he may appoint; and he shall, before making his Order, require the Local Authority, within a Time to be specified by him, to furnish him with an Estimate of the Cost of the required Works.

Local Authority to do Works on Owner's or

XIV. In case of Noncompliance with or Infringement of any Decree aforesaid, the Local Authority may apply to the Sheriff or other Magistrate for Authority to enter the Premises to which such Decree relates, and remove or remedy the Nuisance thereby condemned or interdicted, and do whatever may be necessary

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necessary in execution of such Decree ; or if in the original Application it appears to his Satisfaction that the Author of the Nuisance is not known or cannot be found, then such Decree may at once ordain the Local Authority to execute the Works thereby directed ; and all Expenses incurred by the Local Authority in executing the Works may be recovered by an Action in the Small Debt Court whatever may be their Amount.

Occupier's Default, or if Person causing Nuisance cannot be found.

XV. Any Thing removed by the Local Authority in pursuance of this Act may be sold by public Roup, after not less than Five Days Notice by printed Handbills posted in the Locality, except in Cases where Delay would be prejudicial to Health, when the Sheriff may order the immediate Removal, Destruction, or Sale of the Thing, and the Proceeds of the Sale shall be retained by the Local Authority, and applied in Payment of all Expenses incurred under this Act with reference to such Nuisance, and the Surplus, if any, shall be paid, on Demand, by the Local Authority, to the Owner of such Thing, by whom the Balance of such Expenses shall be defrayed if such Proceeds are insufficient for that Purpose.

Manure, &c. to be sold.

XVI. Whenever any Watercourse, Ditch, Gutter, or Drain along the Side of any public Road or Street shall be used or partly used for the Conveyance of any Water, Sewage, or other Matter from any Premises, and cannot in the Opinion of the Local Authority be rendered free from Foulness or offensive Smell without the laying down of a Sewer or of some other Structure, such Local Authority shall and they are hereby required to lay down such Sewer or other Structure within the Limits of their Jurisdiction, and to keep the same in good and serviceable Repair, and may enter any Premises for such Purposes, and use such Part thereof as shall be necessary, and for such Use shall pay such Damages as may be assessed by the Sheriff on a summary Application, and to such Party as the Sheriff may direct ; and such Local Authority are hereby authorized and empowered to assess all the Premises from which then or at any Time thereafter any Material other than pure Water is carried into the said Sewer or other Structure, for Payment of all Expenses incurred in making and maintaining the same, and that either in One Sum or in Instalments, or as a perpetual Burden, as they shall think just and reasonable, and, after Fourteen Days Notice at the least left on the Premises so assessed, to levy and collect the Sums so assessed, in the same Manner, and with the same Remedies in case of Default in Payment thereof, as the Prison Assessment is by the Law in force for the Time being leviable and collectable, and with the same Right and Power of Appeal against the Amount of such Assessment as by the Law for the Time being in force are given against such Prison Assessment.

Open Ditches, &c. to be covered or improved.

XVII. Nothing in this Act contained shall enable any Local Authority or other Person, either with or without any Order of the Sheriff, to injuriously affect the Navigation of any River or Canal, or the Irrigation of Lands in Rural Districts, or to divert or diminish any Supply of Water of right belonging to any such River or Canal, or used for the Irrigation of Lands in Rural Districts.

Act not to affect Navigation of Rivers or Canals, &c.

XVIII. The Inspector of Nuisances may, at all reasonable Times, enter any Premises to inspect and examine any Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables exposed for Sale, or which there is probable Cause for believing to be intended for Human Food ; and in case any such Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables appear to him to be unfit for such Food, the same may be seized ; and if it appear to any Justice of the Peace or Magistrate that any such Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables is unfit for the Food of Man, he shall order the same to be destroyed, or to be so disposed of as to prevent its being exposed for Sale or used for such Food ; and the Person to whom such Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables belongs, or in whose Custody the same is found, shall be liable to a Penalty not exceeding Ten Pounds for every Carcase, Fish, or Piece of Meat, Flesh, or Fish, or any Poultry or Game, or for the Parcel of Fruit or Vegetables so found.

Penalty on Sale of unwholesome Meat.

XIX. Any Person or Company engaged in the Manufacture of Gas, Naphtha, Vitriol, or Dye Stuffs, or in any Trade in which the Refuse produced in any such Manufacture is used, who shall at any Time cause or suffer to be brought or to flow into any Stream, Reservoir, Aqueduct, or Pond, or Place for Water, constructed for the Supply of Water for domestic Purposes, or into any Drain communicating therewith, any Washing or other Substance produced in any such Manufacture, or shall wilfully do any Act connected with any such Manufacture whereby the Water in any such Stream, Reservoir, Aqueduct, Pond, or Place for Water shall be fouled, shall forfeit for every such Offence the Sum of Fifty Pounds.

Penalty for causing Water to be corrupted by Gas Washings, &c.

XX. Such Penalty may be recovered, with Expenses, by the Person into whose Water such Washing or other Substance shall be conveyed or shall flow, or whose Water shall be fouled by any such Act as aforesaid, or if there be no such Person, or in default of Proceedings by such Person, after Notice to him from the Local Authority of their Intention to proceed for such Penalty, by the Local Authority ; but such Penalty shall not be recoverable unless it be sued for during the Continuance of the Offence, or within Six Months after it shall have ceased.

Such Penalties, &c. to be sued for within Six Months.

XXI. In addition to the said Penalty of Fifty Pounds (and whether such Penalty shall have been recovered or not), the Person or Company so offending shall forfeit the Sum of Five Pounds (to be recovered in the like Manner) for each Day during which such Washing or other Substance shall be brought or shall flow as aforesaid, or during which the Act by which such Water shall be fouled shall continue, after the Expiration of Twenty-four Hours from the Time when Notice of the Offence shall have been served on such Person or Company by the Local Authority, or the Person into whose Water such Washing or other Substance shall be brought or flow or whose Water shall be fouled thereby, and such Penalty shall

Daily Penalty during the Continuance of the Offence.

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shall be paid to the Parties from whom such Notice shall proceed; and all Monies recovered by a Local Authority under this or the preceding Section shall, after Payment of any Damage caused by the Act for which the Penalty is imposed, be applied towards defraying the Expenses of executing this Act.

## PART II.

*Prevention and Mitigation of Diseases.*

Privy Council empowered to issue Orders for Prevention of Diseases.

XXII. Whenever any Part of the United Kingdom appears to be threatened with or is affected by any formidable epidemic, endemic, or contagious Disease, the Lords and others of Her Majesty's Most Honourable Privy Council, or any Three or more of them, (the Lord President of the Council, or One of Her Majesty's Principal Secretaries of State, being One,) may, by Order or Orders by them from Time to Time made, direct that the Provisions for the Prevention of Diseases contained in Part II. hereof be put in force in *Scotland*, or in such Parts thereof or in such Places therein as in such Order or Orders may be expressed, and may from Time to Time, as to all or any of the Parts or Places to which any such Order or Orders extend, and in like Manner revoke or renew any such Order; and, subject to Revocation and Renewal as aforesaid, every such Order shall be in force for Six Calendar Months, or for such shorter Period as in such Order shall be expressed; and every such Order of Her Majesty's Privy Council or any Members thereof as aforesaid shall be certified under the Hand of the Clerk in Ordinary of Her Majesty's Privy Council, and shall be published in the *Edinburgh Gazette*, and such Publication shall be conclusive Evidence of such Order.

When Order is issued, Board of Supervision to be vested with certain Powers, and an additional Member may be appointed.

XXIII. When any such Order has been issued, the Board of Supervision in *Scotland* shall be vested with the Powers after provided; and it shall be lawful for Her Majesty to appoint the Sheriff of any County in *Scotland*, other than *Renfrew*, *Perth*, or *Ross*, to be an additional Member of the Board during the Subsistence of such Order; and such Sheriff shall receive such Remuneration as the Commissioners of Her Majesty's Treasury may think proper, not exceeding One hundred Pounds *per Annum*, to be paid out of Money to be voted for that Purpose by Parliament; and the Board may also appoint a Medical Officer to act under their Directions during such Period, and such Officer shall receive a Salary not exceeding Two hundred Pounds *per Annum*, to be fixed and paid in like Manner; and the Board may, with the Sanction of the said Commissioners of Her Majesty's Treasury, employ such additional Clerks as may be necessary during such Period; and the Salary of such Clerks, and the Office Expenses incurred under this Act, shall be defrayed in the same Manner as the general Expenses of the Board are now defrayed.

Power to appoint a Medical Officer and additional Clerks.

Board may issue Regulations to carry out such Provisions of Order.

XXIV. From Time to Time, after the issuing of any such Order as aforesaid, and whilst the same continues in force, the Board may issue such Directions and Regulations as they shall think fit for the Prevention, as far as possible, or Mitigation, of such epidemic, endemic, or contagious Diseases, and from Time to Time may revoke, renew, and alter any such Directions and Regulations; and the same shall extend to all Parts or Places in which the Provisions of this Act for the Prevention of Disease shall for the Time being be put in force under such Orders as aforesaid, unless such Directions and Regulations be expressly confined to some of such Parts or Places, and then to such Parts or Places as therein are specified; and (subject to the Power of Revocation and Alteration herein contained) such Directions and Regulations shall continue in force so long as the said Provisions of this Act shall under such Order be applicable to the same Parts or Places; and all such Directions and Regulations shall be published by being inserted in the *Edinburgh Gazette*, which Publication shall be conclusive Evidence thereof, and may be further published, and may be specially communicated to any Local Authority, by the Secretary of the Board, as the Board may direct: Provided that the Board may, if that shall be judged necessary, direct any Inspector to apply to the Sheriff, who shall thereupon give such Orders as to him shall seem right, with a view to carry into effect such Directions and Regulations.

Local Extent and Duration of the Regulations of the Board.

Publication of Rules and Regulations.

Orders of Council, &c. to be laid before Parliament.

XXV. Every Order of Her Majesty's Privy Council, and every Direction and Regulation of the Board under this Act, shall be laid before both Houses of Parliament, forthwith upon the issuing thereof if Parliament be then sitting, and if not then within Fourteen Days next after the Commencement of the then next Session of Parliament.

Matters to be provided for by such Regulations.

XXVI. The Board, by such Directions and Regulations, may provide,

For the speedy Interment of the Dead:

For House-to-House Visitation:

For the dispensing of Medicines, and for affording to Persons afflicted by or threatened with such epidemic, endemic, or contagious Diseases such Medical Aid and such Accommodation as may be required:

Local Authority to prosecute for violating Regulations.

And the Local Authority shall superintend and see to the Execution of such Directions and Regulations, and shall do and provide all such Acts, Matters, and Things as may be advisable for mitigating such Disease, or for superintending or aiding in the Execution of such Directions and Regulations, or for executing the same, as the Case may require, and may direct any Prosecutions or legal Proceedings for or in respect of the wilful Violation or Neglect of any such Directions and Regulations.

Power for Local Authority, &c.

XXVII. The Local Authority acting in the Execution of such Directions and Regulations, or the Officers or Persons by them in this Behalf authorized, may enter, at reasonable Times in the Daytime, and

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and inspect any Premises, where they have Ground for believing that any Person has recently died of any such Disease, or that Necessity may otherwise exist for executing in relation to the Premises any of such Directions and Regulations.

to enter Pre-  
mises.

XXVIII. When any Order in Council is in force in any Place, on the Certificate of an Inspector of Nuisances, or of a Medical Officer, or of Two duly qualified Medical Practitioners, or other sufficient Evidence, that any House or Part of a House is so overcrowded as to be dangerous to Health, the Local Authority shall have Power to regulate the same according to the Provisions of this Act in reference to Common Lodging Houses.

Overcrowded  
Houses to come  
under Common  
Lodging Houses  
Provisions.

XXIX. All Orders in Council for executing this Act shall extend to Parts and Arms of the Sea lying within the Jurisdiction of the Admiralty, and adjacent to the Places to which such Orders relate ; and the Board may issue under the said Orders Directions and Regulations for cleansing, purifying, ventilating, and disinfecting, and preventing Disease, in Ships and Vessels, as well upon Arms and Parts of the Sea aforesaid as upon inland Waters.

Order in Coun-  
cil to extend to  
Parts and Arms  
of the Sea.

XXX. Whenever, in compliance with any Regulation of the Board, which they may be empowered to make under this Act, any Medical Officer appointed under the Laws for the Time being for the Relief of the Poor shall perform any Medical Service on board of any Vessel, such Medical Officer shall be entitled to charge extra for any such Service at the general Rate of his Allowance for his Services for the Parish for which he is appointed, and such Charges shall be payable by the Captain of the Vessel on behalf of the Owners, together with any reasonable Expenses for the Treatment of the Sick ; and if such Services shall be rendered by any Medical Practitioner who is not a Parish Officer, he shall be entitled to Charges for any Service rendered on board, with extra Remuneration on account of Distance, at the same Rate as those which he is in the habit of receiving from private Patients of the Class of those attended and treated on Shipboard, to be paid as aforesaid ; and in case such Charges be not paid the Medical Officer or Practitioner may bring an Action against the Captain of such Vessel for the same, and the Vessel, Cargo, and Tackle shall be subject to a Lien for the Amount of such Charges.

Medical Officer  
of Parish to be  
allowed to  
charge for at-  
tending Sick on  
board any Ves-  
sel, and to be  
paid by Cap-  
tain ; and may  
bring an Action  
if not paid.

PART III.

*Regulation of Common Lodging Houses.*

XXXI. The Local Authority shall cause a Register to be kept, in which shall be entered the Names and Residences of the Keepers of all Common Lodging Houses within the Jurisdiction of the Local Authority, and the Situation of every such House, and the Number of Lodgers authorized according to this Act to be kept therein ; and the Local Authority may refuse to register as the Keeper of a Common Lodging House any Person who does not produce to the Local Authority a Certificate of Character in such Form as the Local Authority shall direct, signed by Three Inhabitant Householdors of the Parish respectively assessed for the Relief of the Poor of the Parish within which such Lodging House is situate.

Common Lodg-  
ing Houses to  
be registered ;

XXXII. After the Expiration of One Month from the Date of the passing of this Act, it shall not be lawful to keep or use as a Common Lodging House any House, not being a Licensed Victualling House, or to receive or retain any Lodgers therein, unless such House shall have been inspected and approved for that Purpose by the Inspector of Common Lodging Houses for the District, and shall have been registered as by this Act provided.

No Lodger to  
be received un-  
til Common  
Lodging House  
inspected, &c.

XXXIII. A Copy of an Entry made in a Register kept under this Act, purporting to be certified by the Person having the Charge of such Register to be a true Copy, shall be received in all Courts and on all Occasions whatsoever as Evidence, and shall be sufficient Proof of all Things therein registered, without the Production of the Register, or of any Document, Act, or Thing on which the Entry is founded ; and every Person applying at a reasonable Time shall be furnished gratis by the Person having such Charge with a certified Copy of any such Entry.

Evidence of  
Register.

XXXIV. The Local Authority may from Time to Time make Rules and Regulations respecting Common Lodging Houses within its Jurisdiction, for the well-ordering of such Houses, and for the Separation of the Sexes therein, and for fixing the Number of Lodgers which may be received in each such House, and in each Room therein, and for promoting the Cleanliness and Ventilation of such Houses, and with respect to the Inspection thereof, and the Conditions and Restrictions under which such Inspection may be made ; and the said Local Authority may by any such Rules and Regulations impose upon Offenders against the same such reasonable Penalties as they shall think fit, not exceeding the Sum of Five Pounds for each Offence, and in the Case of a continuing Offence a further Penalty not exceeding the Sum of Forty Shillings for each Day after written Notice of the Offence from the said Local Authority ; and the said Local Authority may alter or repeal any such Rules and Regulations by any subsequent Rules and Regulations signed as aforesaid : Provided always, that all such Rules and Regulations imposing any Penalty shall be so framed as to allow of the Recovery of any Sum less than the full Amount of the Penalty : Provided also, that such Rules and Regulations shall not be of any Force or Effect until the same be submitted to and confirmed by One of Her Majesty's Principal Secretaries of State, who is hereby empowered to confirm or disallow the same, as he may think proper : Provided further, that no such Rules and Regulations shall be confirmed unless Notice of the Intention to apply

Power to Local  
Authority to  
make Rules and  
Regulations re-  
specting Com-  
mon Lodging  
Houses.

Rules, &c. not  
to take Effect  
until confirmed  
by Secretary of  
State.  
for

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for Confirmation of the same shall have been given in One or more of the public Newspapers usually circulated within the Parish or Place to which such Byelaws relate One Month at least before the making of such Application ; and for One Month at least before any such Application a Copy of the proposed Rules and Regulations, in Writing, signed by the Chairman of the Meeting at which they were made, shall be kept at the Office or usual Place of Meeting of the Local Authority, and be open during Business Hours thereat for the Inspection of Parties assessed to the Relief of the Poor in such Parish or Place, without Fee, and the Local Authority shall cause every such Party assessed as aforesaid who shall apply for the same to be furnished with a Copy thereof, on Payment of Sixpence for every One hundred Words contained in such Copy.

Such Rules and Regulations, when confirmed, to be printed, and furnished gratis to Keepers of Lodging Houses.

XXXV. All Rules and Regulations made by the Local Authority in pursuance of this Act shall, when confirmed as aforesaid, be printed, and hung up in the Office or usual Place of Meeting of the said Local Authority, and Copies thereof shall be furnished gratis to every Keeper of a Lodging House, and such Keeper shall be bound to keep a Copy thereof hung up in some conspicuous Place in each Room in which Lodgers are received, and Copies shall also be furnished to any Party assessed as aforesaid, upon Application, and Payment of Twopence each for the same ; and a Copy of such Rules and Regulations, purporting to be signed by One of Her Majesty's Principal Secretaries of State, shall be received in Evidence of such Regulations, and of the duly making and confirming thereof, without Proof of the Signature.

Local Authority may require additional Supply of Water to Common Lodging Houses.

XXXVI. Where it appears to the Local Authority that a Common Lodging House is without a proper Supply of Water for the Use of the Lodgers, and that such a Supply can be furnished thereto at a reasonable Rate, the Local Authority may, by Notice in Writing, require the Owner or Keeper of the Common Lodging House, within a Time specified therein, to obtain such Supply, and to execute all Works necessary for that Purpose ; and if such Notice be not complied with accordingly the Local Authority may remove the Common Lodging House from the Register until it be complied with.

Local Authority may order Reports from Keepers of Common Lodging Houses kept for Beggars and Vagrants.

XXXVII. The Keeper of a Common Lodging House in which Beggars or Vagrants are received to lodge, or other Person having the Care or Management thereof, shall from Time to Time, if required by any Order of the Local Authority served on such Keeper or Person, report to the Local Authority, or to such Person or Persons as the said Local Authority shall direct, every Person who resorted to such House during the preceding Day or Night, and for that Purpose Schedules shall be furnished by the Local Authority to the Persons so ordered to report, which Schedules they shall fill up with the Information required, and transmit to the Local Authority.

Local Authority may remove sick Persons from Common Lodging Houses to Hospitals, &c.

XXXVIII. When a Person in a Common Lodging House is ill of Fever or any infectious or contagious Disease, the Local Authority may cause such Person to be removed to a Hospital or Infirmary, with the Consent of the Authorities thereof, and on the Certificate of the Medical Officer of the Parish, or of any Two qualified Medical Men, that the Disease is infectious or contagious, and that the Patient may be safely removed ; and the Local Authority may, so far as they think requisite for preventing the Spread of Disease, cause any Clothes or Bedding used by such Person to be disinfected or destroyed, and may award to the Owners of the Clothes and Bedding so disinfected or destroyed reasonable Compensation for the Injury or Destruction thereof ; and such Compensation, if awarded, shall be paid to such Owners by the Inspector of the Poor of the Parish in which the Common Lodging House is situate, who shall be reimbursed thereof out of the Assessments authorized by this Act, the Amount of such Compensation being first certified in Writing upon a List of such Articles.

As to giving Notice of Fever, &c. occurring in Common Lodging Houses.

XXXIX. The Keeper of a Common Lodging House shall, when a Person in such House is ill of Fever or any infectious or contagious Disease, give immediate Notice thereof to the Inspector of Common Lodging Houses, and also to the Medical Officer of the Parochial Board and the Inspector of the Poor of the Parish in which such Common Lodging House is situated, who shall forthwith communicate to such Parochial Board that such Notice has been received, and take the Instructions of such Parochial Board thereupon.

As to Inspection of Common Lodging Houses.

XL. The Keeper of a Common Lodging House, and every other Person having or acting in the Care and Management thereof, shall, at all Times when required by any Officer of the Local Authority, give him free Access to such House or any Part thereof.

As to cleansing of Common Lodging Houses.

XLI. The Keeper of a Common Lodging House shall thoroughly cleanse all the Rooms, Passages, Stairs, Floors, Windows, Doors, Walls, Ceilings, Privies, Cesspools, and Drains thereof to the Satisfaction of the Inspector, and so often as shall be required by or in accordance with any Regulation of the Local Authority, and shall well and sufficiently, and to the like Satisfaction, limewash the Walls and Ceilings thereof in the First Week of each of the Months of *April* and *October* in every Year.

Conviction for Third Offence to disqualify Persons from keeping Common Lodging Houses.

XLII. Where a Keeper of a Common Lodging House, or a Person having or acting in the Care or Management of a Common Lodging House, is convicted of a Third Offence under this Act, it may be adjudged as the Punishment or Part of the Punishment for such Third Offence that he shall not, at any Time within Five Years or any shorter Period after such Conviction, keep or have or act in the Care or Management of a Common Lodging House, without the previous Licence in Writing of the Local Authority, which Licence the Local Authority may withhold or may grant on such Terms and Conditions as they think fit.

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## PART IV.

*Enforcement of and Procedure under this Act.*

XLIII. If any Nuisance shall exist upon or in Premises possessed or managed by the Local Authority, or in which the Local Authority have any Interest, or if the Local Authority shall neglect to perform any Duty imposed upon it by this Act, or to take all due Proceedings in this Act authorized for the Removal of Nuisances or Preservation of Health, or due Regulation of Lodging Houses, it shall be competent for any Two Householders residing within the District, or the Inspector of the Poor of the Parish, or for the Procurator Fiscal of the Sheriff or Justice of the Peace Court of the County, or of the Burgh Court, to give written Notice to such Local Authority of the Matters in which such Neglect exists; and if the Local Authority do not, within Fourteen Days after such Notice, or, in the Case of Neglect to enforce any Regulation or Direction of the Board, under Part II. of this Act, within Two Days after such Notice, remove or remedy the Nuisance referred to, or in any other Case take the Steps authorized or required by this Act, it shall be competent for the Parties aforesaid to apply to the Sheriff by summary Petition; and the Sheriff shall thereupon inquire into the same, and may make such Decree as shall in his Judgment be required to enforce the Removal or Remedy of the Nuisance, or otherwise to compel Execution of or carry out the Provisions of this Act, and may appoint the same to be carried into effect by and at the Sight of such Persons as he may think fit, and at the Expense of the Local Authority, or of other Parties on whom the Expense ought in his Opinion to be laid, and for Payment of the Expenses of such Application by the Petitioners or by the Local Authority, as Justice may require.

Procedure if Local Authority neglect its Duty under this Act.

XLIV. All Applications to the Sheriff to enforce any Provision of this Act herein-before made, or for the Recovery of Penalties herein-before imposed, shall be by summary Petition, and such Petition shall refer to the Clauses of this Act on which it is founded, without setting forth the same; and the Sheriff shall thereupon, if he see fit, appoint the Petition to be answered within Three Days, or may order the Parties to attend him in Person, and on advising such Answer, or hearing the Parties, he may at once decern, or may appoint any competent Person to examine the Premises and report to him, and may decern on such Report, or he may, if either Party desire it, order Proof to be led before himself on any specified Points, and shall, in that Case, appoint a Day, not more than Five Days thereafter, for hearing such Proof, and if the Proof be not on that Day completed may adjourn the same from Time to Time until completed, and within Three Days after such Completion he shall give Decree, and he may find either Party liable in Expenses, or in any modified Sum of Expenses.

Form of Applications to Sheriff.

XLV. No written Pleadings, other than the Petition and Answers (when ordered), shall be allowed, and the Sheriff shall take Notes of the Evidence in like Manner as in Civil Proofs: Provided always, that no Decree under this Act against any Party shall bar his Right to Relief against any other Party legally liable therein.

No written Pleadings, &c. allowed.

XLVI. Where it shall appear to the Sheriff that the true Value of the Subject complained of as a Nuisance, or the Cost of the Operations necessary to remove or amend it as ordered, or the Value of the Trade or Business interfered with, exceeds the Sum of Twenty-five Pounds or the Sum of Fifty Pounds respectively, he shall certify his Opinion to that Effect in his Decree, and the Parties shall thereupon be entitled to appeal from the Sheriff Substitute to the Sheriff, on lodging, within Three Days after the Decree, a Note of Appeal with the Sheriff Clerk, and serving the same on the opposite Party, and such Note shall operate as a Sist of Execution until the Appeal be determined; and on such Note being lodged, the Sheriff Clerk shall transmit the Process, together with the Sheriff Substitute's Notes of Evidence, to the Sheriff, whose Decision thereon shall be final; and in the event of such Value or Cost being so certified to exceed the Sum of Fifty Pounds, the Parties shall be entitled to present a Note of Appeal to the Lord Ordinary on the Bills for Relief against the Judgment, provided such Note be lodged in the Bill Chamber, and a Copy thereof served on the opposite Party within Eight Days of the Date of the Sentence complained against, which Note shall in like Manner operate as a Sist of Execution until a Judgment be pronounced by the Lord Ordinary, which Judgment shall be final.

Appeal in certain Cases.

XLVII. No Appeal shall be competent, save in Cases so certified.

No Appeal otherwise.

XLVIII. The Sheriff, Justices of the Peace, or Magistrates may in all Cases, notwithstanding their being Members of the Local Authority, exercise the Jurisdiction vested in them under this Act.

Justices, Members of Local Authority, &c.

XLIX. No Decree or Order, nor any other Proceeding, Matter, or Thing done in the Execution of this Act, shall, excepting as herein provided, be subject to Review in any way whatever.

Proceedings not to be reviewed.

L. Notices, Petitions, and Orders under this Act may be served by delivering the same to or at the Residence of the Parties to whom they are respectively addressed, or by being put into the Post Office duly addressed to the Parties, and where addressed to the Owner or Occupier of Premises they may be served by delivering the same or a true Copy thereof to some Person upon the Premises, or, if there be no Person upon the Premises who can be so served, by fixing the same upon some conspicuous Part of the Premises.

Service of Notices, Summonses, and Orders.

LI. Copies of any Orders or Resolutions of the Local Authority or their Committee, purporting to be signed by the Chairman of such Body or Committee, shall, unless the contrary be shown, be received as Evidence thereof, without Proof of their meeting, or of the official Character or Signature of the Person signing the same.

Proof of Resolutions of Local Authority.

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One or more joint Owners may be proceeded against alone.

LII. In case of any Demand or Complaint under this Act to which Two or more Parties, whether as Owners or Occupiers of Premises, may be jointly answerable, it shall be sufficient to proceed against any One or more of them without proceeding against the others or other of them; but nothing herein contained shall prevent the Parties so proceeded against from recovering Relief in any Case in which they would now be entitled to Relief by Law.

Penalty for obstructing Execution of Act.

LIII. If the Occupier of any Premises prevent the Owner thereof from obeying or carrying into effect the Provisions of this Act, the Sheriff or any Justice to whom Application is made shall by Order in Writing require such Occupier to permit the Execution of the Works required to be executed, provided that such Works appear to such Sheriff or Justice to be necessary for the Purpose of obeying or carrying into effect the Provisions of this Act; and if within a reasonable Time after the making of such Order the Occupier against whom it is made refuse to comply therewith, he shall be liable to a Penalty not exceeding Five Pounds for every Day afterwards during the Continuance of such Refusal.

Penalty on Occupier obstructing Owner.

LIV. Whoever wilfully violates any Provision of this Act to which no special Penalty is attached, obstructs any Person acting under the Authority or employed in the Execution of this Act, or wilfully violates any Direction or Regulation issued by the Board under this Act, shall be liable for every such Offence to a Penalty not exceeding Five Pounds; provided that nothing in this Act shall exempt any Person from any Penalty or Liability to which he may otherwise be subject.

Expenses due by Owners may be recovered from Occupiers, &c.

LV. All Expenses or Penalties decerned for against or due under this Act by an Owner may be recovered from the Occupier of the Premises to the Extent of the Rent thereof, and if paid by him may be deducted from the Rent, and if not so paid shall to the Extent of Two Years real Value of the Premises, rank as a preferable real Burden on the whole Premises in respect of which they became due.

As to Expenses incurred in executing this Act.

LVI. All Charges and Expenses incurred by the Local Authority in executing this Act, and not recovered, as herein-before provided, may be defrayed out of an Assessment to be levied along with, and in like Manner, and under like Powers, which are hereby given, as—

The Prison or Police Assessment, as the Town Council or Police Commissioners shall resolve, where the Local Authority is a Town Council or Police Commissioners;

The Assessment for the Relief of the Poor, where the Local Authority is a Parochial Board, or, where there is no such Assessment, by an Assessment levied in such Manner as an Assessment might have been levied for the Relief of the Poor.

As to Forms to be used.

LVII. The Forms contained in the Schedule to this Act annexed, or any Forms to the like Effect, may be used for the Purposes of this Act, and shall be sufficient therefor.

Police Constables to aid in executing Act. Act not to impair Right of Action, &c.

LVIII. The Constabulary and Police Force in their respective Jurisdictions shall aid the Authorities and Officers acting in execution of this Act, or any Directions or Regulations issued as aforesaid.

LIX. Nothing in this Act shall be construed to impair any Right of Action in respect of Nuisances at Common Law.

## PART V.

*Amendment of the Act passed in the Session of Parliament held in the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, intituled "An Act to make more effectual Provision for regulating the Police of Towns and populous Places in Scotland, and for paving, draining, cleansing, lighting, and improving the same."*

13 & 14 Vict. c. 33.

Commissioners may levy Special Sewer Rates.

LX. The Seventy-fourth Section of the said Act is hereby repealed; and in lieu thereof be it enacted, That whenever any new Sewer shall be made, enlarged, or re-constructed under the Provisions of the said Act, it shall be lawful for the Commissioners to recover the whole Expenses incurred by them in the making, Enlargement, or Re-construction of such Sewer from the Occupiers of all Premises situated in the Drainage District in which such Sewer shall be made, enlarged, or re-constructed; and for that Purpose the Commissioners shall assess and levy upon and from the Occupiers of such Premises, over and above any other Rates to which such Occupiers may be liable under the said Act, Special Sewer Rates not exceeding Sixpence in the Pound *per Annum* of the yearly Rent or Value of such Premises, and which Special Sewer Rates shall be assessed and levied along with and in the same Manner as the General Assessments authorized to be levied under the said Act; and all the Powers and Provisions of the said Act with respect to the assessing, levying, and recovering of such General Assessments are hereby made applicable to the assessing, levying, and recovering of the said Special Sewer Rates, in the same Manner, and as fully and effectually, to all Intents and Purposes, as if such Powers and Provisions had been herein re-enacted: Provided always, that such Special Sewer Rates and the General Sewer Rates by the said Act authorized to be levied shall be assessed separately for each Drainage District, and separate Accounts thereof shall be kept; and the said Rates shall be applied in each Drainage District, as provided by the said Act and this Act.

Power to borrow Money for the Construction of Sewers.

LXI. It shall be lawful for the Commissioners to borrow for the Purpose of making, enlarging or re-constructing Sewers, and on the Security of the said Special Sewer Rates and General Sewer Rates, such Sums of Money, and at such Times, as the Commissioners shall deem necessary for that Purpose, and to assign the said Special Sewer Rates and General Sewer Rates in Security of the Money to be so borrowed; and the Provisions of the said Act with respect to the borrowing of Money and the granting of Bonds therefor, and the Transference and recording of such Bonds, shall be applicable to the borrowing of Money for



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for the Purpose of making, enlarging, or re-constructing Sewers; and the Bonds to be granted under the Powers of the said Act and this Act for the Money so to be borrowed shall, *mutatis mutandis*, be in the Form, as near as may be, set forth in the said Act, and shall form a Lien on the Special Sewer Rates and General Sewer Rates thereby assigned, and shall entitle the Creditors to recover the Contents thereof from the Commissioners and their Officers out of the first and readiest of the said Special and General Sewer Rates.

LXII. The Money borrowed for the Construction of Sewers as aforesaid shall be applied wholly in defraying the Expense of making, enlarging, or re-constructing Sewers, and to no other Purpose whatsoever; and the Special and General Sewer Rates shall not be liable for nor be assigned in Security of the Payment of any Sums borrowed by the Commissioners for any other Purpose than the making, Enlargement, or Re-construction of Sewers.

Application of Money borrowed for constructing Sewers.

LXIII. It shall be lawful for the Commissioners and they are hereby required annually to levy from all Occupiers of Premises in each Drainage District, along with and as Part of such Special Sewer Rates and General Sewer Rates, such additional Assessment beyond the Sum necessary for paying the Interest on Money borrowed for the Purpose of defraying the Expense of making, enlarging, or re-constructing Sewers, and the current Expense of maintaining the same, as will produce a Fund equal to Five Pounds *per Centum per Annum* upon the Sum so borrowed, which Fund the Commissioners shall annually set apart and invest, at the highest Rate of Interest which can be had for the same, in the Public Funds or in any chartered or other Bank in *Scotland*, or on Heritable Security, as a Sinking Fund applicable and to be applied by the Commissioners from Time to Time to the Repayment of the Money so borrowed, until the Debt shall be extinguished: Provided always, that the Commissioners shall not include any Money borrowed for the Purposes of making, enlarging, or re-constructing Sewers, in fixing the Amount of the additional Assessment to be levied by them under Section Three hundred and forty of the said Act.

Sinking Fund to pay off Money borrowed for constructing Sewers.

LXIV. The Two hundred and thirteenth Section of the said Act is hereby repealed; and in lieu thereof be it enacted, That if any Street have not before the Adoption of the said Act been well and sufficiently paved and flagged or otherwise made good, the Commissioners may require the Owners of the Lands abutting on such Street to cause such Street or the Parts thereof not so paved and flagged or otherwise made good to be paved and flagged or otherwise made good in such Manner as the Commissioners shall direct; and in the event of such Owners not complying with such Requisition within One Month after Notice in Writing has been given to them by the Commissioners, it shall be lawful for the Commissioners to cause such Street or the Parts thereof not so paved or flagged or otherwise made good to be paved or flagged or otherwise made good in such Manner as they shall think fit, and the Expenses incurred by the Commissioners in respect thereof shall be repaid to them by the Owners of the Lands abutting on such Street or such Parts thereof as have not been theretofore well and sufficiently paved or flagged or otherwise made good; and the Provisions and Enactments of the said Act with respect to ensuring the Execution of the Works thereby required to be done by Owners or Occupiers shall apply to the Execution of all Works required to be done, and the Recovery of all Expenses incurred by the Commissioners with respect to the paving, flagging, or otherwise making good such Street under the Provisions of this Act; and such Street shall thereafter be repaired by the Commissioners out of the Assessments levied under the said Act.

Streets to be paved and flagged by Owners of Property abutting thereon.

LXV. If the Commissioners shall consider it necessary for Public Health that any Drain should discharge itself below High-water Mark, they shall be entitled, with the Consent of the Commissioners of Her Majesty's Woods and Forests, to construct the requisite Works for that Purpose in the Way and under the Regulations provided in regard to Works authorized under the above-mentioned Act.

Drains may be made to discharge below High-water Mark.

LXVI. It shall be lawful for the Magistrate to sentence any Person convicted of any Offence under the said Act to Imprisonment for any Period not exceeding Sixty Days; and in case any pecuniary Penalty imposed on any Person convicted of an Offence under the said Act be not immediately paid or consigned, or in case Caution for good Behaviour or for keeping the Peace, authorized by the said Act to be required, be not found in manner therein mentioned, it shall be lawful for the Magistrate to sentence the Person ordered to pay such Penalty or find such Caution to be imprisoned till such Penalty be paid or such Caution be found; but the Period of Imprisonment in respect of Default in paying such Penalty or finding such Caution shall not exceed Sixty Days, and the whole Period of Imprisonment in respect of the Offence and of such Default shall in no Case exceed Ninety Days.

Period of Imprisonment for Offences and for Default in paying Penalties and finding Caution.

LXVII. It shall be lawful for any Owner or Occupier liable to Assessment in respect of Property situated within the Limits of any Burgh under the said recited Act, but which Property is used wholly or in part for agricultural Purposes, to present a Petition to the Sheriff praying to have such Property or Part thereof found to be agricultural, and to be exempted from or to be made liable only for a Portion of the Rate of Assessment leviable from other Property within such Burgh for the Purposes of the said Act, and the Sheriff shall thereupon order Service of the Petition to be made on the Commissioners on an Induciae of Ten Days, and after hearing Parties, and taking such Evidence as he may think necessary, shall determine to what Extent such Property is agricultural, and what Proportion of the Rate of Assessment so leviable within such Burgh shall thereafter be assessed and levied on such agricultural Property so long as the same shall continue to be used for agricultural Purposes; but it shall be lawful to the Sheriff at any future Time, on a Petition presented to him by the Commissioners,

Sheriff may fix Boundaries of non-agricultural Part of Burgh.

*Nuisances Removal, &c. (Scotland).*

to find that any Part of such Property has ceased to be used for such Purposes, and to direct that the same shall thereafter be liable in Assessment at the same Rate as other Premises in the Burgh.

Judgments, &c.  
not subject to  
Review.

LXVIII. All Judgments, Decrees, or Orders pronounced by any Sheriff or Magistrate under this Act shall, unless it be otherwise provided by this Act, be final, and not subject to any Review.

In execution of  
18 & 19 Vict.  
c. 68., Limits  
of Burgh, as  
defined in Sec-  
tion 2., to com-  
prehend several  
Parishes as One  
united Parish.

LXIX. In order to amend an Act passed in the Eighteenth and Nineteenth Year of the Reign of Her Majesty, intituled *An Act to amend the Laws concerning the Burial of the Dead in Scotland*, so as to make the said Act available in Burghs comprehending Parts of more than One Parish, be it enacted, That in the Execution of the said Act where the Limits of any Burgh sending or contributing to send a Member to Parliament, as defined under Section Second of the said Act, shall comprehend more than One Parish, or Parts of more than One Parish, all the Parishes or Parts of Parishes within the Limits of such Burgh shall be held to be One united Parish for the Purposes of the said Act, and all that is comprehended within such Limits shall be excluded from other Parishes under the said Act, and the Town Council of the Burgh shall be held to be the Board of the united Parish, within such Limits, under the said Act: Provided always, that any Parish in which any School, Church, Chapel, or Preaching Station is maintained by the Kirk Session, or the Kirk Session and Heritors, out of the Funds derived from such Burying Grounds, shall be excepted from the above Provision, unless sufficient Provision for permanently maintaining the same, to the Extent of the Funds so derived, shall be made by the Town Council to the Satisfaction of the Sheriff of the County within which such Parish is situated.

Power to rec-  
tify Errors  
committed by  
Sheriffs in de-  
fining Bound-  
aries under  
13 & 14 Vict.  
c. 33.

LXX. In the event of any Error having been committed by any Sheriff in defining the Boundaries of any Burgh or Town or populous Place, under the Powers conferred by the Act of the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, intituled *An Act to make more effectual Provision for regulating the Police of Towns and populous Places in Scotland*, it shall be lawful for any Heritor or Ratepayer having Interest to bring the Matter under the Consideration of the Sheriff, who shall have Power to rectify any such Error, and whose Judgment thereon shall be final, and the Boundaries as so rectified shall, in regard to all future Acts, Payments, and Liabilities, be held to be the Boundaries originally assigned by the Sheriff under the said last-recited Act: Provided always, that any Acts done or Payments made prior to such Rectification shall be nowise affected thereby, but the same, in so far as done or made *bonâ fide*, shall, notwithstanding such Error, be as valid, final, and free from Challenge as if such Error had not been committed.

## SCHEDULE OF FORMS.

## FORM (A.)

*Order of Justice of Peace for Admission of Local Authority or their Officer to inspect private Premises.*

WHEREAS [describe the Local Authority] have by their Officer [naming him] made Application to me, A.B., One of Her Majesty's Justices of the Peace having Jurisdiction in [describe the Place], stating on Oath their [or his] Belief that a Nuisance, within the Meaning of "The Nuisances Removal (Scotland) Act, 1856," exists in private Premises at [describe Situation of Premises so as to identify them] within my Jurisdiction, and that Demand of Admission to such Premises for the Inspection thereof has been duly made under the said Act, and refused:

Therefore, I hereby require you to admit the said [name the Local Authority], [or the Officer of the said (Local Authority)] for the Purpose of inspecting the said Premises.

Dated this . . . Day of . . . 18 . . .

A.B.

## FORM (B.)

*Notice of Nuisance.*

To the Town Council of the [Burgh] of . . . or To the Police Commissioners  
of . . . or To the Nuisances Removal Committee of  
or To the Parochial Board of the Parish of . . . in the County of  
[as the Case may be].

WE [or I], the undersigned Inhabitant Householders, [Sanitary Inspector or other Officer (describing him) of the Parish or Burgh of . . .], do hereby give you Notice, That to the best of our [or my] Knowledge and Belief there exists in the [Dwelling House, Yard, &c., as the Case may be,] and Premises situate at No. . . in . . . Street [or such other Description as may be sufficient to identify the Premises] in the Parish of . . . in your District, under "The Nuisances Removal (Scotland) Act, 1856," the following Nuisance, videlicet, [describing the Nuisance, as the Case may be; for instance, the Dwelling House or Building at No. . . aforesaid is without a Privy or Drain or sufficient Means of Ventilation, or is unsafe, or in such a filthy or such an unwholesome Condition, or so out of Repair, or there is a foul or offensive Ditch, or Drain, or such an Accumulation of . . . &c., or Swine so kept as to be injurious to Health]; and that such Nuisance is caused or permitted to continue by [naming the Person by whose Act or Default, or by some Person unknown].

Day of . . . One thousand eight hundred and . . .

[Signed by Complainant or Complainants.]

FORM

*Nuisances Removal, &c. (Scotland).**Formation, &c. of Parishes.*

## FORM (C.)

*Certificate of Nuisance.*To the Town Council, &c. [*as in the Form of Notice*].

I, the undersigned, being Medical Officer of the under-mentioned Parish of \_\_\_\_\_, do hereby certify to you, That to the best of my Knowledge and Belief there exists in the Premises [Dwelling House, or Yard, &c.] situate at No. \_\_\_\_\_ in \_\_\_\_\_ Street [*or such other Description as may be sufficient to identify the Premises*] in the Parish of \_\_\_\_\_ in your District, under "The Nuisances Removal (Scotland) Act, 1856," the following Nuisance [*describing the Nuisance, as the Case may be*], cognizable under that Act.

Day of \_\_\_\_\_ One thousand eight hundred and \_\_\_\_\_

A.B.

## FORM (D.)

*Order to permit Execution of Works by Owners.*

WHEREAS Complaint hath been made to me, E.F., Esquire, One of Her Majesty's Justices of the Peace for the County [*or Burgh, &c.*] of \_\_\_\_\_ by A.B., Owner within the Meaning of "The Nuisances Removal (Scotland) Act, 1856," that C.D., the Occupier of a Dwelling House [*or Building, or as the Case may be*] situate [*insert such a Description of the Premises as may be sufficient to identify them*] in the Parish of \_\_\_\_\_ in the said County [*or Burgh, &c.*] prevents the said A.B. from obeying and carrying into effect the Provisions of the said Act, videlicet, [*here describe the Works generally, according to the Circumstances; for instance, thus, cleansing or whitewashing or purifying the said Dwelling House (or Building), or erecting a Privy or Drain, or breaking an Aperture for Ventilation, or cleansing a foul and offensive Drain (Ditch, Gutter, Privy, Cesspool, or Ashpit)*]; and not having shown sufficient Cause against the same, and it appearing to me that the said Works are necessary for the Purpose of enabling the said A.B. to obey and carry the same into effect, I therefore hereby order that the said C.D. do permit the said A.B. to execute the same in the Manner required by the said Act.

(Date.) \_\_\_\_\_

E.F.

## C A P. CIV.

An Act to extend the Provisions of an Act of the Sixth and Seventh Years of Her Majesty, for making better Provision for the Spiritual Care of populous Parishes, and further to provide for the Formation and Endowment of separate and distinct Parishes.

[29th July 1856.]

WHEREAS it is expedient to afford increased Facilities for the Subdivision of populous Districts, and for the Formation thereof of separate and distinct Parishes for all Ecclesiastical Purposes, and also to make better Provision for the Endowment and Augmentation of poor Livings in England and Wales: And whereas by an Act passed in the Sixth and Seventh Years of Her Majesty, Chapter Thirty-seven, and by another Act passed in the Seventh and Eighth Years of Her Majesty, Chapter Ninety-four, the Ecclesiastical Commissioners for England are empowered, in the Case of Parishes, Chapelries, and Districts of great Extent and containing a large Population, to constitute any Part or Parts thereof a separate District for Spiritual Purposes, such District not at the Time of so constituting the same containing within its Limits any consecrated Church or Chapel, and it is expedient that the Provisions of the said Act relative thereto, and to the Matter and Things consequent thereon, should be extended and amended in manner following: 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

I. It shall be lawful to constitute Districts under the Provisions of the said Acts, notwithstanding that there may be within the Limits of any such District a consecrated Church or Chapel, any Local Act to the contrary notwithstanding. Power to constitute new Districts under recited Acts.

II. It shall be lawful for the Commissioners, in the Scheme for constituting any District, to specify some existing or intended Church within the District as the Parish Church of such District, and immediately upon the issuing of the Order of Her Majesty in Council ratifying such Scheme such District shall become and be a new Parish, and such Church, when consecrated, the Church thereof, and the Incumbent of such Church the Incumbent thereof, in the same Manner, and to the same Extent, to all Intents and Purposes, as is contemplated with respect to new Parishes formed under the said Acts, and to the Churches and Incumbents thereof respectively; and the Incumbent of such Church shall be liable to the Performance of all Pastoral Duties within the Limits of such new Parish. District containing a Church to become a new Parish on being constituted a separate District by Order in Council.

III. It shall be lawful to recommend the Constitution of such District without providing in the Scheme for the same the permanent Endowment required by the Ninth Section of the first-recited Act, if it shall appear to the Commissioners, and shall be declared in the said Scheme, that there is Reason to expect from other Sources an adequate Maintenance for the Incumbent. District may be constituted without providing Endowment, &c.

*Formation, &c. of Parishes.*

Section 22 of 6 & 7 Vict. c. 37. to apply to Ecclesiastical and Collegiate Corporations.

IV. The Powers and Provisions contained in the Twenty-second Section of the said first-recited Act, enabling any Person or Body Corporate to give and grant Lands, Tithes, Tenements, or other Hereditaments, Goods or Chattels, for the Purposes of the said Act, shall be construed and held to authorize any Ecclesiastical or Collegiate Corporation, aggregate or sole, to give or grant any Lands, Tithes, Tenements, or other Hereditaments, Goods or Chattels, belonging to such Corporation, in such Manner as is in the said firstly and secondly recited Acts mentioned, for the Purposes of the said recited Acts or of this Act: Provided always, that the said Powers shall not be exercised by the Incumbent of any Benefice with Cure of Souls without the Consent of the Patron of such Benefice.

Right to Pews in the old Parish Church not to be retained after Occupation of Sittings in the new.

V. Every Person resident within the Limits of any new Parish or District already formed under any of the Church Building Acts, or hereafter to be formed under the Provisions of the said Acts of the Sixth and Seventh Years of Her Majesty, Chapter Thirty-seven, and the Seventh and Eighth Years of Her Majesty, Chapter Ninety-four, or of this Act, who shall have claimed and have had assigned to him Sittings in the Church of such new Parish, shall thereby surrender, as to any Right that he may have possessed, an equal Number of Sittings in the Church of the original Parish or other Ecclesiastical District out of which such Parish shall have been taken, unless such last-mentioned Sittings be held by Faculty or under an Act of Parliament.

Pew Rents may be taken according to Scale, and applied towards Repair of Church and providing Endowment.

VI. It shall be lawful for the Commissioners, if it shall appear to them that sufficient Funds cannot be provided from other Sources, but not otherwise, with the Consent of the Bishop of the Diocese under his Hand, to order and declare by an Instrument in Writing under their Common Seal that annual Rents may be reserved and taken in respect of any Pews or Sittings in any Church to or for which a District may hereafter be assigned under the Provisions of the said recited Acts or of this Act, and such Rents shall be charged, levied, and taken by the Churchwardens for the Time being of such Church after a Rate or Scale which shall be specified in such Instrument, and the Proceeds not otherwise appropriated by Law shall be applied towards the Repair and Maintenance of the same Church, and the Maintenance of the Minister and the Services thereof, and the Endowment of such Church, in such Manner as shall be specified in such Instrument, and to no other Uses: Provided always, that One Half Part at least of the whole Number of Pews or Sittings in such Church shall be Free Sittings, and that it shall be shown to the Satisfaction of the said Commissioners that the said Free Sittings will, with respect to Position and Convenience, be as advantageously situated as those for which a Rent may be fixed and reserved.

Upon permanent Endowment of any Church or Chapel a proportionate Number of Sittings to be declared free, or Scale of Pew Rents to be reduced.

VII. Upon a permanent Endowment being provided for any Church in which Pew Rents have previously been authorized to be taken, and upon such Endowment being approved by the Commissioners, they may thereupon, under such an Instrument under their Common Seal as is herein-before mentioned, with the Consent of the Bishop of the Diocese, make an equivalent Reduction in the total Amount of the Rents authorized to be taken for the Pews or Sittings in such Church, if the same shall not be appropriated by Law for specific Purposes, either by a Reduction of the Rate or Scale, or by declaring certain specific Pews or Sittings theretofore chargeable with the Rents to be absolutely free: Provided always, that if any Sum or Sums of Money have been borrowed under the Authority of any Act of Parliament or Order in Council upon the Security of Pew Rents such Instrument shall not take effect until after the Repayment of all Sums so charged or chargeable.

Scale of Pew Rents may be altered.

VIII. It shall be lawful for the said Commissioners, with the like Consent of the Bishop, from Time to Time or at any Time, to rescind the whole or any Part of the Provisions contained in any Instrument such as aforesaid which may be in force; but no Alteration affecting the Emoluments of the Incumbent of any Church shall take effect until the next Avoidance of the Benefice, unless with his Consent in Writing.

Clerk and Sexton to be appointed by Incumbent.

IX. The Parish Clerk and Sexton of the Church of any Parish constituted under the said recited Acts or this Act shall and may be appointed by the Incumbent for the Time being of such Church, and be by him removable, with the Consent of the Bishop of the Diocese, for any Misconduct.

Freeholds of Titles of Churches and Burial Grounds to vest in Incumbents.

X. The Freehold of the Site of the Church of any new Parish created under this Act or the said firstly and secondly recited Acts, and of the Churchyard, Burial Ground, and Vaults belonging thereto, with the Rights, Members, and Appurtenances thereof, but in case the same shall be vested in any Vestry by any Local Act of Parliament then not without the Consent of such Vestry, and the House of Residence, with the Appurtenances thereof, and all the Lands, Tithes, Tenements, Hereditaments, and other Endowments belonging to such Church, or held by or vested in any Person or Body Corporate in trust exclusively for or for the exclusive Benefit of the Incumbent of such Church, shall become and be vested in such Incumbent and his Successors for ever, and be held and enjoyed by him and them in right of such Incumbency; and all Lands, Tenements, or Hereditaments granted or conveyed for the Site of any Church, and upon which any Church shall be built, or for a Burial Ground, shall from and after the Consecration of such Church and Burial Ground respectively remain and be freed from and discharged of all the Estate, Right, Title, Interest, Claim, and Demand of any Person, Body Politic or Corporate whatsoever, unto or out of the same or any Part thereof respectively, subject nevertheless to any Rent that may be reserved thereout, and to the Covenants and Conditions subject to which the same may have been granted or conveyed.

XI. From

*Formation, &c. of Parishes.*

XI. From and after the Commencement of this Act, the Commissioners may, if they shall think fit, upon Application of the Incumbent of any Church or Chapel to which a District shall belong, with the Consent in Writing of the Bishop of the Diocese, make an Order, under their Common Seal, authorizing the Publication of Banns of Matrimony and the Solemnization therein of Marriages, Baptisms, Churchings, and Burials, according to the Laws and Canons now in force in this Realm; and all the Fees payable for the Performance of such Offices, as well as all the Mortuary and other Ecclesiastical Fees, Dues, Oblations, or Offerings arising within the Limits of such District, shall be payable and be paid to the Incumbent of such District.

Offices of the Church to be performed in all Churches or Chapels, on Application of the Incumbent.

XII. In every Case in which all or any Part of the Fees or other Ecclesiastical Dues arising within the Limits of any District, or payable in respect of Marriages, Baptisms, Churchings, and Burials in the Church or Chapel thereof, or of such Fees as are hereby made payable to the Incumbent of any District, shall have been reserved, or if such last-mentioned Order had not been made would of right belong to the Incumbent of the original Parish, District, or Place out of which the District of such Church or Chapel shall have been taken, or to the Clerk thereof, an Account of such Fees shall be kept by the Incumbent of such Church or Chapel, who is hereby required to receive and every Three Months pay over the same to the Incumbent and Clerk respectively who would have been entitled to them in case such Districts had not been formed; and from and after the next Avoidance of such Incumbency, or the Relinquishment of such Fees by such Incumbent, and after the Situation of such Clerk shall have become vacant, or after a Compensation in lieu of Fees has been awarded to such Clerk by the Bishop of the Diocese, which he is hereby empowered to do, such Reservation shall altogether cease and determine; and all such Fees and Dues shall belong to the Incumbent of the District within which the same shall arise, or to the Clerk of the Church thereof.

Reserved Fees to belong to original Incumbent until First Avoidance, then to the Incumbent of new Parish.

XIII. The Provisions contained in the Nineteenth Section of the Sixth and Seventh *Victoria*, Chapter Thirty-seven, relating to Compensation to be given as therein mentioned, shall be applicable to and may be exercised by the Commissioners in like Manner with respect to Persons affected by the Provisions of this Act.

Provisions of 19th Section of 6 & 7 Vict. c. 37. extended.

XIV. Wheresoever or as soon as Banns of Matrimony and the Solemnization of Marriages, Churchings, and Baptisms according to the Laws and Canons in force in this Realm are authorized to be published and performed in any consecrated Church or Chapel to which a District shall belong, such District not being at the Time of the passing of this Act a separate and distinct Parish for Ecclesiastical Purposes, and the Incumbent of which is by such Authority entitled for his own Benefit to the entire Fees arising from the Performance of such Offices without any Reservation thereout, such District or Place shall become and be a separate and distinct Parish for Ecclesiastical Purposes, such as is contemplated in the Fifteenth Section of the first-recited Act, and the Church or Chapel of such District shall be the Church of such Parish, and all and singular the Provisions of the said firstly and secondly recited Acts (as amended by this Act) relative to new Parishes, upon their becoming such, and to the Matters and Things consequent thereon, shall extend and apply to the said Parish and Church as fully and effectually as if the same had become a new Parish under the Provisions of the said last-mentioned Acts.

Districts may become separate and distinct Parishes.

XV. The Incumbent of every new Parish created or hereafter to be created pursuant to the Provisions of the said firstly and secondly recited Acts or of this Act shall, saving the Rights of the Bishop of the Diocese, have sole and exclusive Cure of Souls and the exclusive Right of performing all Ecclesiastical Offices within the Limits of the same, for the resident Inhabitants therein, who shall for all Ecclesiastical Purposes be Parishioners thereof, and of no other Parish, and such new Parish shall, for the like Purposes, have and possess all and the same Rights and Privileges, and be affected with such and the same Liabilities, as are incident or belong to a distinct and separate Parish, and to no other Liabilities: Provided always, that nothing herein contained shall be taken to affect the legal Liabilities of any Parish regulated by a Local Act of Parliament, or the Security for any Loan of Money legally borrowed under any Act of Parliament or otherwise.

Incumbents of new Parishes to have exclusive Cure of Souls therein.

XVI. The Provisions contained in the Twentieth Section of the said firstly-recited Act respecting the Assignment of the Right of Patronage, either in perpetuity or for One or more Nominations, in certain Cases, by the Authority therein referred to, shall apply to the Case of the Patronage of any Church or Chapel to which a District shall belong, and the Patronage of which is vested in the Incumbent of the original Parish, District, or Place out of which such aforesaid District shall have been taken, by reason of his being such Incumbent, and not of any private Right, or of any new Parish which shall hereafter be constituted under this Act, or of any existing Parish or District having neither Incumbent nor Patron, or of any Benefice the Patronage of which is vested in the Crown, or in the Chancellor of the Duchy of *Lancaster*, or in the Duke of *Cornwall*, or of any Benefice the Patronage of which is vested in any Ecclesiastical or Lay Corporation, aggregate or sole; provided that the permanent annual Endowment of such Benefices respectively shall not exceed One hundred Pounds *per Annum*, nor the annual Income of the same from all Sources the Sum of Two hundred and fifty Pounds *per Annum*, such Income to be calculated by the said Commissioners in the Manner provided by the Eighth Section of an Act of the First and Second of *Victoria*, Chapter One hundred and six, and when any Portion of such Income shall arise from Pew Rents, the Value of such Portion shall be calculated upon an Average of the Three Years last preceding.

Provisions contained in Section 20 of 6 & 7 Vict. c. 37. extended.

XVII. It

*Formation, &c. of Parishes.*

Patronage may be conferred upon Contributors to Endowment or their Nominees, upon certain Considerations.

XVII. It shall not be lawful for the Commissioners to assign such Patronage as aforesaid in perpetuity for any less Consideration than the building a Church, as and for the Church of such Parish, District, or Benefice, and providing for the permanent Endowment of such Church a clear yearly Sum of at least Forty-five Pounds, or the permanently endowing the Church or Chapel of such Parish, District, or Benefice with a clear yearly Sum of One hundred and fifty Pounds: Provided always, that the Commissioners may, in lieu of such Sums, or as Part thereof, accept any Gift, Benefaction, or Property which they shall judge to be suitable in its Nature; but provided always, that such Gift, Benefaction, or Property shall, in the Judgment of the Commissioners, be equivalent to the said Sums in each Case respectively, or to the Part thereof in lieu of which it shall have been accepted.

Assignment of Patronage to be made with certain Consents.

XVIII. Such Assignment shall be made in the following Cases with the following Consents only; that is to say, in the Case of a Benefice in the Patronage of the Crown, or the Chancellor of the Duchy of Lancaster for the Time being, or of the Duke of Cornwall, or of any Archbishop or Bishop, or of any Lay or Ecclesiastical Corporation Aggregate, with the Consent of the Patron thereof; and in the Case of a Benefice in the Patronage of an Incumbent of any other Benefice, with Consent of the Bishop of the Diocese, and also with Consent of the Patron of such other Benefice, if in private Patronage, and in the Case of any Parish or District having neither Incumbent nor Patron, with the Consent of the Bishop of the Diocese; and such Consent shall be testified in manner provided by the One hundred and twenty-sixth and One hundred and twenty-eighth Sections of the Act of the First and Second Victoria, Chapter One hundred and six.

Notices to be sent to Patrons.

XIX. When the Commissioners shall intend to make any such Assignment as aforesaid, they shall give Notice in Writing of such Intention to the Patron or Patrons of such Benefices, and to the Person or Persons whose Consents are hereby required, and such Notice shall be served in manner provided by the secondly-recited Act.

Who to be deemed Patrons.

XX. The Provisions of an Act passed in the Session holden in the First and Second Years of Her Majesty, Chapter One hundred and six, relative to the Party or Parties who shall be deemed the Patron or Patrons of the Benefices therein mentioned, shall be applicable for the Purposes of this Act.

Patronage not to be sold.

Penalty of Lapse for so doing.

XXI. Whenever the Right of Patronage of any such before-mentioned Benefice with Cure of Souls shall, pursuant to the foregoing Provisions of this Act, have become vested in perpetuity in any Body or Person by reason of such Body or Person having augmented the Endowment of such Benefice in such adequate Manner as is herein-before mentioned, and whenever such Benefice shall, at the Time of such Transfer of Patronage, be already permanently endowed with an annual Sum of not less than One hundred Pounds, or whenever the annual Income of such Benefice from all Sources shall, when calculated upon an Average of the Three Years immediately preceding such Augmentation, amount to One hundred and fifty Pounds, no subsequent Sale or Assignment or other Disposition of such Patronage by any Body or Persons whatsoever, for any valuable Consideration whatever, shall be made until Thirty Years next after such Transfer, unless the entire Proceeds be legally secured to the further permanent Augmentation of such Benefice, but every such Sale, Assignment, or other Disposition of such Patronage shall be illegal, and every Presentation, Collation, Admission, Institution, or Induction thereupon shall be void, and the Right of Patronage of such Benefice shall thereupon for that Turn lapse to the Bishop: Provided also, that when the Patronage of any Church or Chapel to which a District shall have been assigned is vested in the Incumbent of the original Parish, District, or Place out of which such District has been taken, the Person holding the Incumbency of such original Parish, District, or Place at the Time of the passing this Act shall not be deprived of the Patronage of such Church or Chapel by any Assignment of the same during his Incumbency without his Consent.

Patronage may be vested in certain Cases in Incumbent of original Parish.

XXII. Upon the Constitution of a new Parish under this Act, it shall be lawful for the Commissioners, in the meantime and until the Conditions of the said Acts or of this Act relating to the Assignment of the Patronage of the Church of such new Parish in consideration of an Endowment provided for the same shall have been complied with, and subject to the Conditions relating thereto herein contained, to assign such Patronage, if they shall see fit, to the then Incumbent of the original Parish out of which such new Parish shall have been taken for the Term of his Incumbency, and if such Parish shall have been formed out of more than One Parish, then to one or other of the then Incumbents of such Parishes for the Term of his Incumbency as they shall think fit, anything contained in the Twenty-first Section of the first-recited Act to the contrary notwithstanding.

Lands, Tithes, &c. and other Endowments to vest in Incumbent and his Successors.

XXIII. All Endowments, of whatever Form and Character, which shall hereafter be provided for any Parish, District, or Benefice, and the Church or Chapel thereof, under the Provisions of the said firstly and secondly recited Acts or of this Act, shall be settled and assured by the Body or Person providing the same, to the Satisfaction of the Commissioners, by such Deed or Deeds and in such Manner as the Commissioners shall from Time to Time direct, unto and to the Use of the Incumbent for the Time being of the Church or Chapel of such Parish, District, or Benefice, and his Successors for ever; and such Deeds shall be valid and effectual in Law to all Intents and Purposes, whether such Church or Chapel shall be vacant or full of an Incumbent, and notwithstanding the Statute of Mortmain or any other Law or Statute whatsoever.

Appointment of Trustees, &c.

XXIV. Where the Commissioners shall make any Assignment of Patronage in perpetuity, under the said first-recited Acts or this Act, to the Nominees of any Body or Person or of Two or more Bodies or Persons

*Formation, &c. of Parishes.*

Persons respectively, such Nominees shall be not more than Five in Number, and shall be the Trustees for the Exercise of such Patronage, and shall be named in the Deed of Assignment by the said Bodies or Persons making such Endowment or Augmentation, or by the major Part in Value of the Subscribers thereto respectively of not less than Fifty Pounds; and every such Nominee shall upon his Appointment sign a Declaration that he is a Member of the United Church of *England and Ireland*; and all Vacancies which shall from Time to Time occur in the Number of such Trustees, from Death, Resignation, or Inability or Refusal to act, shall be filled up in such Manner as by the said Deed of Endowment shall be provided; and if it shall happen that all the Trustees for the Time being shall die without having (in pursuance of any such Power in the said Deed of Endowment) appointed any other Trustees or Trustee as their Successors, or in case any Vacancy in the Number of such Trustees shall not be filled up for the Space of Two Years from the Date of such Vacancy occurring, then and in either Case it shall be lawful for the Bishop of the Diocese to nominate, appoint, or complete the Number of Trustees by the said Deed of Assignment required; and every such Appointment, whether made in pursuance of the said Deed of Assignment or by the Bishop, shall be valid and effectual for the Purpose of conveying the Right of Nomination; and during any Vacancy or Vacancies in the Office of Trustee the remaining or continuing Trustees or Trustee for the Time being shall be capable of acting, as fully and effectually as if such Vacancy or Vacancies had been duly filled up.

XXV. It shall be lawful for the Commissioners, by the Authority aforesaid, and subject to such Consents as are herein-after mentioned, to divide any Parish into Two or more distinct and separate Parishes for all Ecclesiastical Purposes whatsoever, and to fix and settle the respective Proportion of Tithes, Glebe Lands, and other Endowments which shall arise, accrue, remain, and be within each of such respective Divisions, according as by the like Authority shall be deemed advisable; and the Order made by Her Majesty in Council, ratifying the Scheme for such Division, shall be good and valid in Law for the Purpose of effecting the same; and such Scheme shall set forth the particular Expediency of such Division, and how far it may be necessary in consequence thereof to make any Alteration in Ecclesiastical Jurisdiction, and how the Changes consequent upon such Division in respect of Patronage, Rights of Pew Holders, and other Rights and Privileges, Glebe Lands, Tithes, Rentcharges, and other Ecclesiastical Dues, Oblations, Offerings, Rates, and Payments, may be made with Justice to all Parties interested; and such Scheme shall also contain such Directions and Regulations relative to the Duties and Character of the Incumbents of the respective Divisions of such Parish, and to the Performance of the Offices and Services of the Church in the respective Churches thereof, and to the Fees to be taken for the same respectively, and to any other Matter or Thing which may be necessary or expedient by reason or in consequence of such Change: Provided always, that such Division shall be made in the following Cases with the following Consents only; that is to say, in the Case of a Benefice in the Patronage of the Crown, or in the Chancellor of the Duchy of *Lancaster* for the Time being, or of the Duke of *Cornwall*, or of any Archbishop or Bishop, or of any Lay or Ecclesiastical Corporation Aggregate, or of a Benefice in private Patronage, with the Consent of the Patrons thereof respectively, with the Consent of the Bishop of the Diocese, such Consents to be testified as aforesaid: And provided also, that no such Provision shall take effect until after the first Avoidance then next ensuing of the Church of the Parish to be so divided, unless with the Consent in Writing of the actual Incumbent thereof.

Parishes may be divided, with certain Consents.

XXVI. In Cases where any Parish shall have been divided into Two or more distinct and separate Parishes, or where any District or new Parish shall have been constituted or formed out of any Parish, District, or Place, it shall be lawful, by the Authority aforesaid, and with the Consent of each of the respective Patrons and Incumbents of such distinct and separate Parishes, or of such Parish, District, or Place, as the Case may be, to make a Separation and Division of the Glebe Lands, Tithes, Rentcharges, and other Endowments belonging to such distinct and separate Parishes, or to such Parish, District, or Place, and to annex and resettle the same to and for the Benefit of such distinct and separate Parishes, or of such Parish, District, or Place, and the District or new Parish constituted or taken thereout, as the Case may be, in such Manner and Proportions as by the Authority aforesaid may be deemed expedient, and to make such Regulations and Arrangements as may be requisite for effectually completing such Division and Settlement as aforesaid; and upon every such Resettlement of Endowments, whenever the whole of the Ecclesiastical Dues arising within the Limits of any Parish, District, or Place, consisting of any Prædial or Rectorial Tithe shall become and be made payable to the Incumbent of such Parish, District, or Place, such Parish, District, or Place shall thereupon become and be a Rectory, and such Incumbent the Rector thereof, anything herein-before contained to the contrary notwithstanding.

In new Parishes and Parishes already divided, a Division and Resettlement of Endowments may be made.

XXVII. For the Purpose of providing for the Incumbent of any Church or Chapel a convenient House of Residence, or for a Site thereof, or for a Garden or Glebe thereto, it shall be lawful for any Body or Person who shall give, grant, or convey to the Ecclesiastical Commissioners for *England* any Messuage, Lands, Tenements, or Hereditaments, to give or grant the same, and for the said Commissioners to receive the same, subject to such Conditions and Stipulations, for the Purpose of more effectually securing the same to and for the Use of such Spiritual Person aforesaid and his Successors for ever, as may be agreed upon between the said Commissioners and the Body or Person so giving or conveying the same.

As to providing Houses of Residence for Spiritual Persons serving any Church or Chapel.

XXVIII. Whereas

## Formation, &amp;c. of Parishes.

## Consolidated Fund (Appropriation).

Churchwardens to be paid Compensation for Rights of Common.

XXVIII. Whereas it is enacted by the Thirty-eighth Section of the Fifty-eighth *George the Third*, Chapter Forty-five, that a Sum for Compensation of Rights of Common shall be paid to the Churchwardens of the respective Parishes wherein such Commons or Waste Lands shall lie, and Doubts have arisen whether it is compulsory or permissive, on the Part of the Churchwardens, to receive the same: It is hereby declared, That it shall be compulsory for the Churchwardens to accept Payment of the said Compensation.

Nothing to affect Provisions of 13 & 14 Vict. c. 41., &c.

XXIX. Nothing herein contained shall be construed to affect or alter the Provisions of the Parish of *Manchester* Division Act, 1850, or to affect or alter any existing or special Rights, Privileges, or Liabilities whatsoever, ecclesiastical or civil, of any Parish, District, or Place, except as is herein otherwise provided.

Powers of 3 & 4 Vict. c. 113. and 4 & 5 Vict. c. 39. extended to this Act.

XXX. All the Powers and Authorities vested in Her Majesty in Council and the Ecclesiastical Commissioners for *England* by an Act of the Third and Fourth Years of Her Majesty, Chapter One hundred and thirteen, and by an Act of the Fourth and Fifth Years of Her Majesty, Chapter Thirty-nine, with reference to the Matters therein contained, and all other the Provisions of the same Acts relative to Schemes and Orders prepared, made, and issued for the Purposes thereof, shall be continued and extended and shall apply to Her Majesty in Council, and to the Commissioners, and to all Schemes and Orders prepared, made, and issued by them respectively with reference to all Matters contained in this Act, as fully and effectually as if the said Powers, Authorities, and other Provisions were repeated herein, and the said recited Acts and this Act shall be read and construed as one and the same Act.

Commissioners may apportion Endowment.

XXXI. It shall be lawful for the Commissioners, with the Consent of the Bishop of the Diocese and of the Patron and Incumbent of the Church of any Parish, to apportion any Sum arising from a permanent Endowment belonging to such Church, and applicable to the Repair and Maintenance thereof, to the Repair or Maintenance of any Church or Churches situated within the original Limits of such Parish, anything contained in any Local Act to the contrary notwithstanding.

When Parishes to be Ecclesiastical Districts.

XXXII. For the Purposes of the Acts concerning or regulating the Burial of the Dead, every Parish created under the said recited Acts or this Act shall be held to be an Ecclesiastical District within the Meaning of the said Acts.

Interpretation of certain Terms.

XXXIII. In the Construction of this Act:

The Expression "Parish, District, or Place," shall mean and include any ancient or distinct and separate Parish, District Parish, Chapelry, District Chapelry, Consolidated Chapelry, or Extra-parochial Place; and the Word "Extra-parochial Place" shall include any Township, Vill, Village, or Hamlet, being extra-parochial:

The Word "Commissioners" shall mean the Ecclesiastical Commissioners for *England*:

The Word "Lands" shall extend to and include Manors, Messuages, Buildings, Tenements, and Hereditaments, corporeal and incorporeal, of every Tenure and Description:

The Word "Tithes" shall mean and include all commuted and uncommuted Rentcharges in lieu of Tithes, Portions and Parcels of Tithe, and all Moduses, Compositions, Prescriptive and Customary Payments:

The Expression "Body or Person" shall mean and include any Body Politic, Corporate, or Collegiate, the Trustees, Guardians, Commissioners, or other Persons having the Control, Care, or Management of any Hospital, School, or Charitable Foundation, and any Corporation Aggregate or Sole as well as One Person:

The Word "Bishop" shall include Archbishop.

Extent of Act.

XXXIV. This Act shall extend only to that Part of the United Kingdom called *England* and *Wales*, and to the *Isle of Man*, and to the Islands of *Guernsey*, *Jersey*, *Alderney*, and *Sark*, and to the *Scilly Islands*.

Short Titles of Acts.

XXXV. Whenever it may be necessary to cite the said recited Acts or this Act, it shall be sufficient to use the Expression "New Parishes Act," 1843, 1844, or 1856, as the Case may require.

## C A P. CV.

An Act to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year One thousand eight hundred and fifty-six, and to appropriate the Supplies granted in this Session of Parliament. [29th July 1856.]

§ I. There shall be applied for the Service of the Year 1856 the Sum of £24,548,773. Os. 7d. out of the Consolidated Fund.

II. The Treasury may cause £24,548,773. Os. 7d. of Exchequer Bills to be made out in manner prescribed by 48 G. 3. c. 1., 4 & 5 W. 4. c. 15. and 5 & 6 Vict. c. 66.

III. The Clauses, &c. in recited Acts extended to this Act.

IV. Interest on Exchequer Bills.

V. Bank of *England* may advance £24,548,773. Os. 7d. on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.



Consolidated Fund (Appropriation).

§ VI. Bills prepared by virtue of this Act to be delivered to the Bank, as Security for such Advances.			
VII. Monies raised by Bills to be applied to the Services voted by the Commons.			
VIII. Power to apply Monies raised by Acts c. 6 and c. 21. of present Session to Services voted by the Commons repealed.			
IX. Exchequer Bills made chargeable upon the growing Produce of the Consolidated Fund.			
X. Treasury may apply for the Service of the Year 1855 £ 562,028 13s. Surplus of Ways and Means.			
XI. Appropriation of Ways and Means to Services hereafter expressed.—19 & 20 Vict. c. 4., 19 & 20 Vict. c. 7., 19 & 20 Vict. c. 9.			
XII. There shall be issued,			
£204,982	1 5	For Excess of Naval Expenditure beyond the Grants for 1854-5.	
XIII. £16,568,614 0 0 For Navy Services; viz.			
		For Wages to 76,000 Seamen and Marines	} For the Three Months ending 30th June 1856. For the Nine Months from 30th June to 31st March 1857.
2,601,922	0 0	For Wages to 56,000 Seamen and Marines	
1,167,338	0 0	For Victuals, &c. in the Navy	} For the Year ending 31st March 1857.
138,399	0 0	For Salaries, &c. of the Admiralty Office	
20,000	0 0	For the Royal Naval Coast Volunteers	
58,982	0 0	For the Navy Scientific Departments	
153,795	0 0	For Naval Establishments at home	
36,494	0 0	For Naval Establishments abroad	
1,190,309	0 0	For Wages of Artificers, &c. at home	
109,913	0 0	For Wages of Artificers, &c. abroad	
3,000,500	0 0	For Naval Stores, &c.	
864,334	0 0	For new Works in Naval Establishments	
65,500	0 0	For Medicines, &c.	
88,972	0 0	For Naval Miscellaneous Services	
655,421	0 0	For Naval Half Pay, &c.	
494,363	0 0	For Military Pensions	
147,685	0 0	For Civil Pensions	
4,977,200	0 0	For Transport Service, Freight of Ships, &c., for Army and Ordnance Services, and for Expenses of Prisoners of War	
756,487	0 0	For Packet Service	
40,000	0 0	For the Purchase of Ground at Deptford, &c.	
1,000	0 0	For Rewards to Officers, &c. of Her Majesty's Ship "Prometheus"	
XIV. 8,789,099 0 0 For Army Services; viz.			
450,010	0 0	For Wages of Artificers, &c.	} From 1st April 1856 to 31st March 1857.
4,000,010	0 0	For Clothing, Barrack Furniture, &c.	
2,500,010	0 0	For Stores for Land and Sea Service	
1,839,069	0 0	For Works, Buildings, &c.	
11,688,935	0 0	For other Army Services, viz.	
7,000,010	0 0	For Forces in United Kingdom and Stations abroad (except East Indies)	
1,000,010	0 0	For Embodied Militia	
88,000	0 0	For Volunteer Corps	
250,010	0 0	For Army Works Corps	
169,026	0 0	For Salaries, &c. of War Department	
22,791	0 0	For Head Quarters Military Departments	
450,010	0 0	For Civil Establishments, &c.	
238,404	0 0	For Educational and Scientific Branches	
25,400	0 0	For Rewards for distinguished Services, &c.	
67,000	0 0	For Pay of General Officers	
519,094	0 0	For Reduced and Retired Officers	
220,420	0 0	For Pensions to Widows, and Compassionate List, &c.	

## Consolidated Fund (Appropriation).

	£83,558	0	0	For Pensions, Gratuities, &c. to wounded Officers	} From 1st April 1856 to 31st March 1857.
	32,096	0	0	For In-Pensioners of <i>Chelsea</i> and <i>Kilmainham</i> Hospitals	
	1,168,392	0	0	For Out-Pensioners of <i>Chelsea</i> Hospital, &c.	
	124,264	0	0	For Superannuation and Retired Allowances	
	1,500	0	0	For Education of Twenty Queen's Cadets, Sons of Officers who have died in Service	
	228,950	0	0	For Disembodied Militia	
§ XV.	2,000,000	0	0	For Excess of Military and Naval Expenditure beyond the Grants for 1855-6 and 1856-7.	
XVI.	1,346,023	0	0	For Excess of Ordnance Expenditure beyond the Grants for 1855-6.	
	294,154	0	0	For Barrack Supplies	} For the Year ending 31st March 1856.
	62,316	0	0	For Wages, &c.	
	987,185	0	0	For Stores	
	2,368	0	0	For Scientific Branch	
XVII.	21,182,700	0	0	To pay off Exchequer Bills of 1855.	
XVIII.	80,000	0	0	For Excess of Expenditure in the Mint Department beyond the Grant for 1856.	
XIX.	100,000	0	0	For Civil Contingencies	} To 31st March 1857.
REVENUE DEPARTMENTS.					
XX.	840,001	0	0	For Customs Department	} For the Year ending 31st March 1857.
	486,028	0	0	For the Coast Guard, &c.	
	1,459,207	0	0	For Inland Revenue Department	
	63,025	0	0	For Revenue Police, <i>Ireland</i> and " <i>Seamew</i> " Steamer	
	1,740,483	0	0	For Post Office, &c.	
CIVIL SERVICES.—Class 1.					
XXI.	194,575	0	0	For Repair of Royal Palaces, &c.	}
	7,868	0	0	For additional Works, Gaslighting, &c. at <i>Buckingham</i> Palace	
	89,114	0	0	For Repair of Royal Parks, &c.	
	99,383	0	0	For New Houses of Parliament	
	207,305	0	0	For <i>Holyhead</i> Harbour	
	233,000	0	0	For Harbours of Refuge	
	384	0	0	For <i>Port Patrick</i> Harbour	
	41,021	0	0	For Public Buildings in Department of Public Works in <i>Ireland</i>	
	19,350	0	0	For <i>Kingstown</i> Harbour	
CIVIL SERVICES.—Class 2.					
XXII.	83,680	0	0	For Salaries, &c. of Houses of Parliament	} To 31st March 1857.
	52,095	0	0	For the Treasury	
	24,204	0	0	For the Home Department	
	68,241	0	0	For the Foreign Department	
	28,452	0	0	For Department of Colonies	
	61,067	0	0	For the Privy Council, Board of Trade, &c.	
	2,700	0	0	For Lord Privy Seal	
	24,594	0	0	For Office of Paymaster General	
	6,483	0	0	For Department of Comptroller General of Exchequer	
	23,313	0	0	For Office of Commissioners of Works and Public Buildings	
	21,664	0	0	For Office of Woods, Forests, &c.	
	16,447	0	0	For Public Records and State Paper Office	
	208,993	0	0	For Administration of Poor Laws	
	48,829	0	0	For the Mint	
	23,145	0	0	For Salaries, &c. of Inspectors of Factories, &c.	
	5,964	0	0	For Civil Charges, &c., <i>Scotland</i>	

## Consolidated Fund (Appropriation).

£6,431	0	0	For Officers, &c. of Lord Lieutenant of <i>Ireland</i>
15,164	0	0	For Chief Secretary, &c., <i>Ireland</i>
6,924	0	0	For Paymaster of Civil Services, <i>Ireland</i>
2,555	0	0	For Inspectors of Lunatic Asylums
22,516	0	0	For Board of Public Works, <i>Ireland</i>
17,710	0	0	For Copyhold, &c. Commission
11,710	0	0	For Imprest Expenses of Copyhold, &c. Commission
38,234	0	0	For General Register Office, <i>England and Wales</i>
3,388	0	0	For General Register Office, <i>Dublin</i>
6,665	0	0	For Department of Registrar General of Births, &c., <i>Edinburgh</i>
13,880	0	0	For National Debt Office
2,840	0	0	For Public Works Loan Commission
1,570	0	0	For <i>West India</i> Islands Relief Commission
1,310	0	0	For Lunacy Commission
984	0	0	For General Superintendent of County Roads in <i>South Wales</i>
1,405	0	0	For Department of Friendly Societies in <i>England</i>
32,000	0	0	For Foreign and Secret Services
458,275	0	0	For Stationery, &c. for Public Departments
140,410	0	0	For Postage of Letters on the Public Service
30,361	0	0	For Department of Commissioners for auditing Public Accounts

## CIVIL SERVICES.—Class 3.

§ XXIII.	36,041	0	0	For Office of Solicitor to the Treasury, including Prosecutions relating to Coin, &c.
	250,000	0	0	For Prosecutions at Assizes and Quarter Sessions
	1,100	0	0	For Crown Office, Chancery
	2,050	0	0	For Crown Office, Queen's Bench
	16,340	0	0	For Expenses incurred by Sheriffs, and Deficiency of Fees in the Exchequer
	6,418	0	0	For Department of Registrar of the Admiralty
	8,215	0	0	For Insolvent Debtors Court
	13,850	0	0	For Treasurers of County Courts
	29,348	0	0	For Police Courts of the Metropolis
	102,306	0	0	For Metropolitan Police
	3,615	0	0	For Queen's Prison
	3,342	0	0	For Lord Advocate and Solicitor General, <i>Scotland</i>
	17,551	0	0	For Salaries, Court of Session, <i>Scotland</i>
	9,568	0	0	For Court of Justiciary, <i>Scotland</i>
	6,400	0	0	For Criminal Prosecutions by Lord Advocate
	1,415	0	0	For certain Officers in the Exchequer in <i>Scotland</i>
	57,000	0	0	For Criminal Prosecutions, &c. in <i>Scotland</i>
	12,167	0	0	For Procurators Fiscal in <i>Scotland</i>
	12,594	0	0	For Sheriffs Clerks, <i>Scotland</i>
	2,300	0	0	For Salaries of Law Officers in <i>Scotland</i>
	12,249	0	0	For General Register House, <i>Edinburgh</i>
	1,124	0	0	For Department of Commissary Clerk, <i>Edinburgh</i>
	51,720	0	0	For Criminal Prosecutions, <i>Ireland</i>
	1,294	0	0	For Court of Chancery, <i>Ireland</i>
	1,338	0	0	For Court of Queen's Bench, <i>Ireland</i>
	1,421	0	0	For Court of Common Pleas, <i>Ireland</i>
	1,580	0	0	For Court of Exchequer, <i>Ireland</i>
	200	0	0	For Clerk to Taxing Officers for Law Courts, <i>Ireland</i>
	5,232	0	0	For Registrars to Judges, <i>Ireland</i>
	1,766	0	0	For Office for Registration of Judgments in <i>Ireland</i>
	300	0	0	For Fees to Advocates, Court of Delegates, <i>Ireland</i>

To  
31st March 1857.

## Consolidated Fund (Appropriation).

	£3,066	0	0	For Salaries, &c. of Insolvent Debtors Court, Ireland	-
	267	0	0	For Salary of Clerk to Court of Errors, Ireland	-
	1,600	0	0	For Salaries of Police Justices, Dublin	-
	35,000	0	0	For Metropolitan Police, Dublin	-
	639,100	0	0	For Constabulary Force, Ireland	-
	1,832	0	0	For Four Courts, Marshalsea, Dublin	-
	16,783	0	0	For General Superintendence of Prisons, &c.	-
	415,906	0	0	For Government Prisons and Convict Establishments at home	-
	161,595	0	0	For Maintenance of Prisoners and Removal of Convicts	-
	25,485	0	0	For Transportation of Convicts	-
	286,605	0	0	For Convict Establishments in the Colonies	-
				CIVIL SERVICES.—Class 4.	
§ XXIV.	451,213	0	0	For Public Education in Great Britain	-
	64,675	0	0	For Department of Science and Art, and Geological Surveys of the United Kingdom	-
	227,641	0	0	For Education, Ireland	-
	605	0	0	For Salary of Secretary to Commissioners of Education, Ireland	-
	3,879	0	0	For London University	-
	7,510	0	0	For Grants to Scottish Universities	-
	2,415	0	0	For Queen's University, Ireland	-
	4,800	0	0	For Expenses, Queen's Colleges, Ireland	-
	533	0	0	For Royal Irish Academy	-
	300	0	0	For Royal Hibernian Academy	-
	2,975	0	0	For Royal Belfast Academical Institution, &c.	-
	25,643	0	0	For new Buildings, &c. at British Museum	-
	17,639	0	0	For National Gallery	-
	4,609	0	0	For Magnetic Observatories, &c.	-
	500	0	0	For Royal Geographical Society	-
	2,000	0	0	For Royal Society	-
	60,000	0	0	For Salaries and Expenses of British Museum	-
				CIVIL SERVICES.—Class 5.	
XXV.	4,050	0	0	For Civil Establishment of the Bermudas	-
	7,397	0	0	For Ecclesiastical Establishment, British North American Provinces	-
	4,713	0	0	For Indian Department in Canada	-
	24,728	0	0	For Salaries of Governors, &c. of West India Colonies, &c.	-
	24,300	0	0	For Salaries, &c. of Stipendiary Justices in West India Colonies and the Mauritius	-
	10,230	0	0	For Civil Establishments on the Western Coast of Africa	-
	10,856	0	0	For Saint Helena	-
	960	0	0	For Heligoland	-
	2,901	0	0	For Falkland Islands	-
	14,582	0	0	For Emigration Board, &c.	-
	12,000	0	0	For Support of captured Negroes, &c.	-
	11,050	0	0	For Commissioners for suppressing the Slave Trade	-
	167,498	0	0	For the Consular Establishments abroad	-
	25,000	0	0	For Missions abroad	-
				CIVIL SERVICES.—Class 6.	
XXVI.	146,537	0	0	For Superannuations, &c. to Public Officers	-
	2,270	0	0	For Toulonese and Corsican Emigrants, &c.	-
	2,000	0	0	For National Vaccine Institution in 1856.	-
	325	0	0	For Refuge for Destitute in 1856.	-
	4,000	0	0	For Polish Refugees, &c.	-

To  
31st March 1857.

- To 31st March 1857.

*Consolidated Fund (Appropriation).*

	£4,371	0	0	To pay Miscellaneous Allowances	-	-
	2,985	0	0	For Treasurers of Public Infirmaries, <i>Ireland</i>	-	-
	1,295	0	0	For Foundling Hospital Department, House of Industry, <i>Dublin</i>	-	-
	11,790	0	0	For House of Industry, <i>Dublin</i>	-	-
	500	0	0	For Female Orphan House, <i>Dublin</i>	-	-
	1,215	0	0	For <i>Westmoreland</i> Lock Hospital, <i>Dublin</i>	-	-
	500	0	0	For Lying-in Hospital, <i>Dublin</i>	-	-
	795	0	0	For Dr. <i>Steevens'</i> Hospital, <i>Dublin</i>	-	-
	1,900	0	0	For House of Recovery, &c., <i>Dublin</i>	-	-
	600	0	0	For <i>Meath</i> Hospital and County of <i>Dublin</i> Infirmary	-	-
	39,054	0	0	For Protestant Dissenting Ministers, <i>Ireland</i>	-	-
	6,062	0	0	For Charitable Allowances, &c., <i>Ireland</i>	-	-
				CIVIL SERVICES.— <i>Class 7.</i>		
§ XXVII.	18,626	0	0	For General Board of Health	-	-
	3,461	0	0	For Ecclesiastical Commissioners, <i>England</i>	-	-
	16,022	0	0	For Charity Commission for <i>England and Wales</i>	-	-
	1,911	0	0	For Statute Law Commission	-	-
	6,900	0	0	For Civil Service Commission	-	-
	8,152	0	0	For sundry temporary Commissions	-	-
	21,842	0	0	For Compensations, &c., payable under the Patent Law Amendment Act	-	-
	13,500	0	0	For Board of Fisheries, <i>Scotland</i>	-	-
	2,000	0	0	For Annuity to Board of Manufactures, <i>Scotland</i>	-	-
	5,000	0	0	For Commissioners of Highland Roads and Bridges	-	-
	12,000	0	0	For Bounties on Slaves and Slave Vessels captured	-	-
	900	0	0	For Publication of Ancient Laws of <i>Ireland</i>	-	-
	9,000	0	0	For Pay of Process Servers, <i>Ireland</i>	-	-
	70,900	0	0	For Pensions to Masters and Seamen, &c. under the Merchant Seamen's Fund Act	-	-
	2,301	0	0	For Registration of Joint Stock Companies	-	-
	1,790	0	0	For Registration of Designs Office	-	-
	29,000	0	0	For Payments under Treaties of Reciprocity	-	-
	3,800	0	0	For Inspectors of Corn Returns, &c.	-	-
	17,000	0	0	For distressed Seamen abroad	-	-
	3,600	0	0	For Expenses of Quarantine Arrangements	-	-
	17,850	0	0	For Revising Barristers in <i>England and Wales</i>	-	-
	7,338	0	0	For Constabulary Police at Military Camp at <i>Aldershot</i>	-	-
	3,000	0	0	For Inspection of Burial Grounds in <i>England and Wales</i>	-	-
	21,262	0	0	For <i>Battersea</i> Park	-	-
	35,753	0	0	For Embankment, &c. between <i>Battersea</i> and <i>Vauxhall</i> Bridges, &c.	-	-
	1,544	0	0	For Improvements at <i>Windsor</i>	-	-
	1,500	0	0	For Works at <i>Carisbrook</i> Castle, <i>Ile of Wight</i>	-	-
	9,000	0	0	For Preservation of Public Records	-	-
	2,084	0	0	For Works and Furniture at British Seamen's Hospital at <i>Constantinople</i>	-	-
	6,000	0	0	For Works at <i>Spurn Point</i> , <i>River Humber</i>	-	-
	627	0	0	For Improvement of Navigation of <i>Menai Straits</i>	-	-
	1,053	0	0	For certain Professors at <i>Cambridge</i>	-	-
	15,529	0	0	For Incumbered Estates Commission, <i>Ireland</i>	-	-
	3,000	0	0	For <i>Irish</i> Census	-	-
	3,000	0	0	For Gallery of Arts in <i>Dublin</i>	-	-
	29,400	0	0	For Lighthouses abroad	-	-
	15,000	0	0	For <i>Australian</i> Expedition	-	-

To  
31st March 1857.

For the Year ending  
31st March 1857.

		<i>Consolidated Fund (Appropriation).</i>	<i>Commons Inclosure (No. 2).</i>		
	£17,500	0 0	For a Public Monument at <i>Scutari</i> -	- -	} For the Year ending 31st <i>March</i> 1857.
	3,691	0 0	For Arrangements connected with <i>Orange River</i> Territory -	- -	
	6,912	0 0	For <i>British</i> Ambassadors' Houses abroad	- -	} To 31st <i>March</i> 1857.
	827	0 0	For <i>British</i> Protestant Cemetery at <i>Madrid</i> -	- -	
			CIVIL SERVICES.— <i>Class 8.</i>		
§ XXVIII.	40,000	0 0	For Public Works, maintaining Institutions, &c.	- -	} For the Year ending 31st <i>March</i> 1857.
	12,634	0 0	To make good Loss on certain Monetary Trans- actions -	- -	
	6,600	0 0	For Collection of Agricultural Statistics in <i>Ireland and Scotland</i> -	- -	} To 31st <i>March</i> 1857.
	2,000	0 0	For Formation of a Portrait Gallery -	- -	
	10,000	0 0	For removing Science and Art Branch of Edu- cational Department from <i>Marlborough House</i> to <i>Kensington Gore</i> -	- -	} For the Year ending 31st <i>March</i> 1857.
	2,570	0 0	For forming a new Road through <i>Holyrood</i> <i>Park</i> -	- -	
	6,184	0 0	To <i>Patrick Boyle</i> -	- -	
	4,500	0 0	For forming an Entrance to <i>Saint James's</i> <i>Park</i> from <i>Pall Mall</i> -	- -	
	3,500	0 0	For erecting a Suspension Bridge over Inclo- sure in <i>Saint James's Park</i> -	- -	
				XXIX. Supplies to be applied only for the Purposes aforesaid.	
			XXX. Expenditure for Navy and Army Services respectively to be confined to the separate Services for which granted. Treasury may, on Application, alter the proportionate Amounts for such separate Services, provided the total Grant to each Department be not exceeded.		
			XXXI. Rules to be observed in the Application of the Sum appropriated to Half Pay. Not to prevent the receiving of Half Pay under any Act relating to the General or Local Militia, &c. Paymaster General by Permission of the Treasury, may issue Half Pay to Officers appointed to Civil Offices since <i>July</i> 1828. An Account of the Number of Officers so receiving Half Pay to be laid before Parliament annually.		
			XXXII. Treasury may authorize Military Officers in Civil Employments to receive Half Pay in certain Cases.		
			XXXIII. Persons concerned in issuing, paying, and receiving Money for Payment of Half Pay, without the requisite Oaths, indemnified. 18 & 19 <i>Vict. c. 129.</i>		
			XXXIV. Half Pay allowed to Officers of the <i>Manx</i> Fencibles.		
			XXXV. Half Pay Allowances to Chaplains of Regiments not holding Ecclesiastical Benefices derived from the Crown.		
			XXXVI. Surplus of Sum by 18 & 19 <i>Vict. c. 129.</i> appropriated to Half Pay Officers to be disposed of as Her Majesty shall direct.		
			XXXVII. Widows, &c. claiming Pensions to make required Declaration.		
			XXXVIII. Declarations to be made as specified in 5 & 6 <i>W. 4. c. 62.</i>		

## C A P. CVI.

An Act to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners for *England* and *Wales*. [29th *July* 1856.]

‘ WHEREAS the Inclosure Commissioners for *England* and *Wales* have, in pursuance of “The Acts for the Inclosure, Exchange, and Improvement of Land,” issued their Provisional Orders for and concerning the proposed Inclosures mentioned in the Schedule to this Act, and the requisite Consents thereto have been given since the Date of their Eleventh Annual General Report: And whereas the said Commissioners have by a Special Report certified their Opinion that such proposed Inclosures would be expedient; but the same cannot be proceeded with without the previous Authority of Parliament:’ Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

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

II. In

Inclosures men-  
tioned in the  
Schedule may  
be proceeded  
with.

Commons Inclosure (No. 2).

Smoke Nuisance Abatement (Metropolis) Act, 1853, Amendment.

II. In citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use either the Expression "The Second Annual Inclosure Act, 1856," or "The Acts for the Inclosure, Exchange, and Improvement of Land." Short Title.

## SCHEDULE to which this Act refers.

Inclosure.	County.	Date of Provisional Order.
Newport	Essex	17th October 1855.
Hennington Hill	Somerset	14th February 1856.
East Meon	Southampton	28th February 1856.
Wintershill Common	Southampton	10th January 1856.
Llyswen Commonable Fields	Brecon	19th March 1856.
Llyswen Common	Brecon	19th March 1856.
Mynyddfernach	Brecon	19th March 1856.
Hatherton	Stafford	7th February 1856.
Letterston	Pembroke	17th April 1856.
South Creake	Norfolk	1st May 1856.
Calstock	Cornwall	2d June 1853.
Winterburn Moor	York	22d May 1856.
Brixham	Devon	1st May 1856.
Chatcul Green	Stafford	8th May 1856.
Brandsby	York	8th May 1856.
Lynton	Devon	22d May 1856.
Linn otherwise Lyn	Devon	22d May 1856.
Filton	Gloucester	8th May 1856.
Aston and Bennington	Hertford	24th January 1854.
Bennington Aston and Little Munden	Hertford	1st May 1856.
Appleton Roebuck	York	8th May 1856.
Entwisle	Lancaster	1st May 1856.
Framfield Manor	Sussex	27th May 1856.
Liss	Southampton	18th January 1856.
Hughenden	Bucks	5th June 1856.
Alwinton	Northumberland	26th June 1856.
Glyngynwidd and Glynbrochan	Montgomery	3d April 1856.
Llangeitho Common	Cardigan	26th June 1856.

## C A P. CVII.

An Act to amend the Smoke Nuisance Abatement (Metropolis) Act, 1853. [29th July 1856.]

WHEREAS by an Act passed in the Seventeenth Year of the Reign of Her present Majesty, intituled *An Act to abate the Nuisance arising from the Smoke of Furnaces in the Metropolis, and from Steam Vessels above London Bridge*, it was enacted, that nothing in that Act contained shall extend or apply to any Glass Works or Pottery Works existing within the Metropolis before the passing of the said Act, and it is expedient that the said Provision be repealed, and the said Act be amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. From and after the First Day of *January* One thousand eight hundred and fifty-eight, the above-mentioned Provision whereby certain Furnaces in Glass Works and Pottery Works were exempted from the Operation of the said Act shall be repealed; and all Steam Vessels plying to and fro between *London Bridge* and any Place on the River *Thames* to the Westward of the *Nore Light* shall be subject to the Provisions of the said recited Act relating to Steam Vessels above *London Bridge*.

II. And whereas it is expedient that Furnaces employed in public Baths and Wash-houses should be included within the Provisions of the said recited Act: Be it enacted, That from and after the said First Day of *January* One thousand eight hundred and fifty-eight every Furnace employed or to be employed in any such public Baths and Wash-houses in the Metropolis, although the same shall not be used for the Purposes of Trade or Manufacture, shall be and the same is hereby included in and made liable to all the Provisions of the said recited Act.

16 & 17 Vict.  
c. 128.

Exemption of certain Glass and Pottery Works repealed. Steam Vessels, &c. subject to recited Act.

Recited Act to extend to public Baths and Wash-houses.

III. And

*Smoke Nuisance Abatement (Metropolis) Act, 1853, Amendment.*

No Proceedings to be taken by Secretary of State under 16 & 17 Vict. c. 128., unless Local Authorities fail to proceed under 18 & 19 Vict. c. 121.

III. ' And whereas in the said Act, Sixteen and Seventeen *Victoria*, Chapter One hundred and twenty-eight, it was provided, that other Nuisances besides Smoke should be proceeded against at the Instigation of One of Her Majesty's Principal Secretaries of State: And whereas by the subsequent Acts, Eighteen and Nineteen *Victoria*, Chapter One hundred and twenty and Chapter One hundred and twenty-one, the Local Authorities are entitled to originate Proceedings for the Abatement of such Nuisances: Be it hereby enacted, That no Proceeding shall be taken under the said Act, Sixteenth and Seventeenth *Victoria*, Chapter One hundred and twenty-eight, against other Nuisances besides Smoke, unless it shall at any Time appear to the Secretary of State that the Local Authorities fail to proceed actively and impartially in noticing and suppressing such Nuisances.

## C A P. CVIII.

An Act to amend the Acts relating to the County Courts.

[29th July 1856.]

WHEREAS it is expedient to amend and extend the Provisions of the Acts relating to the County Courts established by the Act passed in the Session of Parliament holden in the Ninth and Tenth Years of the Reign of Her present Majesty, Chapter Ninety-five: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Commencement of Act.

I. The Provisions of this Act shall come into operation on the First Day of *October* in the Year of our Lord One thousand eight hundred and fifty-six, except the Provisions relating to framing a Scale of Costs and making Rules and Orders of Practice and Forms of Proceeding which shall come into operation on the passing of this Act.

Enactments in Schedule (A.) repealed.

II. The several Enactments specified in Schedule (A.) to this Act are hereby repealed, except as to Acts done under them.

This Act and 9 & 10 Vict. c. 95., 12 & 13 Vict. c. 101., 13 & 14 Vict. c. 61., and 15 & 16 Vict. c. 54. to be construed together.

III. This Act and the Acts passed in the Sessions of Parliament holden in the Ninth and Tenth Years of the Reign of Her present Majesty, Chapter Ninety-five, in the Twelfth and Thirteenth Years of the Reign of Her present Majesty, Chapter One hundred and one, in the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, Chapter Sixty-one, and in the Fifteenth and Sixteenth Years of the Reign of Her present Majesty, Chapter Fifty-four, shall be read and construed as One Act, as if the several Provisions in the said recited Acts contained, not inconsistent with the Provisions of this Act, were repeated and re-enacted in this Act.

This and recited Acts to apply to Debts under 18 & 19 Vict. c. 67.

IV. The Provisions of this Act and of the recited Acts which apply to any Debt not exceeding Twenty Pounds shall apply to such Debt or any Part thereof, although the same shall be secured by or claimed upon Bill of Exchange or Promissory Note, and notwithstanding the Statute of the Eighteenth and Nineteenth Years of the Reign of Her present Majesty, Chapter Sixty-seven.

Rules of Practice to regulate certain Proceedings.

V. Where the Time within which or where the Mode in which any Proceeding should be taken in the County Court is not prescribed, either in this Act or in any Act relating to the County Courts, such Time and Mode shall be appointed by the Rules of Practice, Orders, and Forms to be made as herein-after provided.

Qualification of Deputy Judge.

VI. Any Person hereafter to be appointed a Deputy to the Judge of a County Court shall be a Barrister-at-Law of Seven Years standing, or shall have practised as a Barrister and Special Pleader for at least Seven Years, or shall be a Judge of a County Court.

Where a Court cannot be held Proceedings to stand adjourned.

VII. Where by reason of the Death or unavoidable Absence of the Judge a County Court cannot be held, the Registrar, or in the event of his unavoidable Absence, the High Bailiff, shall adjourn the Court to such Day as he may deem convenient, and enter in the Minute Book the Cause of such Adjournment.

Clerk to be called Registrar.

VIII. The Clerk of a County Court shall hereafter be called the Registrar of the Court, and henceforth no Person shall be appointed Registrar of more than One Court.

Registrar of more than One Court to cease to be the Registrar of all but One of such Courts.

IX. From and after the First Day of *October* One thousand eight hundred and fifty-six, a Registrar of more than One County Court shall cease to be the Registrar of all of the Courts of which he is the Registrar, except of that Court of which he may by Writing addressed to the Judge of such Court have elected to remain the Registrar: Provided always, that this Provision shall not apply to any Registrar who was Clerk to any Court mentioned in Schedule (A.) or (B.) to the Act passed in the Ninth and Tenth Years of the Reign of Her present Majesty, Chapter Ninety-five, unless such Registrar shall, by Writing addressed to the Judge of such Courts, have signified his Desire that it should apply to him.

Compensation to Registrars.

X. Every Person who shall, under the Provisions of the last Section, cease to be the Registrar of One or more County Courts, shall be entitled to receive, as Compensation for the Loss sustained by him thereby, an Annuity equal to One Fourth of the yearly Amount of the Fees received in such Court or Courts for the Use of the Registrar, calculated on an Average of the Five Years ended the Thirty-first Day of *December* One thousand eight hundred and fifty-five, and the Commissioners of Her Majesty Treasury are hereby empowered to award in each Case such Annuity, and to direct Payment of the same to be made out of any Monies to be provided by Parliament for that Purpose: Provided always, that where any such Registrar shall have been the Clerk of any Court mentioned in the Schedule (A.) or (B.) to the

Act



*County Courts Acts Amendment.*

Act passed in the Ninth and Tenth Years of the Reign of Her Majesty, Chapter Ninety-five, Compensation may be awarded to him according to the Provisions of Section Thirty-eight of the said Act.

XI. The Appointment of a Deputy of a Judge of a County Court, whether such Deputy shall have been appointed by the Judge, or by the Lord Chancellor, or by the Chancellor of the Duchy of *Lancaster*, shall not be vacated by the Death of the Judge, but his Acts done after such Death shall be as valid as if the Judge had not died, and he shall continue to act in all the Courts of the District of which the Deceased was Judge until the Lord Chancellor, or, where the whole of such District is within the Duchy of *Lancaster*, until the Chancellor of that Duchy, shall otherwise order, or a Successor to such Judge shall be appointed; and such Deputy shall receive as Remuneration for the Period that he may act as Deputy, after the Death of the Judge, such Sum as the Lord Chancellor shall direct, or if the Successor of the deceased Judge be appointed by the Chancellor of the Duchy of *Lancaster*, then as the said Chancellor of the Duchy shall direct, and such Sum shall be deducted from the Salary and Travelling Allowance of the Judge appointed to succeed the deceased Judge; and the Provisions of this Section shall apply to all Acts done by any Deputy prior to the Commencement of this Act.

Deputy of Judge to continue to act after Death of Judge till a new one is appointed.

Remuneration to Deputy Judge.

XII. The Appointment of a Deputy of a Registrar shall not be vacated by the Death or Removal of the Registrar, but his Acts done after such Death or Removal shall be as valid as if the Registrar had not died or been removed, and he shall continue to act until a Successor to such Registrar shall be appointed; and he shall receive as Remuneration for his Services during the Period he may so act after the Death or Removal of the Registrar a rateable Proportion of the Salary attached to the Office of Registrar.

Deputy Registrar to continue to act after Death, &c. of Registrar.

Remuneration. Judge to appoint Deputy Registrar provisionally, &c. Remuneration.

XIII. On the Death or Removal of a Registrar who shall not have appointed a Deputy, the Judge may, for a Period not exceeding Three Months, provisionally appoint a Person to discharge the Duties of Registrar; and such Person shall act as and have all the Rights and Liabilities of a Registrar until a permanent Successor shall be appointed, and shall receive as Remuneration for his Services during the Period he may so act a rateable Proportion of the Salary attached to the Office of Registrar.

XIV. The Appointment of the Bailiffs who are appointed to assist the High Bailiff shall not be vacated by the Death or Removal of the High Bailiff, but their Acts done after such Death or Removal shall be as valid as if the High Bailiff had not died or been removed, and had authorized such Acts, and they shall continue to act until they shall be dismissed by the Successor of the High Bailiff or by the Judge; and they shall be paid for their Services during the Period they shall so act after the Death or Removal of the High Bailiff the same Wages as they were receiving at the Date of such Death or Removal, and such Wages shall be paid out of the Salary and Allowances attached to the Office of High Bailiff.

Assistant Bailiffs to continue to act after Removal of High Bailiff. Remuneration to Bailiffs.

XV. The Registrar of any County Court may issue a Summons against any Defendant residing out of the Jurisdiction of such Court, at any Time, upon the Application of any Plaintiff who will depose before such Registrar that his Cause of Action has arisen within the Jurisdiction of such Court, in like Manner as any Judge of any County Court has now Power to issue any such Summons.

Registrar may issue Summons against Defendants out of Jurisdiction.

XVI. On the Death or Removal of a High Bailiff, the Judge may, for a Period not exceeding Three Months, provisionally appoint a Person to discharge the Duties of High Bailiff; and such Person shall act as and have all the Rights and Liabilities of a High Bailiff until a permanent Successor shall be appointed, and shall receive as Remuneration for his Services during the Period he shall so act a rateable Proportion of the Salary and Allowances attached to the Office of High Bailiff.

On Death, &c. of High Bailiff, Judge to appoint provisionally a Deputy.

Remuneration. Service of Summons within 500 Yards of District, &c.

XVII. A Summons may be served, or a Warrant executed, within Five hundred Yards of the Boundary of the District of the County Court from which the same issued by the Bailiff of such Court, or, by Order of the Judge of such Court, by such Bailiff within the District of any other Court.

XVIII. Where a Plaintiff shall dwell or carry on Business in the District of the *Bloomsbury* County Court of *Middlesex*, or in the District of the *Brompton* County Court of *Middlesex*, or in the District of the *Clerkenwell* County Court of *Middlesex*, or in the District of the *Lambeth* County Court of *Surrey*, or in the District of the *Marylebone* County Court of *Middlesex*, or in the District of the *Shoreditch* County Court of *Middlesex*, or in the District of the *Southwark* County Court of *Surrey*, or in the District of the *Westminster* County Court of *Middlesex*, or in the District of the *Whitechapel* County Court of *Middlesex*, and the Defendant shall dwell or carry on Business in the District of any of the said Courts, the Summons may issue and be served either in the District in which the Plaintiff shall dwell or carry on Business, or in the District in which the Defendant shall dwell or carry on Business.

Districts of the Courts in the Metropolis to be treated as One District for certain Purposes.

XIX. A Judge proposing to sue any Person dwelling or carrying on Business in any District of which he is the Judge may bring his Action in the County Court of any adjoining District of which he is not the Judge; and any Person proposing to sue a Judge may bring his Action in any County Court of a District adjoining the District of which the Defendant is Judge.

Where Judge of County Court can sue and be sued.

XX. If an Action be brought by an Officer of a County Court in the Court of which he is an Officer, except in case of the Registrar suing as Official Assignee, the Judge shall, at the Request of the Defendant, order that the Venue be changed, and that the Cause be sent for Hearing to the Court of some convenient District of which he is not the Judge; and the Registrar of the first-mentioned Court shall forthwith transmit by Post to the Registrar of such last-mentioned Court a certified Copy of the Plaint as entered in the Plaint Book, the duplicate Copy of the Summons and Particulars served on the Defendant, and a certified Copy of the Order for changing the Venue as entered in the Minute Book; and the

If Officer of Court be Plaintiff in his own Court, Defendant may remove the Cause to an adjoining District.

*County Courts Acts Amendment.*

Judge of such last-mentioned Court shall appoint a Day for the Hearing, Notice whereof shall be sent by Post or otherwise by the Registrar of such last-mentioned Court to both Parties.

Where Officer of County Court may be sued.

XXI. If an Action be brought against an Officer of a County Court, the Summons may issue in the District of which he is an Officer, or in any adjoining District the Judge of which is not the Judge of a Court of which the Defendant is an Officer.

Power to Judge to change Venue.

XXII. If a Judge of a County Court shall be satisfied by either Party to a Cause pending in his Court that such Cause can be more conveniently or fairly tried in some other County Court, he shall order that the Venue be changed, and that the Cause be sent for Hearing to such other County Court, or, if the Judge shall be interested in the Matter of any Cause pending in his Court, he shall order that the Venue be changed, and that the Cause be sent for Hearing to some convenient County Court of which he is not the Judge, at his Discretion; and in either Case the Registrar of the Court in which the Plaintiff was entered shall forthwith transmit by Post, to the Registrar of the Court to which the Cause is to be sent a certified Copy of the Plaintiff as entered in the Plaintiff Book, the duplicate Copy of the Summons and Particulars served on the Defendant, and a certified Copy of the Order for changing the Venue, and the Judge of such last-mentioned Court shall appoint a Day for the Hearing, Notice whereof shall be sent by Post or otherwise by the Registrar to both Parties.

County Court may, by Agreement, try Matters beyond its Jurisdiction.

XXIII. The County Courts shall not have Jurisdiction to try any Action for Criminal Conversation; but with respect to all other Actions, which may be brought in any Superior Court of Common Law, if both Parties shall agree by a Memorandum signed by them or their respective Attorneys that any County Court named in such Memorandum shall have Power to try such Action, such County Court shall have Jurisdiction to try the same.

Jurisdiction where Claim reduced by Set-off to 50l.

XXIV. Where in any Action the Debt or Demand claimed consists of a Balance not exceeding Fifty Pounds, after an admitted Set-off of any Debt or Demand claimed or recoverable by the Defendant from the Plaintiff, the Court shall have Jurisdiction to try such Action.

Where Title shall come in question, Court, with Consent of Parties at Trial, may decide the Claim.

XXV. In any Action in the County Court in which the Title to any corporeal or incorporeal Hereditament, or to any Toll, Fair, Market, or Franchise, shall incidentally come in question, the Judge shall have Power to decide the Claim which it is the immediate Object of the Action to enforce, if both Parties at the Hearing shall consent in any Writing signed by them or their Attorneys to the Judge having such Power; but the Judgment of the Court shall not be Evidence of Title between the Parties or their Privies in any other Action in that Court or in any Proceeding in any other Court; and such Consent shall not prejudice or affect any Right of Appeal of either of the Parties to such first-mentioned Action.

In certain Cases Judge of Superior Court may order Cause to be tried in County Court.

XXVI. Where in any Action of Contract brought in a Superior Court the Claim indorsed on the Writ does not exceed Fifty Pounds, or where such Claim, though it originally exceeded Fifty Pounds, is reduced by Payment into Court, Payment, an admitted Set-off, or otherwise, to a Sum not exceeding Fifty Pounds, a Judge of a Superior Court, on the Application of either Party, after Issue joined, may, in his Discretion, and on such Terms as he shall think fit, order that the Cause be tried in any County Court which he shall name; and thereupon the Plaintiff shall lodge with the Registrar of such Court such Order and the Issue; and the Judge of such Court shall appoint a Day for the Hearing of the Cause, Notice whereof shall be sent by Post or otherwise by the Registrar to both Parties or their Attorneys; and after such Hearing the Registrar shall certify the Result to the Master's Office of such Superior Court, and Judgment in accordance with such Certificate may be signed in such Superior Court.

Judgment of Superior Court. If liquidated Demand exceed 20l., Plaintiff may require Defendant to give Notice of Intention to defend, on pain of Judgment by Default.

XXVII. No Action shall be brought in a County Court on any Judgment of a Superior Court.

XXVIII. In any Action in a County Court for a Debt or liquidated Money Demand exceeding Twenty Pounds, the Plaintiff may, at his Option, cause to be issued either a Summons in the ordinary Form, or a Summons in the Form or to the Effect given in Schedule (B.) to this Act numbered (1); provided that if such last-mentioned Summons be issued it shall be personally served on the Defendant Twelve clear Days before the Return Day thereof, and then if the Defendant shall not at least Six clear Days before such Return Day give Notice in Writing, signed by himself, his Attorney, or Agent, to the Registrar, of his Intention to defend, the Plaintiff may, on or within One Month after such Return Day, without giving any Proof of his Claim, have Judgment entered up against the Defendant for the Amount of his Claim and Costs, such Costs to be taxed by the Registrar; and the Order upon such Judgment shall be for Payment forthwith, or at such Time or Times, and by such Instalments, if any, as the Plaintiff or his Attorney or Agent shall in Writing have consented to take at the Time of the Entry of the Plaintiff.

If Notice to defend be given, Action shall be tried, and Registrar to inform Plaintiff.

XXIX. If the Defendant shall give such Notice as in the last preceding Section is specified, the Action shall be heard in the ordinary Course; but in any event the Registrar shall, immediately after the last Day for giving such Notice, send a Letter to the Plaintiff by Post, stating therein whether the Defendant has or has not been served with such Summons, and whether he has or has not given Notice of his Intention to defend.

In certain Cases of Judgment by Default, Costs may be recovered.

XXX. Where an Action of Contract is brought in One of Her Majesty's Superior Courts of Record to recover a Sum not exceeding Twenty Pounds, and the Defendant in the Action suffers Judgment by Default, the Plaintiff shall recover no Costs, unless upon an Application to such Court or to a Judge of One of the Superior Courts such Court or Judge shall otherwise direct.

XXXI. A

*County Courts Acts Amendment.*

XXXI. A Judge of a County Court, in any Case where he shall see fit, upon Application on Affidavit by either Party, may issue an Order under his Hand and the Seal of the Court for bringing up before such Court any Prisoner or Person confined in any Gaol, Prison, or Place, under any Sentence or under Commitment for Trial, or otherwise, except under Process in any Civil Action, Suit, or Proceeding, to be examined as a Witness in any Cause or Matter depending, or to be inquired of or determined in or before such Court; and the Person required by any such Warrant or Order to be brought before such Court shall be so brought under the same Care and Custody, and be dealt with in like Manner in all respects, as a Prisoner required by any Writ of Habeas corpus awarded by any of Her Majesty's Superior Courts of Law at *Westminster* to be brought before such Court to be examined as a Witness in any Cause or Matter depending before such Court, is now by Law required to be dealt with: Provided always, that the Person having the Custody of such Prisoner or Person shall not be bound to obey such Order, unless a Tender be made to him of a reasonable Sum for the Conveyance and Maintenance of a proper Officer or Officers, and of the Prisoner or Person in going to, remaining at, and returning from such County Court.

Judge may issue Warrant for bringing up a Prisoner to give Evidence.

XXXII. The Lord Chancellor may appoint Five County Court Judges, and from Time to Time fill up any Vacancies in their Number, to frame Rules and Orders for regulating the Practice of the Courts, and Forms of Proceedings therein, and from Time to Time to amend such Rules, Orders, and Forms; and such Rules, Orders, and Forms, or amended Rules, Orders, and Forms, certified under the Hands of such Judges or any Three or more of them, shall be submitted to the Lord Chancellor, who may allow or disallow or alter the same; and the Rules, Orders, and Forms, or amended Rules, Orders, and Forms, so allowed or altered, shall, from a Day to be named by the Lord Chancellor, be in force in every County Court.

Rules, &c. for regulating Practice of County Courts, to be framed by Judges appointed by Lord Chancellor.

XXXIII. With respect to Proceedings in the County Courts, in Actions where the Debt or Damage claimed exceeds Twenty Pounds, the Five County Court Judges mentioned in the last Section shall be empowered to frame a Scale of Costs and Charges to be paid to Counsel and Attorneys, and from Time to Time to amend such Scale; and such Scale or amended Scale, certified under the Hands of such Judges or any Three or more of them, shall be submitted to the Lord Chancellor, who may allow or disallow or alter the same; and the Scale or amended Scale so allowed or altered shall, from a Day to be named by the Lord Chancellor, be in force in every County Court.

Scale of Costs to be allowed to Attorneys in certain Proceedings in County Courts to be framed by the Judges.

XXXIV. With respect to such Proceedings as are specified in the last preceding Section, all Costs and Charges between Party and Party shall be taxed by the Registrar of the Court in which such Costs and Charges were incurred, but his Taxation may be reviewed by the Judge of the Court, on the Application of either Party; and no Costs or Charges shall be allowed on such Taxation which are not sanctioned by the Scale then in force.

Costs of Attorney in certain Proceedings to be taxed as between Party and Party.

XXXV. With respect to such Proceedings as are last herein-before specified, all Costs and Charges between Attorney and Client shall, on the Application either of the Attorney or Client, but not otherwise, be taxed by the Registrar of the Court in which such Costs and Charges were incurred, but his Taxation may be reviewed by the Judge of the Court, on the Application of either Party; and no Costs or Charges shall be allowed on such Taxation which are not sanctioned by the Scale then in force, unless the Registrar shall be satisfied that the Client has agreed in Writing to pay them, in which Case they may be allowed; and no Attorney shall have a Right to recover from his Client any Costs or Charges in respect of such Proceedings, unless they shall have been allowed, either on such Taxation, or on the Taxation of a Master of a Superior Court of Common Law or of the Court of Chancery.

Costs of Attorney in certain Proceedings in County Courts may be taxed by Registrar as between Attorney and Client.

XXXVI. Where in any Action the Debt or Damage claimed shall not exceed Twenty Pounds, an Attorney shall not be entitled to recover from his Client any further Costs or Charges in the Conduct of such Suit than those mentioned in the Ninety-first Section of the Act of the Ninth and Tenth Years of the Reign of Her present Majesty, Chapter Ninety-five, unless upon Taxation of Costs the Registrar be satisfied, by Writing under the Hand of the Client, that he has agreed to pay further Costs or Charges; and in such Case the Registrar may allow any Costs or Charges not exceeding the Amount which may have been so agreed to be paid.

Costs between Attorney and Client.

XXXVII. Until the Scale of Costs and Charges, and the Rules, Orders, and Forms mentioned herein, shall respectively be in force, the Scale of Costs and Charges, and the Rules, Orders, and Forms, respectively in operation in the County Courts at the Time of passing this Act, so far as the same are not inconsistent with this Act, shall continue in force.

Till new Scale of Costs, &c. made, former Practice to continue.

XXXVIII. Any Action commenced in a County Court for a Claim not exceeding Five Pounds may be removed by Writ of Certiorari into a Superior Court, if such Superior Court or a Judge of a Superior Court shall deem it desirable that the Cause shall be tried in such Superior Court; and if the Party applying for such Writ shall give Security, to be approved of by One of the Masters of such Superior 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 Superior Court or Judge shall think fit to impose.

Certiorari may be granted in certain Cases, on Security given.

XXXIX. If in any Action of Contract the Plaintiff shall claim a Sum exceeding Twenty Pounds, or if in any Action of Tort the Plaintiff shall claim a Sum exceeding Five Pounds, and the Defendant shall give Notice that he objects to the Action being tried in the County Court, and shall give Security, to be approved of by the Registrar, for the Amount claimed, and the Costs of Trial in One of the Superior

In certain Cases Defendant may object to Cause being tried in the County Court.

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Courts of Common Law, not exceeding in the whole the Sum of One hundred and fifty Pounds, all Proceedings in the County Court in any such Action shall be stayed; but if in any such Action the Defendant do not object to the same being tried by the County Court, or shall fail to give the Security aforesaid, the County Court shall dispose of the Cause in the usual Way; and the Entry of the Plaintiff in such Action shall be a sufficient Commencement of the Suit to prevent the Operation of any Statute of Limitation applicable to such Claim: Provided that nothing herein contained shall prevent the Removal of any Cause from a County Court by Writ of Certiorari in the Cases and subject to the Conditions in and subject to which such Cause may now be removed.

Rule or Summons to show Cause why a Writ of Certiorari or Prohibition should not issue to be a Stay of Proceedings.

XL. The granting by any of the Superior Courts or by any Judge thereof of a Rule or Summons to show Cause why a Writ of Certiorari or Prohibition should not issue to a County Court, shall, if the Superior Court or a Judge thereof so direct, operate as a Stay of Proceedings in the Cause to which the same shall relate until the Determination of such Rule or Summons, or until such Superior Court or Judge shall otherwise order; and the Judge of the County Court shall from Time to Time adjourn the Hearing of such Cause to such Day as he shall think fit until such Determination or until such Order be made; but if a Copy of such Rule or Summons shall not be served by the Party who obtained it on the opposite Party and on the Registrar of the County Court Two clear Days before the Day fixed for the Hearing of the Cause, the Judge of the County Court may, in his Discretion, order the Party who obtained the Rule or Summons to pay all the Costs of the Day, or so much thereof as he shall think fit, unless the Superior Court or a Judge thereof shall have made some Order respecting such Costs.

Notice of Writ of Certiorari or Prohibition having been obtained to be sent to Registrar.

XLI. Where a Writ of Certiorari or of Prohibition addressed to a Judge of a County Court shall have been granted by a Superior Court or a Judge thereof, on an *ex parte* Application, and the Party who obtained it shall not lodge it with the Registrar, and give Notice to the opposite Party that it has issued, Two clear Days before the Day fixed for hearing the Cause to which it shall relate, the Judge of the County Court may, in his Discretion, order the Party who obtained the Writ to pay all the Costs of the Day, or so much thereof as he shall think fit, unless the Superior Court or a Judge thereof shall have made some Order respecting such Costs.

Application for Writ of Prohibition how to be disposed of. Rule or Order substituted for Writ of Mandamus to a Judge or Officer of a County Court.

XLII. When an Application shall be made to a Superior Court or a Judge thereof for a Writ of Prohibition to be addressed to a Judge of a County Court, the Matter shall be finally disposed of by Rule or Order, and no Declaration or further Proceedings in Prohibition shall be allowed.

XLIII. No Writ of Mandamus shall henceforth issue to a Judge or an Officer of the County Court for refusing to do any Act relating to the Duties of his Office; but any Party requiring such Act to be done may apply to any Superior Court or a Judge thereof, upon an Affidavit of the Facts, for a Rule or Summons calling upon such Judge or Officer of a County Court, and also the Party to be affected by such Act, to show Cause why such Act should not be done; and if after the Service of such Rule or Summons good Cause shall not be shown, the Superior Court or Judge thereof may by Rule or Order direct the Act to be done, and the Judge or Officer of the County Court, upon being served with such Rule or Order, shall obey the same on pain of Attachment; and in any event the Superior Court or the Judge thereof may make such Order with respect to Costs as to such Court or Judge shall seem fit.

Refusal of Writ of Certiorari or Prohibition, &c. by One Court or Judge to be final.

XLIV. When any Superior Court or a Judge thereof shall have refused to grant a Writ of Certiorari or of Prohibition to be addressed to a Judge, or such Rule or Order as in the last preceding Section is specified, no other Superior Court or Judge thereof shall grant such Writ or Rule or Order; but nothing herein shall affect the Right of appealing from the Decision of the Judge of the Superior Court to the Court itself, or prevent a Second Application being made for such Writ or Rule or Order to the same Superior Court or a Judge thereof on Grounds different from those on which the First Application was founded.

Where Judgment does not exceed 20l., Judge may order Payment by Instalments; and in other Cases with Consent of Plaintiffs.

XLV. Where Judgment has been obtained in a County Court for a Sum not exceeding Twenty Pounds, exclusive of Costs, the Judge may order such Sum and the Costs to be paid at such Time or Times, and by such Instalments, if any, as he shall think fit, and all such Monies shall be paid into Court; but in all other Cases he shall order the full Amount for which Judgment has been obtained to be paid either forthwith, or within Fourteen clear Days from the Date of the Judgment, unless the Plaintiff, or his Counsel, Attorney, or Agent, will consent that the same shall be paid by Instalments, in which Case the Judge shall order the same to be paid at such Time or Times, and by such Instalments, if any, as shall be consented to, and all such Monies, whether payable in One Sum or by Instalments, shall be paid into Court.

Priority of Executions issuing out of County Court.

XLVI. The precise Time when any Application shall be made to a Registrar to issue a Warrant against the Goods of a Party shall be entered by him in the Execution Book and on the Warrant; and when more than One such Warrant shall be delivered to the High Bailiff to be executed he shall execute them in the Order of the Times so entered.

Priority of Executions issuing out of Superior Court and County Court.

XLVII. When a Writ against the Goods of a Party has issued from a Superior Court, and a Warrant against the Goods of the same Party has issued from a County Court, the Right to the Goods seized shall be determined by the Priority of the Time of the Delivery of the Writ to the Sheriff to be executed, or of the Application to the Registrar for the Issue of the Warrant to be executed; and the Sheriff, on Demand, shall, by Writing signed by any Clerk in the Office of the Under Sheriff, inform the High Bailiff of the precise Time of such Delivery of the Writ, and the Bailiff, on Demand, shall show

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show his Warrant to any Sheriff's Officer, and such Writing purporting to be so signed, and the Endorsement on the Warrant, shall respectively be sufficient Justification to any High Bailiff or Sheriff acting thereon.

XLVIII. A Judgment Summons authorized by the Ninety-eighth Section of the Act of the Ninth and Tenth Years of the Reign of Her present Majesty, Chapter Ninety-five, may, by Leave of the Judge, be obtained from the Court in which Judgment was obtained, although the Judgment Debtor shall not then dwell or carry on Business within the District of such Court, if the Judge shall think fit, in the Exercise of his Discretion, to grant such Leave.

XLIX. If a Judge of a Superior Court shall be satisfied that a Party against whom Judgment for an Amount exceeding Twenty Pounds, exclusive of Costs, has been obtained in a County Court, has no Goods or Chattels which can be conveniently taken to satisfy such Judgment, he may, if he shall think fit, and on such Terms as to Costs as he may direct, order a Writ of Certiorari to issue to remove the Judgment of the County Court into One of the Superior Courts, and when removed it shall have the same Force and Effect, and the same Proceedings may be had thereon, as in the Case of a Judgment of such Superior Court; but no Action shall be brought upon such Judgment.

L. When the Term and Interest of the Tenant of any corporeal Hereditament, where neither the Value of the Premises nor the Rent payable in respect thereof shall have exceeded Fifty Pounds by the Year, and upon which no Fine or Premium shall have been paid, shall have expired, or shall have been determined either by the Landlord or the Tenant by a legal Notice to quit, and such Tenant, or any Person holding or claiming by, through, or under him, shall neglect or refuse to deliver up Possession accordingly, the Landlord may enter a Plaint, at his Option, either against such Tenant or against such Person so neglecting or refusing, in the County Court of the District in which the Premises lie for the Recovery of the same, and thereupon a Summons shall issue to such Tenant or such Person so neglecting or refusing; and if the Defendant shall not, at the Time named in the Summons, show good Cause to the contrary, then, on Proof of his still neglecting or refusing to deliver up Possession of the Premises, and of the yearly Value and Rent of the Premises, and of the holding, and of the Expiration or other Determination of the Tenancy, with the Time and Manner thereof, and of the Title of the Plaintiff if such Title has accrued since the letting of the Premises, and of the Service of the Summons if the Defendant shall not appear thereto, the Judge may order that Possession of the Premises mentioned in the Plaint be given by the Defendant to the Plaintiff, either forthwith or on or before such Day as the Judge shall think fit to name; and if such Order be not obeyed, the Registrar, whether such Order can be proved to have been served or not, shall at the Instance of the Plaintiff issue a Warrant authorizing and requiring the High Bailiff of the Court to give Possession of such Premises to the Plaintiff.

LI. In any such Plaint against a Tenant as in the last preceding Section is specified the Plaintiff may add a Claim for Rent or mesne Profits, or both, down to the Day appointed for the Hearing, or to any preceding Day named in the Plaint, so as the same shall not exceed Fifty Pounds, and any Misdescription in the Nature of such Claim may be amended at the Trial.

LII. When the Rent of any corporeal Hereditament, where neither the Value of the Premises nor the Rent payable in respect thereof exceeds Fifty Pounds by the Year, shall for One Half Year be in arrear, and the Landlord shall have Right by Law to re-enter for the Nonpayment thereof, he may, without any formal Demand or Re-entry, enter a Plaint in the County Court of the District in which the Premises lie for the Recovery of the Premises, and thereupon a Summons shall issue to the Tenant, the Service whereof shall stand in lieu of a Demand and Re-entry; and if the Tenant shall Five clear Days before the Return Day of such Summons pay into Court all the Rent in arrear, and the Costs, the said Action shall cease, but if he shall not make such Payment, and shall not at the Time named in the Summons show good Cause why the Premises should not be recovered, then, on Proof of the yearly Value and Rent of the Premises, and of the Fact that One Half Year's Rent was in arrear before the Plaint was entered, and that no sufficient Distress was then to be found on the Premises to countervail such Arrear, and of the Landlord's Power to re-enter, and of the Rent being still in arrear, and of the Title of the Plaintiff if such Title has accrued since the letting of the Premises, and of the Service of the Summons if the Defendant shall not appear thereto, the Judge may order that Possession of the Premises mentioned in the Plaint be given by the Defendant to the Plaintiff on or before such Day, not being less than Four Weeks from the Day of Hearing, as the Judge shall think fit to name, unless within that Period all the Rent in arrear and the Costs be paid into Court; and if such Order be not obeyed, and such Rent and Costs be not so paid, the Registrar shall, whether such Order can be proved to have been served or not, at the Instance of the Plaintiff, issue a Warrant authorizing and requiring the High Bailiff of the Court to give Possession of such Premises to the Plaintiff, and the Plaintiff shall from the Time of the Execution of such Warrant hold the Premises discharged of the Tenancy, and the Defendant, and all Persons claiming by, through, or under him, shall, so long as the Order of the Court remains unreversed, be barred from all Relief in Equity or otherwise.

LIII. Where any Summons for the Recovery of a Tenement as is herein-before specified shall be served on or come to the Knowledge of any Sub-Tenant of the Plaintiff's immediate Tenant, such Sub-Tenant being an Occupier of the whole or of a Part of the Premises sought to be recovered, he shall forthwith give Notice thereof to his immediate Landlord under Penalty of forfeiting Three Years Rackrent of the

Summons for Commitment may issue in Court in which Judgment was obtained.

Judgment may be removed if there are no Goods to be taken under it.

Possession of small Tenements may be recovered in County Courts by Landlords where Term has expired or been determined by Notice.

In Plaint for Recovery of Possession Plaintiff may claim for Rent, &c.

Possession of small Tenements may be recovered in County Court by Landlords for Nonpayment of Rent.

Sub-Tenant served with Summons to recover Possession must give the

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Notice to immediate Landlord, who may come in and defend.

In Plaints to recover Possession, how Summonses may be served.

Warrants to High Bailiffs to justify them for entering on Premises. Period for which such Warrants to be in force.

As to Amendment of Defects and Errors of Proceedings, &c.

Before whom Affidavits may be sworn.

Warrants of Commitment, how long to be in force.

No Officer or Party shall be deemed a Trespasser by reason of Irregularity.

Judgment Summonses and Warrants of Commitment sufficient if in Form given in Schedule.

Action not to abate on Bankruptcy and Insolvency of Plaintiff, if Assignees elect to continue it.

Registrar to grant Replevins.

Replevins to be granted, on Securities given.

Replevins may be commenced in Superior Courts.

the Premises held by such Sub-Tenant to such Landlord, to be recovered by such Landlord by Action in the Court from which Summons shall have issued, and such Landlord, on the Receipt of such Notice, if not originally a Defendant, may be added or substituted as a Defendant to defend Possession of the Premises in question.

LIV. A Summons for the Recovery of a Tenement may be served like other Summonses to appear to Plaints in County Courts; and if the Defendant cannot be found, and his Place of Dwelling shall either not be known or Admission thereto cannot be obtained for serving any such Summons, a Copy of the Summons shall be posted on some conspicuous Part of the Premises sought to be recovered, and such Posting shall be deemed good Service on the Defendant.

LV. Any Warrant to a High Bailiff to give Possession of a Tenement shall justify the Bailiff named therein in entering upon the Premises named therein, with such Assistants as he shall deem necessary, and in giving Possession accordingly; but no Entry upon any such Warrant shall be made except between the Hours of Nine in the Morning and Four in the Afternoon.

LVI. Every such Warrant shall, on whatever Day it may be issued, bear Date on the Day next after the last Day named by the Judge in his Order for the Delivery of Possession of the Premises in question, and shall continue in force for Three Months from such Date and no longer, but no Order for Delivery of Possession need be drawn up or served.

LVII. The Judge of a County Court may at all Times amend all Defects and Errors in any Proceeding in such Court, whether there is anything in Writing to amend by or not, and whether the Defect or Error be that of the Party applying to amend, or not; and all such Amendments may be made with or without Costs, and upon such Terms as to the Judge may seem fit; and all such Amendments as may be necessary for the Purpose of determining in the existing Suit the real Question in controversy between the Parties shall be so made, if duly applied for.

LVIII. Any Affidavit to be used in a County Court may be sworn before a Judge or Registrar of a County Court, without the Payment of any Fee, or before a Commissioner to administer Oaths in Chancery in *England*, or a *London* Commissioner to administer Oaths in Chancery, or a Commissioner for taking Affidavits in any Superior Court, such Commissioners respectively not being Registrars, or before a Justice of the Peace.

LIX. Every Warrant of Commitment which shall issue from a County Court shall, on whatever Day it may be issued, bear Date on the Day on which the Order for Commitment was made, and shall continue in force for One Year from such Date and no longer, but no Order for Commitment shall be drawn up or served.

LX. No Officer of a County Court in executing any Warrant of a County Court, and no Person at whose Instance any such Warrant shall be executed, shall be deemed a Trespasser by reason of any Irregularity or Informality in any Proceeding on the Validity of which such Warrant depends, or in the Form of such Warrant, or in the Mode of executing it, but the Party aggrieved may bring an Action for any special Damage which he may have sustained by reason of such Irregularity or Informality against the Party guilty thereof, and in such Action he shall recover no Costs, unless the Damages awarded shall exceed Forty Shillings.

LXI. Any Judgment Summons issued out of a County Court under Section Ninety-eight of the Act of the Ninth and Tenth Years of the Reign of Her present Majesty, Chapter Ninety-five, or under this Act, or any Warrant of Commitment in respect of an unsatisfied Judgment or Order of a County Court, may respectively be in the Form or to the Effect given in Schedule (B.) to this Act, numbered respectively (2.) and (3.); and all such Summonses or Warrants shall be deemed sufficient to justify Proceedings under them without any further Statement of Facts to show Jurisdiction.

LXII. The Bankruptcy or Insolvency of the Plaintiff in any Action in a County Court, which the Assignees might maintain for the Benefit of the Creditors, shall not cause the Action to abate if the Assignees shall elect to continue such Action, and to give Security for the Costs thereof, within such reasonable Time as the Judge shall order, but the hearing of the Cause may be adjourned until such Election is made; and in case the Assignees do not elect to continue the Action, and to give such Security within the Time limited by the Order, the Defendant may avail himself of the Bankruptcy or Insolvency as a Defence to the Action.

LXIII. The Powers and Responsibilities of the Sheriff with respect to Replevin Bonds and Replevins shall henceforth cease; and the Registrar of the County Court of the District in which any Distress subject to Replevin shall be taken shall be empowered, subject to the Regulations herein-after contained, to approve of Replevin Bonds, and to grant Replevins, and to issue all necessary Process in relation thereto, and such Process shall be executed by the High Bailiff.

LXIV. Such Registrar shall, at the Instance of the Party whose Goods shall have been distrained, cause the same to be replevied to such Party, on his giving one or other of such Securities as are mentioned in the next Two succeeding Sections.

LXV. An Action of Replevin may be commenced in any Superior Court in the Form applicable to Personal Actions therein, and such Court shall have Power to hear and determine the same; and if the Replevisor shall wish to commence Proceedings in any Superior Court, he shall, at the Time of replevying, give Security, to be approved of by the Registrar, for such an Amount as such Registrar shall deem

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deem sufficient to cover the alleged Rent or Damage in respect of which the Distress shall have been made, and the probable Costs of the Cause in a Superior Court, conditioned to commence an Action of Replevin against the Distrainer in such Superior Court as shall be named in the Security, within One Week from the Date thereof, and to prosecute such Action with Effect and without Delay, and unless Judgment thereon be obtained by Default, to prove before such Superior Court that he had good Ground for believing either that the Title to some corporeal or incorporeal Hereditament, or to some Toll, Market, Fair, or Franchise, was in question, or that such Rent or Damage exceeded Twenty Pounds, and to make Return of the Goods, if a Return thereof shall be adjudged.

Conditions of Security to be given in such Cases.

LXVI. If the Replevisor shall wish to commence Proceedings in a County Court, he shall at the Time of replevying give Security, to be approved of by the Registrar, for such an Amount as such Registrar shall deem sufficient to cover the alleged Rent or Damage in respect of which the Distress shall have been made, and the probable Costs of the Cause in the County Court, conditioned to commence an Action of Replevin against the Distrainer in the County Court of the District in which the Distress shall have been taken, within One Month from the Date of the Security, and to prosecute such Action with Effect and without Delay, and to make Return of the Goods, if a Return thereof shall be adjudged.

Conditions of Security to be given when Replevin brought in County Court.

LXVII. Any Action of Replevin brought in a County Court shall be removed into any Superior Court by Writ of Certiorari, if the Defendant shall apply to such Superior Court or to a Judge there for such Writ, and shall give Security, to be approved of by the Master of such Superior Court, for such Amount, not exceeding One hundred and fifty Pounds, as such Master shall think fit, conditioned to defend such Action with Effect, and, unless the Replevisor shall discontinue or shall not prosecute such Action, or become nonsuit therein, to prove before such Superior Court that the Defendant had good Ground for believing, either that the Title to some corporeal or incorporeal Hereditament, or to some Toll, Market, Fair, or Franchise, was in question, or that the Rent or Damage in respect of which the Distress shall have been taken exceeded Twenty Pounds; and every such Superior Court shall have Power to determine the same Action.

Replevins shall, at Instance of Defendant, be removed into Superior Court by Certiorari, in certain Cases.

LXVIII. An Appeal from the Decision of a County Court, on the same Grounds and subject to the same Conditions as are provided by the Fourteenth Section of the Act of the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, Chapter Sixty-one, shall be allowed in all Actions of Replevin where the Amount of Rent or Damage exceeds Twenty Pounds, and in all Actions for the Recovery of Tenements where the yearly Rent or Value of the Premises exceeds Twenty Pounds, and in Proceedings in Interpleader where the Money claimed or the Value of the Goods or Chattels claimed, or of the Proceeds thereof, exceeds Twenty Pounds, and in all Actions where the Parties agree that the Court shall have Jurisdiction.

Appeal in Actions of Replevin, and Proceedings in Interpleader, and for Recovery of Tenements.

LXIX. No Appeal shall lie from the Decision of a County Court, if before such Decision is pronounced both Parties shall agree, in Writing signed by themselves or their Attorneys or Agents, that the Decision of the Judge shall be final, and no such Agreement shall require a Stamp.

Parties may agree not to appeal.

LXX. Where by this Act, or any Act relating to the County Courts, a Party is required to give Security, such Security shall be at the Cost of the Party giving it, and in the Form of a Bond, with Sureties, to the other Party or intended Party in the Action or Proceeding: Provided always, that the Court in which any Action on the Bond shall be brought may by Rule or Order give such Relief to the Obligors as may be just, and such Rule or Order shall have the Effect of a Defeasance of such Bond.

How Securities under County Court Acts to be given and enforced.

LXXI. Where by this Act, or any Acts relating to the County Courts, a Party is required to give Security, he may in lieu thereof deposit with the Registrar, if the Security is required to be given in a County Court, or with a Master of the Superior Court if the Security is required to be given in such Court, a Sum equal in Amount to the Sum for which he would be required to give Security, together with a Memorandum, to be approved of by such Registrar or Master, and to be signed by such Party, his Attorney or Agent, setting forth the Conditions on which such Money is deposited, and the Registrar or Master shall give to the Party paying a written Acknowledgment of such Payment; and the Judge of the County Court, when the Money shall have been deposited in such Court, or a Judge of the Superior Court when the Money shall have been deposited in a Superior Court, may, on the same Evidence as would be required to enforce or avoid such Bond as in the last preceding Section is mentioned, order such Sum so deposited to be paid out to such Party or Parties as to him shall seem just.

Where Security is required to be given, a Deposit of Money may be made in lieu thereof.

LXXII. Where any Claim shall be made under Section One. hundred and eighteen of the Act of the Ninth and Tenth Years of the Reign of Her present Majesty, Chapter Ninety-five, to or in respect of any Goods taken in Execution under the Process of a County Court, the Claimant may deposit with the Bailiff either the Amount of the Value of the Goods claimed, such Value to be fixed by Appraisement in case of Dispute, to be by such Bailiff paid into Court, to abide the Decision of the Judge upon such Claim, or the Sum which the Bailiff shall be allowed to charge as Costs for keeping Possession of such Goods until such Decision can be obtained, and in default of the Claimant so doing the Bailiff shall sell such Goods as if no such Claim had been made, and shall pay into Court the Proceeds of such Sale, to abide the Decision of the Judge.

Claimant of Goods taken in Execution must deposit their Values or pay Costs of keeping Possession, otherwise Goods shall be sold.

LXXIII. Any Acknowledgment to be made by any married Woman of any Deed under the Act of the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, Chapter

Acknowledgments by married Women

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under 3 & 4 W. 4.  
c. 74.

The nearest Debtors Prison of adjoining Court may, by Order of Secretary of State, be used in certain Cases.

When Goods seized under Process of County Court, Landlord may claim certain Rent in arrear.

Removal of Bonds from Registry of Common Pleas.

Compensations to Officers of Hundred Court of Wirral in the County of Chester.

Fees specified in Schedule to be taken, and

Seventy-four, may be received by a Judge of a County Court in the same Manner as such Acknowledgment may be received by a Judge of a Superior Court.

LXXIV. When any Prison wherein any Person committed by a County Court may be confined is situated at an inconvenient Distance from such Court, One of Her Majesty's Principal Secretaries of State may, by Order under his Hand, direct that Persons committed by such Court shall be confined in any other Prison named in such Order to which Persons may be committed from any other County Court, though such Prison may be in a different County, District, City, Borough, or Place from that in which such first-mentioned Court shall be held, and may from Time to Time vary such Order; provided that no such Order shall be made without the Consent of the Visiting Justices of the Prison in which such Persons are to be directed by any such Order to be confined; and every Person so confined shall be supported at the Expense of the County, District, City, Borough, or Place in which he shall have resided at the Time of his Committal.

LXXV. Section One of the Act of the Eighth Year of the Reign of Queen *Anne*, Chapter Fourteen, shall not apply to Goods taken in Execution under the Warrant of a County Court, but the Landlord of any Tenement in which any such Goods shall be so taken may claim the Rent thereof at any Time within Five clear Days from the Date of such taking, or before the Removal of the Goods, by delivering to the Bailiff or Officer making the Levy any Writing signed by himself or his Agent, which shall state the Amount of Rent claimed to be in arrear, and the Time for and in respect of which such Rent is due; and if such Claim be made, the Bailiff or Officer making the Levy shall in addition thereto distrain for the Rent so claimed and the Costs of such Distress, and shall not within Five Days next after such Distress sell any Part of the Goods taken, unless they be of a perishable Nature, or upon the Request in Writing of the Party whose Goods shall have been taken; and the Bailiff shall afterwards sell such of the Goods under the Execution and Distress as shall satisfy, first, the Costs of and incident to the Sale, next the Claim of such Landlord, not exceeding the Rent of Four Weeks where the Tenement is let by the Week, the Rent of Two Terms of Payment where the Tenement is let for any other Term less than a Year, and the Rent of One Year in any other Case, and lastly the Amount for which the Warrant issued; and if any Replevin be made of the Goods so taken, the Bailiff shall, notwithstanding, sell such Portion thereof as will satisfy the Costs of and incident to the Sale under the Execution, and the Amount for which the Warrant issued; and in either event the Overplus of the Sale, if any, and the Residue of the Goods, shall be returned to the Defendant; and the Poundage of the High Bailiff and Broker for keeping Possession, Appraisement, and Sale under such Distress, shall be the same as would have been payable if the Distress had been an Execution of the County Court, and no other Fees shall be demanded or taken in respect thereof.

LXXVI. If any Bond given under the Provisions of any Act relating to the County Courts shall have been registered in the Court of Common Pleas in *England*, and the Condition of such Bond shall have been satisfied, the Commissioners of Her Majesty's Treasury, by Certificate under the Hands of any Two of them, may authorize the proper Officer of the said Court to enter up Satisfaction on the Record of such Bond or Obligation.

LXXVII. From and after the passing of this Act, no Action or Suit shall be commenced in the Hundred or Wapentake Court of *Wirral* in the County of *Chester*, and the Authority and Jurisdiction of the said Court shall cease, and all Actions or Suits depending in the said Court shall be transferred, with all the Proceedings thereon, to the County Court for the District in which the respective Defendants shall then reside; and such Actions and Suits shall be dealt with and decided, as to the Costs of the same, as well as in other respects, according to the Practice of the County Court or of the said Hundred Court, according to the Discretion of the Judge of the County Court, which Court shall, for the Purpose of such Actions or Suits, be deemed to have all the Power and Jurisdiction possessed by the said Hundred Court before the passing of this Act; and every Person who is legally entitled to any Franchise or Office in or in respect of the said Hundred Court shall be entitled to make a Claim for Compensation to the Commissioners of Her Majesty's Treasury within Six Months after the passing of this Act; and the said Commissioners, in such Manner as they shall think fit, may inquire what was the Nature of the Franchise or Office, and what was the Tenure thereof, and what were the lawful Fees and Emoluments in respect of which such Compensation should be allowed; and the said Commissioners in each Case shall award such gross or yearly Sum, and for such Time as they shall think just to be awarded, upon Consideration of the special Circumstances of each Case: Provided always, that if any Person holding any Office in the said Hundred Court shall be appointed to any Public Office or Employment, the Payment of the Compensation awarded to him under this Act, so long as he shall continue to receive the Salary or Emoluments of such Office or Employment, shall be suspended, if the Amount of such Salary or Emoluments be greater than the Amount of the Compensation, or, if not, shall be diminished by the Amount of such Salary or Emoluments; and the several Compensations herein-before granted shall be paid out of Monies to be voted by Parliament, and the Commissioners of Her Majesty's Treasury of the said United Kingdom are hereby authorized to pay the same accordingly.

LXXVIII. The Fees payable on the Proceedings in the County Courts mentioned in Schedule (C.) to this Act shall be those therein specified; and such Fees shall, except in Interpleaders, or where such

Fees



*County Courts Acts Amendment.*

Fees shall be payable in respect of keeping Possession, appraising or selling Goods seized, be paid in the first instance by the Party on whose Behalf any such Proceeding is to be taken before such Proceeding is taken; and in default of the Payment of any Fees, Payment thereof shall, by Order of the Judge, be enforced by such Means as might be employed to recover any Debt adjudged by the Court to be paid; and a Table of all Fees shall be posted in some conspicuous Place in every Court House and in every Registrar's Office.

Table of Fees to be exhibited in Court and Registrar's Office.

LXXXIX. The Commissioners of Her Majesty's Treasury, from Time to Time, with the Consent of the Lord Chancellor, may lessen or increase the Fees which are specified in Schedule (C.) to this Act, or which are now payable on Proceedings in the County Courts taken under any Act not herein before recited, and may substitute other Fees in lieu thereof, and may order new Fees to be paid on any Proceedings which are now or shall hereafter be authorized to be taken in such Courts, whether any Fee is now payable thereon or not: Provided always, that every such Alteration in the Scale of Fees shall be notified to both Houses of Parliament within Ten Days from the Commencement of the Session next after such Alteration.

Treasury to regulate Fees to be taken in County Courts.

LXXX. The Salaries of the Judges of the County Courts shall be paid out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, and the Commissioners of Her Majesty's Treasury are hereby empowered to pay the same accordingly; and the Sums which are now or may hereafter be allowed to them for Travelling Expenses shall be paid out of Monies that may be voted by Parliament for that Purpose.

Salaries of Judges to be paid out of Consolidated Fund, &c.

LXXXI. 'Whereas by the Fourteenth Section of the said Act passed in the Session of Parliament holden in the Fifteenth and Sixteenth Years of the Reign of Her present Majesty, Chapter Fifty-four, it was enacted, that after the passing of the said Act the greatest Salaries to be received in any Case by the Judges of the County Courts should be One thousand five hundred Pounds, but that in no Case should any Judge be paid a less Salary than Twelve hundred Pounds: And whereas the Commissioners of Her Majesty's Treasury have ordered that the Salaries of the Judges whose Names are mentioned in the Schedule marked (D.) annexed to this Act should be fixed at the Amounts set opposite their respective Names in such Schedule: And whereas it is desirable that the Salaries of the Judges of the County Courts should be fixed by Parliament at One uniform Rate: Be it enacted, That every Judge of a County Court shall be paid a Salary of Twelve hundred Pounds a Year, and no more: Provided always, that the Judges mentioned in the said Schedule shall continue to receive the Salaries therein mentioned to be payable to them respectively so long as they shall continue to be Judges of the County Courts: And provided also, that nothing herein contained shall affect the Right or Title of any County Court Judge to receive any Sum or Sums of Money now or hereafter to be made payable to him for defraying his Travelling Expenses.

Salaries of the Judges.

LXXXII. The Registrars of the Courts shall be paid by Salaries; and the Principle on which the said Salaries shall be so regulated shall be, that the Registrar of each Court in which the Plaints entered do not exceed the Number of Two hundred in a Year shall have an annual Salary of One hundred and twenty Pounds; and that in Courts where the Plaints exceed Two hundred in the Year the Salaries shall be increased by Sums of Five Pounds for every Twenty-five additional Plaints up to One thousand Plaints inclusive, and then by Sums of Four Pounds for every Twenty-five additional Plaints up to Six thousand inclusive; and such Salaries shall be inclusive of all Salaries to the Clerks employed by the Registrar in the Business of their respective Courts, and of all Emoluments whatsoever, except those receivable by them in Proceedings in Insolvency or Protection; and in the Courts in which the Plaints exceed the Number of Six thousand the Amount of Salary shall be fixed by the said Commissioners, with the Consent of the Lord Chancellor, but in no Case shall the net Salary to be allowed exceed the maximum Salary of Seven hundred Pounds a Year as provided by the Act of the Fifteenth and Sixteenth Years of the Reign of Her present Majesty, Chapter Fifty-four: Provided always, that the Salary of any Registrar acting in a similar Capacity, or as Clerk, before the passing of the Act of the Ninth and Tenth *Victoria* Chapter Ninety-five, in any Court mentioned in Schedule A. to that Act, shall not (exclusive of all Salaries to the Clerks to be employed by them as aforesaid, the Amount of such Salaries and the Number of such Clerks to be sanctioned and approved by the Commissioners of Her Majesty's Treasury,) be limited to any Sum less than the average Amount of the Fees and Emoluments of his Office during the Seven Years next before the passing of the said last-mentioned Act, such Amount to be ascertained by the Commissioners of Her Majesty's Treasury, or to a Sum less than the Amount which he now receives in pursuance of any Arrangement since the Abolition of the Court of which he was the Clerk or Registrar.

Registrars to be paid by Salaries, as herein mentioned.

LXXXIII. The High Bailiffs of the Courts shall be paid by Salaries to be fixed and regulated from Time to Time by the Commissioners of Her Majesty's Treasury, with the Consent of the Lord Chancellor, and shall, in addition to such Salaries, receive for their own Use the Fees appointed for keeping Possession of Goods under Executions, and such Salaries shall include all Payments made by the High Bailiffs to their Under Bailiffs, or, with the like Consent, the High Bailiffs may be paid partly by Salaries and partly by Allowances for the Execution of Warrants, and for Mileage on the Service or Execution of any Process.

High Bailiffs to be paid partly by Salaries and partly by Fees.

*County Courts Acts Amendment.*

Salaries of Registrars and High Bailiffs to be paid out of Fees.

Expense of building, &c. to be paid out of Monies to be provided by Parliament.

Provisions relating to Superior Courts to apply to Courts of Counties Palatine of Lancaster and Durham. Proviso as to Certiorari.

LXXXIV. The Salaries of the Registrars and High Bailiffs shall be paid out of the Produce of the Fees payable under the Provisions of this Act; and whenever the Amount of such Fees shall not be sufficient to pay such Salaries the Deficiency shall be made good out of any Monies to be provided by Parliament for that Purpose; and the Surplus which from Time to Time shall remain after Payment of the said Salaries shall be paid over to the Credit of the said Consolidated Fund.

LXXXV. The Expense of building, purchasing, or providing any Messuages and Lands for the Purposes of the County Courts, and of repairing, furnishing, cleaning, lighting, and warming the Court Houses and Offices, and of Payment of the Salaries of the necessary Servants for taking charge of such Court Houses and Offices, and of supplying the Courts and Offices with Law and Office Books and Stationery, and of Postage Stamps, and the Disbursements of the High Bailiffs in conveying to Prison Persons committed by the County Courts, and all other Expenses incident to the holding of the said Courts, shall be paid by the Commissioners of Her Majesty's Treasury out of any Monies to be from Time to Time provided by Parliament for such Purposes.

LXXXVI. All the Provisions of this Act applicable to Superior Courts and Judges thereof shall apply to the Court of Common Pleas at *Lancaster* and Court of Pleas at *Durham*, and the Judges thereof respectively, being Judges of One of the Common Law Courts at *Westminster*, and all the said Provisions applicable to Masters of Superior Courts shall apply to the respective Prothonotaries of the Court of Common Pleas at *Lancaster* and Court of Pleas at *Durham*, and their respective Deputies, acting in the Execution of the Duties of such Officers: Provided that any Writs of Certiorari to be issued by the Order of such Courts or of a Judge thereof shall be issued out of the Chanceries of the Counties Palatine of *Lancaster* and *Durham* respectively, and shall be made returnable into the said Court of Common Pleas at *Lancaster* and Court of Pleas at *Durham* respectively, in the same Manner as other Writs of Certiorari of such Counties Palatine respectively.

## SCHEDULES referred to in the foregoing Act.

## SCHEDULE A.

## (1.)—Parts of Acts repealed.

Reference to Act.	Title of Act.	Extent of Repeal.
9 & 10 Vict. c. 95.	An Act for the more easy Recovery of Small Debts and Demands in England.	The whole of Sections 37., 52., 92., 107., 121., 122., 123., 126., 127., and 139. So much of Section 102. as enacts that "no Protection Order or Certificate granted by any Court of Bankruptcy, or for the Relief of Insolvent Debtors, shall be available to discharge any Defendant from any Commitment" under the Order of a Judge. So much of Section 142. as applies to the Word "Agent."
12 & 13 Vict. c. 101.	An Act to amend the Act for the more easy Recovery of Small Debts and Demands in England, and to abolish certain Inferior Courts of Record.	The whole of Section 6.
13 & 14 Vict. c. 61.	An Act to extend the Act for the more easy Recovery of Small Debts and Demands in England, and to amend the same.	The whole of Sections 5., 6., 7., 17., 20., 21., and 23.
15 & 16 Vict. c. 54.	An Act further to facilitate and arrange Proceedings in the County Courts.	The whole of Section 1.
17 & 18 Vict. c. 16.	An Act to amend the Act of the Thirteenth and Fourteenth Victoria, Chapter Sixty-one, and the Act of the Fifteenth and Sixteenth Victoria, Chapter Fifty-four.	The whole of Section 1.

*County Courts Acts Amendment.*

SCHEDULE B.

No. 1.

*Summons to obtain Judgment by Default on personal Service.*

No. [of *Plaint*].

In the [Title of Court issuing Summons].

[Seal.]

Between A.B., Plaintiff,

and

C.D., Defendant.

[Name, Description, and Address of Defendant.]

TAKE NOTICE, That, unless at least Six clear Days before the [Day of Appearance to Summons] you return to the Registrar of this Court at [Place of Office] the Notice given below, dated and signed by yourself, or your Attorney or your Agent, you will not afterwards be allowed to make any Defence to the Claim which [Name, Description, and Address of Plaintiff] makes on you, as per Margin, the Particulars of which are hereunto annexed; but the Plaintiff may, without giving any Proof in support of such Claim, proceed to Judgment and Execution. If you return such Notice to the Registrar within the Time specified, you must appear at a

	£	s.	d.
Claim - - -	...	...	...
Fee for Plaintiff -	...	...	...
Attorney's Costs -	...	...	...
Total Amount of } Debts and Costs }	...	...	...

County Court to be holden at \_\_\_\_\_ on the \_\_\_\_\_ Day of \_\_\_\_\_ 185 , at the Hour of \_\_\_\_\_ in the \_\_\_\_\_ noon, to answer the above Claim, which will be heard on that Day.

Dated this \_\_\_\_\_ Day of \_\_\_\_\_ 185 .

\_\_\_\_\_  
Registrar of the Court.

See Back.

*Notice of Intention to defend.*

No. [of *Plaint*].

In the [Title of Court].

A.B. v. C.D.

I intend to defend this Cause.

Dated this \_\_\_\_\_ Day of \_\_\_\_\_ 185 .

\_\_\_\_\_  
(\*) Defendant.

(\*) Here must be signed the Name of Defendant, or of his Attorney or Agent, and in either of the last Two Cases the Words "Attorney for," or "Agent for," must be added.

[To be indorsed on the Summons.]

If you pay the Debt and Costs, as per Margin on the other Side, into the Registrar's Office, before the Day of Hearing, and without returning the Notice of Intention to defend, you will avoid further Costs.

If you do not return the Notice of Intention to defend, but allow Judgment against you by Default, you will save Half the Hearing Fee, and the Order upon such Judgment will be to pay the Debt and Costs forthwith [or by Instalments, to be specified, as in Plaintiff's written Consent].

If you admit a Part only of the Claim, you must return the Notice of Intention to defend within the specified Time; and you may, by paying into the Registrar's Office the Amount so admitted, together with Costs proportionate to the Amount you pay in, Six clear Days before the Day of Hearing, avoid further Costs, unless the Plaintiff at the Hearing shall prove a Claim against you exceeding the Sum so paid.

If you intend to rely on a Set-off, Infancy, Coverture, a Statute of Limitations, or a Discharge under a Bankrupt or Insolvent Act, as a Defence, you must, in addition to the Notice of Intention to defend, give to the Registrar Notice of such special Defence Six clear Days before the Day of Hearing; and such last-mentioned Notice must contain the Particulars required by the Rules of the Court; and you must deliver to the Registrar as many Copies of such Notice as there are Plaintiffs, and an additional Copy for the Use of the Court. If your Defence be a Set-off, you must, with the Notice thereof, also deliver to the Registrar a Statement of the Particulars thereof. If your Defence be a Tender, you must pay into Court, before or at the Hearing, the Amount tendered.

If you give such Notice of Intention to defend within the Time specified, you may have the Case tried by a Jury, on giving Notice in Writing at the Registrar's Office, Two clear Days before the Hearing, and on Payment of Five Shillings for the Use of such Jury.

Summonses for Witnesses and the Production of Documents may be obtained gratis at the Office of the Registrar of this Court.

Hours of Attendance at the Office of the Registrar of this Court at [Place of Office] from Ten till Four.

This Summons must be served personally on the Defendant Twelve clear Days before the Day appointed for the Hearing.

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*County Courts Acts Amendment.*


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No. 2.

*Summons for Commitment.*In the [ *Title of Court issuing Summons* ],  
[ *Seal.* ]No. [ *of Summons* ].  
No. [ *of Judgment or Order* ].Between *A.B.*, Plaintiff,  
and  
*C.D.*, Defendant.

Whereas the Plaintiff obtained a Judgment [ *or if no Judgment has been obtained, or if a fresh Order has been obtained upon a Judgment, an Order* ] against you in the County Court of \_\_\_\_\_ on the \_\_\_\_\_ Day of \_\_\_\_\_ 185 \_\_\_\_\_, for the Payment of £ \_\_\_\_\_ for Debt [ *or Damages* ], and £ \_\_\_\_\_ for Costs, upon which Judgment [ *or Order* ], and the subsequent Process issued thereon, the Sum of £ \_\_\_\_\_ is now due: You are therefore hereby summoned to appear personally in this Court at [ *Place where Court holden* ] on the \_\_\_\_\_ Day of \_\_\_\_\_ 185 \_\_\_\_\_, at the Hour of \_\_\_\_\_ o'Clock in the \_\_\_\_\_ noon, to be examined by the Court touching your Estate and Effects, and the Circumstances under which you contracted the said Debt [ *or incurred the said Damages* ], and as to the Means and Expectation you then had, and as to the Means you still have, of discharging the said Debt [ *or Damages* ], and as to the Disposal you may have made of any Property. And take notice, that if you disobey this Summons the Court may commit you to Prison.

Dated this \_\_\_\_\_ Day of \_\_\_\_\_, 185 \_\_\_\_\_.

\_\_\_\_\_  
Registrar of the Court.Hours of Attendance at the Office of the Registrar of this Court [ *Place of Office* ] from Ten till Four.*When issued under this Act, insert*

“ Issued by Leave of the Judge.”

No. 3.

*Warrant of Commitment.*In the [ *Title of Court ordering Committal* ],  
[ *Seal.* ]No. [ *of Commitment* ].  
No. [ *of Judgment Summons* ].Between *A.B.*, Plaintiff,  
and  
*C.D.*, Defendant.To the High Bailiff and others the Bailiffs of the said Court, and all Peace Officers within the Jurisdiction of the said Court, and to the Governor or Keeper of the [ *Prison used by the Court* ].

Whereas the Plaintiff obtained a Judgment [ *or Order* ] against the Defendant in the County Court of \_\_\_\_\_ on the \_\_\_\_\_ Day of \_\_\_\_\_ 185 \_\_\_\_\_, for the Payment of £ \_\_\_\_\_ for Debt [ *or Damages* ] and Costs, upon which Judgment [ *or Order* ], and the subsequent Process issued thereon, the Sum of £ \_\_\_\_\_ was at the Date of the issuing of the Summons herein-after mentioned and still is due:

And whereas a Summons was, at the Instance of the Plaintiff, duly issued out of this Court, by which the Defendant was required to appear at this Court on the \_\_\_\_\_ Day of \_\_\_\_\_ 185 \_\_\_\_\_, to answer such Questions as might be put to him pursuant to Section Ninety-eight of the Statute 9th and 10th Victoria, Chapter 95., in relation to such Debt [ *or Damages* ], which Summons was proved to this Court to have been personally and duly served on the Defendant:

And whereas this Court, at the Hearing of the said Summons, ordered that the Defendant should be committed to Prison for \_\_\_\_\_ Days, for [ *as the Case may be* ] not appearing pursuant to such Summons, or alleging a sufficient Excuse for not so appearing;

[ *or for refusing to be sworn* ];[ *or for refusing to answer such Questions as aforesaid to the Satisfaction of the Judge* ];[ *or for contracting the said Debt under false Pretences, or by means of Fraud or Breach of Trust, or without reasonable Expectation of being able to pay the same* ];[ *or for making a Gift or Transfer of Part of his Property, with Intent to defraud his Creditors* ];[ *or for having charged, or removed, or concealed Part of his Property with Intent to defraud his Creditors* ];[ *or for not having satisfied the said Judgment and Costs, having had sufficient Means and Ability so to do* ]:

These are therefore to require you the said High Bailiff, Bailiffs and others, to take the Defendant, and to deliver him to the Governor or Keeper of the [ *Prison used by the Court* ], and you the said

Governor

*County Courts Acts Amendment.*

Governor or Keeper to receive the Defendant, and him safely keep in the said Prison for Days from the Arrest under this Warrant, or until he shall be sooner discharged by due Course of Law.

Dated this [insert Date of Order] Day of 185 .

E.F.  
Registrar of the Court.

	£	s.	d.
Amount remaining due	...	...	...
Poundage for issuing this Warrant	...	...	...
Total	...	...	...

This Warrant *remains in force One Year* from the Date thereof.

This Form to be applicable to all Judgments recovered at the Hearing, or by Default, or by Consent, and to all Orders within the Jurisdiction of the Court.

SCHEDULE C.

- For every *Plaint*,—Tenpence in the Pound.  
No Fee shall be payable on any Application for a new Trial, or to set aside Proceedings, or in the Nature of a *Scire facias*, or for a *Summons* in an *Interpleader*.
- For every Judgment by Consent under the 13 & 14 Vict. c. 61. ss. 8. or 9., and for every Judgment by Default,—One Shilling in the Pound.
- For every Hearing,—Two Shillings in the Pound.  
An additional Hearing Fee shall be taken for every new Trial.  
The Hearing on *Interpleader* shall not be prepaid, but shall be estimated on the Amount of the Money or the Value of the Goods claimed, which Value, in case of Dispute, shall be assessed by the Judge, who at the Hearing shall direct by whom and when and how such Fee shall be paid.  
No Fee shall be payable for hearing any Application for a New Trial, or to set aside Proceedings, or in the Nature of a *Scire facias*.
- For every Jury,—Five Shillings shall be paid to the Registrar by the Party demanding the Jury, on such Demand, for the Use of the Jurors.
- For every *Summons* for Commitment under the 9 & 10 Vict. c. 95. Sect. 98.,—Threepence in the Pound on the Amount of the original Demand then remaining due.
- For every Hearing of the Matters mentioned in such *Summons* for Commitment,—Sixpence in the Pound on the Amount last aforesaid.
- For issuing every Warrant against the Body or Goods,—Eighteenpence in the Pound on the Amount for for which such Warrant shall issue.
- For issuing every Warrant to deliver Possession of Tenements,—Eighteenpence in the Pound.
- For taking the Acknowledgment of a married Woman,—One Pound.

HIGH BAILIFF'S FEES.

- For keeping Possession of Goods till Sale, per Day, (including Expenses of Removal, Storage of Goods, and all other Expenses,) not exceeding Five Days,—Sixpence in the Pound on the Value of the Goods seized, to be fixed by Appraisement in case of Dispute.

BROKERS AND APPRAISERS FEES.

- For the Appraisement of Goods, whether by One Broker or more,—Sixpence in the Pound on the Value of the Goods appraised, over and above the Stamp Duty.
- For the Sale of Goods, including Advertisements, Catalogues, Sale and Commission, and Delivery of Goods,—One Shilling in the Pound on the net Produce of Sale.  
In all *Plaints* for the Recovery of Debt or Damages, all Poundage, except where otherwise specified in this Schedule, shall be estimated on the Amount of the Claim.  
In *Replevins* all Poundage, except as aforesaid, shall be estimated on the Amount of the alleged Rent or Damage, to be fixed by the Registrar.  
In *Plaints* for the Recovery of Tenements when the Term has expired or been determined by Notice, all Poundage, except as aforesaid, shall be estimated on the Amount of the weekly, monthly, or yearly Rent of the Tenement, as such Tenement shall have been let by the Week or by the Month, or for any longer Period; and if no Rent shall have been reserved, then on the Amount of the half-yearly Value of the Tenement, to be fixed by the Registrar.  
If in any *Plaint* for the Recovery of Tenements a Claim be made for Rent or Mesne Profits, an additional Poundage shall be paid on the Amount of such Claim.  
In *Plaints* for the Recovery of Tenements for Nonpayment of Rent, all Poundage, except as aforesaid, shall be estimated on the Amount of the half-yearly Rent of the Tenement.

In

*County Courts Acts Amendment.*

In every Case where the Poundage would but for this Rule be estimated on an Amount exceeding Twenty Pounds, it shall be estimated at Twenty Pounds only.

In every Case where the Poundage cannot be estimated by any Rule in this Schedule, it shall be estimated on Twenty Pounds.

All Fractions of a Pound, for the Purpose of calculating Poundage, shall be treated as an entire Pound.

Where the Plaintiff recovers less than the Amount of his Claim, so as to reduce the Scale of Costs, he shall pay the Difference, unless the Reduction shall be caused by a Set-off.

In Cases of Interpleader the Judge may allow at the Hearing the actual Costs incurred by the High Bailiff in keeping Possession of the Goods claimed, and no more.

No Increase of Fees shall be made by reason of there being more than One Plaintiff or Defendant.

## SCHEDULE D.

	£
R. Brandt, Esquire, Judge of the County Court of Lancashire, holden at Manchester - - -	1,500
F. Bayley, Esquire, Judge of the Westminster County Court of Middlesex - - -	1,500
J. Pollock, Esquire, Judge of the County Court of Lancashire, holden at Liverpool - - -	1,500
J. L. Adolphus, Esquire, Judge of the Marylebone County Court of Middlesex ; the Brompton County Court of Middlesex ; and the County Court of Middlesex, holden at Brentford - - }	1,500
Mr. Serjeant Storks, Judge of the Shoreditch and Bow County Courts of Middlesex - - -	1,500
J. Pitt Taylor, Esquire, Judge of the Lambeth County Court of Surrey, and the County Court of Kent holden at Greenwich and Woolwich - - - }	1,500
W. Walker, Esquire, Judge of the County Courts of Yorkshire, holden at Barnsley, Doncaster, Goole, Rotherham, Sheffield, and Thorne - - - }	1,500
T. H. Marshall, Esquire, Judge of the County Courts of Yorkshire, holden at Leeds, Dewsbury, Pontefract, and Wakefield - - - }	1,500
J. W. Arden, Esquire, Judge of the County Courts of Cheshire, holden at Altrincham, Birkenhead, Chester, Knutsford, Nantwich, Northwich, and Runcorn ; and of the County Courts of Lancashire, holden at Salford and Warrington - - - }	1,500
Mr. Serjeant Clarke, Judge of the County Courts of Staffordshire, holden at Oldbury, Wall- sall, and Wolverhampton ; and of the County Court of Worcestershire, holden at Dudley - }	1,500
George Clive, Esquire, Judge of the Southwark County Court of Surrey - - -	1,500
D. D. Heath, Esquire, Judge of the Bloomsbury County Court of Middlesex - - -	1,500
Mr. Serjeant Jones, Judge of the Clerkenwell County Court of Middlesex - - -	1,500
J. Stansfeld, Esquire, Judge of the County Courts of Yorkshire, holden at Halifax, Holmfirth, Huddersfield, and Todmorden - - - }	1,500
Mr. Serjeant Manning, Judge of the Whitechapel County Court of Middlesex - - -	1,500
Leigh Trafford, Esquire, Judge of the County Courts of Warwickshire, holden at Atherstone, Birmingham, and Tamworth - - - }	1,500
J. Addison, Esquire, Judge of the County Courts of Lancashire, holden at Blackburn, Burnley, Clitheroe, Colne, Garstang, Kirkham, Lancaster, Poulton, and Preston - - - }	1,500
Mr. Serjeant Dowling, Judge of the County Courts of Yorkshire, holden at Easingwold, Knaresborough, Leyburn, Northallerton, Richmond, Ripon, Selby, Stokesley, Thirsk, Wetherby, Whitby, and York - - - }	1,500
F. Dinsdale, Esquire, Judge of the County Court of Leicestershire, holden at Lutterworth ; of the County Court of Northamptonshire, holden at Daventry ; of the County Court of Oxfordshire, holden at Banbury ; of the County Courts of Warwickshire, holden at Alcester, Coventry, Nuneaton, Rugby, Solihull, Southam, Stratford-on-Avon, and War- wick ; and of the County Court of Worcestershire, holden at Shipston - - - }	1,350
W. Furner, Esquire, Judge of the County Courts of Sussex, holden at Arundel, Brighton, Chichester, Cuckfield, East Grinstead, Hastings, Horsham, Lewes, Midhurst, Petworth, Rye, and Worthing - - - }	1,350
T. Falconer, Esquire, Judge of the County Courts of Brecknockshire, holden at Brecknock, Builth, Crickhowell, and Hay ; of the County Courts of Glamorganshire, holden at Bridgend, Cardiff, Merthyr Tydfil, Neath, and Swansea ; and of the County Court of Radnorshire, holden at Rhaiadr - - - }	1,350
J. St. John Yates, Esquire, Judge of the County Courts of Cheshire, holden at Congleton, Hyde, Macclesfield, and Stockport ; of the County Court of Derbyshire, holden at Glossop ; and of the County of Lancashire, holden at Ashton-under-Lyne - - - }	1,350

*Reformatory and Industrial Schools.*

## C A P. CIX.

An Act to amend the Mode of committing Criminal and Vagrant Children to Reformatory and Industrial Schools. [29th July 1856.]

‘ WHEREAS it is expedient to amend the Provisions of Two Acts passed in the Session of Parliament holden in the Seventeenth and Eighteenth Years of the Reign of Her present Majesty, intituled, respectively, *An Act for the better Care and Reformation of Youthful Offenders in Great Britain*, and *An Act to render Reformatory and Industrial Schools in Scotland more available for the Benefit of Vagrant Children*.? Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

17 & 18 Vict.  
c. 86.  
17 & 18 Vict.  
c. 74.

I. It shall not be necessary at the Time of passing Sentence for any Court, Judge, Sheriff, or Magistrate proceeding under the said first-recited Act to name the particular School to which any Youthful Offender is to be sent, but it shall be sufficient for such Court, Judge, Sheriff, or Magistrate to direct that such Youthful Offender be sent to such School (being a School duly certified under the said Act, and the Directors or Managers of which may be willing to receive him,) as may thereafter, and before the Expiration of the Term of Imprisonment to which he or she has been sentenced, be directed by the Chairman or Deputy Chairman of the said Court, or by the said Judge, Sheriff, or Magistrate.

School to which Youthful Offenders committed need not be named in the Sentence.

II. Any Court, Judge, Sheriff, or Magistrate, or the Chairman or Deputy Chairman of such Court, having made an Order under the Authority of either of the said recited Acts or of this Act for sending any young Person to any Reformatory or Industrial School, or in *Scotland* to any similar Institution, may, at his or their Discretion, make a Supplemental Order, in *England* at any Time before the Expiration of the Term of Imprisonment to which he or she has been sentenced, and in *Scotland* at any Time within Fourteen Days of the Date of the Order, exchanging the Name of such School or Institution for the Name of any other School or Institution to which he or she might in the first instance legally have been sent, provided the Managers thereof be willing to receive him or her, and such young Person shall be sent or transferred to such last-mentioned School or Institution accordingly.

Supplemental Orders may be made.

III. If the Parent or Guardian or nearest surviving Relative of any young Person who may have been sent to or whom it may be intended to send to a School or Institution, under the Provisions of either of the said recited Acts or of this Act, certify to the Judge, Sheriff, Magistrate, or Court, or the Chairman or Deputy Chairman thereof, by whom the Order may have been or may be about to be made, within Fourteen Days from the Day of the making of such Order or Supplemental Order as aforesaid, that they object to such young Person being sent to or detained in the School or Institution named or about to be named in such Order or Supplemental Order, and shall name another School or Institution in *Great Britain*, duly certified as aforesaid, and shall signify their Desire that such young Person may be sent thereto, and shall prove that the Managers thereof are willing to receive such young Person, and shall pay or find sufficient Security to pay any additional Expense which his or her Removal may occasion, over and above that of sending him or her to the certified School on which the Order shall have been made, in case the Removal shall take place before the Expiration of his or her Imprisonment, and in case the Removal shall take place from one such School or Institution to another then to pay the whole Expense, such Court, Chairman, Deputy Chairman, Judge, Sheriff, or Magistrate shall direct such young Person to be sent to such last-mentioned School or Institution accordingly.

Young Persons not to be sent to Schools to which Parents, &c. object.

IV. Provided always, That if any such young Person who shall, under the Provisions of this Act, be sent from *Scotland* to any School out of *Scotland*, shall not have Right to a Settlement in any Parish therein, and might have been removed from *Scotland* under the Provisions of the Eighth and Ninth of Queen *Victoria*, Chapter Eighty-three, at the Instance of the Inspector of the Poor of the Parish to which such young Person has become chargeable, had he or she not been sent out of *Scotland* under the Provisions of this Act, the Chargeability on such Parish for such young Person shall, on his or her being so sent out of *Scotland*, cease and determine.

As to Settlement and Chargeability of young Persons sent from *Scotland* to any School out of *Scotland*.

V. Nothing in this Act contained shall be construed to take away or diminish the Power of the Secretary of State to direct the Removal or Discharge of young Persons from Reformatory and Industrial Schools, or in *Scotland* from other similar Institutions, as set forth in the said recited Acts.

As to Power of Secretary of State to order Removals, &c.

VI. The Expense of conveying any young Person sentenced in *England* under the first-recited Act or this Act to the Reformatory School to which he has been committed, under an original or Supplemental Order, except any extra or additional Expense incurred in conveying any young Person, at the Request of his or her Parents, Guardians, or Relatives, to any School or Institution other than the nearest duly certified School, shall be defrayed by the Treasurer of the County, City, or Borough in which such Sentence was in the first instance passed. The Expense of conveying any young Person sentenced in *Scotland* under either of the said recited Acts or this Act to the Reformatory or Industrial School or other similar Institution to which he or she has been ordered to be sent shall, except as aforesaid, be defrayed by the Parochial Board of the Parish on which such young Person, if a Pauper, would have been chargeable in the first instance. In case of the Secretary of State ordering the Removal of any

Expenses of Conveyance, how to be met.

young

*Reformatory and Industrial Schools.*

young Person from one School or Institution to another, it shall be lawful for the Commissioners of Her Majesty's Treasury, on the Representation of such Secretary of State, to defray the Expense of such Removal out of any Funds which may be provided by Parliament for the Purpose.

Governor of Prison to send Duplicate of Warrant of Commitment, if it exists, with Child, to Reformatory; if not, then a Copy of Warrant.

VII. It shall be the Duty of the Governor or Keeper of every Gaol or House of Correction having the Custody under Sentence of any young Person who is ordered to be sent to any Reformatory or Industrial School, or in *Scotland* any other similar Institution, to forward with such young Person to such School or Institution an original Duplicate, if any such Duplicate exists, of the Warrant of Commitment under which such young Person has been imprisoned, and if no such Duplicate exists to forward with such young Person a Copy of such Warrant, and at the Foot of such Duplicate or Copy to make a Memorandum stating that the young Person named therein and sent therewith is identical with the Person delivered with the Warrant of which the Instrument is a Duplicate or Copy to such Gaol or House of Correction, and the said Memorandum shall be signed by the Governor or Keeper aforesaid, and the Possession of such Warrant or Copy of a Warrant, with such Memorandum so signed, shall be a sufficient Authority for the Detention of such young Person in such School or Institution.

What is sufficient Evidence as to Certificate of School and Identity of Child.

VIII. Whenever it shall be necessary to prove that any Reformatory or Industrial School, or other similar Institution, is duly certified or sanctioned by the Secretary of State, the Production of an attested Copy of the Certificate shall be sufficient Evidence thereof; and the Production of an original Duplicate of the Warrant of Commitment, or a Copy of the Warrant of Commitment, with a Memorandum as aforesaid, signed or purporting to be signed by the Governor or Keeper of the Gaol or House of Correction from which the young Person in question was sent, as herein-before provided, accompanied by a Statement signed or purporting to be signed by the Manager or Superintendent or Master or Matron of any Reformatory or Industrial School or other similar Institution, that the young Person named in such Warrant or Copy was duly received into and is at the signing thereof detained in such School or Institution, or has been otherwise disposed of according to Law, shall in all Proceedings whatsoever be sufficient Evidence of the due Conviction and Imprisonment, and subsequent Detention and Identity, of the young Person named in such Warrant.

Penalty on Persons wilfully inducing young Persons to abscond from Reformatory.

IX. When any young Person has been sentenced under the first-recited Act to be detained in any Reformatory School, duly certified by the Secretary of State, any Person who shall directly or indirectly wilfully withdraw such young Person from such School or Institution, or induce him or her to abscond therefrom before he or she has been regularly discharged, shall be liable for every such Offence to a Penalty not exceeding Five Pounds, to be recovered on summary Complaint before any Justice of the Peace, Sheriff, or Magistrate, at the Instance of any Officer of such School or Institution, or other Person authorized by the Directors or Managers thereof, and failing Payment, the Offender may be imprisoned for any Period not exceeding Sixty Days, and such Penalty shall be paid over to the Treasurer of the Institution in which such young Person was placed, for the general Purposes thereof.

Secretary of State to publish List of all Reformatory or Industrial Schools in London and Edinburgh Gazettes.

X. One of Her Majesty's Principal Secretaries of State shall, within One Calendar Month after the passing of this Act, cause to be published in the *London* and *Edinburgh* Gazettes a List of all Reformatory or Industrial Schools or other similar Institutions which have been already certified under the Provisions of either of the said recited Acts; and whenever such Secretary of State shall at any Time hereafter grant a Certificate to any new School or Institution, he shall, within One Calendar Month, cause a Notice thereof to be published in the said Gazettes, and such Publication shall be a sufficient Evidence of the Fact of such School or Institution having been certified to justify any Court, Judge, Sheriff, or Magistrate to commit any young Person thereto, subject to the Provisions of the said recited Acts and of this Act, and of any other Act or Acts relating to such Schools or Institutions; and whenever the Secretary of State shall withdraw or cancel the Certificate granted to any School or Institution, he shall give Notice of such Withdrawal in the said Gazettes within One Calendar Month of the Date thereof.

Justices may use the Forms set forth in the Schedule.

XI. It shall be lawful for any Justice or Justices of the Peace in *England* or *Wales*, proceeding under this Act, or under the said first-recited Act, or under the Act passed in the last Session of Parliament, Chapter Eighty-seven, for amending the same, to use the Forms of Conviction and Commitment, Complaints, Summonses, Orders, and Warrants, set forth in the Schedule to this Act annexed, so far as the same are applicable to each Case.

Recited Acts and 18 & 19 Vict. c. 87. to be as Part of this Act.

XII. The said recited Acts of the Seventeenth and Eighteenth Years of the Reign of Her present Majesty, and the said Act of the Eighteenth and Nineteenth Years of Her Reign for amending the same, shall be read as Part of this Act.

Interpretation of the Word "Court."

XIII. The Word "Court" shall include all Persons having Authority under the said recited Acts or either of them, or any Act extending or amending the same, to commit young Persons to Reformatory or Industrial Schools or other similar Institutions.



*Reformatory and Industrial Schools.*

## SCHEDULE.

(A.)

*Conviction where the Reformatory School is named at the Time of Conviction (17 & 18 Vict. c. 86. s. 2.)*

BE it remembered, That on the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_, to wit. } at \_\_\_\_\_ in the [County] of \_\_\_\_\_ A.B., under the Age of Sixteen Years, to wit, of the Age of [Thirteen] Years, is convicted before the undersigned, Two of Her Majesty's Justices of the Peace for the said [County], for that [&c., stating the Offence in the usual Manner]; and we adjudge the said A.B., for his said Offence, to be imprisoned in the [House of Correction] at \_\_\_\_\_ in the said [County], [and there kept to Hard Labour] for the Space of \_\_\_\_\_; and we also direct, pursuant to the Acts for the better Care and Reformation of Youthful Offenders, the said A.B. to be sent, at the Expiration of his [or her] said Sentence (\*), to the \_\_\_\_\_ Reformatory School at \_\_\_\_\_ in the County of \_\_\_\_\_, (the Directors or Managers thereof being willing to receive him [or her] therein), and there detained for the Period of \_\_\_\_\_, commencing from the \_\_\_\_\_ Day of \_\_\_\_\_ next [the Date of the Expiration of the Sentence].

Given under our Hands and Seals the Day and Year first above mentioned at \_\_\_\_\_ in the [County] aforesaid.

J. S. (L.S.)  
L. M. (L.S.)

(B.)

*Commitment upon the last Conviction.*

To the Constable of \_\_\_\_\_ and to the Keeper of the [House of Correction] to wit. } at \_\_\_\_\_ in the said [County] of \_\_\_\_\_.

WHEREAS A.B., late of [Labourer], under the Age of Sixteen Years, to wit, of the Age of [Thirteen] Years, was this Day duly convicted before the undersigned, Two of Her Majesty's Justices of the Peace in and for the said [County] of \_\_\_\_\_, for that [&c., stating the Offence as in the Conviction], and it was thereby adjudged that the said A.B., for his said Offence, should be imprisoned in the [House of Correction] at \_\_\_\_\_ in the said [County], [and there kept to Hard Labour] for the Space of \_\_\_\_\_; and it was also thereby directed, pursuant to the Acts for the better Care and Reformation of Youthful Offenders, that the said A.B. should be sent, at the Expiration of his said Sentence (\*), to the \_\_\_\_\_ Reformatory School at \_\_\_\_\_ in the County of \_\_\_\_\_ (the Directors or Managers thereof being willing to receive him therein), there to be detained for the Period of \_\_\_\_\_ commencing from the \_\_\_\_\_ Day of \_\_\_\_\_ next [the Date of the Expiration of the Sentence]:

These are therefore to command you, the said Constable of \_\_\_\_\_, to take the said A.B., and him safely convey to the [House of Correction] at \_\_\_\_\_ aforesaid, and there to deliver him to the Keeper thereof, together with this Precept: And we do hereby command you, the said Keeper of the said [House of Correction] to receive the said A.B. into your Custody in the said [House of Correction], there to imprison him [and keep him to Hard Labour] for the Space of \_\_\_\_\_: [And we further command you, the said Keeper, to send the said A.B. at the Expiration of his said Sentence to the said Reformatory School at \_\_\_\_\_ aforesaid as and in the Manner directed by Section VI. of the Statute 19th & 20th Victoria, Chapter \_\_\_\_\_]: And for so doing this shall be your sufficient Warrant.

Given under our Hands and Seals this \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_ at \_\_\_\_\_ in the [County] aforesaid.

J. S. (L.S.)  
L. M. (L.S.)

(C.)

*Conviction where School not named at the Time of Conviction (19 & 20 Vict. c. 109. s. 1.)*

Proceed to the Asterisk (\*) in the Form (A.), and then say, To some Reformatory School, duly certified under the said Acts, as we may hereafter, and before the Expiration of the said Term of Imprisonment, name, order, and direct in this Behalf, and there detained for the Period of \_\_\_\_\_ Years, commencing from the \_\_\_\_\_ Day of \_\_\_\_\_ next [the Date of the Expiration of the Sentence].

Given, &c.

*Reformatory and Industrial Schools.*

(D.)

*Commitment under the last Conviction.*

Proceed to the Asterisk (\*) in the Form (B.), and then say, To some Reformatory School, duly certified under the said Acts, as we might hereafter, and before the Expiration of the said Term of Imprisonment, name, order, and direct in that Behalf, there to be detained for the Period of \_\_\_\_\_ Years, commencing from the \_\_\_\_\_ Day of \_\_\_\_\_ next [the Date of the Expiration of the said Sentence]; and of which Order and Direction you the said Keeper of the said [House of Correction] will have due Notice:

These are therefore [§c. as in the Form (B.), omitting the Words "And we further command you," &c. between Brackets].

(E.)

*Order of Justices naming the Reformatory School, when not named at the Time of Committal*  
(19 & 20 Vict. c. 109. s. 1.)

To the Keeper of the [House of Correction] at \_\_\_\_\_ and to all others whom it may concern.

to wit. } WHEREAS *A.B.* of, &c., was on the \_\_\_\_\_ Day of \_\_\_\_\_ committed by our Warrant to the Custody of you the said Keeper of the said [House of Correction] for the Space of \_\_\_\_\_, and he is now in your Custody therein; and by the Conviction and Warrant in that Behalf it was directed, pursuant to the Acts for the better Care and Reformation of Youthful Offenders, that the said *A.B.* should be sent, at the Expiration of his said Sentence (\*), to some Reformatory School, as we might thereafter name, order, and direct, there to be detained for the Period of \_\_\_\_\_ Years, commencing from the \_\_\_\_\_ Day of \_\_\_\_\_ next [the Date of the Expiration of the said Sentence]: And whereas the Directors [or Managers] of the \_\_\_\_\_ Reformatory School at \_\_\_\_\_ in the County of \_\_\_\_\_ are willing to receive the said *A.B.* therein; now, therefore, we, the said Justices, do order and direct, pursuant to the Acts aforesaid, that the said *A.B.* shall be sent, at the Expiration of the said Term of Imprisonment to which he has been so sentenced, to the said \_\_\_\_\_ Reformatory School at \_\_\_\_\_ aforesaid, there to be detained for the Period of \_\_\_\_\_ Years, commencing from the said \_\_\_\_\_ Day of \_\_\_\_\_; and we do hereby command you the said Keeper to obey this our Order and Direction accordingly, and in the Manner directed by Section VI. of the Statute 19th & 20th Victoria, Cap. 109.; and for your so doing this shall be your sufficient Warrant.

Given under our Hands and Seals this \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_ at \_\_\_\_\_ in the [County] aforesaid.

*J.S.* (L.S.)  
*L.M.* (L.S.)

[*N.B.*—A Copy or Duplicate of this Order should accompany the Commitment when the Offender is sent to the Reformatory School.]

(F.)

*Supplemental Order of Justices changing the Reformatory School* (19 & 20 Vict. c. 109. s. 2.)

Proceed as in the Form (E.) to the Asterisk (\*), and then say, To the \_\_\_\_\_ Reformatory School at \_\_\_\_\_ in the County of \_\_\_\_\_, there to be detained for the Period of \_\_\_\_\_ Years, commencing from the \_\_\_\_\_ Day of \_\_\_\_\_: And whereas it appears to us desirable that the Name of the said Reformatory School should be exchanged for the Name of the \_\_\_\_\_ Reformatory School at \_\_\_\_\_ in the County of \_\_\_\_\_ (the Directors or Managers of which said last-mentioned School being willing to receive the said *A.B.* therein): Now, therefore, we, the said Justices, do, by this our Supplemental Order, made pursuant to the Act in that Behalf, exchange the Name of the said Reformatory School accordingly; and do hereby command you, the said Keeper of the said [House of Correction] at \_\_\_\_\_ aforesaid, to send and transfer the said *A.B.* to the said last-mentioned Reformatory School at \_\_\_\_\_ aforesaid instead of the School named and directed in our aforesaid Warrant of Commitment.

Given, &c. [as in the Form (E.)]

(G.)

*Complaint for enforcing in England and Wales Contribution to the Maintenance of a Youthful Offender from the Parent* (18 & 19 Vict. c. 87. s. 2.)

to wit. } THE Complaint of *C.D.* of, &c., who has been duly authorized by \_\_\_\_\_, One of Her Majesty's Principal Secretaries of State, to take Proceedings in this Behalf, under the Statute 18th & 19th Victoria, Chapter 87, made to us, the undersigned, Two of Her Majesty's Justices of the Peace for the said County of \_\_\_\_\_, this \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_ at \_\_\_\_\_ in the same County, who saith, That

*Reformatory and Industrial Schools.*

That one *A.B.* of (\*) the Age of \_\_\_\_\_ Years, or thereabouts, is now detained in the Reformatory School at \_\_\_\_\_ in the County of \_\_\_\_\_, under the Acts for the better Care and Reformation of Youthful Offenders, and has been duly ordered and directed to be detained therein until the \_\_\_\_\_ Day of \_\_\_\_\_ : That one *C.B.*, dwelling in the Parish of \_\_\_\_\_ in the County of \_\_\_\_\_ is the Parent [*or Step-parent*] of the said *A.B.*, and is of sufficient Ability to contribute to the Support and Maintenance of the said *A.B.*, his Son : (\*) The said Complainant therefore prays that the said *C.B.* may be summoned to show Cause why an Order should not be made on him so to contribute.

Exhibited before us,

*J.S.*  
*L.M.*

*C.D.*

(H.)

*Summons to the Parent.*

(*This will be in the Form (A.) in the Schedule to the 11th & 12th Vict. Cap. 43.*)

(I.)

*Order on Parent to contribute a Weekly Sum.*

BE it remembered, That on this \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord 185 \_\_\_\_\_, at \_\_\_\_\_ in the [County] of \_\_\_\_\_ a certain Complaint of *C.D.* of, &c., who was duly authorized by One of Her Majesty's Principal Secretaries of State to take Proceedings in this Behalf, under the Statute 18th & 19th Victoria, Cap. 87., for that one *A.B.* of, &c. [*stating the Cause of Complainant, as in the Form (G.) between the Asterisks (\*) (\*)*], was duly heard by and before us, the undersigned, Two of Her Majesty's Justices of the Peace in and for the said [County] of \_\_\_\_\_ (in the Presence and Hearing of the said *C.B.*, if so, or the said *C.B.* not appearing to the Summons duly issued and served in this Behalf); and we, having duly examined into the Ability of the said *C.B.*, and on Consideration of all the Circumstances of the Case, do order the said *C.B.* to pay to the said *C.D.*, or to such other Person as the said Secretary of State may from Time to Time appoint to receive the same, the Sum of \_\_\_\_\_ Shillings per Week from the Date of this Order until the \_\_\_\_\_ Day of \_\_\_\_\_, the same to be paid at the Expiration of each [Twenty-eight, or, as the Case may be, Days].

Given under our Hands and Seals the Day and Year first above-mentioned, at \_\_\_\_\_ in the [County] aforesaid.

*J.S.* (L.S.)  
*L.M.* (L.S.)

(K.)

*Distress Warrant for Amount in arrear.*

} To the Constable of \_\_\_\_\_, and to all other Peace Officers in the said [County]  
to wit. } of \_\_\_\_\_

WHEREAS upon the Hearing of a Complaint made by One of Her Majesty's Principal Secretaries of State under the Statute 18th & 19th Victoria, Chapter 87, that *A.B.* of, &c. [*stating the Cause of Complaint as in the Form (G.) between the Asterisks (\*) (\*)*], an Order was made on the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_ by us, the undersigned [*or by L.M. and J.H.*], Two of Her Majesty's Justices of the Peace in and for the said [County] of \_\_\_\_\_ against the said *C.B.*, to pay to *C.D.* of, &c., or to such other Person as the said Secretary of State might from Time to Time appoint to receive the same, the Sum of \_\_\_\_\_ per Week from the Date of the said Order until the \_\_\_\_\_ Day of \_\_\_\_\_, the same to be paid at the Expiration of each [Twenty-eight] Days [*or, as the Case may be*] (\*): And whereas there is due upon the said Order the Sum of \_\_\_\_\_ being for [Three] Periods of [Twenty-eight] Days each, and Default has been made therein for the Space of Fourteen Days:

These are therefore to command you, in Her Majesty's Name, forthwith to make Distress of the Goods and Chattels of the said *C.B.*, and if within the Space of [Five] Days next after the making of such Distress the said last-mentioned Sum, together with the reasonable Charges of taking and keeping the said Distress, shall not be paid, that then you do sell the said Goods and Chattels so by you distrained, and do pay the Money arising from such Sale to \_\_\_\_\_ the Clerk of the Justices of the Peace for the \_\_\_\_\_ of \_\_\_\_\_ that he may pay and apply the same as by Law directed, and may render the Overplus (if any), on Demand, to the said *C.B.*; and if no such Distress can be found, then that you certify the same unto us, to the end that such Proceedings may be had therein as to the Law doth appertain.

Given under our Hands and Seals this \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_ at \_\_\_\_\_ in the [County] aforesaid.

*J.S.* (L.S.)  
*L.M.* (L.S.)

## Reformatory and Industrial Schools.

## Hospitals (Dublin).

(L.)

## Commitment in default of Distress.

To wit. } To the Constable of \_\_\_\_\_ and to the Keeper of the [House of Correction] at  
 in the said [County] of \_\_\_\_\_

WHEREAS [ &c., as in the last Form (K.) to the single Asterisk (\*), and then thus ]: And whereas afterwards, on the \_\_\_\_\_ Day of \_\_\_\_\_ last, I, the undersigned, together with L.M., Esquire, [or J.S. and L.M., Esquires,] Two of Her Majesty's Justices of the Peace in and for the said [County] of \_\_\_\_\_, issued a Warrant to the Constable of \_\_\_\_\_ aforesaid, commanding him to levy the Sum of \_\_\_\_\_ due upon the said recited Order, being for [Three] Periods of [Twenty-eight] Days, by Distress and Sale of the Goods and Chattels of the said C.B.: And whereas a Return has this Day been made to me the said Justice [or, the undersigned, One of Her Majesty's Justices of the Peace in and for the said [County] of \_\_\_\_\_], that no sufficient Goods of the said C.B. can be found: These are therefore to command you, the said Constable of \_\_\_\_\_, to take the said C.B., and him safely to convey to the [House of Correction] at \_\_\_\_\_ aforesaid, and there deliver him to the Keeper thereof, together with this Precept: And I do hereby command you, the said Keeper of the said [House of Correction], to receive the said C.D. into your Custody in the said [House of Correction], there to imprison him for the Term of \_\_\_\_\_, unless the said Sum, and all Costs and Charges of the said Distress, and of the Commitment and conveying of the said C.D. to the said [House of Correction], amounting to the further Sum of \_\_\_\_\_, shall be sooner paid unto you the said Keeper; and for your so doing this shall be your sufficient Warrant.

Given under my Hand and Seal, this \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord  
 \_\_\_\_\_, at \_\_\_\_\_ in the [County] aforesaid.

J.S. (L.S.)

## C A P. CX.

An Act for the better Regulation of the House of Industry Hospitals and other Hospitals in Dublin supported wholly or in part by Parliamentary Grants. [29th July 1856.]

40 G. 3. c. 40.

(L.)

1 G. 4. c. 49.

1 &amp; 2 Vict. c. 56.

WHEREAS an Act was passed in the Parliament of Ireland in the Fortieth Year of the Reign of His Majesty King George the Third, intituled *An Act for the better Regulation and Management of the House of Industry established for the Relief of the Poor in Dublin*, which was amended by an Act of the First Year of His Majesty King George the Fourth, Chapter Forty-nine: And whereas by an Act passed in the First and Second Years of the Reign of Her present Majesty, Chapter Fifty-six, the said House of Industry was vested in the Poor Law Commissioners, and the said Commissioners have appropriated a Portion thereof to the Purposes of a Workhouse for the North Dublin Union: And whereas it is expedient to make other Provisions for the Regulation of the Hospitals attached to such House of Industry, called in this Act the "House of Industry Hospitals," and for other Hospitals in Dublin supported wholly or in part by Parliamentary Grants: 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. I. In citing this Act for any Purpose whatever, it shall be sufficient to use the Expression "*Dublin Hospitals Regulation Act.*"

Interpretation of certain Terms. II. In the Interpretation of this Act, save where there is anything in the Subject or Context repugnant to such Construction, the Words "Lord Lieutenant" shall include any other Chief Governor or Governors of Ireland; the Word "Officer" shall mean and include Governors, Chaplains, Physicians, Surgeons, Apothecaries, Stewards, Clerks, Superintendents, Matrons, and other Officers; and the Word "Servant" shall mean and include Warders, Nurses, Keepers, Laundresses, Store Maids, Beadles, Gatekeepers, Porters, Messengers, and other Servants.

The House of Industry Hospitals, and the Lands belonging thereto, vested in Board of Works. III. The House of Industry Hospitals, and all Lands, Tenements, and Hereditaments of and belonging thereto, and not appropriated to the Purposes of a Workhouse under the Provisions of the said last-recited Act, shall vest in the Commissioners of Public Works in Ireland for the Time being in trust for and to the Use of the said Hospitals, according to the Nature and Quality, Estate and Interest of and in such Property, and subject to the Debts, Charges, and Incumbrances (if any) respectively affecting the same; but the said House of Industry Hospitals shall, subject to the Provisions herein-after contained in relation thereto, be regulated and managed in the Manner in which the same are now by Law regulated and managed, until the Lord Lieutenant shall by Order under his Hand otherwise direct.

Lord Lieutenant, with Consent of Treasury, to regulate Number of Officers, &c. for House. IV. The Lord Lieutenant shall, subject to the Approval of the Commissioners of Her Majesty's Treasury and to the Provisions herein-after contained, regulate and determine the Number and Description of Officers and Servants to be kept for the said House of Industry Hospitals as he may think fit, and the Salaries to be paid to them respectively, and the Lord Lieutenant may from Time to Time appoint or remove such Officers or Servants, and upon every Vacancy by Death, Removal, or otherwise in any such

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such Office may appoint some other Person to such Office, and may fill up or not, as in his Discretion he may think fit, Vacancies among such Officers and Servants.

V. The Lord Lieutenant may, when he shall deem it expedient so to do, by Order direct that the Management of the House of Industry Hospitals shall be vested in a Board of Governors to be partly nominated by the Lord Lieutenant and partly elected by the Subscribers to the said Hospitals, in such Proportion as the Lord Lieutenant shall from Time to Time determine, and the Lord Lieutenant shall also from Time to Time determine the Number of Members of which such Board shall consist, and the Qualification of such Members as are to be so elected by the said Subscribers.

VI. Such Board of Governors, when so appointed, shall, subject to the Approval of the Lord Lieutenant, and of the Commissioners of Her Majesty's Treasury, and subject to such Orders as the Lord Lieutenant shall from Time to Time make in that Behalf, regulate and determine the Number and Description of Officers and Servants to be kept for the said House of Industry Hospitals, and the Salaries to be paid to them respectively, and may from Time to Time remove such Officers and Servants, and appoint others in their Stead, and may fill up or not, as in their Discretion they may think fit, Vacancies among such Officers and Servants.

VII. The Salaries to such Officers and Servants shall be paid out of any Monies applicable to the Expenses of the said House of Industry Hospitals.

VIII. The Lord Lieutenant may from Time to Time, by Order, alter the Constitution and limit and define the Powers of such Board of Governors, and may, by Order, delegate to the said Board of Governors, or to any Officer of the said House of Industry Hospitals, all or any of the Powers vested in the Lord Lieutenant in relation thereto.

IX. In case any Officer or Servant of such House of Industry Hospitals or of the Lock Hospital in *Dublin* shall become, from confirmed Sickness, Age, or Infirmary, incapable of executing the Office in Person, it shall be lawful for the Lord Lieutenant, if he think fit so to do, with the Consent and Approval of the Commissioners of Her Majesty's Treasury, to grant to such Officer or Servant an Annuity by way of Superannuation to be paid and payable out of any Monies which shall be applicable for the Expenses of such House of Industry Hospitals and Lock Hospital respectively: Provided always, that the annual Amount paid by way of Superannuation to any such Officer or Servant shall not exceed the Proportions with reference to the Amount of Salary and the Period of Service which by the Act passed in the Fourth and Fifth Years of the Reign of King *William* the Fourth, Chapter Twenty-four, are directed to be observed. \*

X. The Commissioners of Public Works in *Ireland* may from Time to Time, subject to the Approval of the Lord Lieutenant, order all such ordinary Repairs as may be necessary for such House of Industry Hospitals, the *Westmoreland* Lock Hospital, and any Additions, Alterations, or Improvements to or in such Hospitals, or the Offices or Appurtenances thereto belonging, as may seem necessary or proper for the further or better Accommodation of the Patients who may be received therein; and the Expense of such Repairs, Additions, Alterations, and Improvements shall be paid and defrayed out of any Monies which shall be applicable for the Repairs or other ordinary Expenses of such Hospitals.

XI. It shall be lawful for the Lord Lieutenant to appoint any Number of Persons not exceeding Twelve to be a Board of Superintendence of all Hospitals in the City of *Dublin* which shall be supported in whole or in part by Monies appropriated by Parliament for such Purpose, and to remove any Person so appointed; and in case of such Removal, or in case of the Death or Resignation of any such Person, to appoint another Person to be a Member of such Board of Superintendence in his Stead.

XII. The Board of Superintendence shall inquire concerning the due Performance of the Rules and Regulations required to be observed by any Act, Charter, Testamentary Bequest, or Byelaw existing at the passing of this Act under any other proper Authority in any Hospital in the City of *Dublin* supported wholly or in part by Monies appropriated by Parliament for such Purposes, and examine into the State and Repair of the Buildings, the Situation of the Patients therein, and the Government and Management thereof, and into the Conduct of all Persons holding any Office or Employment therein or relating thereto; and such Board of Superintendence are hereby authorized and empowered to examine any Officer or other Person relating to the Situation of the Patients in such Hospital, or to the Government and Management of such Hospital, and if it shall appear to the said Board that the Persons concerned in the Government or Management of any such Hospital, or any Person holding any Office or Employment therein or relating thereto, have been guilty of any Neglect or Non-observance of the Rules and Regulations to which they were respectively bound to conform, such Board of Superintendence shall make a Report respecting the same to the Lord Lieutenant.

XIII. The several Persons appointed Members of such Board of Superintendence shall within One Month after their Appointment assemble at some convenient Place to be named in a Notice in Writing given by Two or more Members of the Board, or by the Secretary of the Board, to the several Members so appointed, such Notice to be given to each Member personally or left at his usual Place of Abode, or transmitted to him through the Post Office, Seven Days at least before the Time appointed for such Meeting, and the said Board may adjourn the said Meeting from Time to Time, and meet when and so often as they think necessary; and the said Board shall at their First Meeting after their Appointment elect One of their Members to be their Chairman, who shall preside at all Meetings at which he is

of Industry Hospitals.

Lord Lieutenant may direct Management of the Hospitals to be vested in Board of Governors.

Board, with Approval of Lord Lieutenant and Treasury, to regulate Number of Officers, &c.

As to Payment of Officers, &c.

Lord Lieutenant may alter Constitution of Board, &c.

Lord Lieutenant may, with Consent of Treasury, grant Superannuations to Officers, &c. of House of Industry Hospitals.

Board of Public Works may order ordinary Repairs of House of Industry Hospitals and *Westmoreland* Lock Hospital.

Power to appoint a Board of Superintendence of certain Hospitals in *Dublin*.

Duties of the Board of Superintendence.

Meetings of Board of Superintendence.

present,

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present, and in case of the Absence of the Chairman from any Meeting, the Members of the Board then present shall elect One of such Members to be Chairman for the Meeting, who shall preside at the Meeting; and to constitute a Meeting of the Board there shall be present not less than Three Members thereof, except for Adjournment, which may be made by less than Three; and every Question shall be decided by a Majority of Votes (the Chairman, whether permanent or temporary, having a Vote), and in the event of an Equality of Votes on any Question, the Chairman for the Time being shall have an additional or Casting Vote.

Quorum.

Lord Lieutenant may appoint a Secretary to such Board.

XIV. It shall be lawful for the Lord Lieutenant to appoint a Secretary to the said Board of Superintendence at such Salary, not exceeding One hundred and fifty Pounds *per Annum*, as the Lord Lieutenant shall appoint, to be paid out of such Funds as Parliament shall from Time to Time provide towards the Maintenance of such Hospitals, and the Lord Lieutenant may remove such Secretary, and in such Case, or in case of the Death or Resignation of any such Secretary, may appoint another in his Stead.

When Secretary of Board of Superintendence to convene Meeting.

XV. The Secretary of the Board of Superintendence, whenever required in Writing by the Chairman or Two of the Members of such Board, and the Chairman of any such Board, may, whenever he shall see fit, convene a Meeting of such Board by a Notice in Writing to each Member of the Time and Place of such Meeting, such Notice to be delivered, left, or transmitted as aforesaid by such Secretary or Chairman Three Days at the least before the Time appointed for such Meeting.

Board of Superintendence to make General Rules for all Hospitals supported wholly or in part by Parliamentary Grants.

XVI. The Board of Superintendence shall from Time to Time prepare General Rules for the Government of all Hospitals supported wholly or in part by Monies appropriated by Parliament, provided that such General Rules shall not be inconsistent with the Acts, Charters, or Testamentary Bequests at present regulating such Hospitals respectively, and such Board shall also prepare General Rules for the Regulation of their own Duties and Proceedings, and for the Regulation and Performance of the Duties of the Secretary, and shall submit the General Rules so prepared by them to the Lord Lieutenant for his Approval; and such Rules, when approved by him, shall be printed and observed, and such Board shall have Power, with the like Approbation, to alter and vary such Rules from Time to Time as they think necessary.

If Board neglect to make Rules Lord Lieutenant to make Regulations.

XVII. In case the Board of Superintendence shall neglect to make such General Rules for the Space of Three Months after being required so to do by the Lord Lieutenant, it shall be lawful for the Lord Lieutenant, by Writing under the Hand of the Chief or Under Secretary for *Ireland* for the Time being, to make such General Rules, and from Time to Time to repeal, alter, or add to the same, and the said Rules shall be printed and observed as the General Rules for the Government of all such Hospitals.

Board of Superintendence to make an annual Report to Lord Lieutenant, which shall be laid before Parliament.

XVIII. The Board of Superintendence shall in every Year lay before the Lord Lieutenant a Report in Writing of the State and Condition of every Hospital in the City of *Dublin* supported in whole or in part by Monies appropriated by Parliament for such Purpose, and as to its Sufficiency for the Patients for whom it may be requisite to provide Accommodation, and as to the Management of such Hospital and the Conduct of the Officers and Servants thereof, and the Care of the Patients therein; and such Board may, in such Report, make such Remarks or Observations in relation to any Matters connected with such Hospital as they may think fit, and the Lord Lieutenant shall cause a Copy of such Report to be laid before both Houses of Parliament.

## C A P. CXI.

An Act for confirming a Scheme of the Charity Commissioners for *Stoke Poges Hospital* in the County of *Bucks*, with certain Alterations.

[29th July 1856.]

3d Report, dated 28th Feb. 1856.

‘ WHEREAS the Charity Commissioners for *England* and *Wales*, in their Report to Her Majesty of their Proceedings during the Year One thousand eight hundred and fifty-five, have reported that they have provisionally approved and certified (among other Schemes for the Application and Management of Charities) a Scheme for the Hospital of the Lord *Hastings* of *Loughborough*, founded in *Stoke Poges* in the County of *Bucks*, and such Scheme is set out in the Appendix to the said Report: And whereas it is expedient that the said Scheme, as the same, with certain Modifications thereof, is set out in the Schedule to this Act, shall be confirmed and take effect:’ Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Scheme confirmed.

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

## SCHEDULE.

## SCHEME.

The corporation dissolved.

1. The existing incorporation of the hospital by the name of “The Master, Brethren, and Sisters of the Hospital of *Stoke Poges*, in the County of *Bucks*,” or by any other name, shall be dissolved, and the Charity be henceforth regulated and managed according to the provisions of this scheme, all former statutes and provisions for the regulation or government thereof being repealed, and the visitatorial power of the Dean of *Windsor* and the Provost of *Eton College*, for the time being, shall absolutely cease and determine.

2. The

*Stoke Poges Hospital.*

2. The Charity and its property shall be under the regulation and management of ten trustees, to be called "The Trustees of Lord Hastings' Hospital of Stoke Poges, in the County of Bucks," of whom the dean of Windsor, the provost of Eton College, and the vicar, unless he be master, and two churchwardens of the parish of Stoke Poges for the time being, shall, by virtue of their respective offices, always be five, and shall be called the official trustees, and the five other trustees shall be persons resident within ten miles from the parish church of Stoke Poges, and shall be called the non-official trustees, and that the following persons shall be the first non-official trustees, namely, the Right Honourable Henry Labouchere, of Stoke Park, in the County of Bucks, Abraham Darby, of Stoke Court, in the same county, Esquire, Lieutenant Colonel Richard Howard Vyse, of Stoke Place, in the same county, Robert Harvey, of Langley Park, in the same county, Esquire, and the Reverend John Culling Evans, of Stoke Poges in the said county of Bucks, Clerk. Appointment of trustees.
3. The death, resignation, bankruptcy, or insolvency of any non-official trustee, or his ceasing to reside within ten miles from the parish church of Stoke Poges, or his refusal or incapacity or neglect for a period of two consecutive years to act as a trustee, shall create a vacancy of his office, and as soon as conveniently may be thereafter the remaining trustees, official and non-official, at a regular meeting of their body, shall nominate some fit person resident within ten miles from the parish church of Stoke Poges to fill such vacancy, and such nomination shall be forthwith certified to the Charity Commissioners for England and Wales for their confirmation, and being confirmed by their order shall constitute a complete appointment of such new trustee, and in the mean time the surviving or continuing trustees shall be competent to act. Succession of trustees.
4. All the real estate and rights and privileges of the Charity, subject to the subsisting leases, tenancies, and charges (if any) thereof, and the full benefit of all reservations, covenants, conditions, and securities made or reserved to the said master, brethren, and sisters, and a right to recover, sue upon, and enforce the same respectively, and all the personal estate belonging to the Charity, and the right to sue for and recover all choses in action recoverable for the benefit thereof, shall immediately become vested and shall from time to time remain vested in the trustees thereof for the time being, for the purposes and according to the provisions of this scheme, without any conveyance, assignment, or assurance, and all contracts and liabilities of the said master, brethren, and sisters before their dissolution shall be enforceable against the trustees of the Charity for the time being to the extent of the property or assets thereof, but not against the private estates of such trustees. Estate vested in trustees.
5. The hospital and all houses and buildings belonging to the Charity, which the lessees or tenants thereof shall not for the time being be bound to keep repaired and insured against fire, shall be kept in repair and insured by the trustees out of the income of the Charity. Houses, &c. to be kept repaired and insured.
6. The trustees shall have the whole management of the Charity estates, and shall let the same, with the exception of the hospital and the buildings, gardens, and appurtenances annexed thereto, and such lands and premises as they shall from time to time think it expedient to retain in hand for the purposes of the Charity, at the best annual rents to be obtained for the same; and no lease of the Charity property shall be granted in reversion after any subsisting term of which more than three years shall be unexpired, or for any life or lives, or for any longer term than twenty-one years from the date thereof, or in consideration of any fine or premium, without the authority of the Board of Charity Commissioners for England and Wales; and every lease of the Charity property shall contain covenants by the lessee for the payment of the reserved rent, and such proper covenants for the repair and insurance of the houses and buildings (if any), or for the due cultivation of the land or management of the property comprised therein, as the lessors shall think necessary for securing the performance of the terms of their contract, and a condition of re-entry on nonpayment of the reserved rent or nonperformance of the covenants therein contained. Trustees to let and manage the property.
7. Leases and other deeds and instruments for the letting or disposition of the Charity Estate executed or made by any three of the trustees for the time being, on behalf and as the act of the whole of them, according to any order of the trustees, made at a regular meeting of their body, shall be as effectual as if executed and made by all the trustees, and the recital of any such order contained in any such lease, deed, or instrument, shall be *prima facie* evidence thereof upon any proceedings to which the parties to the same lease, deed, or instrument, or their respective successors in title, shall be parties or a party. Leases and other instruments may be executed by any three of the trustees.
8. No trustee shall become a tenant or occupier of, or beneficially interested in the Charity Estate, or any part thereof, except with the approbation of the Charity Commissioners for England and Wales, and no trustee shall become master or officer of the charity: Provided always, that the vicar may be appointed master of the said hospital, but shall thereupon cease to be a trustee. No trustee to hold charity property.
9. All stock held in trust for the Charity, or for any members or objects thereof, shall be transferred to the official trustees of Charitable Funds, by whom the dividends thereon shall be remitted from time to time to the acting trustees of the Charity upon the receipt of any one or more of them, in order to be applied upon the subsisting trusts thereof. Stock to be transferred to official trustees.
10. The trustees, if they shall find it necessary, may from time to time appoint or employ any fit person as their clerk and receiver, but during their pleasure only, and may pay or allow to him a remuneration for his services not exceeding 10*l.* per annum. Clerk and receiver.
11. The duties of the clerk and receiver shall be to deliver or send notices of meetings to the trustees, to attend them at their meetings, to enter minutes of their proceedings thereat, to collect and receive the rents Duties of clerk and receiver.  
and

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- and income, and to keep the accounts of the charity, to preserve, subject to the directions of the trustees, all vouchers for payments on behalf of the charity, to make out annually detailed accounts of all receipts and payments in respect thereof, and of its assets and liabilities, or to perform all such of these duties, and all such other duties in respect of the charity, as the trustees shall direct.
- Notice of meetings.** 12. Notice in writing of every meeting, whether general, special, or adjourned, shall be delivered or sent by the post at his residence three clear days at the least previously to such meeting, and such notice shall specify the place and the day and hour for holding the meeting.
- General meetings of trustees.** 13. The trustees shall hold not less than two general meetings in each year for transacting the business of the Charity, namely, on the second Thursday after Lady Day and Michaelmas Day respectively, or at such other times within thirty days next after any of the said half-yearly days respectively as the trustees at any previous meeting or meetings of their body shall have appointed for that purpose. All meetings shall be held in the hospital, or in some convenient place in the parish of Stoke Poges, or its vicinity, to be determined from time to time by the trustees.
- Special meetings.** 14. Any two or more trustees may call a special meeting, and notice in writing shall be delivered or sent as aforesaid to each trustee of the time, place, and object of such meeting, and no business shall be transacted at any special meeting not specified or sufficiently indicated in the notice.
- Quorum of trustees at meetings.** 15. Three trustees shall form a quorum at any meeting, and as soon after the time fixed for holding the same as a sufficient number of trustees shall be present to form a quorum they shall proceed to elect a chairman from amongst themselves, and in the event of an equality of votes on the election of chairman the choice between the persons proposed shall be determined by lot. The acts of a majority of trustees present at any meeting shall be binding on all, but may be revoked or altered by the trustees, or a majority of trustees, present at any subsequent meeting. The chairman of every meeting shall, in the event of an equality of votes, have, in addition to his original vote, a second or casting vote.
- Majority of votes to be binding.** 16. If after the lapse of one hour from the time appointed for holding any meeting a sufficient number of trustees shall not be in attendance to form a quorum, the trustees, or any one or more of them present, may adjourn the meeting to a subsequent day. Any meeting may also be adjourned by a resolution thereof.
- Adjournment of meetings.** 17. The trustees shall provide a minute book, wherein shall be entered the names of all trustees of the Charity, together with the time and manner of their respectively becoming and ceasing to be trustees, and there shall also be entered therein the names of the trustees attending each meeting, and minutes of all their acts and proceedings relating to the Charity. The minutes shall be signed by the chairman of the meeting, and shall be admitted for all purposes as *prima facie* evidence of the matters recorded therein.
- Entries and minutes of proceedings and their operation in particular cases, as *prima facie* evidence.** 18. The trustees shall provide proper account books, wherein shall be regularly entered and kept accounts of all receipts and payments on behalf of the Charity, and such other particulars as they shall direct. The accounts for each year shall be made up to the same day of every year, to be appointed for that purpose by the trustees, and shall be examined, vouched, and audited at the first general meeting of the trustees to be held thereafter, and shall be signed by the chairman and, at least, one other trustee present at such meeting.
- Accounts.** 19. All cheques and orders for the payment of money shall be signed by the chairman of a meeting of the trustees and, at least, two other trustees present thereat, and shall be countersigned by the person (if any) filling the office or discharging the duties of clerk.
- Cheques, &c.** 20. The trustees shall provide and keep a box or safe, wherein shall be deposited the deeds, vouchers, account books, and documents belonging to the Charity, or such of them as shall not be deposited with the said Charity Commissioners for safe custody, under the provisions of "The Charitable Trusts Act, 1853," and the contents of such box or safe shall be examined by the trustees at least once in each year, and the same shall be kept locked, and the key thereof kept by such person, and subject to such regulations as the trustees shall appoint for that purpose.
- Custody of documents.** 21. The establishment of the hospital shall consist of not less than five poor inmates; and the number of inmates shall from time to time be increased by the trustees, if and as and when the clear income of the Charity for the time being applicable to the benefit of the inmates shall be sufficient to provide the clear sum of seven shillings per week for the benefit of each of them, and other circumstances shall in the judgment of the trustees render such measure expedient.
- Establishment of hospital until the abolition of mastership.** 22. The master shall be a clergyman of the Church of England, and the Reverend John Alexander Gower, the present master, shall continue to be the master. Each master shall hold his office subject to and in accordance with the provisions of this scheme.
- Master.** 23. The right of appointing the master upon any vacancy shall belong to the person or persons in whom the right of appointing the master of the hospital would have been legally vested derivatively from Lord Hastings of Loughborough, the founder of the Charity, if the incorporation thereof had not been dissolved.
- Right of appointing master.** 24. The master shall read prayers from the Book of Common Prayer, by himself or his deputy approved by the trustees, in the chapel every morning to the poor brethren and sisters, subject to the provisions in that behalf herein-after contained, and shall, subject to the general direction of the trustees, have the superintendence, care, management, and control of the poor inmates of the hospital. The present master shall
- Duties of master.**



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shall be entitled to the occupation and enjoyment of the residence in the hospital, now appropriated to him, with the garden and appurtenances, rent-free, except such parts of the buildings and premises as have been at any time heretofore used or enjoyed by any poor inmates of the hospital, and as the trustees shall think it expedient to re-appropriate to the same purposes, and all future masters shall be entitled to the occupation and enjoyment of the same residence and premises, or so much thereof as the trustees shall not think it expedient to appropriate to the poor inmates, or to any general purposes of the charity.

25. The master shall not absent himself from the hospital for any longer period than three calendar months in any year without the permission in writing of the trustees: Provided always, that if the vicar of the parish be master, his residence in the vicarage house shall be considered residence for the purposes of this Act, and he may, with the written consent of the trustees, and upon such terms as they may approve, let the house for the benefit of the trust.

Power for master to let his residence, with consent of trustees.

26. The trustees, with the authority of the Charity Commissioners for England and Wales, may remove any master from his office for neglect of duty, incompetence, or other sufficient cause.

Removal of master.

27. The present five poor brethren shall continue to be inmates of the hospital, subject to and in accordance with the provisions of this scheme, and all future inmates shall be nominated by the trustees, or, in case the vicar shall be master, then by the trustees and the vicar jointly.

Inmates.

28. The hospital having been originally founded for four brethren and two sisters, the same proportion between the numbers of male and female inmates shall as nearly as conveniently may be from time to time be preserved, and the inmates at the time of their appointment shall be poor impotent or disabled persons of good character, single (whether having been previously married or not), not less than fifty years of age, natives of or resident for the time being in the parish of Stoke Poges, and who shall not at any time within twelve calendar months next preceding their appointment have been in receipt of parochial relief: Provided always, that if any poor brother or sister shall intermarry with any person whomsoever, the place of him or her so marrying shall be deemed to have become vacant, as if he or she were dead.

Qualification of inmates.

29. Each inmate shall have the use and occupation of a separate room in the hospital rent-free, to be assigned to him or her by the trustees, and the use in common with the other inmates of the kitchen, scullery, and garden now used by the inmates, subject to such rules and regulations as may be prescribed from time to time by the trustees.

Rooms.

30. The inmates shall respectively reside in the hospital, and shall not absent themselves therefrom without the permission of a trustee, and no inmate shall let or part with the possession of his or her room in the hospital.

Inmates to reside and not to let their rooms.

31. It shall be lawful to the trustees to remove any of the inmates for immorality, drunkenness, or quarrelsome behaviour, or for the breach of any of the rules or regulations contained in this scheme, or to be prescribed by the trustees by virtue hereof, or for any other cause which in the judgment of the trustees shall justify such removal.

Power to remove the inmates.

32. The clear annual rents and income of the Charity which shall remain after providing for the expenses of management, repairs, and insurance, and other necessary outgoings, shall be divided by the trustees into so many equal parts as there are or shall be poor inmates of the hospital for the time being in addition to the master, and one of such parts shall be paid by them to the master in equal half-yearly payments, and the remainder shall be applied by them for the benefit of the inmates in equal shares, either in money payments, or in food, fuel, clothing, or other necessary articles in kind, or partly in money payments and partly in kind, at such periods and in such manner as the trustees shall consider expedient.

Allowances to master and inmates.

33. The trustees may, if they think fit, from time to time employ a medical practitioner to give all proper medical attendance to the poor inmates, and to supply them with proper medicines and appliances in their sickness or need, and may pay to him therefor any reasonable salary or compensation out of those parts of the clear yearly income of the Charity otherwise applicable distributively for the benefit of such poor inmates.

Power to employ medical practitioner.

34. Upon or at any time after the first avoidance of the mastership, or with the consent in writing of the present master during the period of his holding office, the trustees shall have power, with the consent in writing of the person or persons for the time being entitled to the right of appointing the master, and being of full age, and with the approbation of the Charity Commissioners for England and Wales, to sell the present hospital buildings, and the gardens and ground annexed thereto, or any part of the premises with the appurtenances, and to apply the produce of such sale to the erection and establishment of a new hospital upon some site in the parish of Stoke Poges or its immediate vicinity, to be also bought, if necessary, out of such purchase money, for the reception of the master and poor inmates, or of such inmates solely, as the case may require, and any surplus of such purchase money shall be invested by the trustees in the purchase of real estate, with the approval of the said Charity Commissioners, when any such convenient purchase shall be found, and in the meantime in the public funds, and the rents, dividends, and income arising from such real estate or funds respectively shall be applicable as the other yearly income of the Charity.

Power to sell Charity property.

35. This scheme shall be printed, and a copy delivered to every person who shall become a trustee or master of the Charity.

Scheme to be printed.

*Stoke Poges Hospital.**Metropolis Local Management Act Amendment.*

Copies of scheme may be taken.

36. A copy of this scheme shall be kept with the books of account and other documents belonging to the Charity, and every parishioner of Stoke Poges, and other person interested in the Charity, shall be at liberty to take copies of the scheme or any part thereof (upon making an application for that purpose to the trustees) at such times, and subject to such reasonable conditions, as may be prescribed by the trustees.

Doubts and disputes to be decided by the Charity Commissioners.

37. If any doubt or question shall arise amongst the trustees as to the construction or proper application of any of the provisions of this scheme, or the management of the Charity, application may be made by the trustees to the Charity Commissioners for England and Wales for their opinion and advice thereon, which, when given, shall be conclusive on the trustees.

## C A P. CXII.

An Act to amend the Act of the last Session of Parliament, Chapter One hundred and twenty, for the better Local Management of the Metropolis. [29th July 1856.]

18 & 19 Vict. c. 120.

‘ WHEREAS it is expedient to amend the Act of the last Session of Parliament, Chapter One hundred and twenty, “for the better Local Management of the Metropolis,” as herein-after mentioned:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Church Rates where made in open Vestry before passing of the Act 18 & 19 Vict. c. 120. to continue to be so made.

I. Where at the Time of the passing of the said Act the Power of making Church Rates or Rates of the Nature of Church Rates in any Parish was vested in any open Vestry, or in any Meeting in the Nature of an open Vestry Meeting, or in any Meeting of the Parishioners, Inhabitants, or Ratepayers generally, or of such of the Parishioners, Inhabitants, or Ratepayers as were rated at or above any specified Amount or Value (whether such Vestry or Meeting were holden for the Parish at large or for any Liberty or other District therein), such Power shall not be deemed to have become vested in the Vestry constituted in such Parish under the said Act, but shall be exercised as if the said Act had not been passed: Provided always, that this Act shall not affect any such Rate made before the passing thereof by any such Vestry as last aforesaid.

Nothing in this Act or in 18 & 19 Vict. c. 120. to affect Ecclesiastical Districts.

II. Nothing in the said Act or this Act shall affect or be deemed to have affected any Power of electing or appointing Churchwardens or making Church Rates, or other Power which, at the Time of the passing of the said Act, was vested in any such open Vestry or Meeting as aforesaid, or any elected or other Vestry, where such Vestry or Meeting acts exclusively for any District (by whatever Denomination distinguished) created for Ecclesiastical Purposes only.

Other Powers of Vestries and like Meetings declared to have been transferred to Vestries under Act 18 & 19 Vict. c. 120., except Powers transferred to District Boards.

III. Save as herein-before otherwise provided, all the Duties, Powers, and Privileges (including such as relate to the Affairs of the Church, or the Management or Relief of the Poor, or the Administration of any Money or other Property applicable to the Relief of the Poor,) which might have been performed or exercised by any open or elected or other Vestry or any such Meeting as aforesaid in any Parish, under any Local Act or otherwise, at the Time of the passing of the said Act of the last Session, shall be deemed to have become transferred to and vested in the Vestry constituted by such last-mentioned Act; except so far as any such Duties, Powers, or Privileges may in the Case of a Parish included in any District mentioned in Schedule (B.) to the said Act be vested by Section Ninety thereof in the Board of Works of such District: Provided that all Duties and Powers relating to the Affairs of the Church, or the Management or Relief of the Poor, or the Administration of any Money or other Property applicable to the Relief of the Poor, which at the Time of the passing of the said Act were vested in or might be exercised by any Guardians, Governors, Trustees, or Commissioners, or any Body other than any open or elected or other Vestry, or any such Meeting as herein-before mentioned, shall continue vested in and be exercised by such Guardians, Governors, Trustees, or Commissioners or other Body as aforesaid.

Occupiers may claim to be rated.

IV. It shall be lawful for any Person occupying any Tenement within any Parish to claim to be rated to the Relief of the Poor in respect thereof in the Rate for the Time being, and in all Rates to be thereafter made in respect of such Tenement, whether the Landlord be or be not liable to be rated to the Relief of the Poor in respect thereof; and upon such Occupier so claiming, by Notice in Writing left at the Office or Place of Residence of the Overseers of the Poor of the Parish, or One of them, and actually paying or tendering at such Office or Place of Residence the full Amount of the last made Rate then payable in respect of such Premises, such Overseers are hereby required to put the Name of such Occupier on the Rate for the Time being, and also, without further Claim, to put his Name upon every subsequent Rate made during the Time such Occupier continues in the Occupation of the same Premises; and in case the said Overseers neglect or refuse so to do, such Occupier shall nevertheless, for the Purposes of the said Act, be deemed to have been rated to the said Rate in respect of such Premises from the Period at which the Rate for the Time being in respect of which he so claimed to be rated as aforesaid was made, and thenceforth so long as he continues in the Occupation of the same Premises: Provided always, that every Person so claiming as aforesaid shall in respect of every Rate for the Relief of the Poor made after such Claim as aforesaid, while he continues to occupy the same Premises, be liable to the same Extent and in the same Manner as if his Name had been put on such Rate.

V. Provided

*Metropolis Local Management Act Amendment.*

V. Provided also, That in Cases where, by any Composition with the Landlord, a less Sum is payable than the full Amount of Rate which, except for such Composition, would be due in respect of the same Premises, the Occupier claiming to be rated shall not be bound to pay or tender more than the Amount then payable under such Composition: Provided also, that where, by virtue of any Act of Parliament, the Landlord is liable to the Payment of the Rate for the Relief of the Poor in respect of any Premises occupied by his Tenant, nothing herein contained shall be deemed to vary or discharge the Liability of such Landlord; but in case the Tenant who has been rated for such Premises in consequence of any such Claim as aforesaid make default in the Payment of the Rate for the Relief of the Poor payable in respect thereof, such Landlord shall be and remain liable for the Payment thereof, in the same Manner as if he alone had been rated in respect of the Premises so occupied by his Tenant.

Compositions not to be disturbed, and Landlord's Liability not to be affected.

VI. Any Occupier who under this Act is rated or deemed to be rated to the Relief of the Poor in any Parish, and has been so rated or deemed to be rated for One Year next before any Election of Vestrymen or Auditors under the said Act, shall be entitled to vote in such Election, and shall for the Purposes of the said Act be deemed a Ratepayer of such Parish, and be entitled to act as such, provided all Parochial Rates, Taxes, and Assessments, save and except Church Rates, due in respect of the same Premises at the Time of his so voting or acting, except such as have been made or become due within Six Months immediately preceding such voting or acting, have been paid; but such Occupier shall not be deemed to be a Ratepayer so as to gain a Settlement where he would not have gained a Settlement if this Act had not been passed.

Right of Occupier so claiming to vote in Elections.

VII. The Provision in Section Sixteen of the said Act requiring all Parochial Rates, Taxes, and Assessments (except as therein excepted) to have been paid shall not be taken to include Church Rates.

Payment of Church Rates not necessary as Qualification.

VIII. 'And whereas by the Act of the Session holden in the Sixth and Seventh Years of King William the Fourth, Chapter Ninety-six, "to regulate Parochial Assessments," it is required that every Rate for the Relief of the Poor shall, in addition to any other Particular which the Form of making out such Rate shall require to be set forth, contain an Account of every Particular set forth at the Head of the respective Columns in the Form given in the Schedule to that Act annexed, so far as the same can be ascertained, and in the Form in the said Schedule are Two Columns headed respectively "Gross estimated Rental" and "Rateable Value." And whereas by the said Act of the last Session it is required that in order to qualify a Person to be elected a Vestryman or Auditor he should be rated to the Relief of the Poor upon a Rental of such Amount as therein mentioned: And whereas Doubts are entertained which of the Amounts specified in the said Two Columns is to be deemed the "Rental" for the Purposes of the last-mentioned Act:—

Rental to be determined by Column headed "Rateable Value."

The Amount specified in the said Column headed "Rateable Value" shall be deemed the "Rental" for the Purposes of the last-mentioned Act.

IX. Every Meeting of any Vestry constituted by the said Act of the last Session, of which and of the special Purpose whereof Notice is now by Law required to be affixed on or near the principal Doors of the Churches and Chapels within the Parish, may be convened by transmitting through the Post or otherwise Notice, signed by the Clerk to the Vestry, to each Vestryman, at his usual or last known Place of Abode in England, of the Place and Hour of holding the same, and the special Purposes thereof, Three Days before the Day appointed for such Meeting, and also by affixing at the same Time Notice thereof on or near the Door of any Building where the said Meeting is to be holden, and it shall not be necessary that Notice of any such Meeting shall be further or otherwise signed or published.

Regulation of Meetings of Vestries constituted by 18 & 19 Vict. c. 120.

X. 'And whereas Doubts are entertained whether the Provision in Section One hundred and forty-four of the said Act of the last Session, authorizing the Metropolitan Board of Works, where it appears to them that further Powers are required for the Purpose of any Work for the Improvement of the Metropolis or public Benefit of the Inhabitants thereof, to make Applications to Parliament for that Purpose, and providing that the Expenses of such Application may be defrayed as other Expenses of the said Board, extends to authorize Applications to Parliament by such Board for Powers for providing Parks, Pleasure Grounds, Places of Recreation, and open Spaces, and it is expedient to remove such Doubts: The Powers given to the said Board to make Applications to Parliament, and the Provision for the Expenses of such Application, extend respectively to Applications to Parliament for the Purpose of providing Parks, Pleasure Grounds, Places of Recreation, and open Spaces for the Improvement of the Metropolis or the public Benefit of the Inhabitants thereof, and to the Expenses of all such Applications.

Section 144. of 18 & 19 Vict. c. 120. declared to extend to authorize Applications to Parliament for providing Parks, &c.

XI. Any District Board or Vestry may take, by Agreement or Gift, any Land or any Right or Easement in or over Land, for any Estate or Interest therein, and on such Terms and Conditions as they may think fit, for the Purpose of such Land being either kept as an open Space or being kept and maintained as a Pleasure Ground for the public Benefit of the Inhabitants of the District or Parish; but this Enactment shall not authorize any Expenditure to be defrayed by Rates, except for the Purpose of enclosing, maintaining, planting, and otherwise improving the same.

District Boards and Vestries empowered to take Ground to be maintained as a Pleasure Ground, &c.

XII. The said Act of the last Session and this Act shall be construed together as One Act.

Recited Act and this Act to be as One.

## C A P. CXIII.

An Act to provide for taking Evidence in Her Majesty's Dominions in relation to Civil and Commercial Matters pending before Foreign Tribunals. [29th July 1856.]

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

Order for Examination of Witnesses in this Country in relation to any Civil or Commercial Matter pending before a Foreign Tribunal.

I. Where, upon an Application for this Purpose, it is made to appear to any Court or Judge having Authority under this Act that any Court or Tribunal of competent Jurisdiction in a Foreign Country, before which any Civil or Commercial Matter is pending, is desirous of obtaining the Testimony in relation to such Matter of any Witness or Witnesses within the Jurisdiction of such first-mentioned Court, or of the Court to which such Judge belongs, or of such Judge, it shall be lawful for such Court or Judge to order the Examination upon Oath, upon Interrogatories or otherwise, before any Person or Persons named in such Order, of such Witness or Witnesses accordingly; and it shall be lawful for the said Court or Judge, by the same Order, or for such Court or Judge or any other Judge having Authority under this Act, by any subsequent Order, to command the Attendance of any Person to be named in such Order, for the Purpose of being examined, or the Production of any Writings or other Documents to be mentioned in such Order, and to give all such Directions as to the Time, Place, and Manner of such Examination, and all other Matters connected therewith, as may appear reasonable and just; and any such Order may be enforced in like Manner as an Order made by such Court or Judge in a Cause depending in such Court or before such Judge.

Certificate of Ambassador, &c. sufficient Evidence in support of Application.

II. A Certificate under the Hand of the Ambassador, Minister, or other Diplomatic Agent of any Foreign Power, received as such by Her Majesty, or in case there be no such Diplomatic Agent, then of the Consul General or Consul of any such Foreign Power at *London*, received and admitted as such by Her Majesty, that any Matter in relation to which an Application is made under this Act is a Civil or Commercial Matter pending before a Court or Tribunal in the Country of which he is the Diplomatic Agent or Consul having Jurisdiction in the Matter so pending, and that such Court or Tribunal is desirous of obtaining the Testimony of the Witness or Witnesses to whom the Application relates, shall be Evidence of the Matters so certified; but where no such Certificate is produced other Evidence to that Effect shall be admissible.

Examination of Witnesses to be upon Oath.

Persons giving false Evidence guilty of Perjury.

Payment of Expenses.

Persons to have Right of Refusal to answer Questions and to produce Documents.

III. It shall be lawful for every Person authorized to take the Examination of Witnesses by any Order made in pursuance of this Act to take all such Examinations upon the Oath of the Witnesses, or Affirmation in Cases where Affirmation is allowed by Law instead of Oath, to be administered by the Person so authorized; and if upon such Oath or Affirmation any Person making the same wilfully and corruptly give any false Evidence, every Person so offending shall be deemed and taken to be guilty of Perjury.

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

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

Certain Courts and Judges to have Authority under this Act.

Lord Chancellor, &c. to frame Rules, &c.

VI. Her Majesty's Superior Courts of Common Law at *Westminster* and in *Dublin* respectively, the Court of Session in *Scotland*, and any Supreme Court in any of Her Majesty's Colonies or Possessions abroad, and any Judge of any such Court, and every Judge in any such Colony or Possession who by any Order of Her Majesty in Council may be appointed for this Purpose, shall respectively be Courts and Judges having Authority under this Act: Provided, that the Lord Chancellor, with the Assistance of Two of the Judges of the Courts of Common Law at *Westminster*, shall frame such Rules and Orders as shall be necessary or proper for giving Effect to the Provisions of this Act, and regulating the Procedure under the same.

## C A P. CXIV.

An Act to prevent false Packing and other Frauds in the Hay and Straw Trade.

[29th July 1856.]

' WHEREAS many Frauds and Abuses are committed in the Cities of *London* and *Westminster*, and other Places in the Vicinity thereof, in binding and false packing Hay and Straw, and the Laws are insufficient for preventing 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 :

I. No

*Hay and Straw Trade.**Bishops of London and Durham Retirement.*

I. No Person shall mix or put, or cause to be mixed or put, any Water, Sand, Earth, or other Matter or Thing whatsoever in any Bundle or Truss of Hay or Straw intended for Sale, within the Cities of *London* and *Westminster*, or within Thirty Miles thereof, with Intent fraudulently to increase the Weight thereof, nor sell, offer, or expose for Sale, or cause to be sold, offered, or exposed for Sale, any Hay or Straw into or with which any Water, Sand, Earth, or other Matter has been put or mixed, with such Intent as aforesaid.

No Sand, &c. to be put in any Truss of Hay or Straw to increase its Weight.

II. Every Salesman or other Person who shall sell, in any Market or Place within the Cities and Limits aforesaid, any Hay or Straw for the Owner thereof, shall at the Time of such Sale or at the Delivery thereof deliver or cause to be delivered therewith to the Buyer thereof a Ticket or Note containing the Number of Trusses so sold, and the Christian Name, Surname, and Address of such Owner.

Salesmen to declare the Names of the Owners of such Hay or Straw.

III. Where any Hay or Straw is offered or exposed for Sale in any public Hay Market within the Cities and Limits aforesaid, if any Complaint be made to the Clerk or Toll Collector of any such Market that the same is deficient in Weight or Quantity, or has been mixed or packed contrary to the Provisions of this Act or of the Act of the Thirty-sixth Year of the Reign of King *George* the Third, Chapter Eighty-eight, it shall be lawful for him and he is hereby required to weigh and examine the same; and if upon such Weighing or Examination any such Hay or Straw shall be found deficient in Weight or Quantity, or mixed with any foreign Matter, contrary to the Provisions of this Act or of the said recited Act, every such Clerk or Collector is hereby authorized and empowered to summon the Offender or Offenders before any Justice of the Peace having Jurisdiction in the District where such Market is situated, and every such Justice shall upon Proof thereof convict the Offender or Offenders in the respective Penalties by this Act or the said recited Act imposed.

Clerk of the Market, upon Complaint, to weigh and examine the Hay or Straw, and if found deficient, &c. to summon Offenders before Justices.

IV. For every Offence against or Disobedience of the Provisions of this Act the Offender shall, at the Discretion of the Justice before whom the Conviction shall take place, be liable to any Penalty not exceeding Ten Pounds as shall be adjudged by such Justice.

Penalties.

V. This Act shall be construed and taken together with the Act passed in the Thirty-sixth Year of the Reign of King *George* the Third, Chapter Eighty-eight, so far as the Provisions of the same are consistent herewith: Provided always, that nothing herein contained shall be construed or taken to apply to any Action or Proceeding now pending or which may be commenced previous to this Act coming into operation.

36 G. 3. c. 88. and this Act to be construed together.

## C A P. CXV.

An Act to provide for the Retirement of the present Bishops of *London* and *Durham*.

[29th July 1856.]

‘ WHEREAS it is expedient to make Provision for certain annual Sums to be paid in case of the Resignation of the Right Honourable and Right Reverend *Charles James* Lord Bishop of *London* and the Right Reverend *Edward* Lord Bishop of *Durham* respectively: Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:—

I. Whosoever it shall be represented to Her Majesty by the Lord Archbishop of *Canterbury* that he has duly and canonically accepted the Resignation of his See by the said *Charles James* Lord Bishop of *London*, or by the Lord Archbishop of *York* that he has in like Manner accepted the Resignation of the said *Edward* Lord Bishop of *Durham*, the said Sees shall respectively be deemed to be vacant, and all Rights of such present Bishops in respect of their Sees, including their Right to sit as Lords of Parliament, shall cease, and such Proceedings shall and may be had for filling up such respective Vacancies as are by Law provided in the Case of an Avoidance of a Bishopric.

On Acceptation by Her Majesty of Resignation of Bishops of *London* and *Durham*, Sees to be declared vacant.

II. Provided always, That it shall be lawful for the said Bishop of *London* to continue to hold during his Life the Episcopal Palace or Residence at *Fulham*, with the Grounds and Appurtenances now occupied by him therewith, but subject to the like Obligation to maintain the same, and the like Liability in respect of the Dilapidations therewith, as if he had continued Holder of his said See.

Bishop of *London* to hold during his Life Residence at *Fulham*.

III. There shall be paid to the said Bishop of *London* an annual Pension of Six thousand Pounds during his Life, and to the said Bishop of *Durham* an annual Pension of Four thousand five hundred Pounds during his Life; and each such Pension shall commence from the Day on which the Resignation of the said Bishops shall have been accepted as aforesaid by his Metropolitan, and shall be payable by the Ecclesiastical Commissioners for *England*, out of the Common Fund of the said Commissioners, by half-yearly Payments, the First half-yearly Payment to be made on the Day on which Six Months shall have expired from the Day of the Acceptance of the Resignation; each such Pension nevertheless to grow due from Day to Day and to be subject to Apportionment accordingly at the Termination thereof.

Annual Pensions to be payable to the said Bishops.

IV. After the said Sees of *London* and *Durham* respectively shall have become vacant as aforesaid the present Bishops of such Sees, during their Lives, in respect of the Exercise of any of their Episcopal Functions and the Persons admitted into Holy Orders by them, shall respectively be subject to the Provisions to which by Law Bishops who have exercised the Office of Bishop in Her Majesty’s Colonies or Foreign Possessions, and are not Bishops of any Sees in *England* or *Ireland*, are now subject under

Provisions as to Power of conferring Holy Orders by the said Bishops after their Retirement.

*Bishops of London and Durham Retirement.**Poor Law Amendment (Scotland).*

the Act of the Fifty-ninth Year of King *George* the Third, Chapter Sixty, and the Acts of the Fifteenth and Sixteenth Years of Her Majesty, Chapter Fifty-two, and the Sixteenth and Seventeenth Years of Her Majesty, Chapter Forty-nine, or under any other Acts of Parliament.

New Bishops to hold the Sees subject to future Arrangements as to Limits, &c. of Diocese.

V. Every Bishop who shall succeed to the Sees and Bishopricks of *London* and *Durham* respectively shall take and hold his See and Bishoprick, and all the Property, Patronage, and Rights belonging thereto, subject to any Provisions respecting any Alteration of the Limits of the Diocese, and any Arrangements consequent thereon, which shall be made by or under the Authority of Parliament within the Space of Three Years next after the passing of this Act.

## C A P. CXVI.

An Act for the Appointment of a Vice-President of the Committee of Council on Education.

[29th July 1856.]

**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: It shall be lawful for Her Majesty, from Time to Time, by Warrant under Her Royal Sign Manual, to appoint any Member of Her Most Honourable Privy Council to be during Her Pleasure Vice-President of the Committee of the said Privy Council on Education, and to direct that a Salary not exceeding Two thousand Pounds *per Annum* be paid to such Vice-President out of any Monies to be provided for that Purpose by Parliament; and such Vice-President shall be capable of being elected and of sitting and voting as a Member of the House of Commons.

Power to appoint a Vice-President of the Committee of Council on Education.

## C A P. CXVII.

An Act to amend the Law relating to the Relief of the Poor in *Scotland*. [29th July 1856.]

8 & 9 Vict. c. 83.

' **W**HEREAS an Act was passed in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act for the Amendment and better Administration of the Laws relating to the Relief of the Poor in Scotland*, and it is expedient that the said Act should be amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power to Board of Supervision to appoint Two General Superintendents to assist in Execution of Act.

I. It shall be lawful for the Board of Supervision acting in the Execution of the recited Act, with the Consent of Her Majesty's Principal Secretary of State for the Home Department, to appoint by their Order in Writing Two fit Persons to be General Superintendents of the Poor in *Scotland*, to assist in the Execution of the said Act, or of any other Act which shall hereafter be in force for the Relief of the Poor in *Scotland*; and such General Superintendents shall upon their Appointment severally take an Oath *de fidei administratione officii*, which may be administered by any Member of the Board of Supervision, or any One of the Judges of the Court of Session, or the Sheriff of the County; and it shall be lawful for the Board of Supervision, with the Consent of the Secretary of State, to assign to such General Superintendents the Superintendence of any District or Districts in *Scotland*, and also the Execution and Performance of all such Duties under the recited Act as the Board of Supervision may, with such Consent as aforesaid, think fit, and the Board may with such Consent remove such General Superintendents or either of them, and appoint another or others in his or their Stead, and there shall be paid to such General Superintendents severally such Salary as, upon the Recommendation of the Board of Supervision, the Commissioners of Her Majesty's Treasury shall from Time to Time regulate and allow, such Salary not to be less than Three nor more than Four hundred Pounds *per Annum*, and to be paid out of any Monies to be hereafter voted for that Purpose by Parliament.

Powers, &c. of General Superintendents. As to annual Instalments of Money borrowed under recited Act.

II. The General Superintendents and each of them shall be entitled to execute all the Powers which are by the recited Act conferred upon the Commissioners thereby authorized or directed to be appointed.

III. ' And whereas by the Sixty-second Section of the said recited Act it is provided, that any Loan of Money borrowed for the Purposes therein mentioned shall be repaid by annual Instalments of not less in any One Year than One Tenth of the Sum borrowed, exclusive of the Payment of Interest on the same: Be it enacted, That after the passing of this Act such annual Instalments shall not of Necessity exceed One Thirtieth of the Sum so borrowed, exclusive of the said Interest.

This and recited Act to be construed as One.

IV. This Act and the recited Act shall, as far as is necessary for the Purposes of this Act, be construed as One Act.

## C A P. CXVIII.

An Act to amend the Act of the last Session of Parliament for diminishing Expense and Delay in the Administration of Criminal Justice in certain Cases. [29th July 1856.]

18 & 19 Vict. c. 126.

' **W**HEREAS it is expedient to amend the Act of the last Session of Parliament, Chapter One hundred and twenty-six, as herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. So

*Criminal Justice.*

*Marriage and Registration Acts Amendment.*

I. So much of Section Nine of the said Act as provides that every Petty Sessions for the Purposes of that Act shall be the Petty Sessions holden for a Petty Sessional Division shall not extend or be applicable to Petty Sessions holden in or for the Liberties of the Cinque Ports or any Part thereof, or to any other Liberty or Place not forming and not being within a Petty Sessional Division; and all the Duties which under the said Act should be performed by the Clerks of Assize as Clerks of the Crown shall in the Counties Palatine of *Lancaster* and *Durham* be performed by the Clerks of the Crown of those Counties Palatine (who are not Clerks of Assize); and all Fees and Emoluments heretofore payable to them for the Performance of their Duties as Clerks of the Crown shall be and they are hereby abolished; and all the Powers given and Provisions made by the Twentieth Section of the said Act for the Payment of Clerks of Assize by Salary in lieu of Fees, in respect of their Duties as Clerks of the Crown, shall be and the same are hereby extended and made applicable to the Payment by Salary in lieu of Fees and Emoluments of the Clerks of the Crown in the Counties Palatine of *Lancaster* and *Durham*, as well as to the Payment of the Expenses of their respective Offices.

Provision as to certain Liberties and Places not in Petty Sessional Divisions.

Provision as to Fees, &c. payable to certain Persons herein named.

C A P. CXIX.

An Act to amend the Provisions of the Marriage and Registration Acts. [29th July 1856.]

‘ WHEREAS an Act was passed in the Session holden in the Sixth and Seventh Years of the Reign of King *William* the Fourth, Chapter Eighty-five, intituled *An Act for Marriages in England*; and another Act was passed in the First Year of the Reign of Her Majesty, Chapter Twenty-two, intituled *An Act to explain and amend Two Acts, passed in the last Session of Parliament for Marriages, and for registering Births, Deaths, and Marriages in England*; and another Act was passed in the Session holden in the Third and Fourth Years of Her Majesty, Chapter Seventy-two, intituled *An Act to provide for the Solemnization of Marriages in the District in or near to which the Parties reside*: And whereas it is expedient to alter and amend the Provisions of the said recited Acts, so far as is herein-after provided:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

6 & 7 W.4. c. 85

1 Vict. c. 22.

3 & 4 Vict. c. 72

I. In case of any Party intending Marriage under the Provisions of any of the said recited Acts or of this Act, no Notice of such intended Marriage shall be read or published before the Guardians of any Poor Law Union or Parish or Place, or be transmitted by any Superintendent Registrar to the Clerk of any such Guardians.

No Notice of Marriage to be read, &c. before Poor Law Guardians, &c.

II. In case any Party shall intend Marriage, under the Provisions of any of the said recited Acts or of this Act, the Party so intending Marriage shall, at the Time of giving to the Superintendent Registrar or respective Superintendent Registrars, as the Case may be, the Notice required by the said recited Acts or either of them, make and sign or subscribe a solemn Declaration in Writing, in the Body or at the Foot of such Notice, that he or she believes that there is no Impediment of Kindred or Alliance or other lawful Hindrance to the said Marriage, and that the Parties to the said Marriage, in case the Marriage is intended to be had without Licence, have, for the Space of Seven Days immediately preceding the giving of such Notice, had their usual Place of Abode and Residence within the District of the Superintendent Registrar or respective Superintendent Registrars to whom such Notice or Notices, as the Case may be, shall be so given, or, in case such Marriage is intended to be had by Licence, that One of the said Parties hath for the Space of Fifteen Days immediately preceding the giving of such Notice had his or her usual Place of Abode and Residence within the District of the Superintendent Registrar to whom such Notice shall be so given; and when either of the Parties intending Marriage, and not being a Widower or Widow, shall be under the Age of Twenty-one Years, the Party making such Declaration shall further declare that the Consent of the Person or Persons whose Consent to such Marriage is by Law required has been given, or (as the Case may be) that there is no Person whose Consent to such Marriage is by Law required; and every Declaration so made as aforesaid shall be signed and subscribed by the Party making the same, in the Presence of the Superintendent Registrar to whom the Notice of Marriage containing such Declaration is given, or in the Presence of his Deputy, or of some Registrar of Births and Deaths or of Marriages for the District in which the Party giving such Notice resides, or of the Deputy of such Registrar, who shall respectively attest the same by adding thereto his Name, Description, and Place of Abode; and no Certificate or Licence for Marriage shall be issued or granted pursuant to any such Notice as aforesaid unless the said Notice be accompanied by such solemn Declaration duly made and signed and attested as aforesaid; and every Person who shall knowingly or wilfully make and sign or subscribe any false Declaration, or who shall sign any false Notice for the Purpose of procuring any Marriage under the Provisions of any of the said recited Acts or this Act, shall suffer the Penalties of Perjury.

Every Notice of Marriage to be accompanied by a solemn Declaration, by One of the Parties, that there is no lawful Hindrance to such Marriage, &c.

Persons making wilfully false Declarations to suffer the Penalties of Perjury.

III. Every Notice of Marriage which shall be given under the Provisions of any of the said recited Acts or of this Act, after this Act shall have come into operation, shall be in the Form of Schedule (A.) to this Act annexed, or to the like Effect; and in every Case where the Marriage is intended to be had and solemnized under the Provisions of the said recited Act of the Third and Fourth Years of Her Majesty, Chapter Seventy-two, such Notice shall, in addition to the several Particulars comprised in the

Form of Notice of Marriage.

said

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said Schedule, contain the Declaration required to be made by One of the Parties to such intended Marriage, pursuant to the Second Section of the said last-mentioned Act; and the Superintendent Registrar to whom any such Notice of Marriage shall be so given shall forthwith enter the Particulars, and the Date thereof, and the Name of the Party giving the same, into the Marriage Notice Book; and for every such Entry the Superintendent Registrar shall be entitled to have a Fee of One Shilling.

Notice of Marriage without Licence to be affixed in Superintendent Registrar's Office.

IV. In case any Party shall intend Marriage without Licence under the Provisions of any of the said recited Acts or of this Act, the Superintendent Registrar to whom Notice of such intended Marriage has been given shall cause the Notice of Marriage, or a true and exact Copy thereof, as entered in the Marriage Notice Book, under the Hand of such Superintendent Registrar, to be suspended or affixed in some conspicuous Place in the Office of the said Superintendent Registrar during Twenty-one successive Days next after the Day of the Entry of such Notice in his "Marriage Notice Book," before any Marriage shall be solemnized in pursuance of such Notice, and after the Expiration of Twenty-one Days next after the Day of the Entry of such Notice in his "Marriage Notice Book" the Superintendent Registrar shall issue under his Hand, upon the Request of the Party giving such Notice, a Certificate in the Form or to the Effect of the Certificate set forth in Schedule (B.) to this Act annexed, provided that in the meantime no lawful Impediment to the issuing of such Certificate be shown to the Satisfaction of the same Superintendent Registrar, and provided the Issue of such Certificate shall not have been forbidden in the Manner provided by either of the said firstly and secondly recited Acts by some Person or Persons authorized in that Behalf; and every such Certificate shall state the Particulars set forth in the said Notice, and the Day on which the same Notice was entered, and that the Issue of such Certificate has not been forbidden by any Person or Persons authorized in that Behalf; and for every such Certificate the Superintendent Registrar shall be entitled to have and receive a Fee of One Shilling; and at any Time within Three Calendar Months next after the Day of the Entry of such Notice the intended Marriage may be solemnized under the Authority of the said Certificate; and every Superintendent Registrar's Certificate for Marriage duly issued under the Provisions of this Act shall have the same Force, Validity, and Effect as the like Certificate issued under the Provisions of the said recited Acts or either of them would have had in case this Act had not been passed.

As to Notice of Marriage by Licence.

V. In case any Party shall intend Marriage by Licence under the Provisions of any of the said recited Acts or of this Act, Notice of such intended Marriage shall not be suspended in the Office of the Superintendent Registrar, but the Party giving the same shall state therein that such Marriage is intended to be celebrated by Licence.

In case of Marriage by Licence, Notice given to Superintendent Registrar of One District to be sufficient.

VI. In any Case of Marriage intended to be solemnized by Licence, under the Provisions of either of the said Two firstly recited Acts or of this Act, between Parties both of whom do not dwell in the same Superintendent Registrar's District, it shall not be required that Notice of such intended Marriage shall be given to more than One Superintendent Registrar, but a Notice to the Superintendent Registrar of the District in which one of the Parties so intending Marriage resides shall be sufficient; and it shall not be required that the said Notice shall state how long each of the said Parties has resided in his or her Dwelling Place, but only how long the Party residing in the District in which the Notice is given has so resided.

Notice of Marriage without Licence may be given in Ireland, if One of the Parties reside there.

VII. In every Case in which One of the Parties intending Marriage without Licence, under the Provisions of any of the said recited Acts or of this Act, shall dwell in *Ireland*, the Party so dwelling in *Ireland* shall give Notice in the Form there used in that Behalf or to the like Effect to the Registrar of the District in *Ireland* within which such Party shall have dwelt for not less than Seven Days then next preceding, and shall state therein the Name and Surname and the Profession and Condition and Age of each of the Parties intending Marriage, and also the Dwelling Place of each of them, and the Time, not being less than Seven Days, during which he or she shall have dwelt therein, and also the Church or other Building in which the Marriage is to be solemnized, provided that if either Party shall have dwelt in the Place stated in the Notice as his or her Dwelling Place more than One Month it may be stated that he or she hath dwelt therein One Month and upwards; and such Notice shall be dealt with in the Manner and such Certificate for Marriage shall be given by such Registrar in the Mode respectively prescribed in an Act passed in the Session holden in the Seventh and Eighth Years of the Reign of Her present Majesty, Chapter Eighty-one, intituled *An Act for Marriages in Ireland, and for registering such Marriages*, as amended by another Act passed in the Session holden in the Ninth and Tenth Years of the same Reign, Chapter Seventy-two, intituled *An Act to amend the Act for Marriages in Ireland, and for registering such Marriages*, provided that in such Case the Certificate for Marriage shall not be issued before the Expiration of Twenty-one Days next after the Day of the Entry of such Notice, as in the first of the said Two last-mentioned Acts is provided; and from and after the issuing of such Certificate the Production of the same to any Person duly authorized under the Provisions of this Act to solemnize a Marriage shall be as valid and effectual for authorizing such Person to solemnize such Marriage as the Production of a Certificate for Marriage of a Superintendent Registrar of a District in *England* would be under any or either of the said Three firstly herein-before recited Acts, if the Party giving such Notice were resident within such District, and the other Party to such intended Marriage were also resident within another Superintendent Registrar's District in *England*; and where Marriages have since the passing of the said Act for Marriages in *Ireland*, and for registering such Marriages, been solemnized



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solemnized in *England* between Parties, one of whom was resident in *Ireland*, under Certificates, of which one was the Certificate of the Registrar of the District in *Ireland* within which one of the Parties had dwelt for not less than Seven Days, and the other the Certificate of the Superintendent Registrar of the District in *England* within which the other Party had dwelt for not less than Seven Days, such Marriages are hereby declared to be and to have been valid in the same Manner as if the Parties had been respectively resident for not less than Seven Days in the respective Districts of Two Superintendent Registrars in *England*, and like Certificates had been issued by both such Superintendent Registrars.

VIII. In every Case in which one of the Parties intending Marriage without Licence, under the Provisions of any of the said recited Acts or this Act, shall dwell in *Scotland*, a Certificate of Proclamation of Banns in *Scotland* under the Hand of the Session Clerk of the Parish in which such Proclamation shall have been made shall, when produced to any Person duly authorized under the Provisions of this Act to solemnize a Marriage, be as valid and effectual for authorizing such Person to solemnize such Marriage as the Production of a Certificate for Marriage of a Superintendent Registrar of a District in *England* would be, under any or either of the said Three firstly-recited Acts, in reference to a Party resident within such District.

Certificate of Proclamation of Banns in Scotland as to Party resident there equivalent to Certificate in England.

IX. Every Superintendent Registrar receiving Notice of an intended Marriage to be solemnized by Licence as aforesaid shall, after the Expiration of One whole Day next after the Day of the Entry of such Notice in his "Marriage Notice Book," issue under his Hand, upon the Request of the Party giving such Notice, a Certificate in the Form or to the Effect of the Certificate set forth in the said Schedule (B.) to this Act annexed, and also a Licence to marry, provided that in the meantime no lawful Impediment to the issuing of such Certificate be shown to the Satisfaction of the same Superintendent Registrar, and provided the Issue of such Certificate shall not have been forbidden in the Manner provided by either of the said firstly and secondly recited Acts by some Person or Persons authorized in that Behalf; and every such Certificate shall state the Particulars set forth in the said Notice, and the Day on which the same Notice was entered, and that the Issue of such Certificate has not been forbidden by any Person or Persons authorized in that Behalf; and for every such Certificate the Superintendent Registrar shall be entitled to have and receive a Fee of One Shilling; and at any Time within Three Calendar Months next after the Day of the Entry of such Notice the intended Marriage may be solemnized under the Authority of the said Licence; and every Superintendent Registrar's Certificate and Licence for Marriage duly issued under the Provisions of this Act shall have the same Force, Validity, and Effect as the like Certificate and Licence issued under the Provisions of the said recited Acts or either of them would have had in case this Act had not been passed.

In Cases of Marriage by Licence, Certificate of the Notice thereof may be given by the Superintendent Registrar (unless the Marriage be forbidden), and thereupon the Marriage may be solemnized.

X. The Form of a Licence for Marriage so to be granted as aforesaid to any Party or Parties, by the Superintendent Registrar of any District as aforesaid, shall be in the Form or to the Effect of the Licence set forth in Schedule (C.) to this Act annexed; and for every such Licence the Superintendent Registrar granting the same shall be entitled to have and receive of the Party requiring the same the Sum of One Pound Ten Shillings, over and above the Amount paid for the Stamps necessary on granting such Licence.

Form of Licence for Marriage.

XI. No such Marriage as aforesaid shall be solemnized in any such registered Building without the Consent of the Minister or of One of the Trustees, Owners, Deacons, or Managers thereof, nor in any registered Building of the Church of *Rome* without the Consent of the Officiating Minister thereof, nor in any Church or Chapel of the United Church of *England* and *Ireland* without the Consent of the Minister thereof, nor in such latter Case by any other than a duly qualified Clergyman of the said United Church, or with any other Forms or Ceremonies than those of the said United Church, any Statute or Statutes to the contrary notwithstanding.

Mode of solemnizing Marriages in registered Buildings.

XII. If the Parties to any Marriage contracted at the Registry Office of any District conformably to the said recited Acts or any of them, or to the Provisions of this Act, shall desire to add the Religious Ceremony ordained or used by the Church or Persuasion of which such Parties shall be Members to the Marriage so contracted, it shall be competent for them to present themselves for that Purpose to a Clergyman or Minister of the Church or Persuasion of which such Parties shall be Members, having given Notice to such Clergyman or Minister of their Intention so to do; and such Clergyman or Minister, upon the Production of their Certificate of Marriage before the Superintendent Registrar, and upon the Payment of the customary Fees (if any), may, if he shall see fit, in the Church or Chapel whereof he is the regular Minister, by himself or by some Minister nominated by him, read or celebrate the Marriage Service of the Persuasion to which such Minister shall belong: Provided always, that no Minister of Religion who is not in Holy Orders of the United Church of *England* and *Ireland* shall under the Provisions of this Act officiate in any Church or Chapel of the United Church of *England* and *Ireland*; but nothing in the Reading or Celebration of such Service shall be held to supersede or invalidate any Marriage so previously contracted, nor shall such Reading or Celebration be entered as a Marriage among the Marriages in the Parish Register: Provided also, that at no Marriage solemnized at the Registry Office of any District shall any Religious Service be used at such Registry Office.

Persons desirous may add the Religious Ceremony ordained by the Church.

XIII. When any Marriage is intended to be solemnized between Parties not of the Society of Friends commonly called Quakers, or not professing the Jewish Religion, by Licence under the Provisions of the

Superintendent Registrar to whom Notice is

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given may grant Licence for Marriage (under 3 & 4 Vict. c. 72.) in a District in which neither of the Parties resides.

the before-recited Act of the Third and Fourth Years of Her Majesty, Chapter Seventy-two, in a registered Building situated in a District within which neither of the Parties resides, it shall be lawful for the Superintendent Registrar to whom Notice of such intended Marriage shall have been given to grant to the Party applying for the same a Licence for such Marriage to be solemnized in the registered Building stated in such Notice; and every Licence and Certificate granted in pursuance of this Enactment shall be as valid and effectual to all Intents and Purposes as if the same had been granted by the Superintendent Registrar of the District in which the registered Building wherein the Marriage is intended to be solemnized is situated.

Superintendent Registrar may grant Licence for Marriage to be solemnized in registered Building out of the District wherein the Parties reside.

XIV. When any Marriage is intended to be solemnized, under the Provisions of any of the before-recited Acts or of this Act, in the usual Place of Worship of the Parties so intending Marriage, or One of them, and such Place of Worship shall be a registered Building situated out of the District of their, his, or her Residence, it shall be lawful for the Superintendent Registrar or respective Superintendent Registrars to whom Notice of such Marriage shall have been given to grant to the Party applying for the same a Licence or Certificate, as the Case may be, for such Marriage to be solemnized in the registered Building stated in such Notice, provided such Building be situated not more than Two Miles beyond the Limits of the District in which the Notice of such Marriage has been given, and the Party giving Notice of such Marriage shall at the Time of giving the same state therein, in addition to the Description of the Building in which the Marriage is to be solemnized, that it is the usual Place of Worship of One of the Parties, and shall also state the Name of the Party whose usual Place of Worship it is; and every Licence and Certificate granted in pursuance of this Enactment shall be as valid and effectual, to all Intents and Purposes, as if the same had been granted by the Superintendent Registrar of the District in which the registered Building wherein the Marriage is intended to be solemnized is situated.

Registrars may be appointed by Registrar General, and, subject to his Approval, by Superintendent Registrars.

XV. The Registrar General shall have Power and he is hereby authorized from Time to Time to appoint, by Writing under his Hand, such Person or Persons as he may think fit, with such Qualifications as the said Registrar General by any General Rule shall have declared to be necessary, to be a Registrar or Registrars of Marriages within the District of any Superintendent Registrar; and every Appointment to be hereafter made by any Superintendent Registrar of any Person or Persons to be a Registrar or Registrars, for the Purpose of being present at Marriages to be solemnized under and by virtue of any or either of the said recited Acts or of this Act, shall be by Writing under the Hand of such Superintendent Registrar, and shall be subject to the Approval of the Registrar General.

Registrar of Marriages may appoint a Deputy.

XVI. Every Registrar of Marriages, already appointed or hereafter to be appointed, shall be and he is hereby empowered, subject to the Approval of the Registrar General, to appoint, by a Writing under his Hand, a fit Person to be and to act as his Deputy, in case of the Illness or unavoidable Absence of such Registrar; and every such Deputy, while so acting, shall have all the Powers and Duties and be subject to all the Provisions and Penalties in the said recited Acts or any or either of them given, imposed, and contained concerning Registrars of Marriages; and every such Deputy shall hold his Office during the Pleasure of the Registrar by whom he was appointed, but shall be removable by the Registrar General; and every Registrar of Marriages shall be civilly responsible for the Acts and Omissions of his Deputy; and in case any Registrar of Marriages shall die, or otherwise cease to hold his Office, his Deputy shall become the Registrar of Marriages in his Place until the Appointment of another Registrar of Marriages shall have been made, and notified to him by the Superintendent Registrar or by the Registrar General, and shall, while continuing such Registrar, have the same Powers and Duties and be subject to the same Provisions and Penalties as any other Registrar of Marriages.

Proof of the Observance of this Act and of the recited Acts, Matters not necessary to the Validity of Marriages.

XVII. After any Marriage shall have been solemnized, under the Authority of any of the said recited Acts or of this Act, it shall not be necessary in support of such Marriage to give any Proof of the actual dwelling or of the Period of dwelling of either of the Parties previous to the Marriage within the District stated in any Notice of Marriage to be that of his or her Residence, or of the Consent to any Marriage having been given by any Person whose Consent thereto is required by Law, or that the registered Building in which any Marriage may have been solemnized had been certified according to Law as a Place of Religious Worship, or that such Building was the usual Place of Worship of either of the Parties, nor shall any Evidence be given to prove the contrary in any Suit or legal Proceedings touching the Validity of such Marriage; and all Marriages which heretofore have been or which hereafter may be had or solemnized, under the Authority of any of the said recited Acts or of this Act, in any Building or Place of Worship which has been registered pursuant to the Provisions of the said Act passed in the Sixth and Seventh Years of His late Majesty King *William* the Fourth, Chapter Eighty-five, but which may not have been certified as required by Law, shall be as valid in all respects as if such Place of Worship had been so certified.

Penalty on making false Declaration, or giving false Notices.

XVIII. Any Person who shall knowingly or wilfully make any false Declaration or sign any false Notice required by this Act for the Purpose of procuring any Marriage, and every Person who shall forbid the granting by any Superintendent Registrar of a Certificate for Marriage by falsely representing himself or herself to be a Person whose Consent to such Marriage is required by Law, knowing such Representation to be false, shall suffer the Penalties of Perjury.

XIX. If

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XIX. If any valid Marriage shall be had, under the Provisions of any of the said recited Acts or this Act, by means of any wilfully false Declaration, Notice, or Certificate made or obtained by either Party to such Marriage as to any Matter in which a solemn Declaration, Notice, or Certificate is required, it shall be lawful for Her Majesty's Attorney General or Solicitor General to sue for a Forfeiture of all the Estate and Interest in any Property accruing to the offending Party by such Marriage, and the Proceedings thereupon and the Consequences thereof shall be the same as are provided in the like Case with regard to Marriages solemnized by Licence between Parties under Age according to the Rites of the Church of *England* in the Statute passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, Chapter Seventy-six.

In case of fraudulent Marriages, the guilty Party to forfeit all Property accruing from the Marriage, as in 4 G. 4. c. 76.

XX. Except where the Provisions of the said recited Acts are expressly altered by or are at variance with the Provisions of this Act, nothing herein contained shall alter, repeal, or affect, or be construed so as in any Manner to alter, repeal, or affect, any of the several Provisions and Clauses contained in the same Acts or any of them, but, except as aforesaid, the same Provisions and Clauses respectively shall be and remain in full Force and Effect as if this Act had not been passed; and this Act shall, except as aforesaid, be considered as incorporated with the same Provisions and Clauses, and be construed in connexion therewith; provided that, save as herein-after mentioned, none of the Provisions of this Act shall limit or alter, or be construed to limit or alter, the Privileges of Persons belonging to the Society of Friends commonly called Quakers, or of Persons professing the Jewish Religion, or impose on either of such Bodies any Obligations beyond such as are enacted in either of the said recited Acts.

Nothing to alter, &c. Provisions of existing Acts, except where at variance with this Act.

XXI. Any Marriage according to the Usages of the Society of Friends commonly called Quakers, or to the Usages of Persons professing the Jewish Religion respectively, where the Parties thereto are both Members of the said Society or both Persons professing the Jewish Religion respectively, may be solemnized by Licence (which Licence the Superintendent Registrar to whom Notice of the intended Marriage shall have been given is hereby authorized to grant, in the Form or to the Effect set forth in the said Schedule (C.) to this Act annexed,) as effectually in all respects as if such Marriage were solemnized after the Issue of a Certificate by such Superintendent Registrar in the Manner provided by the said recited Acts or any of them; and the Provisions in this present Act contained in relation to the solemn Declaration to be made by the Party intending Marriage, and to the Statement to be contained in the Notice of such intended Marriage that such Marriage is intended to be celebrated by Licence, and to the Notice to be given of any such intended Marriage by Licence, and to the giving of Certificates in the Form or to the Effect set forth in Schedule (B.) to this Act annexed, and to the Fee and Stamp to be paid for such Licence, shall be applicable in all respects to every such Marriage to be solemnized by Licence according to the Usages of the said Society or to the Usages of Persons professing the Jewish Religion respectively.

Marriages of Quakers or Jews may be solemnized by Licence.

XXII. The Registrar General shall furnish or cause to be furnished to the Person whom Twenty Householders professing the Jewish Religion, and being Members of the *West London Synagogue of British Jews*, shall certify in Writing under their Hands, to the Registrar General to be the Secretary of the *West London Synagogue of British Jews*, and also to every Person whom such Secretary shall in like Manner certify to be the Secretary of some other Synagogue of not less than Twenty Householders professing the Jewish Religion, and being in connexion with the *West London Synagogue*, and having been established for not less than One Year, a sufficient Number in Duplicate of Marriage Register Books and Forms for certified Copies thereof; and every Secretary of a Synagogue to whom such Books and Forms shall be furnished under this Act shall perform the same Duties in relation to the Registration of Marriages between Persons professing the Jewish Religion as under an Act passed in the Session of Parliament held in the Sixth and Seventh Years of His late Majesty King *William* the Fourth, Chapter Eighty-six, intituled *An Act for registering Births, Deaths, and Marriages in England*, are to be performed by the Secretary of a Synagogue to whom Marriage Register Books and Forms for certified Copies thereof have been or shall be furnished under that Act.

Registrar General to furnish Marriage Register Books and Forms to each certified Secretary of a Synagogue of British Jews.

XXIII. Every Marriage solemnized under any of the said recited Acts or of this Act shall be good and cognizable in like Manner as Marriages before the passing of the first-recited Act according to the Rites of the Church of *England*.

Marriages under this Act good and cognizable.

XXIV. And whereas, in pursuance of an Act passed in the Session holden in the Fifteenth and Sixteenth Years of Her Majesty, Chapter Thirty-six, intituled *An Act to amend the Law relating to the certifying and registering Places of Religious Worship of Protestant Dissenters*, the Registrars of the several Dioceses and Archdeaconries, and the Clerks of the Peace of the several Counties, Ridings, Divisions, Cities, and Boroughs in *England* and *Wales*, did, in the Year One thousand eight hundred and fifty-two, make and transmit, as thereby required, to the Registrar General of Births, Deaths, and Marriages in *England*, duly verified Returns of all Places within the Limits of their respective Jurisdictions which previous to and up to the Time of the passing of the last-mentioned Act had been certified according to Law and registered or recorded as Places of Meeting for Religious Worship: And whereas the total Number of such Places so returned to the said Registrar General pursuant to the Provisions of the said Act is Fifty-four thousand eight hundred and four, and it is expedient that, for facilitating the Proof of such Places having been duly certified and registered or recorded as aforesaid,

Recites the Act of 15 & 16 Vict. c. 36.

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the Registrar General should be empowered by Law to allow Searches to be made in the said Returns, and to give certified Copies thereof and Extracts therefrom: Be it further enacted as follows:

Registrar General to allow Searches to be made, and give Extracts from the Returns of certified Places of Worship made to him thereto, on Payment of specified Fees.

The Registrar General, on Payment to him of the several Fees herein-after mentioned, shall allow Searches to be made in the Returns so made to him as aforesaid, and shall give to any Person demanding the same a certified Copy thereof or Extract therefrom with respect to any Place of Meeting for Religious Worship contained therein; and every such certified Copy or Extract shall be sealed or stamped with the Seal of the General Register Office, and when so sealed or stamped as aforesaid, if tendered in Evidence upon any Trial or other judicial Proceeding in any Civil or Criminal Court, shall be received as Evidence of the Place of Meeting therein mentioned or described having been at the Time in that Behalf therein stated duly certified and registered or recorded as by Law required, without any further or other Proof of the same; and the Registrar General shall be entitled to demand and receive for every Search in the said Returns extending over a Period of not more than Ten Years the Sum of One Shilling, and for every additional Period of Ten Years the Sum of Sixpence, and the further Sum of Two Shillings and Sixpence for every single certified Copy or Extract.

Act not to extend to Ireland or Scotland. Commencement of Act.

XXV. Save as herein expressly provided, this Act shall not extend to *Ireland* or *Scotland*.

XXVI. This Act shall come into operation on the First Day of *January* One thousand eight hundred and fifty-seven, and none of the Provisions thereof shall take effect previous to that Day.

## SCHEDULES.

## SCHEDULE (A.)

*Form of Notice of Marriage.*

To the Superintendent Registrar of the District of *Hendon* in the County of *Middlesex*.

I, the undersigned *James Smith*, hereby give you Notice, That a Marriage is intended to be had *without* [or by, as the Case may be,] Licence within Three Calendar Months from the Date hereof between me and the other Party herein named and described; (that is to say,)

Name and Surname.	Condition.	Rank or Profession.	Age.	Dwelling Place.	Length of Residence.	Church or Building in which the Marriage is to be solemnized.	District and County in which the Parties respectively dwell.
<i>James Smith</i>	<i>Widower</i>	<i>Ironmonger</i>	<i>Twenty-five Years.</i>	<i>16, High-St. Hendon, Middlesex.</i>	<i>Seven or Fifteen Days, as the Case may be.</i>	<i>Sion Chapel, West Street, Tunbridge, Kent.</i>	<i>Hendon, Middlesex.</i>
<i>Martha Green</i>	<i>Spinster</i>		<i>Nineteen Years.</i>	<i>Grove Farm, Tunbridge, Kent.</i>	<i>More than a Month.</i>		<i>Tunbridge, Kent.</i>

And I hereby solemnly declare, That I believe there is no Impediment of Kindred or Alliance or other lawful Hindrance to the said Marriage, and that I, the above-named *James Smith*, have for the Space of *Fifteen* Days immediately preceding the giving of this Notice had *my* usual Place of Abode and Residence

[If the Marriage is intended to be had in a Church or Chapel of the Church of England insert in this Space the following Words, "in the Parish of \_\_\_\_\_," or "in the Ecclesiastical District of \_\_\_\_\_," (as the Case may be,) and add the Name of the Parish or Ecclesiastical District in which One of the Parties resides] within the above-mentioned District of *Hendon*.

[And I further declare, That I am not a Minor under the Age of Twenty-one Years, and that the other Party herein named and described is not a Minor under the Age of Twenty-one Years. (If One or both of the Parties be under Age these Words must be expunged.)] (Or, as the Case may be,)

And I further declare, That *she* [or I] the said *Martha Green*, not being a *Widow* [or *Widower*], is [or am] a Minor under the Age of Twenty-one Years, and that the Consent of *George Kilpin*, whose Consent to *her* [or my] Marriage is required by Law, has been duly given and obtained thereto [or "that there is no Person whose Consent to *her* [or my] Marriage is by Law required" (as the Case may be)].

And I make the foregoing Declarations solemnly and deliberately, conscientiously believing the same to be true, pursuant to the Provisions of an Act passed in the \_\_\_\_\_ Year of Her Majesty Queen

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Queen Victoria, Chapter \_\_\_\_\_ intituled " An Act to amend the Provisions of the Marriage " and Registration Acts," well knowing that every Person who shall knowingly or wilfully make and sign or subscribe any false Declaration or who shall sign any false Notice for the Purpose of procuring any Marriage under the Provisions of the said Act above mentioned, or any of the several Acts therein recited, shall suffer the Penalties of Perjury. In witness whereof I have hereunto set and subscribed my Hand, this *Fifth Day of January 1858.*

*James Smith.*

Signed and declared by the above-  
named *James Smith* in the  
Presence of }

[Here let the Witness attest the Signature of the Party giving the Notice according to one or other of the following " Examples " :—]

Example.	Name of Witness.	Description.	Place of Abode.
1	<i>John Cox</i> - -	<i>Superintendent Registrar of Hendon District [or Deputy Superintendent Registrar of Hendon District].</i>	<i>Hendon, Middlesex.</i>
2	<i>Peter Green</i> - -	<i>Registrar of Marriages for the Hendon District.</i>	<i>Hendon, Middlesex.</i>

SCHEDULE (B.)

*Form of Superintendent Registrar's Certificate.*

I, *John Cox*, Superintendent Registrar of the District of *Hendon* in the County of *Middlesex*, do hereby certify, That on the *Fifth Day of January 1857* Notice was duly entered in the Marriage Notice Book of the said District of the Marriage intended between the Parties herein-after named and described, and of such Marriage being intended to be solemnized *without [or by, as the Case may be,] Licence*, delivered under the Hand of *James Smith*, One of the Parties; (that is to say,)

Name.	Condition.	Rank or Profession.	Age.	Dwelling Place.	Length of Residence.	Church or Building in which the Marriage is to be solemnized.	District and County in which the Parties respectively dwell.
<i>James Smith</i>	<i>Widower</i>	<i>Ironmonger</i>	<i>Twenty-five Years.</i>	<i>16, High-st. Hendon, Middlesex.</i>	<i>Fifteen Days.</i>	<i>Sion Chapel, West Street, Tunbridge, Kent.</i>	<i>Hendon, Middlesex.</i>
<i>Martha Green</i>	<i>Spinster</i>		<i>Nineteen Years.</i>	<i>Grove Farm, Tunbridge, Kent.</i>	<i>More than a Month.</i>		<i>Tunbridge, Kent.</i>

*Date of Entry of Notice,* }  
*5th January 1857.* } The Issue of this Certificate has not been forbidden by any Person authorized  
*Date of Certificate given,* } to forbid the Issue thereof.  
*27th January 1857.* }

Witness my Hand, this *Twenty-seventh Day of January 1857.*

(Signed) *John Cox,*  
Superintendent Registrar.

This Certificate will be void unless the Marriage is solemnized within Three Calendar Months after the Date of the Entry of Notice, namely, on or before the *Fifth Day of April 1857.*

## SCHEDULE (C.)

*Form of Superintendent Registrar's Licence for Marriage.*

To *A.B.* of \_\_\_\_\_ in the County of \_\_\_\_\_ and *C.D.* of \_\_\_\_\_ in the  
County of \_\_\_\_\_ I, the undersigned Superintendent Registrar of the District of \_\_\_\_\_  
in the County of \_\_\_\_\_ send Greeting :

WHEREAS in pursuance of some or one of the Statutes next herein-after mentioned made and now in force concerning the contracting and solemnizing of Marriages in England; (that is to say,) an Act passed in the Seventh Year of His late Majesty King William the Fourth, Chapter 85.; an Act passed in the First Year of Her present Majesty, Chapter 22.; an Act passed in the Fourth Year of Her said Majesty, Chapter 72.; and an Act passed in the \_\_\_\_\_ Year of Her said Majesty, Chapter \_\_\_\_\_; One of you did on the \_\_\_\_\_ Day of \_\_\_\_\_ give due Notice of your Intention to enter into a Contract of Marriage, and you are desirous that such Marriage should be speedily performed at \_\_\_\_\_ in the District of \_\_\_\_\_: And whereas it has been made to appear to my Satisfaction that in regard to your said intended Marriage you have severally in all respects complied with the Provisions and Requirements of the above-mentioned Statutes, so far as such Provisions and Requirements are applicable to and binding upon you or either of you: And whereas no Impediment of Kindred or Alliance or other lawful Hindrance to the said Marriage has been shown to exist: And whereas the Certificate required by Law has been duly issued by me: Now therefore I, the said Superintendent Registrar, by virtue of the Power and Authority vested in me in that Behalf, do hereby grant unto you the aforesaid *A.B.* and *C.D.* full Licence and Permission to proceed in due Form of Law to contract and solemnize such Marriage at \_\_\_\_\_ in the said District at any Time within but not after the Expiration of Three Calendar Months next following the \_\_\_\_\_ Day of \_\_\_\_\_

Witness my Hand this \_\_\_\_\_ Day of \_\_\_\_\_

*E.F.*,  
Superintendent Registrar of the  
above-mentioned District.

## C A P. CXX.

An Act to facilitate Leases and Sales of Settled Estates.

[29th July 1856.]

WHEREAS it is expedient that the Court of Chancery should have Power in certain Cases to authorize Leases and Sales of Settled Estates where it shall deem that such Leases or Sales would be proper and consistent with a due Regard for the Interests of all Parties entitled under the Settlement; and it is also expedient that Persons in possession of Land for certain limited Interests should have Power to grant Agricultural or Occupation Leases thereof, at Rackrent, for a reasonable Period: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Interpretation  
of certain  
Terms.

I. 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; and 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.

Power to Court  
of Chancery to  
authorize Leases  
of Settled Es-  
tates, subject  
to certain Con-  
ditions.

II. It shall be lawful for the Court of Chancery in *England*, so far as relates to Estates in *England*, and for the Court of Chancery in *Ireland*, so far as relates to Estates in *Ireland*, 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 authorize 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 Twenty-one Years, for a Mining Lease, or a Lease of Water, Water Mills, Wayleaves, Waterleaves, or other Rights or Easements, Forty Years, and for a Building Lease Ninety-nine Years, or where the Court shall be satisfied that it is the usual Custom of the District and beneficial to the Inheritance to grant Building Leases for longer Terms, then for such Term as the Court shall direct:

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:

Thirdly,

*Leases and Sales of Settled Estates.*

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 authorize 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 authorized 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 not less than Twenty-eight Days after it becomes due.

III. 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.

IV. The Power to authorize Leases conferred by this Act shall extend to authorize Leases either of the whole or any Parts of the Settled Estates, and may be exercised from Time to Time.

Parts of Estates may be leased.

V. Any Leases granted under this Act may be surrendered, either for the Purpose of obtaining a Renewal of the same or not; and the Power to authorize Leases conferred by this Act shall extend to authorize new Leases of the whole or any Part of the Hereditaments comprised in any surrendered Lease.

Leases may be surrendered and renewed.

VI. The Power to authorize Leases conferred by this Act shall extend to authorize preliminary Contracts to grant any such Leases; and any of the Terms of such Contracts may be varied in the Leases.

Leases may extend to preliminary Contracts.

VII. The Power to authorize 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 authorized.

VIII. 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, and Circumstances of the Estate, and the Terms and Conditions on which Leases thereof ought to be authorized.

What Evidence to be produced on Application to authorize Leases.

IX. 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.

After Approval of a Lease, Court to direct who shall be the Lessor.

X. 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 authorize 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.

Powers of leasing may be vested in Trustees.

XI. It shall be lawful for the Court of Chancery in *England*, so far as relates to Estates in *England*, and for the Court of Chancery in *Ireland*, so far as relates to Estates in *Ireland*, 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 authorize 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.

Court may authorize Sales of Settled Estates, and of Timber.

XII. 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.

XIII. 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.

XIV. It shall be lawful for the Court of Chancery in *England*, so far as relates to Estates in *England*, and for the Court of Chancery in *Ireland*, so far as relates to Estates in *Ireland*, if it shall deem it

Court may authorize Dedication of Parts of proper

*Leases and Sales of Settled Estates.*

Settled Estates  
for Roads, &c.

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 and 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.

How Sales and  
Dedications are  
to be effected  
under Direction  
of Court.

XV. 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 to  
exercise Powers  
conferred by  
Act.

XVI. 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, 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.

XVII. Subject to the Exception, contained in the next Section, 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.

Petition may be  
granted without  
Consent, saving  
Rights of non-  
consenting  
Parties.

XVIII. Provided nevertheless, That unless there shall be a Person entitled to an Estate of Inheritance whose Consent or Concurrence shall have been refused or cannot be obtained, 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 Consent or Concurrence has been refused or cannot be obtained, or whose Rights, Estate, or Interest ought in the Opinion of the Court to be excepted.

Notice of Ap-  
plication to be  
served on all  
Trustees, &c.

XIX. 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.

Notice of Ap-  
plication to be  
given in News-  
papers.

XX. Notice of any Application to the Court under this Act shall 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 of Chancery by Motion for Leave to be heard in opposition to or in support of any Application which may be made to the Court under this Act; and the Court is hereby authorized 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.

As to Cases  
where Applica-  
tion has been  
rejected by  
Parliament.

XXI. 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 by the  
Court.

XXII. 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.

Court may ap-  
point Trustees  
to receive and  
apply Monies  
arising from  
Sales.

XXIII. 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 shall be paid into the Bank of *England* or *Ireland*, as the Case may be, to the Account of the Accountant General of the Court of Chancery, *ex parte* the Applicant in the Matter of this Act, and in either Case such Money shall be applied as the Court shall from Time to Time direct to some One or more of the following Purposes; (namely,)

The Purchase or Redemption of the Land Tax, or 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.

XXIV. The



*Leases and Sales of Settled Estates.*

XXIV. 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.

Trustees may apply Monies without Application to Court.

XXV. Until the Money can be applied as aforesaid, the same shall be from Time to Time invested in Exchequer Bills, or in Three *per Centum* Consolidated Bank Annuities, as the Court shall think fit; and the Interest and Dividends of such Exchequer Bills or Bank Annuities 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.

Money to be invested, and Dividends to be paid to Parties entitled.

XXVI. 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 or manifest Intention that they shall not be exercised is contained in the Settlement, or may reasonably be inferred therefrom, or from extrinsic Circumstances or Evidence: 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.

XXVII. Nothing in this Act shall be construed to empower the Court to authorize any Lease, Sale, or other Act beyond the Extent to which in the Opinion of the Court the same might have been authorized in and by the Settlement by the Settlor or Settlers.

Court not to authorize Acts which Settlor could not have authorized.

XXVIII. 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 authorize the same; except that no such Lease, Sale, or other Act shall have any Effect against any Person whose Concurrence in or Consent to the Application ought to have been obtained, and was not obtained.

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

XXIX. 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.

XXX. The Lord Chancellor of *Great Britain*, with the Advice and Assistance of the *English* Master of the Rolls, the Lords Justices of the Court of Appeal in Chancery, and the Vice-Chancellors, or of any Three of them, so far as relates to Proceedings in *England*, and the Lord Chancellor of *Ireland*, with the Advice and Assistance of the *Irish* Master of the Rolls and of the Lord Justice of the Court of Appeal in Chancery in *Ireland*, or of any Two of them, so far as relates to Proceedings in *Ireland*, may, if he shall think fit, from Time to Time make General Rules and Orders for carrying the Purposes of this Act into effect, 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; and such Rules and Orders may from Time to Time be rescinded or altered by the like Authorities respectively; and all such Rules and Orders shall take effect as General Orders of the Court.

Power to Lord Chancellor, &c. to make Rules and Orders.

XXXI. All General Rules and Orders made as aforesaid shall, immediately after the making and issuing thereof, be laid before both Houses of Parliament, if Parliament be then sitting, or if Parliament be not then sitting, within Twenty-one Days after the next Meeting thereof; and it shall be lawful for either of the Houses of Parliament, by any Resolution passed within Thirty-six Days after such Rules or Orders have been laid before it, to resolve that the same or any Part thereof ought not to continue in force, and thereupon the same shall cease to be binding.

Rules and Orders to be laid before Parliament.

XXXII. 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 Life, or for a Term of Years determinable with his Life, 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 to take effect in possession; 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 for a Period not less than Twenty-eight Days of the Rent thereby reserved, and on Nonobservance of any of the Covenants or Conditions therein contained; and provided a Counterpart of every Deed of Lease be executed by the Lessee.

Tenants for Life, &c. may grant Leases for Twenty-one Years.

*Leases and Sales of Settled Estates.*

Against whom such Leases shall be valid.

XXXIII. Every Demise authorized 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 all Persons claiming through or under the Wife or Husband (as the Case may be) of the Person granting the same.

Evidence of Execution of Lease by Lessee.

XXXIV. 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.

Repeal of 32 Hen. 8. c. 28. and 10 Car. 1. sess. 3. c. 6. (Ireland), except, &c.

XXXV. The Act of the Thirty-second Year of King Henry the Eighth, Chapter Twenty-eight, intituled *Lessees to enjoy the Farm against the Tenants in Tail*, and the Act of the Parliament of Ireland of the Tenth Year of King Charles the First, Session Three, Chapter Six, intituled *An Act that Lessees shall enjoy their Farms against Tenants in Tail or in right of their Wives, &c.*, are hereby repealed, except so far as relates to Leases made by Persons having an Estate in the Right of their Churches.

Provision as to Infants, Lunatics, &c.

XXXVI. All Powers given by this Act, and all Applications to the Court under this Act, and Consents to such Applications, may be exercised, made, or given by Guardians on behalf of Infants, and by Committees on behalf of Lunatics, and by Assignees of Bankrupts or Insolvents: Provided nevertheless, that in the Cases of Infant or Lunatic Tenants in Tail no Application to the Court or Consent to any Application may be made or given by any Guardian or Committee without the special Direction of the Court.

A married Woman applying to Court to be examined apart from her Husband.

XXXVII. 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.

Court may exercise Powers, notwithstanding Settlement.

Examination to be either by Court or by a Solicitor.

XXXVIII. The Examination of such married Woman 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.

As to married Women under Age.

XXXIX. Subject to such Examination as aforesaid, married Women may make or consent to any Applications, whether they be of full Age or Infants.

As to Application to Court.

XL. Nothing in this Act shall be construed to create any Obligation at Law or in Equity on any Person to make or consent to any Application to the Court, or to exercise any Power.

Tenants for Life, &c. may exercise Powers notwithstanding Incumbrances.

XLI. 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.

Exception as to Entails created by Acts of Parliament.

XLII. Provided always, That nothing in this Act shall authorize any Sale or Lease beyond the Term of Twenty-one Years of any Settled Estates in 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 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.

Saving Rights of Lords of Manors.

XLIII. Nothing in this Act shall authorize 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.

To what Settlements this Act to extend.

XLIV. The Provisions of this Act shall extend to all Settlements, whether made before or after it shall come in force, except those as to Demises to be made without Application to the Court, which shall extend only to Settlements made after this Act shall come in force.

Extent of Act. Commencement of Act.

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

XLVI. This Act shall come in force on the First Day of *November* One thousand eight hundred and fifty-six.

## LOCAL ACTS.

## Cap. i.

AN Act to enable the *London Dock Company* to raise a further Sum of Money. [29th April 1856.]  
 [Power to borrow, or raise by Creation of additional Stock, £200,000, § 2. Power to assign Rates for securing Payment of Moneys borrowed, § 3. Assignments to be subject to existing Debt, § 4. Power to create Capital Stock to pay off Money borrowed, § 9. Docks not exempt from future General Acts relating to Docks, § 10.]

## Cap. ii.

An Act for supplying with Gas the Townships of *Knottingley* and *Ferrybridge* in the West Riding of the County of *York*. [29th April 1856.]  
 [Incorporation of Company, § 3. Capital, £5,000, § 4. Power to borrow £1,600, § 6. Saving of Rights of *Aire and Calder Navigation Company*, § 28. General Saving, § 29.]

## Cap. iii.

An Act to extend the Period limited for the Exercise of the Powers of the Colonial Bank; and for other Purposes. [29th April 1856.]  
 [Period for Exercise of Powers by the Bank limited, § 2. Provisions as to Discontinuance of Business, if deemed expedient, § 3. As to Issue of Pound Notes, § 4. As to Payment of Dollar Notes, § 5. Provisions as to Capital and Operations of the Bank, §§ 6 to 12.]

## Cap. iv.

An Act for lighting with Gas the Borough of *Weymouth* and *Melcombe Regis*, and its Neighbourhood, in the County of *Dorset*; and for other Purposes. [29th April 1856.]  
 [Incorporation of Company, § 5. Capital, £20,000, § 6. Power to borrow £5,000, § 8. Power to purchase Gasworks from *Mr. Burdon*, § 20. When Purchase completed Company to perform *Mr. Burdon's* Contracts, § 22. As to the public Lighting of the Borough of *Weymouth*, § 27. Works affecting the Harbour to be approved by the Admiralty, § 39. Admiralty may order Local Survey, § 40. Saving of Rights, §§ 42 and 44.]

## Cap. v.

An Act for vesting in the Mayor, Aldermen, and Burgesses of the Borough of *Liverpool* the Undertaking of the *Chorley Waterworks Company*, and for other Purposes. [29th April 1856.]  
 [Undertaking vested in Corporation of *Liverpool*, § 2. Provisions of *Chorley Waterworks Acts* extended to Corporation, § 11. Separate Account of *Chorley Waterworks* to be kept, and if not sufficient to pay Annuities, Deficiency to be paid out of *Liverpool Water Account*, §§ 22, 23, and 24. Abstract of Accounts to be filed with Clerk of the Peace, and laid before Quarter Sessions, §§ 58, 59.]

## Cap. vi.

An Act for incorporating the *Lancaster Gaslight Company*, and extending their Powers, and for authorizing additional Works, and the raising of further Moneys; and for other Purposes. [29th April 1856.]  
 [Incorporation of Company, § 5. Objects and Purposes of the Company, § 7. Property of original Company vested in Company hereby incorporated, § 8. Contracts by or with original Company to be binding, § 11. Capital, £30,000, § 17. Power to borrow on Mortgage £4,000, § 27. Power to borrow Money to complete Purchase, § 61. Saving Rights of Corporation and Local Board of Health, § 67.]

## Cap. vii.

An Act to enable the *Haslingden and Rawtenstall Waterworks Company* to raise a further Sum of Money, and for other Purposes. [29th April 1856.]  
 [Power to raise additional Money, § 3. Power to borrow on Mortgage, § 11.]

## Cap. viii.

An Act to enable the *Southport Waterworks Company* to raise a further Sum of Money, and for other Purposes. [29th April 1856.]  
 [Power to raise additional Money, § 3. Power to borrow on Mortgage, § 11. Confirmation of Deed executed by *C. Scarisbrick, Esq.* and the Company, § 12.]

## Cap. ix.

An Act for the better supplying with Gas the Parish of *Gainsborough* in *Lincolnshire*.

[29th April 1856.]

[*Incorporation of Company*, § 5. *Purchases, &c. made before passing of Act valid*, § 8. *As to Capital of Company*, § 12. *Power to borrow on Mortgage* £5,000, § 15. *Saving Rights of the Lord of the Manor of Gainsborough*, § 42.]

## Cap. x.

An Act for enabling the Company of Proprietors of *Lambeth Waterworks* to raise further Money, and for other Purposes.

[5th June 1856.]

[*Power to raise further Money*, § 3. *Power to borrow on Mortgage*, § 16. *Debt of Company to be reduced to* £200,000, § 18. *Company not exempt from General Acts*, § 22.]

## Cap. xi.

An Act for effecting certain Alterations in the Works of the Tidal Harbour of *Victoria Dock* at *Dundee*, and for other Purposes in relation to the Harbour of *Dundee*.

[5th June 1856.]

[*Powers to make Alterations as described on Plan*, § 1. *Rights of Property on the Alveus of the River Tay not to be affected*, § 9. *Power to borrow additional Money*, § 10. *Rights of the Crown reserved*, § 18. *Nothing to affect Jurisdiction of the Admiralty*, § 19. *Harbour not exempt from Provisions of Merchant Shipping Acts*, § 20. *Saving Rights of Magistrates, &c. of Dundee*, § 21.]

## Cap. xii.

An Act to enable the *Lincoln Waterworks Company* to raise a further Sum of Money.

[5th June 1856.]

[*Power to raise additional Money*, § 3. *Power to borrow on Mortgage*, § 15.]

## Cap. xiii.

An Act for granting further Powers to the *Heywood Gaslight and Coke Company*.

[5th June 1856.]

[*Repeal of 7 G. 4. c. xxxvii.*—§ 1. *Company to continue incorporated*, § 3. *Power to raise additional Money*, § 21. *Power to borrow on Mortgage*, § 29. *Saving Rights of the Lord of the Manor*, § 49.]

## Cap. xiv.

An Act for the incorporating of the *Milford Railway Company*, and for the making of the *Milford Railway* in the County of *Pembroke*.

[5th June 1856.]

[*Incorporation of Company*, § 4. *Capital*, £60,000, § 5. *Power to borrow on Mortgage*, § 8. *Saving Rights of the Hon. R. Fulke Greville, under 30 G. 3. c. 55.*—§ 38. *Saving Rights of certain Railway Companies*, § 42.]

## Cap. xv.

An Act to enable the *Eastern Counties and London and Blackwall Railway Companies* to raise a further Sum of Money for the Purposes of the *London, Tilbury, and Southend Extension Railway*; to amend the Acts relating to such Undertaking; and for other Purposes.

[5th June 1856.]

[*Power to raise additional Capital*, § 3. *Power to borrow on Mortgage*, § 10.]

## Cap. xvi.

An Act for making a Railway from the *Wilts, Somerset, and Weymouth Railway*, near *Frome*, to *Shepton Mallett* in the County of *Somerset*.

[5th June 1856.]

[*Incorporation of Company*, § 4. *Capital*, £75,000, § 5. *Power to borrow on Mortgage*, § 8. *Provisions as to Junction, &c. with Great Western Railway*, §§ 31 to 36. *Saving Rights of Her Majesty and the Duke of Cornwall*, § 46.]

## Cap. xvii.

An Act to confirm an Award for the Settlement of Matters in difference between the University and Borough of *Cambridge*, and for other Purposes connected therewith.

[5th June 1856.]

‘ WHEREAS by a Letter bearing Date the Twenty-seventh Day of *December* One thousand eight hundred and fifty-four, addressed to the Right Honourable Sir *John Patteson* Knight, One of Her Majesty’s most Honourable Privy Council, by the Chancellor, Masters, and Scholars of the University of *Cambridge*, and the Masters, Fellows, and Scholars, Masters and Fellows, Provost and Scholars, President and Fellows, and Master, Professors, and Fellows respectively of the several Colleges and Halls in the said University, and the Mayor, Aldermen, and Burgesses of the Borough of *Cambridge*, and sealed with their respective Seals, after reciting amongst other things that Differences had arisen and were still pending between them, they requested the said Sir *John Patteson* to hear them by their respective Counsel, Attorneys, Agents, or Witnesses, and to determine all the Matters in difference between them; and they further respectively agreed with each other respectively to abide by and keep such Award as the said Sir *John Patteson* might make in Writing concerning the Premises, and to apply to the Legislature for an Act or Acts of Parliament, and to take all such Steps as might be necessary for the Purpose of making his Award valid and binding on each

‘ each of them, or which he in his Award might think fit to direct to be taken by them or any of them  
 ‘ respectively; whereupon the said Sir *John Patteson* accepted the Reference thereby made to him, and  
 ‘ was attended by the Counsel, Attorneys, and Agents of the respective Parties, and heard such  
 ‘ Arguments and perused and examined such Documents, Papers, and Evidences as they thought proper  
 ‘ to lay before him respecting the Matters in difference, and having maturely considered the same,  
 ‘ made his Award in Writing concerning the Premises, on the Thirty-first Day of *August* One thousand  
 ‘ eight hundred and fifty-five: And whereas it is expedient to confirm the said Award with certain  
 ‘ Variations made with the Approbation of the said Arbitrator; but the Purposes aforesaid cannot  
 ‘ be effected without the Authority of Parliament:’ May it therefore please Your Majesty that it may  
 be enacted; and be it enacted and declared by the Queen’s most Excellent Majesty, by and with the  
 Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament  
 assembled, and by the Authority of the same, as follows; (that is to say.)

I. This Act may be cited for all Purposes as “The *Cambridge* Award Act, 1856.”

II. This Act shall, except in Cases where it is otherwise expressly provided, come into operation immediately after the passing thereof.

III. In the Construction of this Act (if not inconsistent with the Context) the following Terms shall have the respective Meanings herein-after assigned to them; (that is to say.)

“University,” “Chancellor, Masters, and Scholars,” “Senate,” “Vice Chancellor,” “Proctors,”  
 “Pro-proctors,” “Registrary,” shall respectively be understood to refer to the University of  
*Cambridge*:

“Borough,” “Mayor, Aldermen, and Burgesses,” “Council,” “Borough Fund,” “Mayor,” “Bailiffs,”  
 “Aldermen,” “Justices of the Peace,” “Town Clerk,” “Treasurer,” “Clerk to the Justices,”  
 “Councillor,” “Watch Committee,” “Burgess,” “Inhabitant,” “Inspector of Weights and Mea-  
 sures,” shall respectively be understood to refer to the Borough of *Cambridge*:

“Alehouse Licences” shall mean Licences for keeping Inns, Alehouses, and Victualling-houses within the Borough:

“College” shall include every Collegiate Foundation and every public Academical Hall now estab-  
 lished or hereafter to be established within the University, or within the Limits and Bounds of  
 the Borough, and when applied to a Place and not to a Body Corporate shall mean every  
 Building, Room, and Chamber within the University or Borough occupied or used by any  
 Collegiate Corporation or Society, and the official Residence of the Head, or any other Member  
 thereof, and all Walks, Grounds, Gardens, and Groves appertaining thereto:

“Municipal Corporation Act” shall mean the Act Fifth and Sixth *William* the Fourth, Chapter  
 Seventy-six, and the respective Acts passed to amend the same:

“Improvement Acts” shall mean the *Cambridge* Improvement Acts, Twenty-eighth *George* the Third,  
 Chapter Sixty-four, Thirty-fourth *George* the Third, Chapter One hundred and four, and Ninth  
 and Tenth *Victoria*, Chapter Three hundred and forty-five:

“Improvement Commissioners” shall mean the Commissioners acting in execution of the said last-  
 mentioned Acts, or any one or more of them:

“Rates” shall mean all Local and Parochial Rates, but shall not include the Land Tax or any other  
 Tax payable or to be payable to the Crown:

“Constabulary Force” shall mean the High and Chief Constables, and the Police Constables of the  
 Borough, and the Constables of the respective Parishes therein, but shall not include the Proctors  
 or Pro-proctors or their Servants respectively, or Constables appointed under the Act Sixth  
*George* the Fourth, Chapter Ninety-seven.

IV. The Mayor and Bailiffs shall not be required to take any Oath, or to make any Declaration for the Conservation of the Liberties and Privileges of the University.

V. The Oaths required of certain Aldermen, Burgesses, and Inhabitants by the Letters Patent of King *Henry* the Third, dated the Twentieth Day of *February* in the Fifty-second Year of His Reign, shall be abolished and not taken henceforth.

VI. The Power of the University exercised by the Proctors shall be continued as it now by Law exists.

VII. ‘ And whereas it is expedient that the Acts of the Proctors, Pro-proctors, and their Men, in the  
 ‘ Exercise of such Power should not be subject to any summary Jurisdiction of Justices of the Peace:’ Be it further declared and enacted, That the Proctors, Pro-proctors, and their Men, are and shall be exempt from and not subject to the summary Jurisdiction of Justices of the Peace under the Statute Ninth *George* the Fourth, Chapter Thirty-one, or any other Statute in respect of any Act done or purporting to be done in the Exercise of the Authority of the Proctor, but without Prejudice to the Right of any Person to proceed against the Proctors, Pro-proctors, or their Men, civilly or criminally, in any of Her Majesty’s Courts.

VIII. The Power of the Vice Chancellor to grant Alehouse Licences within the Borough is hereby abrogated, subject to the Provision herein-after contained with respect to certain of such Licences, and saving to the Vice Chancellor the same Power as other Justices of the Peace may lawfully exercise.

IX. The

*Preliminary.*

Short Title.

Commence-  
ment of Act.

Interpretation  
of Terms.

*Oaths.*

Oaths of Mayor  
and Bailiffs.

Oaths of Alder-  
men, &c.

*Proctors.*

Power of Proc-  
tors continued.

Exemption of  
Proctors from  
summary Juris-  
diction of Jus-  
tices.

*Alehouse  
Licences.*

Exclusive Pri-  
vilege of Vice  
Chancellor  
abrogated.

Power to revoke Licences.

IX. The Justices of the Peace may at any Time revoke any Alehouse Licence within the Borough, on the Complaint in Writing of the Vice Chancellor, sent to the Clerk to the Justices, who shall forthwith upon the Receipt of such Complaint summon a special Session of the Justices of the Peace to consider the same, and give written Notice of the Complaint to the Person complained of, in order that he may make his Answer or Defence at such special Session.

Existing Licences to continue in force for a limited Period.

X. Every Alehouse Licence granted by any Vice Chancellor, and now in force, shall so continue till the next general annual licensing Meeting, unless such Licence shall previously be revoked, on the Complaint of the Vice Chancellor, by the Justices of the Peace.

Wine Licences.

XI. The Power of granting Wine Licences within the Borough shall continue in and be exercised by the Chancellor, Masters, and Scholars of the University in the same Manner as it is now exercised under ancient Usage, and the Provisions of the Statutes Tenth *George* the Second, Chapter Nineteen, and Seventeenth *George* the Second, Chapter Forty, but no Sum whatever shall be taken by the University from the Persons to whom Wine Licences are granted for or in respect of the Grant of the same.

No Money to be taken for Licences.

Power may be delegated to Vice Chancellor.

XII. The Chancellor, Masters, and Scholars lawfully can and may from Time to Time delegate to the Vice Chancellor the Power to grant Wine Licences, and it is not and shall not be necessary that they should be under the Common Seal of the University.

Weights and Measures. Justices to exercise certain Powers.

XIII. All Powers and Authorities with respect to the Supervision of Weights and Measures in the Borough (except Powers and Authorities incidental to the Office of Inspector) shall be transferred from the University and its Officers to the Justices of the Peace of the Borough.

Appointment of Inspectors.

XIV. The Vice Chancellor shall have Authority from Time to Time to appoint an Inspector or Inspectors of Weights and Measures, and the Council shall have the like Authority, provided that the Inspectors appointed by the Vice Chancellor and the Council respectively have only concurrent Power, and the University shall provide from its own Funds for the Remuneration of every Inspector appointed by the Vice Chancellor.

Markets & Fairs. Abolition of Privileges.

XV. The Privileges, Powers, and Authorities heretofore exercised by the University and its Officers with respect to the Markets and Fairs of and within the Borough shall be abolished.

Public Exhibitions. Occasional public Exhibitions.

XVI. No occasional public Exhibition or Performance, whether strictly theatrical or not, other than Performances in Theatres which are regulated by the Act Sixth and Seventh *Victoria*, Chapter Sixty-eight, shall take place within the Borough (except during the Period of *Midsummer* Fair, or in the Long Vacation), unless with the Consent in Writing of the Vice Chancellor and the Mayor, and every Person who shall offend against this Enactment shall be liable to forfeit a Sum not exceeding Twenty Pounds, recoverable in like Manner as Penalties imposed by the said Act.

Discommuning.

Continuance of discommuning Power with certain Limitation.

XVII. The Power of discommuning, by which Members of the University in *statu pupillari* are prohibited from dealing with such Persons as have or shall have infringed or not complied with Rules or Decrees made from Time to Time by the Authorities of the University, and publicly proclaimed, shall be continued: Provided nevertheless, that Notice shall be given to the Person in respect to whom the Power is proposed to be exercised in order that he may attend, if he think fit, to show that the Rules have not been infringed, or to explain the Circumstances under which they have been infringed; and provided further that the said Power shall not extend to discommune any Person for adopting legal Remedies for the Recovery of a Debt without having given previous Notice to the University or College Authorities, or to the Deprivation or Suspension of a Wine Licence.

Conusance of Pleas, &c. Abolition in certain Cases.

XVIII. The Right of the University or any Officer thereof to claim Conusance of any Action or Criminal Proceeding wherein any Person who is not a Member of the University shall be a Party, shall cease and determine.

Convictions of Members of the University.

Notice to Vice Chancellor of certain Convictions, &c.

XIX. As often as any Member of the University shall be convicted by any Justice of the Peace of any Offence, a Duplicate or Copy of his Conviction shall be forthwith sent by the Clerk to the Justices to the Vice Chancellor, and in such Case, and also in the Case of any Dismissal by any Justice of the Peace of any Charge against any Member of the University, the Clerk to the Justices shall forthwith, after Application made to him by the Vice Chancellor for a Copy of the Depositions, furnish the same to the Vice Chancellor without making any Charge for the same.

Constables. Copies of Certificates to be sent to Town Clerk.

XX. The Vice Chancellor shall send to the Town Clerk a Duplicate or Copy of every Certificate of the Appointment of a Constable under the Act Sixth *George* the Fourth, Chapter Ninety-seven, as soon as practicable after such Certificate shall be made.

Rates on University and College Property.

University Property.

XXI. The Property of the University herein-after specified is situate within the Parishes in the Borough herein-after respectively mentioned; (that is to say,)

The *Senate House* in the Parish of *Saint Mary the Great*;

The *Settute House Yard* in the Parishes of *Saint Mary the Great* and *Saint Edward*;

The *University Library*, with the Lecture Rooms, Schools, and Museums thereunder, in the Parishes of *Saint Mary the Great* and *Saint Edward*, what was lately *King's College Old Court* in the Parish of *Saint John*;

The *Pitt Press* in the Parish of *Saint Botolph*;

The *Fitzwilliam Museum* in the Parish of *Saint Mary the Less*;

The *Old Botanic Garden* in the Parishes of *Saint Edward* and *Saint Benedict* ;  
 The *Theatre of Anatomy* and the Lecture Rooms adjacent in the Parish of *Saint Benedict* ;  
 The *New Botanic Garden* in the Parish of *Saint Andrew the Less* ;  
 The *Spinning House* in the Parish of *Saint Andrew the Great* ;  
 The *Observatory* in the Parish of *Saint Giles* ;

and so much of the said Property as shall not be exempt from Rates under the subsequent Provisions of this Act shall be assessed to Rates (Rates made under the Improvement Acts excepted) in the said Parishes respectively.

XXII. The Property occupied by the several Colleges, and herein-after specified, is situate within the Parishes in the Borough herein-after respectively mentioned ; (that is to say,) College Property.

*Saint Peter's College* in the Parish of *Saint Mary the Less* ;  
*Clare College* in the Parish of *Saint John* ;  
*Pembroke College* in the Parishes of *Saint Mary the Less* and *Saint Botolph* ;  
*Gonville and Caius College* in the Parish of *Saint Michael* ;  
*Trinity Hall* in the Parish of *Saint John* ;  
*Corpus Christi College* in the Parishes of *Saint Benedict* and *Saint Botolph* ;  
*King's College* in the Parishes of *Saint John*, *Saint Benedict*, *Saint Edward*, *Saint Giles*, and *Saint Mary the Great* ;  
*Queen's College* in the Parish of *Saint Botolph* ;  
*Saint Catharine's College* in the Parishes of *Saint Benedict*, *Saint Botolph*, and *Saint Edward* ;  
*Jesus College* in the Parishes of *Saint Rhadegund* and *All Saints* ;  
*Christ's College* in the Parishes of *Saint Andrew the Great* and *Saint Andrew the Less* ;  
*Saint John's College* in the Parishes of *All Saints*, *Saint Giles*, and *Saint Peter* ;  
*Magdalen College* in the Parishes of *Saint Giles* and *Saint Peter* ;  
*Trinity College* in the Parishes of *All Saints*, *Saint Giles*, and *Saint Michael* ;  
*Emmanuel College* in the Parish of *Saint Andrew the Great* ;  
*Sidney Sussex College* in the Parish of *All Saints* ;  
*Downing College* in the Parishes of *Saint Benedict*, *Saint Botolph*, and *Saint Mary the Less* ;

and so much of the Property of the said several Colleges as shall not be exempt from Rates under the subsequent Provisions of this Act shall be assessed to Rates (Rates made under the Improvement Acts excepted) in the said Parishes respectively.

XXIII. No Rate whatever shall be assessed or imposed upon or in respect of the *Senate House*, the *University Library*, the Schools or the Museums of Science, Laboratories, or Lecture Rooms for the Time being of the University, nor upon or in respect of the Chapels or Libraries for the Time being of any College; provided, that the Buildings, Rooms, or Places respectively hereby exempted from Rates be used for the Purposes aforesaid at the Time of making the Valuation for Assessment then in force. Exemptions from Rates.

XXIV. As respects College Property, the whole thereof shall be deemed to be in the Occupation of the College, although Parts may be exclusively occupied by individual Members thereof or Students ; and the College, if a Corporation, shall be assessed for the same in its Corporate Name ; and for the Property of any College not incorporated the Head thereof shall be assessed, and shall be liable to pay all Rates, although he himself may not occupy the whole or any Part of the Property rated. Colleges to be assessed for Property occupied by individual Members.

XXV. The Amount at which Property occupied by the University or any College shall be assessed shall, as soon as practicable, be determined by Two Valuers, or their Umpire, One of such Valuers to be appointed by the Vice Chancellor, and the other by the Mayor ; and such Two Valuers shall appoint an Umpire before entering upon their Valuation, or in case they cannot agree in the Choice of an Umpire such Umpire shall be chosen by the Poor Law Board. Valuation of University and College Property.

XXVI. As respects Property occupied by the University, or any College situate in more than One Parish (whether such Property be rateable or exempt from Rates), the said Valuers or Umpire shall make duplicate Ground Plans thereof, whereupon the Parochial Boundaries shall be marked, and such Ground Plans shall be signed by the Valuers or Umpire, and shall be deemed conclusive Evidence of such Boundaries, and One Duplicate of the Valuation and Ground Plans aforesaid shall be deposited in the Registrar's Office, and the other in the Town Clerk's Office, for the free Inspection at all seasonable Times of all Parties interested. Ground Plans to define Parochial Boundaries.

XXVII. At any Time after Three Years from the Completion of the First or any subsequent Valuation of Property occupied by the University or any College, the Vice Chancellor or Mayor respectively may by Notice in Writing to the other of them require a fresh Valuation to be made, and the same shall be made accordingly, in like Manner in all respects as the First Valuation. Provision for fresh Valuations of University and College Property.

XXVIII. The said Valuers and Umpire respectively shall have free Access to the Rate Books of every Parish, and also the same Powers which by the Act to regulate Parochial Assessments (Sixth and Seventh *William* the Fourth, Chapter Ninety-six, Section Four), are given to Surveyors acting thereunder. Powers of Valuers.

XXIX. Every Valuation of Property occupied by the University or any College during the Time it continues in force shall be final and conclusive on all Parties interested, nor shall any Rate be subject to Objection, on Appeal or otherwise, in respect of the Amount at which any Property comprised in the Valuation Valuations to be conclusive.

Valuation in force for the Time being shall be assessed, provided such Amount be in conformity with such Valuation.

As to Costs of Valuations.

XXX. The Costs of and incidental to the making of the Ground Plans herein-before directed, and also the Costs of and incidental to the First Valuation of Property occupied by the University or any College, shall be paid in equal Proportions by the Vice Chancellor (on behalf of the University and Colleges), and by the Mayor, Aldermen, and Burgesses; and the Vice Chancellor shall have Power to demand and collect from the several Colleges their respective Shares of such Proportion, according to the Amount of their respective Assessments; and in default of any special Agreement as to the Costs of and incidental to any subsequent Valuation which shall be required by the Vice Chancellor, such Costs shall be paid by the Chancellor, Masters, and Scholars, and in default of any special Agreement as to the Costs of and incidental to any subsequent Valuation which shall be required by the Mayor, such Costs shall be paid by the Mayor, Aldermen, and Burgesses.

As to University and College Property acquired after Valuation.

XXXI. Any Property occupied by the University or by any College, which may be acquired by the University or by any College after any Valuation shall have been made, or which may be accidentally omitted therefrom, shall (if not exempt from Rates under the Provisions of this Act or otherwise) be rated in the ordinary Manner until a new Valuation be made, when such Property shall be included in such new Valuation, if not exempt as aforesaid.

As to certain Rates on Magdalen College.

XXXII. *Magdalen College* shall be exonerated from the Payment of all Rates imposed before the passing of this Act in the several Parishes of *Saint Giles* and *Saint Peter* in respect of any Property for which such College had not previously paid Rates, and the Council may make such Orders as may appear equitable for Payment out of the Borough Fund to the said Parishes, or either of them, of Compensation for the Loss sustained by such Parishes, or either of them, by reason of this Enactment.

For Cessation of Payments under Agreement of October 1850.

XXXIII. The Liability of the University and Colleges to pay any Money under a certain Agreement made in *October* One thousand six hundred and fifty, or under any previous or subsequent Agreement on the same Subject, shall cease from the Time when by the Operation of this Act the Property occupied by the University and Colleges shall be actually assessed to the Poor Rate of any Parish.

Vestry Meetings.

XXXIV. As respects any Vestry to be holden in any Parish wherein the University or any College shall be charged to the Rate for the Relief of the Poor, the Vice Chancellor, or some Member of the Senate deputed by him, shall be deemed the duly authorized Agent of the University, and the Head of such College, or some Member of the College deputed by him, shall be deemed the duly authorized Agent of such College, within the Intent and Meaning of the Act Fifty-ninth *George* the Third, Chapter Eighty-five, Section Two.

Exemption from Municipal and Parochial Offices, &c.

XXXV. No Member of the University or of any College shall, by reason of any Rate on the Property occupied by the University or by such College, be entitled to be registered as an Elector of the Borough, or to be enrolled as a Burgess thereof, or be compellable to serve any Municipal or Parochial Office, or to serve or to be empannelled on any Jury or Inquest, or to perform any Service imposed on Ratepayers.

Union of Parishes, &c.

XXXVI. So much of the Twenty-sixth Section of the Seventy-sixth Chapter of the Fourth and Fifth *William* the Fourth as provides that in any Union each of the Parishes shall be separately chargeable with and liable to defray the Expense of its own Poor, whether relieved in or out of the Workhouse, and so much of the Twenty-eighth Section of that Act as provides for the Mode of calculating the Average according to which the Contribution of Parishes in Unions shall be calculated, shall, in respect of the *Cambridge* Union, from and after the Twenty-ninth Day of *September* One thousand eight hundred and fifty-six, be of none Effect; and thenceforth all the Costs and Charges for the Relief of the Poor in the several Parishes in the said Union shall be borne by One Common Fund, to which such Parishes shall contribute in proportion to the annual rateable Value of the Lands, Tenements, and Hereditaments therein assessable by Law to the Relief of the Poor; and the Guardians of the said Union shall make their Orders for Contribution upon the Churchwardens and Overseers of such Parishes respectively according to such Proportion.

Guardians may obtain Valuation of rateable Property.

XXXVII. The said Guardians may at any Time cause a Survey and Valuation of the rateable Property, or any Part thereof, in any of such Parishes, to be made for the Purpose of ascertaining the true annual rateable Value thereof; and when such Survey and Valuation shall have been made and completed, the Guardians shall cause a Notice thereof to be published in some Newspaper circulating in the said Union; and the Valuation shall be deposited at the Office of the Clerk of the Guardians for the Inspection of all Persons interested therein without Fee or Reward for the Space of Seven Days next following the Date of such Publication; and the said Guardians, after the Expiration of such Period, may reject such Valuation, or adopt it as the Basis upon which to calculate the future Contributions of such Parish or Parishes to the said Common Fund, until the same be set aside or altered as herein-after provided or a fresh Valuation be made: Provided, that as regards any Property occupied by the University or any College, the same shall be valued as in this Act provided.

Provision for Appeal against such Valuation.

XXXVIII. If any Person assessed to the Poor Rate in any Parish in the said Union, or liable to be assessed thereto, shall think himself aggrieved by such Valuation, he may appeal to the next practicable Quarter Sessions for the Borough, giving Notice in Writing of such Appeal to the Clerk of the said Guardians, and such Court shall hear and determine such Appeal by setting aside, confirming, or amending such Valuation, and make such Order as to the Costs attending such Appeal as in the Judgment of the Court shall be proper.

XXXIX. Until



XXXIX. Until such Valuation shall be made and completed, the Guardians, in making their Orders for Contribution on the Churchwardens and Overseers of the several Parishes, shall take the annual rateable Value of such Property in every Parish from the Assessment made for the Relief of the Poor next preceding the making of such Orders.

XL. No Order for Contribution shall be deemed invalid by reason of Error in the Estimate of the rateable Value of Property upon which such Order shall have been calculated.

XLI. Every Churchwarden, Overseer, or Collector of any Parish in the said Union shall, when required so to do, produce to the Guardians as they shall direct any Rate Book, Assessment, or Valuation of rateable Property in his Possession or under his Control, for the Purposes of enabling the Guardians to ascertain the rateable Value of the Property in such Parish; and any such Churchwarden, Overseer, or Collector wilfully neglecting or refusing to produce the same shall for every such Offence pay to the Treasurer of the said Guardians such Sum, not exceeding Five Pounds, as any Two Justices shall order and direct, which Sum shall be recoverable, with Costs, in the Manner provided by the Eleventh and Twelfth *Victoria*, Chapter Forty-three, and such Penalties shall be placed to the Account of the Common Fund of the Union.

XLII. The Guardians shall pay out of the Funds raised by the Contributions to be made according to the Provisions herein contained all the Costs and Charges of and for the Relief of the Poor in the several Parishes comprised in the said Union, together with all other Expenses attending the carrying into effect the Provisions herein-before contained relating to the Relief of the Poor, or set forth in the Seventy-sixth Chapter of the Fourth and Fifth *William* the Fourth, and of the several Acts for amending and extending the same, and the Orders of the Poor Law Commissioners and the Poor Law Board already or hereafter to be issued and directed to the said Guardians, so far as such Acts and Orders are applicable to such Union and the several Parishes comprising the same, or the Poor thereof, and all other Charges and Expenses payable by such Guardians by virtue of their Office.

XLIII. The Guardians shall, as soon as may be after the passing of this Act, pay out of the Moneys in their Hands the outstanding Debts and Charges heretofore incurred for the building or enlarging of the Union Workhouse, and the Purchase of the Industrial Training Ground, and charged upon the Poor Rates of the said Union or of the said Parishes, or either of them, so far as they may be able to do so, and having due regard to the respective Liabilities of the several Parishes towards those Debts.

XLIV. The Guardians may from Time to Time obtain Orders of Justices, upon their Complaint (in like Manner and with the same Powers, Incidents, and Authorities, and subject to the like Liabilities, as the Churchwardens and Overseers of the Poor of any Parish are by Law now empowered, entitled, or subject to), for the Removal of any poor Person, who, not being settled in any Parish in the said Union nor exempt from Removal, shall be or become chargeable to the said Common Fund (the Chargeability to such Fund being in all Cases deemed for the Purpose of such Order a Chargeability to the Parish wherein such poor Person shall inhabit), and the said Guardians shall receive every poor Person removed by Order to any Parish in such Union, and may appeal against any such Order, or any Order for the Maintenance of a pauper Lunatic, in like Manner and with the like Liabilities and subject to the same Provisions as such Churchwardens and Overseers.

XLV. No poor Person who would be removable if this Act had not passed shall be or become irremovable by reason of anything in this Act contained.

XLVI. From the said Twenty-ninth Day of *September* One thousand eight hundred and fifty-six the Parish of *Saint Rhadegund* shall for all Purposes be united to and form Part of the Parish of *All Saints*, and the Parish of *Saint John the Baptist* shall for all Purposes be united to and form Part of the Parish of *Saint Edward*.

XLVII. From and after the Twenty-ninth Day of *September* One thousand eight hundred and fifty-six the Powers of the Vestries of the several Parishes in the *Cambridge* Union to make or rescind Orders for putting in force the Provisions of the Thirteenth and Fourteenth *Victoria*, Chapter Ninety-nine, may be exercised by the Guardians of the said Union exclusively of such Vestries.

XLVIII. The Lands, Tenements, and Hereditaments in any of the said Parishes which may, on or after the said Twenty-ninth Day of *September* One thousand eight hundred and fifty-six, be occupied by the Mayor, Aldermen, and Burgesses, or by the Guardians of the Poor of the said Union, shall whilst so occupied respectively be exempt from Poor Rates.

XLIX. The Guardians of the said Union may pay all the Costs and Charges incurred by them in and about the procuring of this Act, when duly taxed by the proper Officer, out of the Monies in their Possession.

L. So much of the Improvement Acts as enacts that Two Fifths of the annual Sum or Sums to be ascertained and raised under those Acts shall be paid by or on account of the University shall be repealed, and for the future One Fourth only of the annual Sum or Sums which the Improvement Commissioners shall from Time to Time ascertain and direct to be raised shall be paid by or on account of the University in the Manner provided and under the Powers given by the Improvement Acts, which Quota shall be in lieu and instead of any Assessment or Rate on the University or Colleges; and no other Assessment or Rate shall be made on them under the Improvement Acts, and the remaining Part of such annual Sum or Sums shall be paid in the Manner provided by those Acts.

Until Valuation be made Contributions to be according to Poor Rate.

Saving as to Error in Contribution Orders.

Rate Books, &c. to be produced to Guardians by Parish Officers.

All Payments to be made by Guardians out of the Common Fund.

Outstanding Debts to be paid off.

Orders for Removal of Paupers and for Maintenance of Lunatics.

Act not to affect Removability of Poor. Union of certain Parishes.

Guardians may make Orders, &c. under Small Tenements Rating Act.

Certain Property exempt from Poor Rates.

Costs of Guardians in procuring this Act.

Improvement Quota.

Reduction of University Quota under Improvement Acts.

**Watch Committee.**

LL. From and after the Ninth Day of *November* One thousand eight hundred and fifty-six the Watch Committee of the Borough shall consist of—

**Constitution of Watch Committee.**

The Mayor for the Time being ;  
 Nine other Members of the Council, appointed by the Council ;  
 Five Members of the University, being Members of the Senate, appointed by the Senate ;

and at any Meeting of such Committee the Mayor, if present, shall be the Chairman ; and in the Absence of the Mayor a Chairman shall be chosen by the Members of the Committee then present ; and in all Cases where the Votes are equal the Chairman shall have a Second or Casting Vote.

**Watch Committee to be appointed annually.**

LII. The Appointment of Members of the Watch Committee by the Council and Senate respectively shall be made on or before the Ninth Day of *November* in each Year, unless in any Year in which that Day shall be *Sunday*, and in such Year the said Appointment may be made on the Day following ; and the Members of the Watch Committee shall continue in Office from the Tenth Day of *November* in the Year of their Appointment until and including the Ninth Day of *November* in the following Year.

**For Supply of occasional Vacancies.**

LIII. Occasional Vacancies in the Watch Committee may be filled up by the Council or Senate respectively as the same may occur ; and the Persons appointed to supply such Vacancies shall continue in Office for the Residue of the current Year.

**Notice of Appointment of Members of Watch Committee.**

LIV. The Town Clerk shall from Time to Time, with all practicable Despatch, notify in Writing to the Vice Chancellor all Appointments of Members of the Watch Committee made by the Council, and the Registrary shall in like Manner notify in Writing to the Town Clerk all Appointments of Members of the Watch Committee made by the Senate.

**Powers of Watch Committee.**

LV. The Determination of the Number, the Appointment, Dismissal, and entire Management and Direction of the Constabulary Force shall be vested in such Watch Committee, but the said Watch Committee shall not have the Power of making Orders for the Payment of Money out of the Borough Fund.

**Borough Fund.****Senate to appoint Three Auditors to join in auditing Borough Fund.**

LVI. And whereas it is expedient to provide Means for giving to the University and Colleges a Knowledge of any intended Expenditure from or out of the Borough Fund, and for urging any Objections they may have to it, as well as for giving the Right of removing Orders for Payment of Money into the Court of Queen's Bench, under the Statute Seventh *William* the Fourth and First *Victoria*, Chapter Seventy-eight, or other Statutes : Be it enacted, That the Senate shall annually appoint Three Members of the Senate to audit the Accounts of the Treasurer of the Borough conjointly with the Three Auditors elected and appointed under the Municipal Corporation Act ; but it shall not be necessary that the Auditors so appointed by the Senate (herein-after termed University Auditors) should take any Oath or make any Declaration.

**Duration of Office of University Auditors.**

LVII. The University Auditors shall continue in Office from the First Day of *March* in the Year of their Appointment, until and including the last Day of *February* in the following Year.

**For Supply of occasional Vacancies.**

LVIII. Occasional Vacancies in the Office of University Auditor may be filled up by the Senate as the same may occur, and the Persons appointed to supply such Vacancies shall continue in Office for the Residue of the current Year.

**Notice of Appointment.**

LIX. The Registrary shall from Time to Time notify in Writing to the Town Clerk all Appointments of University Auditors.

**Appointment of Finance Committee, &c.**

LX. The Council of the Borough shall annually appoint a Finance Committee, and every Question concerning the Payment of Money out of the Borough Fund shall be submitted to the Finance Committee Six Days at least before the same is brought under the Consideration of the Council.

**University Auditors to have Notice of Meeting of Finance Committee.**

LXI. The University Auditors shall have Three Days Notice of every Meeting of the Finance Committee for the Purposes herein-before mentioned, and of the Business to be transacted at such Meeting ; and they or any of them shall be at liberty to attend at such Meeting, and to be heard on the Matters and Business then brought forward, but shall not have any Right of voting.

**Vice Chancellor, &c. to have Privileges and Rights conferred by 5 & 6 W. 4. c. 76. s. 93. and 7 W. 4. & 1 Vict. c. 78. s. 22.**

LXII. The Vice Chancellor or his Locum tenens, and the Head of every College or his Locum tenens, shall have all the Privileges conferred on any Burgess or on any Alderman or Councillor by the Acts Fifth and Sixth *William* the Fourth, Chapter Seventy-six, Section Ninety-three, and Seventh *William* the Fourth and First *Victoria*, Chapter Seventy-eight, Section Twenty-two, or by this Act, and shall be deemed Persons interested in the Borough Fund within the Intent and Meaning of the Forty-fourth Section of the last-mentioned Act and of this Act.

**Parties to bear their own Costs of Reference.**

LXIII. Except as herein-after stated, all Parties shall bear and pay their own Costs of the said Reference.

**As to Expenses of Act, &c.**

LXIV. One equal Moiety of the Costs common to both the said University and the said Borough, and also of the Costs of and incidental to this Act, shall be paid by the Chancellor, Masters, and Scholars of the University, and the other of such equal Moieties shall be paid by the Mayor, Aldermen, and Burgesses out of the Borough Fund.

## Cap. xviii.

An Act to enable the *Ulster Railway Company* to subscribe towards the Undertaking of the *Portadown and Dungannon Railway Company*, and to authorize certain Arrangements between the said Companies, and for other Purposes. [5th June 1856.]

## Cap. xix.

An Act for supplying with Water the Town of *Filey* and the Environs and Neighbourhood thereof, and other Places in the East and North Ridings of the County of *York*, and for authorizing the Purchase of the *Filey Gasworks*, and for supplying the said Town with Gas; and for other Purposes.

[5th June 1856.]

[*Subscribers incorporated*, § 7. *Capital*, £6,000, § 8. *Power to borrow not exceeding One Fourth of Share Capital*, § 11. *Company may purchase Works of Filey Gas Company*, § 37. *Company to give Notice of Change of Name*, § 44. *Power to raise additional Capital by Issue of new Shares*, §§ 53 and 54.]

## Cap. xx.

An Act to empower the *Wakefield Gaslight Company* to raise a further Sum of Money. [5th June 1856.]  
[*Power to raise additional Money by Creation of new Shares*, § 1. *Power to borrow* £10,825, § 6.]

## Cap. xxi.

An Act for incorporating the *Worksop Gas Company*. [5th June 1856.]

[*Incorporation of Company*, § 5. *Amount of Capital, and its Appropriation*, § 17. *As to Rate of Dividend*, § 20. *Existing Securities to be called in and new Mortgages to be granted*, § 21. *Saving Rights of Manchester, Sheffield, and Lincolnshire Railway Company, Lords of Manors, and Local Board of Health*, §§ 53, 54, 55.]

## Cap. xxii.

An Act to amend and extend the Provisions of "The *Llanidloes and Newtown Railway Act, 1853*;" and to enable the *Llanidloes and Newtown Railway Company* to make certain Deviations in their authorized Line and Levels, and for other Purposes. [5th June 1856.]

## Cap. xxiii.

An Act to confer further Powers on the *Boston Gaslight and Coke Company*. [5th June 1856.]  
[*Capital*, £20,000, § 17. *Appropriation of new Shares for existing Shares*, § 18. *Creation and Issue of new Shares*, § 21. *Calls on new Shares*, § 24. *Power to borrow on Mortgage*, § 27. *Saving Powers of Paving and Lighting Commissioners*, § 47. *Saving Rights of Corporation*, § 60.]

## Cap. xxiv.

An Act to enable the *East of Fife Railway Company* to make a Deviation in the Line of their Railway, and for other Purposes. [5th June 1856.]

## Cap. xxv.

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*. [5th June 1856.]  
[*Appointment of Trustees*, §§ 4 and 5. *Provisions as to Tolls*, §§ 9 to 16.]

## Cap. xxvi.

An Act for more effectually paving, cleansing, lighting, and otherwise improving the Town of *Gravesend* in the County of *Kent*. [5th June 1856.]

[3 & 4 Vict. cc. li. and lx. repealed, § 3. *Map of Limits of Town under this Act to be deposited with the Town Clerk*, §§ 4 and 5. *Appointment of Commissioners*, § 10. *Division of Town into Wards*, § 14. *Provisions as to Elections*, §§ 15 to 21. *Rights, &c. under repealed Acts to continue*, § 30. *Power to borrow Money on Mortgage of Town Account*, § 67. *Power to levy Rates*, § 72. *Application of Moneys carried to Gravesend Ward, Milton Ward, and Gravesend Town Accounts*, §§ 78, 79, and 80. *Lands, &c. of Her Majesty exempt from Operation of this Act, except as to Liability of Rates, &c.*, § 83. *Saving Rights of Corporations of Gravesend and the City of London*, §§ 85 and 86.]

## Cap. xxvii.

An Act to enable the *Scarborough Waterworks Company* to raise a further Sum of Money, and to extend the Limits for the Supply of Water, and to amend the Provisions of the Act relating to such Company. [5th June 1856.]

[*Power to raise additional Money* (£20,000) *by Creation of new Shares*, § 4. *Provisions as to old and new Capital*, §§ 5 to 14. *Power to borrow on Mortgage* £5,000, § 15. *Limits of recited Act* (8 & 9 Vict. c. lxviii.) *extended to Part of the Parish of Scalby*, § 18.]

## Cap. xxviii.

An Act to repeal the Acts relating to the *Sleaford and Tattershall* Turnpike Road, and to make other Provisions in lieu thereof. [5th June 1856.]

[33 Geo. 3. c. cl. and 54 Geo. 3. c. lv. repealed, § 1. Bonds, &c. under repealed Acts to be good under this Act, § 5. Appointment of Trustees, § 8: Present Leases of Tolls confirmed, and Tolls continued till 22d July 1858, § 12. Provisions as to Tolls and Toll Gates, §§ 13 to 21. As to Compensation to Owner of *Tattershall Ferry*, § 23. Act to commence on 1st October 1856, and continue in force for Twenty-one Years.]

## Cap. xxix.

An Act to confer further Powers on the *Bath* Gaslight and Coke Company. [23d June 1856.]

[58 Geo. 3. c. lv. repealed, but subject to Provisions contained in this Act, § 1. Company to continue incorporated, § 5. Liability of Company continued, § 6. Capital, £85,000, § 16. Provisions as to old and new Shares, §§ 17 to 24. As to Dividends on new Shares, §§ 25 and 26. Power to borrow on Mortgage £10,000, § 29. Powers as to Construction of Gasworks, &c., §§ 47 to 61. Saving Rights of Corporation of *Bath*, § 68.]

## Cap. xxx.

An Act to confer further Powers on the *Cheltenham* Gaslight and Coke Company. [23d June 1856.]

[Commencement of Act, and Repeal of 59 Geo. 3. c. xvii., § 5. Company to continue incorporated, § 6. Capital, £75,000, § 18. Power to raise Money by Creation of new Shares, § 23. Power to borrow Moneys on Mortgage or Bond, §§ 32 and 33. Saving Rights of *Cheltenham Improvement Commissioners*, § 69.]

## Cap. xxxi.

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*. [23d June 1856.]

[57 Geo. 3. c. liv. repealed, § 1. Appointment of Trustees, § 5. Saving Rights of *Bedford Level Corporation* and others, § 18. Act to commence on the Third Monday after passing, and continue for Twenty-one Years, § 20.]

## Cap. xxxii.

An Act to extend the Municipal Boundaries of the City of *Edinburgh*, to transfer the Powers of the Commissioners of Police to the Magistrates and Council, and for other Purposes relating to the Municipality of the said City. [23d June 1856.]

[After passing of this Act, the Municipal Boundaries and Jurisdictions of the City of *Edinburgh* extended to Limits, &c. specified in 2 & 3 W. 4. c. 65., except the *Dean of Guild's Jurisdiction*, § 3. Provisions as to Register of Electors and Elections, §§ 11 to 22. Property, &c. vested in Council elected under this Act, § 25. Rights of Superiority transferred to Council, § 26. Rights to levy the One per Cent. Tax to cease, § 27. Acts extending the Royalty reserved, § 28. Parochial Arrangements and Payment of Teinds, &c. not to be affected, § 29. Annuity Tax not to be extended, § 30. Thirlage not to extend to Territory not previously subject, § 32. Certain Payments to *Burgh of Canongate*, &c. to cease, § 34. Water Gate Customs to cease, § 35. Council Chamber of *Canongate* to be maintained, § 36. Office of Clerk of *Canongate* to continue in the Person of *W. Fraser, Esq.*, during his Life, &c., § 37. As to Stipend of Ministers of *Canongate*, § 38. Offices, &c. of Commissioners of Southern Districts to cease, § 39. Land Tax how to be raised, § 40. Provisions as to Police District, and Appointment of Officers, §§ 41 to 54. Provisions as to the Paving Board, §§ 55 to 60.]

## Cap. xxxiii.

An Act to authorize the *Cork and Youghal* Railway Company to extend their Railway into *Cork*, and for other Purposes. [23d June 1856.]

[As to Tolls upon new Railway, § 19. Saving Rights of the Corporation of *Cork*, § 23. Saving Rights of the Harbour Commissioners, § 24.]

## Cap. xxxiv.

An Act for altering the Name of the *Banbridge, Newry, Dublin, and Belfast Junction* Railway Company to the Name "The *Banbridge Junction* Railway Company," for increasing their Capital and extending their Powers, and for other Purposes. [23d June 1856.]

[16 & 17 Vict. c. ccviii. repealed, § 5. Corporation to continue incorporated by the Name of "The *Banbridge Junction* Railway Company," § 6. Provision for Protection of Rights under repealed Act, § 8. Powers of *Dublin and Belfast Junction* Railway Company to subscribe to Undertaking, § 22. Capital, £60,000, § 23. Saving Rights of Preference Shareholders, § 31. Power to borrow £20,000 on Mortgage, § 41. Saving Rights of *James Greer Bell*, of *Tullylish*, § 59. Provisions as to Works on the *Newry Canal*, §§ 63 to 67. As to Agreements with the *Dublin and Belfast Junction* Railway Company, §§ 74 to 82.]

## Cap. xxxv.

An Act for enlarging and improving the Justiciary Court House, and Court Houses and Public Buildings of the City of *Glasgow* and County of *Lanark*, for erecting additional Buildings, for amending the Act relating thereto, and for other Purposes. [23d June 1856.]

[Provisions as to Power to levy Assessments, §§ 5 to 10. Power to borrow on Cash Credit, § 19. Power to erect Court Hall and Offices, § 21.]

## Cap. xxxvi.

An Act for making better Provision for supplying the Districts of *Dewsbury*, *Batley*, and *Heckmondwike* with Water, and for confirming an Agreement between the Local Boards of Health of those Districts ; and for other Purposes. [23d June 1856.]

[As to Union of the *Dewsbury*, the *Batley*, and the *Heckmondwike* Boards for Purposes of this Act, §§ 3 to 12. After passing of this Act, 16 & 17 Vict. c. cxxvii. repealed, § 13. Certain Provisions of 8 & 9 Vict. c. 18. and 10 & 11 Vict. c. 17. incorporated with this Act, § 14. Provisions as to Appointments of Committee for Purposes of this Act, §§ 30 to 41. Expenses, &c. of united Boards to be divided in certain Proportions, § 42. Saving Rights of Millowners, § 70. Certain Rights of Fishing reserved, § 83. For Protection of the Rights of *John Chapman, Esq.*, § 88. For Protection of Water Supply of *Birdsedge Mills and Estate*, § 89. For Protection of Property of *W. Bayley, Zipporah Wood, and Luke Thomas Crossley*, §§ 90 to 93. Power to make Public Water Rate, § 105. Churches, Chapels, Schools, &c. not to be rated, § 106. Certain Provisions as to Power to levy Rates, §§ 108 to 112. Power to borrow on Security of Works, &c., § 114. Application of Receipts of the Three Boards, §§ 117, 118, and 119. Saving Rights of Railway Companies, §§ 126 to 129. Saving Rights of Local Boards, § 134.]

## Cap. xxxvii.

An Act for the Continuance and Regulation of the *Kettering and Newport Pagnell* Turnpike Road Trust. [23d June 1856.]

[4 Geo. 4. c. lxxvii. repealed, § 1. Appointment of Trustees, §§ 6 and 7. Provisions as to Tolls, §§ 9 to 19. As to mode of discharging Debt, § 24. Act to commence on Second Thursday after passing, and to continue for Twenty-one Years, § 27.]

## Cap. xxxviii.

An Act to amend the Provisions and extend the Limits of the Act relating to the City of *Coventry* Gaslight Company. [23d June 1856.]

[1 & 2 Geo. 4. c. 1. repealed, § 1. Re-establishment of *Coventry Gas Company*, § 6. Works of dissolved Company vested in Company hereby incorporated, § 8. Existing Lease of Undertaking confirmed, § 9. Rates, &c. payable under repealed Act to continue till altered by this Act, § 10. Capital, £40,000, § 15. Power to raise additional Money by Creation of new Shares, § 18. Existing Bonds of the Company confirmed, § 23. Power to borrow on Mortgage £10,000, § 24. Saving Rights of Corporation, and of *Coventry Waterworks Company*, § 61.]

## Cap. xxxix.

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. [23d June 1856.]

[Appointment of Trustees, § 4. Roads passing through the Lands of *T. Hustler, Esq.*, to be made under certain Conditions, § 10. Provisions as to Tolls, §§ 27 to 39. Power to borrow on Mortgage, § 40. Application of Income, § 43. As to Mode of discharging Debts, § 45. Saving Rights of the Crown, § 46. Act to commence on Fourth Thursday after passing, and to continue in force for Twenty-one Years, § 48.]

## Cap. xl.

An Act to authorize the making of a Railway from the *Great North of Scotland* Railway to *Alford* in the County of *Aberdeen*, to be called "The *Alford Valley* Railway." [23d June 1856.]

[Subscribers incorporated, § 3. Capital, £85,000, § 4. Power to borrow £28,000, § 7. Application of Capital, § 8. Power to *Great North of Scotland* Railway Company to subscribe, § 9. Company not to interfere with the Estate of *Haughton* without Consent, § 25. Power to stop up Road in the Parish of *Kemnay*, § 32. Provisions as to the Communication, &c. with the *Great North of Scotland* Railway, §§ 37 to 41. Provisions as to Tolls, §§ 42 to 50.]

## Cap. xli.

An Act to amend "The *Saint Ives and West Cornwall Junction* Railway Act, 1853." [23d June 1856.]

[Certain Sections of 16 & 17 Vict. c. clv. repealed, § 2.]

## Cap. xlii.

An Act to make further Provision for supplying with Water the Borough of *Shrewsbury* in the County of *Salop*. [23d June 1856.]

[7 & 8 *Vict. c. lxxxiii. repealed, and Company dissolved, § 3. Re-incorporation of Shrewsbury Waterworks Company, &c., §§ 6 to 15. Capital, £32,000, § 19. Power to raise Money by Creation of new Shares, § 22. Power to raise Money, £5,500, by Mortgage, § 23. Power to convert Loans into Capital, § 26. Payment and Application of Purchase Money, § 71. Power to borrow Money on Security of Rates, § 79. Principle of 11 & 12 *Vict. c. 63. to be applied to the Assessment of certain Lands, § 81. Rights of Corporation to Pumps, &c. preserved, § 86. Saving Rights of Shrewsbury Gas Company, § 88.*]*

## Cap. xliii.

An Act to amend an Act passed in the 7th and 8th 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. [23d June 1856.]

[7 & 8 *Geo. 4. c. lxxii. repealed, § 1. Appointment of Trustees, § 6. Provisions as to Tolls, §§ 11 to 18. Regulating Toll for passing from Leeds and Barnsdale Road towards Leeds, and vice versâ, § 19. As to Toll from Lord Stourton's Estates at Rothwell Haigh, &c., §§ 20, 21, 22. Power for Lord Stourton, &c. to make and lay Railroads, § 23. Act to commence on the First of November 1856, and continue for Twenty-one Years, § 32.*]

## Cap. xlv.

An Act for regulating the Capital of the *Fleetwood, Preston, and West Riding Junction Railway Company*, for making further Provision with respect to Tolls to be taken on the Railway, and for other Purposes. [23d June 1856.]

[9 & 10 *Vict. c. ccxvi. repealed, § 5. General Saving of Rights under recited Act, § 8. Capital, £270,000, § 34. Saving of Preference Shares, § 47. Power to borrow on Mortgage £50,000, § 67. Provisions respecting Streets, &c. in Preston, §§ 72 to 80. Provisions as to Lancaster Canal, §§ 81 to 85. As to Purchase of Preston and Longridge Railway, §§ 86 to 90. Agreements for User of Blackburn, Clitheroe, and North-western Junction Railway, §§ 91, 92. As to Junctions with other Railways, § 93. As to Lease on Sale of Railway to Preston and Wyre Railway, Harbour, and Dock Company, §§ 94 to 100. Provisions as to Tolls on Longridge Railway, §§ 101 to 109. Saving Rights of Corporation, &c., § 110.*]

## Cap. xlv.

An Act for making a Railway from the *Chester and Holyhead Railway* at or near to *Rhyl* in the County of *Flint* to the Town of *Denbigh* in the County of *Denbigh*, to be called "*The Vale of Clwyd Railway*." [23d June 1856.]

[*Incorporation of Company, § 3. Capital, £60,000, § 4. As to Communications with the Chester and Holyhead Railway, §§ 23, 24. Saving Rights of the Crown, § 25. Saving Rights of the Rhuddlan Marsh Embankment Trustees, § 30.*]

## Cap. xlvi.

An Act to discontinue the taking of Toll on the Turnpike Roads leading from the Town of *Antrim* towards *Coleraine*, and to provide for the future Maintenance of such Roads. [23d June 1856.]

[7 *W. 4. & 1 *Vict. c. xli. repealed, and Roads declared public, § 3. Grand Jury to present Costs, &c., § 10.*]*

## Cap. xlvii.

An Act to amend and consolidate the Acts relating to the *Shrewsbury and Hereford Railway Company*, to enable that Company to raise further Sums of Money, to acquire additional Lands; and for other Purposes. [23d June 1856.]

[9 & 10 *Vict. c. cccxxv., 13 & 14 *Vict. c. xxvi., 17 & 18 *Vict. c. cxlix., and 17 & 18 *Vict. c. clxxiv. repealed, § 2., but certain Sections as in Schedules to this Act continued, § 3. Company to continue incorporated, § 4. Powers, &c. of Acts not hereby repealed, reserved, § 10. Capital, £675,000, § 17. Power to borrow £225,000, § 19. Power to create Preference Shares to the Extent of £50,000, § 33.*]*]**

## Cap. xlviii.

An Act to enable the Mayor, Aldermen, and Burgesses of the Borough of *Cork* to remove certain Bridges, and to build new Bridges in lieu thereof; to confirm certain Arrangements with the *Cork Pipe Water Trustees*; to provide the necessary Funds for affording an improved Supply of Water at *Cork*; to alter, amend, and enlarge certain Powers and Provisions of the *Cork Improvement Act, 1852*; and for other Purposes. [23d June 1856.]

[*Power to remove Bridges in the Borough and construct others, § 5. Corporation to provide Scales at Bridges, and to cause Register of Tides to be kept, § 21. Power to borrow Money for Bridges only on*

*the Credit of Improvement Rate leviable under 15 & 16 Vict. c. cxliii. For Payment of Purchase of Shares of Pipe Water Trust, § 28. Compensation to Officers for Loss of Office, §§ 29, 30. Repeal of Section 81 of 15 & 16 Vict. c. cxliii., § 34. Corporation to erect public Fountains or Stand Pipes, § 37. Power to Corporation to levy public and domestic Water Rates, &c., §§ 41 to 49. Power to borrow for Purposes of Gasworks, § 51. Provisions of 10 & 11 Vict. c. 89. extended to Government Constabulary, § 56. Provisions as to Hackney Carriages, §§ 57 to 60. As to Consolidation of Collection of Corporation Rates, § 61. As to Sale, &c. of unwholesome Food, §§ 62 to 65. Saving Rights of the Crown, § 69.]*

## Cap. xlix.

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. [23d June 1856.]

[25 Geo. 2. c. liii., 11 Geo. 3. c. lxxv., 39 Geo. 3. c. ix., 1 Geo. 4. c. ii. repealed, § 1. Appointment of Trustees, §§ 10 and 11. Provisions as to Tolls, §§ 14 to 22. Act to commence on 1st November 1856, and to continue for Twenty-one Years, § 27.]

## Cap. l.

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. [23d June 1856.]

[7 Geo. 4. c. xiv. repealed, § 1. Appointment of Trustees, §§ 8 and 9. Provisions as to Tolls and Toll Gates, §§ 15 to 25. Defining Amount of Principal Debt, § 26. As to Mode of discharging Debt, § 32. Act to commence on 1st November 1856, and to continue for Twenty-one Years, § 35.]

## Cap. li.

An Act for regulating the Capital and Mortgage Debt of the *Eastern Counties Railway Company*; and for other Purposes. [23d June 1856.]

[Recital of 6 & 7 W. 4. c. cvi., 1 & 2 Vict. c. lxxxii., 4 & 5 Vict. c. xiv., 7 & 8 Vict. c. xx., 6 & 7 W. 4. c. ciii., 2 & 3 Vict. cc. lxxvii. and lxxviii., 3 & 4 Vict. c. lii., 4 & 5 Vict. cc. xxiv. and xlii., 6 & 7 Vict. c. xxviii., 7 & 8 Vict. cc. xxxv. and lxii., 8 & 9 Vict. cc. cx. and cci., 9 & 10 Vict. cc. ccv., cclviii., and cclxvii., 7 & 8 Vict. c. lxxi., 9 & 10 Vict. c. lii., 10 & 11 Vict. c. xcii., 8 & 9 Vict. c. lxxxv., 10 & 11 Vict. c. clvi., 9 & 10 Vict. c. cclvi., 10 & 11 Vict. cc. clvii., ccxxxv., and clviii., 15 & 16 Vict. cc. xxx. and xxxiii., 9 & 10 Vict. c. clxxii., 10 & 11 Vict. cc. xii. and xx., 15 & 16 Vict. cc. li., lxxv., and cviii., 16 & 17 Vict. cc. lxxxvii. and cxvii., 17 & 18 Vict. cc. cliii. and ccxx. Powers of Company of raising Money under recited Acts extinguished, § 4. Declaration of Capital as existing on 31st December 1855, £9,596,215, § 5. Such declared Capital confirmed, § 6. Priority of Preference Capital, §§ 7, 8. Saving Rights of Northern and Eastern Shareholders, § 9. Saving Rights of Colchester, Stour Valley, Sudbury, and Halstead Railway Company, § 10. Company to pay off, within Twenty Years, such of their Mortgage Debt as exceeds £2,800,000, § 12. Power to raise, by new Shares, such Sums as are requisite for Reduction of Mortgage Debt, § 13. Power to issue new Shares of different Classes, § 15. Saving as to existing Preference Shares, § 16. Provisions as to Calls, Dividends, &c. of new Shares, §§ 17 to 45. Power to create Debenture Stock, &c., §§ 46 to 51. Power to borrow on Mortgage, inclusive of their present Mortgage Debt, £3,195,270, but not to borrow on Bond, § 52. Saving Rights of Railway Companies named in Preamble to this Act, § 64.]

## Cap. lii.

An Act for extending the Time for the Completion of the Works authorized by "The *Hampstead Junction Railway Act, 1853.*" [23d June 1856.]

## Cap. liii.

An Act for making a Railway from *Lowestoft* to join the *East Suffolk Railway* in the Parish of *Beccles*, all in the County of *Suffolk*, and for other Purposes connected therewith. [23d June 1856.]

[Subscribers incorporated, § 4. Capital, £80,000, § 5. Power to borrow £23,000, § 8. No Deviation at Eastern Terminus without Consent of Admiralty, § 28. Provisions as to Tolls, §§ 31 to 40. Provisions as to Agreement with the *East Suffolk Railway Company*, §§ 41 to 46.]

## Cap. liv.

An Act to enable the *Midland Railway Company* to raise additional Capital, and for other Purposes. [23d June 1856.]

[Power to raise additional Capital, £400,000, § 3. Power to borrow £133,000, § 11.]

## Cap. lv.

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*. [30th June 1856.]

[7 Geo. 4. c. xl. repealed, § 1. Appointment of Trustees, §§ 5 and 6. Provisions as to Tolls, §§ 9 to 16. Act to commence on 1st November 1856, and to continue for Twenty-one Years, § 25.]

## Cap. lvi.

An Act for better paving the City of *Glasgow*, and for other Purposes in relation to the Statute Labour of the said City. [30th June 1856.]

[*Power to borrow £106,300. 11s. 9d., and to grant Mortgage Bonds, § 6. Power to raise Money on Bonds of Annuity, § 8. Power to redeem Annuities, § 9. Saving Rights of Barony Parish and Govan Statute Labour Road Trustees, § 12.*]

## Cap. lvii.

An Act for the Transfer of the *Wolverhampton* Waterworks to the *Wolverhampton* New Waterworks Company, and for other Purposes. [30th June 1856.]

## Cap. lviii.

An Act for repairing the Road from *Blackburn* in the County Palatine of *Lancaster* to *Addingham* and *Cocking End* in the West Riding of the County of *York*, and the Road from *Old Accrington* to its Junction with such Road in *Habergham Eaves* in the said County of *Lancaster*. [30th June 1856.]

[*7 & 8 Geo. 4. c. lix. repealed, § 1. Appointment of Trustees, §§ 8 and 9. Provisions as to Tolls, §§ 13 to 30. Certain Trustees who are Creditors on the Tolls to have a Preference, § 31. Certain other Creditors to be next preferred in the Order pointed out, § 32. Act to commence 1st November 1856, and to continue for Twenty-one Years, § 40.*]

## Cap. lix.

An Act to incorporate "The *West Ham* Gas Company," to enable them to raise further Money, to confirm a Contract between the said Company and the *Commercial* Gas Company; and for other Purposes. [30th June 1856.]

[*Agreement with the Commercial Gas Company confirmed, § 6. Company incorporated, § 13. Capital, £80,000, § 24. Power to raise additional Capital by Creation of new Shares, § 28. Limitation of Dividend on Capital, § 29. Power to borrow on Mortgage, § 32. Saving Rights of Commissioners of Sewers, of Trustees of the Middlesex and Essex Turnpike Roads, of Trustees of the Commercial Roads, of Commissioners of the Metropolis Turnpike Roads, of Surveyors for Repair of Highways in the Parish of West Ham, §§ 57 to 61.*]

## Cap. lx.

An Act to continue the *Honiton and Sidmouth* Turnpike Trust, and for other Purposes. [30th June 1856.]

[*56 Geo. 3. c. xxxii. repealed, § 1. Appointment of Trustees, §§ 5 and 6. Provisions as to Tolls, §§ 9 to 16. Act to commence on the Second Wednesday after passing, and to continue for Twenty-one Years, § 25.*]

## Cap. lxi.

An Act for making a Railway from the *Chappel* Station of the *Colchester, Stour Valley, Sudbury, and Halstead* Railway to *Halstead* in the County of *Essex*, and for other Purposes. [30th June 1856.]

[*Subscribers incorporated, § 4. Capital, £40,000, § 5. Power to borrow £13,333, § 10. Junction with the Colchester, Stour Valley, Sudbury, and Halstead Railway to be approved by Engineer of Eastern Counties Railway, § 21. Lands, &c. of Colchester, &c. Railway not to be interfered with without Consent, § 22. As to Agreements with certain Railway Companies, §§ 29 and 30. Provisions as to Tolls, §§ 32 to 42.*]

## Cap. lxii.

An Act to incorporate "The *Wandsworth and Putney* Gaslight and Coke Company," and for other Purposes. [30th June 1856.]

[*Incorporation of Company, § 6. Property, &c. of old Company transferred to new Company, § 7. Deed of Settlement, dated 15th February 1854, void, § 8. Saving Rights and Liabilities, § 9. Capital, £30,000, § 14. Power to raise Capital by Creation of new Shares, § 19. Power to borrow on Mortgage not exceeding £6,000, § 22. For Protection of Southwark and Vauxhall Water Company, § 32. Power to lease Undertaking, § 37.*]

## Cap. lxiii.

An Act to authorize the *North British* Railway Company to raise more Money, and to build a Bridge over *Leith Wynd* in *Edinburgh*, and for other Purposes. [30th June 1856.]

[*Power to raise Money by Creation of new Shares, § 3. Power to raise Money by Debenture Shares, § 4. Provisions as to Amount, Payment, Deposit, and Preference on Shares, §§ 5 to 8. Additional Capital to be Part of General Capital, § 9. Power to borrow £50,000, § 11. Power to appropriate Gilmore Street for Station Purposes, § 16.*]

## Cap. lxiv.

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*. [30th June 1856.]

[*5 Geo. 4. c. iv. repealed, § 1. Appointment of Trustees, §§ 6 and 7. New Roads described, § 11. Provisions as to Toll Gates and Tolls, §§ 21 to 34. Act to commence on 1st November 1856, and to continue for Twenty-one Years, § 38.*]



## Cap. lxxv.

An Act to consolidate the Drainage Trusts in *Deeping Fen* in the County of *Lincoln*, and for other Purposes relating to the said Fen. [30th June 1856.]

[After passing of this Act, Powers granted, &c. under 16 & 17 Car. 2. c. 11., 22 Car. 2. c. 15., 11 Geo. 2. c. 39., 14 Geo. 3. c. 23., 41 Geo. 3. c. cxxviii., and 4 Geo. 4. c. lxxvi. to cease, and Drainage Works, &c. transferred to General Works Trustees, §§ 2 to 8. As to Improvement of River *Glen*, § 16. Provisions as to Taxes on Lands, §§ 21 to 28. River *Glen* Rates to be paid by Trustees, § 30. Application of Funds of Trustees, § 37. As to Map of Parish of *Deeping Saint Nicholas*, §§ 51 and 52. Parish to maintain its own Highways, and for that Purpose to be divided into Townships, §§ 54 to 59. Power to borrow on Mortgage of Highway Rates, § 60. Saving Rights of Commissioners of Sewers and of the Crown, §§ 64, 65.]

## Cap. lxxvi.

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.*" [30th June 1856.]

[1 Geo. 4. c. xxviii. repealed, § 2. Appointment of Trustees, §§ 5 and 6. Provisions as to Tolls, §§ 9 to 22. Act to commence on 1st November 1856, and to continue for Twenty-one Years, § 27.]

## Cap. lxxvii.

An Act for enlarging and improving the *Elgin and Lossiemouth Harbour*, for raising a further Sum of Money, and for other Purposes. [30th June 1856.]

[4 & 5 Will. 4. c. lxxxvi. repealed, § 2. Company to remain incorporated, § 6. Power to Company to raise further Monies by Creation of new Shares, § 16. Provisions as to Division of Capital into Shares, Calls, &c., §§ 17 to 25. Power to borrow on Mortgage of Rates and Duties, § 27. Power to borrow on Credit of a Cash Account, § 28. Provisions as to levying of Rates, §§ 49 to 53. Provisions as to Pilots, §§ 57 to 59. Saving Rights of the Crown and of the Admiralty, §§ 63, 64.]

## Cap. lxxviii.

An Act to enable the *Carmarthen and Cardigan Railway Company* to make a Deviation of a Portion of their Line of Railway, and to abandon Parts thereof, and to grant further Powers to the Company; and for other Purposes. [30th June 1856.]

[Description of new Line of Railway, § 5. Provisions as to Junction with the *South Wales Railway*, §§ 17 to 20.]

## Cap. lxxix.

An Act to enable the *Luton, Dunstable, and Welwyn Junction Railway Company* to alter the present authorized Junction of their Railway with the *Leighton Buzzard and Dunstable Branch* of the *London and North-western Railway*; and for other Purposes. [7th July 1856.]

[Power to apply Funds to Deviation Line, § 3. Agreement with *London and North-western Railway Company* confirmed, §§ 10, 11. As to Alteration of certain Tolls, § 13.]

## Cap. lxxx.

An Act for incorporating the *Scottish Drainage and Improvement Company*, and to afford greater Facilities for the Improvement of Land in *Scotland*. [7th July 1856.]

[Description of Improvements authorized to be made, § 4. Incorporation of Company, § 6. Capital, £100,000, § 19. Company may raise additional Capital by Creation of new Shares, § 20. Power to make Advances for Improvements of Lands, § 27. Inclosure Commissioners to frame Forms of Applications, &c., § 32. Provisions as to Contracts with Company for Improvements, §§ 33 to 38. Power to Inclosure Commissioners to sanction proposed Improvements, &c., §§ 39 to 43. In case of Church Lands Presbytery and Patron to consent, § 44. In case of Dissent to apply to Court of Session, § 45. Inclosure Commissioners to cause Works to be inspected, § 48. Provisions as to Expenses of Improvements, §§ 49 to 54. As to Registry of Rentcharges, &c., § 55. Proprietors of Entailed Estates may avail themselves of Provisions of this Act, § 56. Power to issue Mortgage Debentures § 57. Power to appoint a Judicial Factor in case of Nonpayment of Debentures, § 58. Provisions as to Charges payable to Company being in arrear, &c., §§ 59 to 61. Registers of Charges, Debentures, &c. to be kept, § 62. Owners of adjoining Land may sell or grant Servitudes, &c., § 63. Power to enter on Lands to be improved, § 64. Saving Rights of the Crown and of the Admiralty, §§ 77 and 78. Act not to extend to *England or Wales, or to Ireland*, § 84.]

## Cap. lxxxi.

An Act for making a Railway from *Lymington* in the County of *Southampton* to the *London and South-western Railway* at *Brochenhurst* in the same County, to be called the "*Lymington Railway*," with a Landing Place at *Lymington* aforesaid, and for other Purposes. [7th July 1856.]

[Subscribers incorporated, § 3. Capital, £21,000, § 4. Power to borrow on Mortgage £7,000, § 9. Provisions as to Tolls, § 30. As to Communications, &c. with *South-western Railway*, §§ 31 to 38.

*As to Purchase of Town Quay, § 39. As to Purchase of Lymington Bridge, § 40. Power to raise additional Capital on acquiring Town Quay or Bridge, § 41. Company to construct Drainage within the New Forest, § 48. Company to pay all Costs of making Railway within the New Forest, § 49. Saving Rights of the Crown, § 50.]*

Cap. lxxii.

An Act to repeal the Acts relating to the *Brough and Eamont Bridge* Turnpike Road, and to make other Provisions in lieu thereof. [7th July 1856.]

[26 Geo. 2. c. lxxvii., 19 Geo. 3. c. xcvi., 41 Geo. 3. c. lxxxii., and 57 Geo. 3. c. xviii. repealed, § 1. Appointment of Trustees, §§ 5 and 6. Provisions as to Tolls, §§ 10 to 15. No Gates to be erected within Two Miles of Appleby, § 16. No Gate to be erected to obstruct the Road from Kirkby Kendal to Penrith, § 17. Act to commence on 1st November 1856, and to continue for Twenty-one Years, § 25.]

Cap. lxxiii.

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 repairing and amending the Roads from Donington High Bridge to Hale Drove, and to the Eighth Milestone in the Parish of Wigtoft, and to Langret Ferry in the County of Lincoln.* [7th July 1856.]

[3 Geo. 4. c. ix. repealed, § 1. Appointment of Trustees, §§ 5 and 6. Provisions as to Tolls, §§ 8 to 15. Streets of Boston not to be repaired by Trustees, § 19. Saving Rights of Lighting and Paving Commissioners of Boston, § 20. Parishes in Holland Fen to contribute to Repair of Roads which pass through them, § 24. Township of Brothertoft to maintain its own Highways, § 25. Provision as to Repairs of Roads at the Black Sluice, Old-Gowt, and Redstone Gowt, § 26. Power to stop up Passage along the Bank of the Hammond Beck, § 27. Act to commence on the Day of passing, and to continue for Twenty-one Years, § 29.]

Cap. lxxiv.

An Act for supplying with Water the Inhabitants of *Clay Cross*, and the Neighbourhood, in the County of Derby. [7th July 1856.]

[Incorporation of Company, § 4. Capital, £6,000, § 5. Power to borrow £1,000, § 8.]

Cap. lxxv.

An Act for making a Railway from *Sittingbourne* to *Sheerness*, all in the County of Kent; and for other Purposes. [7th July 1856.]

[Subscribers incorporated, § 4. Capital, £80,000, § 5. Power to borrow £26,600, § 9. Provisions as to Tolls and Tonnage, §§ 31 to 40. Power to lay down Electric Telegraph, § 41. Bridge over the Swale to be first executed, § 42. Property and Powers of Ferry Warden and Jury to be vested in the Company, § 43. Saving Interest of Tenant of the Ferry, § 44. The new Bridge, called "The Queen's Bridge," and certain Lands to be vested in the Company, § 45. Provisions as to managing the Bridge, &c., §§ 46 to 64. Separate Accounts to be kept of Bridge Tolls, § 65. Provisions as to Tolls, §§ 66 to 69. Application of Bridge Revenue, § 75. Company not to interfere with Crown Land without Consent, § 76. Saving Rights of the Crown, § 78.]

Cap. lxxvi.

An Act to enable the *Eastern Counties* and *London and Blackwall* Railway Companies to extend the *London, Tilbury, and Southend Extension* Railway to the *London and Blackwall* Railway, with Branches therefrom, and to authorize certain Arrangements with reference thereto; and for other Purposes. [7th July 1856.]

[Provisions as to crossing Roads in West Ham, Bromley St. Leonard, §§ 10 to 13. As to Bridge over North Woolwich Railway, §§ 14, 15, 16. As to Bridges, &c. over North London Railway, §§ 17, 18, 19. As to Bridges over the River Lea and Bow Creek, §§ 20 to 26. Saving Rights of Corporation of London, § 30. Saving Rights of Metropolitan Board of Works, § 32. Power to raise additional Capital by new Shares, £150,000; § 34. Power to borrow £50,000, § 39. Provisions as to Tolls payable to Eastern Counties and London and Blackwall Railway Companies, §§ 43, 44. Saving Rights of the Crown, § 48.]

Cap. lxxvii.

An Act to authorize the Division of the Borough of *Middlesbrough* into Wards; to enable the Local Board of Health of the District of *Middlesbrough* to purchase Gasworks and light the District, and to enlarge the Market Place; to enable the Corporation to establish a public Wharf, and a Passage over the River *Tees*; to confer other Powers on the Local Board and the Corporation; and for other Purposes. [7th July 1856.]

[Power to divide the Borough into Three Wards, § 4. Provisions as to Elections of Mayor, Aldermen, and Council, §§ 5 to 15. Power to Corporation to purchase Land for Wharf and Landing Place, &c., § 56. Saving Powers of the Admiralty, § 60. As to Arrangements with the West Hartlepool Harbour and Railway Company for Use of Landing Place, § 61. Power to Corporation to borrow Money on Credit

*Credit of the Wharf and Passage Tolls and Borough Fund, § 82. Separate Accounts of Wharf and Passage Tolls to be kept, § 86. Provisions as to Rates and Tolls, §§ 88 to 93. Power to Local Board of Health to borrow for Purposes of this Act £46,000, § 94. Monies borrowed to be carried to "District Capital Fund," § 103. Application of District Revenue and District Capital Funds, §§ 104 and 105. Saving Rights of the Crown, of T. Huster, Esq., of Surveyors of Linthorpe, of Local Board, of Tees Conservancy Commissioners, §§ 125 to 129.]*

## Cap. lxxviii.

An Act for the better Supply of the Town of *Torquay* and the Neighbourhood thereof with Water, and for other Purposes. [7th July 1856.]

[*Local Board to purchase Waterworks, &c. of Sir L. V. Palk, §§ 8, 9, 10. To purchase Reservoirs, &c. belonging to R. S. S. Carey, Esq., §§ 11, 12. Power to take Water of Sottiford Brook, § 20. As to Supply of Water to Sir L. V. Palk, §§ 32, 33, 34. Power to borrow £50,000 on Security of Waterworks, &c., § 53. Saving Rights of Lords of Manors and Local Board, §§ 66, 67.]*

## Cap. lxxix.

An Act for making a Railway from *Yarmouth* to the *East Suffolk* Railway in the Parish of *Haddiscoe*, with a Branch Railway connected therewith, and for other Purposes. [7th July 1856.]

[*Subscribers incorporated, § 4. Capital, £82,500, § 5. Power to borrow £25,000, § 6. As to Works in connexion with the East Suffolk and Lowestoft Railway, §§ 28, 29. Provisions as to Tolls, §§ 44 to 53. As to Traffic Arrangements with the East Suffolk Railway Company, §§ 54 to 59. Saving Rights of the Crown, § 63.]*

## Cap. lxxx.

An Act to sanction a Supply of Water to the Town and Neighbourhood of *Leeds* from the River *Wharfe*. [7th July 1856.]

## Cap. lxxxi.

An Act to attach further Advantages to certain Portions of the Capital of the *Eastern Union* Railway Company. [7th July 1856.]

[*Sections VI. and VII. of 15 & 16 Vict. c. cxlviii. repealed, § 1. Power to borrow on Mortgage, instead of issuing new Shares, § 2. Saving Rights of Holders of Creditors Stock and of Harwich Shares, §§ 7, 8.]*

## Cap. lxxxii.

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. [7th July 1856.]

[*6 Geo. 4. c. xc. repealed, § 1. Appointment of Trustees, §§ 7, 8. Provisions as to Toll Gates and Tolls, §§ 12 to 21. Act to commence on Third Friday after passing, and to continue for Twenty-one Years, § 32.]*

## Cap. lxxxiii.

An Act for continuing the Term and amending and extending the Provisions of the Act relating to the *Godley Lane* Turnpike Road in the West Riding of the County of *York*. [7th July 1856.]

[*7 & 8 Geo. 4. c. vi. repealed, § 2. Appointment of Trustees, §§ 4, 5. Provisions as to Tolls and Toll Gates, §§ 8 to 15. Act to commence on the Fourth Monday after passing, and to continue for Twenty-one Years, § 23.]*

## Cap. lxxxiv.

An Act to repeal the Act relating to the Turnpike Roads from *Halifax* to *Huddersfield* in the West Riding of the County of *York*, and to grant a further Term in the said Roads, and further Powers for the Management thereof, and other Purposes. [14th July 1856.]

[*5 Geo. 4. c. ciii. repealed, § 1. Appointment of Trustees, §§ 9, 10. Provisions as to Tolls and Toll Gates, §§ 13 to 26. Act to commence on 1st November 1856, and to continue for Twenty-one Years, § 34.]*

## Cap. lxxxv.

An Act for carrying into effect certain Arrangements between the Trustees of the *Renfrewshire* Turnpike Roads and the Lord Provost, Magistrates, and Council, and Police and Statute Labour Committee, of *Glasgow*; and for continuing in other respects the Acts relating to the said Roads. [14th July 1856.]

## Cap. lxxxvi.

An Act to enable the *Morayshire* Railway Company to construct a Railway from *Orton* to *Craigellachie*, and for other Purposes. [14th July 1856.]

[*Provisions as to Tolls on new Railway, §§ 16 to 20. Power to raise additional Capital (£25,000) by new Shares, § 26. Power to borrow £8,333, § 30. As to Agreements and Traffic Arrangements with certain Railway Company, §§ 33 to 42.]*

## Cap. lxxxvii.

An Act for authorizing Traffic Arrangements between the *West End of London and Crystal Palace* and the *London, Brighton, and South Coast Railway Companies*, the Regulation and Increase of Capital, and for other Purposes. [14th July 1856.]

[Provisions as to Traffic Arrangements between the Company and the Brighton Company, §§ 2 to 8. Power to raise additional Capital, £150,000, § 9. Saving Rights of existing Preference Shares, § 20.]

## Cap. lxxxviii.

An Act to afford Facilities to the *Bagenalstown and Wexford Railway Company* for raising the Funds necessary to enable them to execute their Undertaking, and for other Purposes. [14th July 1856.]

[Power to borrow on Mortgage £90,000, under certain Regulations, § 3.]

## Cap. lxxxix.

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*. [14th July 1856.]

[2 Will. 4. c. xviii. repealed, § 1. Appointment of Trustees, §§ 5, 6. Fences to be made by Sides of Road passing through Lands belonging to the Crown, § 11. Saving Rights of the Crown, § 12. Provisions as to Toll Gates and Tolls, §§ 23 to 31. Power to borrow £2,750 on Credit of the Tolls, § 32. Application of Tolls, except on Monmouth and Staunton Road, § 34. Application of Tolls on Monmouth and Staunton Road, § 35. Act to commence on Fourth Tuesday after passing, and to continue for Twenty-one Years, § 41.]

## Cap. xc.

An Act for the Improvement of Part of the District of *St. Peter Bournemouth* in the Parishes of *Christchurch* and *Holdenhurst* in the County of *Southampton*, and for providing a Pier there. [14th July 1856.]

[Provisions as to Execution of Act, Appointment, Election, and Meetings of Commissioners, §§ 3 to 11. Provisions as to Tolls and Rates, §§ 27 to 31. Power to borrow on Mortgage of Rates and Tolls, § 32. Saving Rights of the Crown, § 37.]

## Cap. xci.

An Act for better supplying with Water the City of *Edinburgh* and Town and Port of *Leith* and Places adjacent. [14th July 1856.]

[10 & 11 Vict. c. ccii. and 16 & 17 Vict. c. xlix. repealed, § 4. Company re-incorporated, § 5. Power to raise additional Capital by Creation of new Shares, § 21. Provisions respecting Harperrig Reservoir, §§ 59 to 62. Company to supply Water to certain Mills, §§ 63 to 67. Company to appoint Superintendents of Reservoirs, § 77. Company to perform Contracts obligatory on Magistrates of Edinburgh, § 81. Protection, &c. to certain Owners and Occupiers, §§ 82 to 91. Act not to affect Property of the Crown without Consent, § 92. As to Supply to Dockyard at Leith and Edinburgh Castle, §§ 93, 94. Provisions as to Election and Meetings of Trustees; §§ 97 to 103. Trustees may raise additional Rates, § 111.]

## Cap. xcii.

An Act for making a Railway from the *Epsom Branch* of the *London, Brighton, and South Coast Railway* at *Epsom* to *Leatherhead*. [14th July 1856.]

[Incorporation of Company, § 4. Capital, £30,000, § 5. Power to borrow £10,000, § 9. As to Communication, &c. with the Brighton Railway, §§ 24 to 27. Provisions as to crossing Epsom Turnpike Road, §§ 30 to 37. Provisions as to Tolls, §§ 39 to 48.]

## Cap. xciii.

An Act for incorporating the *Salisbury Railway and Market House Company*; for authorizing them to make and maintain a Railway and a Market House at *Salisbury*; and for other Purposes. [14th July 1856.]

[Incorporation of Salisbury Railway and Market House Company, § 4. Capital, £12,000, § 6. Power to borrow £3,600, § 9. Provisions as to Junction with Basingstoke and Salisbury Railway, §§ 26 to 29. Provisions as to Tolls for Railway, §§ 31 to 36. As to Arrangements with the South-western and Salisbury and Yeovil Companies, §§ 37 to 43. Such Companies may subscribe to Undertaking, § 44. Provisions as to Market House, Leases, Stallages, Rents, Rates, &c., §§ 46 to 65. Saving Rights of Corporation, Lords of Manors, and Railway Companies, §§ 66, 67, 68.]

## Cap. xciv.

An Act for making a Railway from the *Stocksfield Station* of the *Newcastle-upon-Tyne and Carlisle Railway* to the *Stockton and Darlington Railway*, near *Conside Ironworks*, with a Branch to the *Derwent Iron Company's Railway*; and for other Purposes. [14th July 1856.]

[Incorporation of Company, § 3. Capital, £100,000, § 4. Power to borrow £33,000, § 8. Provisions as to Tolls, §§ 27 to 33. Provisions respecting the Newcastle-upon-Tyne and Carlisle, and the Stockton and Darlington Railways, §§ 34 to 39.]

## Cap. xcv.

An Act to enable the *Swansea Vale Railway Company* to make Extension and Branch Railways, and for other Purposes. [14th July 1856.]

[*Saving Rights of the Duke of Beaufort*, § 26.]

## Cap. xcvi.

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 to *Polegate* to *Hailsham Common*, in the County of *Sussex*, and to make other Provisions in lieu thereof. [14th July 1856.]

[59 *Geo. 3. c. x. repealed*, § 1. *Appointment of Trustees*, §§ 5 and 6. *Provisions as to Tolls and Toll Gates*, §§ 10 to 21. *Act to commence on 1st November 1856, and to continue for Twenty-one Years*, § 27.]

## Cap. xcvi.

An Act for making and maintaining a Turnpike Road from *Conway* to *Llandudno* in the County of *Carnarvon*, and for other Purposes. [14th July 1856.]

[*Appointment of Trustees*, §§ 4 and 5. *Provisions as to Tolls and Toll Gates*, §§ 21 to 32. *Act to commence on the Fourth Wednesday after passing, and to continue for Twenty-one Years*, § 34.]

## Cap. xcvi.

An Act for making a Railway from *Dunfermline* to *Killairnie*, with a Branch to *Kingseat* in the County of *Fife*, to be called "*The West of Fife Mineral Railway*." [14th July 1856.]

[*Incorporation of Company*, § 3. *Capital*, £45,000, § 4. *Power to borrow* £15,000, § 9. *As to Connexion with the Stirling and Dunfermline Railway*, §§ 23 and 24. *Provisions as to Tolls*, §§ 31 to 39. *Provisions as to Traffic Arrangements with Elgin Railway Company*, §§ 41 to 46.]

## Cap. xcix.

An Act for making a Railway from the Town of *Maybole* to the Town and Harbour of *Girvan*, to be called "*The Maybole and Girvan Railway*." [14th July 1856.]

[*Incorporation of Company*, § 3. *Capital*, £68,000, § 4. *Power to borrow* £22,600, § 7. *Power to Glasgow and South-western Railway Company to take Shares*, § 11. *Provisions as to Junction with the Ayr and Maybole Junction Railway*, §§ 26 to 36. *Provisions as to Tolls*, §§ 51 to 59. *Provisions as to Traffic Arrangements with the Glasgow and South-western Railway*, §§ 60 to 67.]

## Cap. c.

An Act for making a Railway from the *South Wales Railway* near *Brimspill* in the Parish of *Avre* to *Houbeach Valley* in the *Forest of Dean*, with Branches; and for other Purposes. [14th July 1856.]

[*Incorporation of Company*, § 3. *Capital*, 65,000, § 4. *Company not to interfere with South Wales Railway without Consent*, § 21. *Saving Rights of South Wales Railway*, § 23. *Power to borrow* £21,660, § 30. *Saving Rights of the Crown*, § 33. *Provisions as to Tolls*, §§ 35 to 42.]

## Cap. ci.

An Act for incorporating the *Ceylon Railway Company*, and for other Purposes connected therewith. [14th July 1856.]

[*Incorporation of Company*, § 2. *A Seal may be made for Use of Ceylon instead of the Common Seal*, § 15.]

## Cap. cii.

An Act for enabling the *Somerset Central Railway Company* to construct a Railway from *Glastonbury* to near *Bruton*, and for other Purposes. [21st July 1856.]

[*As to Junction with Great Western Railway*, § 1. *Saving Rights of Great Western Railway*, § 12. *Power to raise* £100,000 *by Creation of new Shares*, § 19. *Power to borrow on Mortgage*, § 22.]

## Cap. ciii.

An Act for more effectually repairing the Road leading from *Wem* to the Lime Rocks at *Bronygarth* in the County of *Salop*, and for making several Lines of Road connected with the same in the Counties of *Salop* and *Denbigh*. [21st July 1856.]

[11 *Geo. 3. c. xcv.*, 37 *Geo. 3. c. cli.*, 58 *Geo. 3. c. xxix. repealed*, § 1. *Appointment of Trustees*, §§ 5 and 6. *Provisions as to Tolls*, § 20. *Act to commence on passing, and to continue for Twenty-one Years*, § 36.]

## Cap. civ.

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*. [21st July 1856.]

[6 *Geo. 4. c. xlix. repealed*, § 2. *Appointment of Trustees*, §§ 7, 8, 9. *Provisions as to Tolls and Toll Gates*, §§ 14 to 26. *Act to commence on 1st November 1856, and to continue for Twenty-one Years*, § 38.]

## Cap. cv.

An Act for authorizing a Lease of the *Wimbledon and Croydon* Railway, and for authorizing the Purchase of additional Lands and the raising of additional Capital by the *Wimbledon and Croydon* Railway Company; and for other Purposes. [21st July 1856.]

[*Power to raise £15,000 by new Shares*, § 11. *Power to borrow £13,000*, § 19. *Saving Rights of Companies*, § 24.]

## Cap. cvi.

An Act to enable the *Stirling and Dunfermline* Railway Company to create additional Shares in their Undertaking; and for other Purposes. [21st July 1856.]

[9 & 10 *Vict. c. ccii.*, 11 & 12 *Vict. c. cxxvii.*, and 12 & 13 *Vict. c. lxxxvi. incorporated with this Act*, § 1. *Power to raise £100,000 by new Shares*, § 4. *Power to borrow £33,000*, § 7. *Power to convert borrowed Money into Share Capital*, § 9. *Power to create Stock instead of issuing Shares or borrowing*, § 10. *Provision as to preferential Interest on new Shares or Stock*, §§ 11 to 15. *Power to convert Debenture Debt into Debenture Stock*, § 16. *Saving Rights of Railway Companies*, § 19.]

## Cap. cvii.

An Act to amend the Constitution of "The *London Printing and Publishing Company, Limited*."

[21st July 1856.]

## Cap. cviii.

An Act to amend certain Acts relating to the *Luton* District Turnpike Road, and make other Provisions in lieu thereof. [21st July 1856.]

[13 *Geo. 1. c. xvii.*, 16 *Geo. 2. c. xxiii.*, 17 *Geo. 2. c. xlii.*, 15 *Geo. 3. c. lxxii.*, 35 *Geo. 3. c. clxiii.*, and 56 *Geo. 3. c. lxxii. repealed*, § 2. *Appointment of Trustees*, § 4 and 5. *Provisions as to Tolls and Toll Gates*, §§ 8 to 17. *Act to commence on the Fourth Saturday after passing, and to continue for Twenty-one Years*, § 25.]

## Cap. cix.

An Act to extend the Times limited for certain Purposes by the Acts relating to the *Metropolitan* Railway, and to enable the *Metropolitan* Railway Company to form a Junction with the *Great Northern* Railway, and for other Purposes. [21st July 1856.]

[*Application of existing Capital*, § 8. *For Protection of Works executed by Metropolitan Board*, § 10. *Saving Rights of the Crown*, § 22.]

## Cap. cx.

An Act for making a Railway from the Town of *Nairn* to the Town of *Keith*. [21st July 1856.]

[*Incorporation of Company*, § 4. *Capital*, £325,000, § 5. *Power to Great North of Scotland to contribute to the Undertaking, by applying Money in their Hands, or by creating Shares for the same*, § 8. *Provisions as to such Shares, Preference Shares, &c.*, §§ 9 to 14. *Power to borrow £108,300*, § 15. *Provisions as to Communications, &c., with the Great North of Scotland Railway, and with the Inverness and Nairn Railway*, §§ 39 to 44. *Provisions as to Tolls*, §§ 45 to 54. *Provisions as to Traffic Arrangements with certain Railway Companies*, §§ 55 to 67.]

## Cap. cxi.

An Act for authorizing Deviations from the authorized Line of the *Severn Valley* Railway, and for making further Provision with respect to Shares in the Capital of the *Severn Valley* Railway Company, and for facilitating the Completion of their Undertaking, and for other Purposes. [21st July 1856.]

[*Saving Rights of the Oxford, Worcester, and Wolverhampton Railway Company*, § 36.]

## Cap. cxii.

An Act for establishing and maintaining a Ferry and Floating Bridge between *Stokes Bay* and *Ryde* in the County of *Southampton*, with Landing Places and Approaches thereto. [21st July 1856.]

[*Incorporation of Company*, § 4. *Capital*, £20,000, § 5. *Power to borrow £5,000*, § 8. *Provisions as to Interference with the Works of Stokes Bay Railway and Pier Company*, §§ 30 to 33. *Saving Rights of the Crown*, § 44.]

## Cap. cxiii.

An Act for making a Railway from the *Scottish Central Railway* at *Dunblane* by *Doune* to *Callander*, to be called "The *Dunblane, Doune, and Callander Railway*." [21st July 1856.]

[*Incorporation of Company*, § 3. *Capital*, £60,000, § 4. *Power to borrow* £20,000, § 9. *Power to Scottish Central Railway to subscribe*, § 11. *As to Junction with the said Railway*, §§ 26 and 27. *Provisions as to Tolls*, §§ 33 to 41. *Provisions as to Traffic Arrangements with Scottish Central Railway*, §§ 42 to 46. *Line not to be opened till Electric Telegraph is erected*, § 47.]

## Cap. cxiv.

An Act for making a Railway from *Castle Douglas*, by *Dalbeattie*, to the *Glasgow and South-western Railway* at *Dumfries*, and for other Purposes. [21st July 1856.]

[*Incorporation of Company*, § 3. *Capital*, £120,000, § 4. *Power to borrow* £40,000, § 7. *Power to Glasgow and South-western Railway Company to contribute and hold Shares*, §§ 11 and 12. *As to Junction with Glasgow and South-western Railway*, §§ 24 and 25. *Provisions as to Tolls*, §§ 38 to 45. *Provisions as to Traffic Arrangements with the Glasgow and South-western Railway Company*, §§ 46 to 52. *Saving Rights of the Burgh of Dumfries*, § 53.]

## Cap. cxv.

An Act for granting further Powers for lighting, cleansing, sewerage, and improving the Borough of *Leeds*, and for other Purposes. [21st July 1856.]

## Cap. cxvi.

An Act for regulating the Rates and Charges to be taken by the *Grand Junction Waterworks Company* for a Supply of Water to Parts of the Parish of *Paddington*, and for other Purposes. [21st July 1856.]

WHEREAS the following Local and Personal Acts relating immediately or mediately to the *Grand Junction Waterworks Company* (in this Act called "the Company") have been passed, to wit, the Act of the Thirty-eighth Year of *George* the Third, Chapter Thirty-three; the Act of the Fifty-first Year of *George* the Third, Chapter One hundred and sixty-nine; the Act of the Fifty-second Year of *George* the Third, Chapter One hundred and ninety-five; the Acts of the Fifty-sixth Year of *George* the Third, Chapters Four and Eighty-five; the Acts of the Fifty-ninth Year of *George* the Third, Chapters Sixty-six and One hundred and eleven; the Act of the Fifth Year of *George* the Fourth, Chapter Thirty-five; the Act of the Sixth Year of *George* the Fourth, Chapter Forty-five; the Act of the Seventh Year of *George* the Fourth, Chapter One hundred and forty; the Act of the Session of the Fifth and Six Years of *William* the Fourth, Chapter Ninety-five; the Act of the Session of the Seventh and Eighth Years of Her present Majesty, Chapter Thirty, "The *Grand Junction Waterworks Act, 1852*," and "The *Grand Junction Waterworks Act, 1855*:" And whereas, as appears by Recitals in the Act of the Thirty-eighth Year of *George* the Third, Chapter Thirty-three, an Agreement was, in the Year One thousand seven hundred and ninety-eight, entered into between the then Lord Bishop of *London* and his Lessees and the Company of Proprietors of the *Grand Junction Canal* (in this Act called "the Canal Company") for a Lease to the Canal Company of certain Pieces of Land in the Parish of *Paddington*, Part of the Estate there belonging to the Lord Bishop and his Lessees, and for the perpetual Renewal of such Lease, and it was thereby agreed that such Leases should contain proper Clauses to enable the Canal Company to supply with good and wholesome Water the Inhabitants of the several Buildings then erected or to be erected upon the Lands intended to be demised to them, and other Lands within the Parish, then the Estate of the Lord Bishop and his Lessees, and of certain other Proprietors of Estates within the Parish who might be desirous of the same, from the *Grand Junction Canal* or from any Reservoirs they should make on that or other Land, and for that Purpose to erect requisite Works upon the Land so to be leased to the Canal Company, and to lay Pipes as therein expressed for conveying the Water, and that when the Works should be established the Canal Company should supply with Water all the Undertenants of the Estate belonging to the Bishopric of *London* in the Parish, at their respective Houses, at a lower Rate than any other Water Company then supplied Houses in and about the Metropolis of the same Magnitude and Description: And whereas by the Act of the Thirty-eighth Year of *George* the Third, Chapter Thirty-three, that Agreement was confirmed, and the Canal Company were authorized to make Works and supply Water from the *Grand Junction Canal* Cuts and Reservoirs, pursuant to the Intent and Meaning thereof, and to lay Pipes and do other Works for the Purposes of such Supply: And whereas at the Time of the passing of that Act there were no fixed Rates at which the Metropolitan Water Companies were bound to supply Water, but their Charges for Water Supply were to be in every Case such as might be mutually agreed on between the Water Companies and Persons desirous of being supplied by them respectively, and the Charges then made by them respectively were not made on any one Scale: And whereas, as appears by Recitals in the Act of the Fifty-first Year of *George* the Third, Chapter One hundred and sixty-nine, an Agreement was in the Year One thousand eight hundred and eleven entered into between the Canal Company and *Samuel Hill*, on behalf of himself and others, for the making by the said *Samuel Hill* and others of the Waterworks referred to in the recited Agreement of One thousand seven hundred and ninety-eight, and for the granting to him and them by the Canal Company of a Lease of the Powers, Licences, and Privileges

Privileges by the first-recited Act granted to them, and of the Land requisite for the Waterworks thereby authorized: And whereas by the said Act of the Fifty-first Year of *George the Third*, Chapter One hundred and sixty-nine, that Agreement was confirmed, and the said *Samuel Hill* and others were incorporated into a Company by the Name of "The *Grand Junction Waterworks Company*" (in this Act called "the Company"), and the Company were (by Section Twenty-nine) authorized to exercise the like Powers and Authorities for making and maintaining Waterworks, and for carrying into effect the recited Agreement of One thousand eight hundred and eleven, as were by the first-recited Act granted to the Canal Company, but no further or greater Powers and Authorities, and to supply Water accordingly: And whereas by Section Thirty-three of that Act it was provided and enacted that the Company should and they were thereby required, from Time to Time and at all Times thereafter, to supply the several Lessees or Tenants of the Estate belonging to the See of the Bishop of *London at Paddington* aforesaid with Water at the Rate of Ten Pounds *per Centum* at the least below the average Rate which should be demanded and taken by the Company, or by any other Company or Companies, for supplying with an equal Quantity of Water the Inhabitants of Houses of the like Magnitude and Description of any other of the Districts or Streets within the Cities of *London* and *Westminster*: And whereas at the Time of the passing of that Act a Supply of good and wholesome Water could be obtained from the *Grand Junction Canal* and the Cuts and Reservoirs thereof, and the Site and Extent of the Waterworks thereby authorized were sufficient and convenient for the Supply of Water then contemplated, the Buildings on the Estate of the Lord Bishop then requiring such Supply being only the Ten Houses formerly *Connaught Place*, and being Houses of like Magnitude and Description, and the Ten Stables to those Houses: And whereas at that Time there were no fixed Rates at which the Metropolitan Water Companies were bound to supply Water, but their Charges for Water Supply were still left to be settled by mutual Agreement, and were not made on any one Scale, nor were the Companies under any legal Obligation to supply Water: And whereas the Waterworks by the recited Acts authorized were made by the Company on Land leased to them by the Canal Company, being Part of the Land belonging to the Lord Bishop of *London* and his Lessees, comprised in the recited Agreement of One thousand seven hundred and ninety-eight, and were supplied with Water from the *Grand Junction Canal*, or the Cuts and Reservoirs thereof: And whereas by the Act of the Fifty-ninth Year of *George the Third*, Chapter One hundred and eleven, Provision was made for the Supply of Water to the Waterworks of the Company being taken from the River *Thames* instead of from the *Grand Junction Canal* and the Cuts and Reservoirs thereof, by reason of the Quality of the Water in that Canal and those Cuts or Reservoirs having become objectionable: And whereas by the Act of the Sixth Year of *George the Fourth*, Chapter Forty-five, Provision was made (by Section Two) for the granting of Building Leases of Parts of the Estate of the Lord Bishop and his Lessees, and it was enacted (by Section Nine) that all Leases granted and to be granted under the Authority of the Acts therein recited and that Act, or any of them, by the Persons therein named, (being, as appears by the Recitals therein, Lessees of the Lord Bishop,) their Executors, Administrators, or Assigns, or the Lessees for the Time being under any renewed Lease from the Lord Bishop, or by his or their Executors, Administrators, or Assigns, or by any other Person or Persons who for the Time being might be the Tenant or Tenants to the Lord Bishop under the therein recited Lease, or any future renewed Lease, should be or be deemed, as or in the Nature of Under-leases by the Lessors in such Leases respectively, and their respective Executors, Administrators, and Assigns, and to the Lessees or Lessee accepting or taking a renewed Lease or Leases from the Lord Bishop and his or their Executors, Administrators, or Assigns: And whereas that Act did not contain any Saving of any Claim of any of the Lessees or Tenants of the Estate belonging to the See of the Lord Bishop at *Paddington* to be deemed with respect to the Charges for the Supply of Water by the Company Lessees or Tenants of that Estate: And whereas since the passing of that Act many Under-leases for Building Purposes have been granted under the Authority of that Act and the Acts therein recited, or some of them, and the Number of Houses and other Buildings now on that Estate is Four thousand six hundred and seventy or thereabouts, and by far the greatest Number of those Houses and other Buildings are held by Under-leases: And whereas by the Act of the Seventh Year of *George the Fourth*, Chapter One hundred and forty, the Incorporation of the Company as a Waterworks Company for making and maintaining Waterworks for supplying with good and wholesome Water from the River *Thames* the Inhabitants of the several Buildings erected and to be erected within the Parish of *Paddington*, and the Parishes and Streets adjacent, was confirmed in perpetuity, and Provision was made (by Section Five) for the Conveyance by the Canal Company to the Company of Land in the Parish of *Paddington*, comprising the Waterworks and Reservoirs of the Company; and it was (by Section Twenty-seven) provided and enacted that the Company should be obliged, by means of any Leaden or other Pipe or Pipes, the Bore thereof to be of the Dimensions of Three Quarters of an Inch (or larger, if the Company should require), the same to be provided and laid at the Cost of the Person or Persons requiring the same, to furnish a sufficient Supply of Water, at a Height not exceeding Six Feet above the Flag Pavement, to the House of every Inhabitant occupying a private Dwelling House in any Square, Place, Street, or Lane where the Pipes of the Company should be laid, for the Use of his or her own Family, at the following Rates *per Annum*, (that is to say,) where the Rent of such Dwelling House should not exceed Twenty Pounds *per Annum*, at a Rate *per Centum per Annum* not exceeding Seven Pounds Ten Shillings; and where such Rent should be above Twenty Pounds and not exceeding Forty Pounds *per Annum*, at a Rate *per Centum per Annum* not exceeding Seven Pounds; and where such Rent should be above Forty Pounds and not exceeding



' exceeding Sixty Pounds *per Annum*, at a Rate *per Centum per Annum* not exceeding Six Pounds Ten  
 ' Shillings; and where such Rent should be above Sixty Pounds and not exceeding Eighty Pounds *per*  
 ' *Annum*, at a Rate *per Centum per Annum* not exceeding Six Pounds; and where such Rent should be  
 ' above Eighty Pounds and not exceeding One hundred Pounds *per Annum*, at a Rate *per Centum per*  
 ' *Annum* not exceeding Five Pounds Ten Shillings; and where such Rent should be above One hundred  
 ' Pounds *per Annum*, at a Rate *per Centum per Annum* not exceeding Five Pounds; and every such Rate  
 ' should be payable according to the actual Amount of the Rent where the same could be ascertained, and  
 ' where the same could not be ascertained, according to the actual Amount or annual Value upon which  
 ' the Assessment to the Poor's Rate was computed in the Parish or District where the House was situated;  
 ' provided nevertheless, that the Company should not be entitled to receive from any such Inhabitant  
 ' more than the Sum of Twenty Pounds in any One Year for such Supply, nor should the Company  
 ' be obliged to furnish such Supply to any such Inhabitant for less than Twelve Shillings in any One  
 ' Year unless they should think fit so to do; provided also, that in case of Manufacturers, Dyers, Printers,  
 ' Bleachers, Brewers, Innkeepers, Alehouse Keepers, Vintners, or other Persons requiring a Supply of  
 ' Water for other Purposes than those of his or her own Family Consumption, or in case of Persons  
 ' requiring a Supply of Water for Hotels, public Chambers, Clubs, or Subscription Houses, Baths, Foun-  
 ' tains, Ponds, Pools, Closets, Waterclosets (such Closets or Waterclosets being supplied from any other  
 ' Cistern than a Cistern for domestic Purposes situated within Six Feet of the Flag Pavement), or  
 ' Stables, or for washing Carriages, or for Cows or Horses, or for the Purposes of any Trade or Business  
 ' whatsoever, such Supply should be furnished by the Company in such Cases at such Rate as should be  
 ' settled by and between the Directors and such Persons respectively; and it was (by Section Twenty-  
 ' eight) provided and enacted that the Company should and they were thereby required, from Time to  
 ' Time and at all Times thereafter, to supply the several Lessees or Tenants of the Estate belonging to  
 ' the See of the Bishop of *London* at *Paddington* with Water at the Rate of Ten Pounds *per Centum* at  
 ' the least below the average Rate which should be demanded and taken by the Company, or any other  
 ' Company or Companies, for supplying with an equal Quantity of Water the Inhabitants of Houses of  
 ' the like Magnitude and Description of any other of the Districts or Streets within the Cities of *London*  
 ' and *Westminster*: And whereas Doubts exist whether the Privilege conferred by that Section Twenty-  
 ' eight was a Privilege to receive at a reduced Rate only a Supply of Water at a Height not exceeding  
 ' Six Feet above the Flag Pavement, and only for Family Consumption, and whether the reduced Rate  
 ' was to be ascertained by reference to the Charges received by Agreement with Persons supplied or by  
 ' reference to Charges for a Supply of Water at not exceeding that Height, and only for Family Con-  
 ' sumption: And whereas the great Increase of the Number of Houses built on the Estate of the Lord  
 ' Bishop and in the Neighbourhood thereof, and other Circumstances, rendered it expedient that the  
 ' Company should provide other Waterworks and Reservoirs at a Distance from that Estate, and they  
 ' accordingly provided them: And whereas by the Act of the Session of the Fifth and Sixth Years of  
 ' *William* the Fourth, Chapter Ninety-five, the Company were authorized to obtain a Supply of Water  
 ' from the River *Thames* near *Kew Bridge*, and to supply such Water accordingly at the Rates and  
 ' subject to the Restrictions of the recited Acts then in force; and it was by Section Forty provided and  
 ' enacted that nothing therein contained should prejudice the Estate belonging to the See of the Lord  
 ' Bishop of *London* in the Parish of *Paddington*, or alter, lessen, or abridge any of the Rights, Liber-  
 ' ties, or Privileges of the Lord Bishop or his Lessees in, over, or upon the same or any Part thereof, or  
 ' lessen or abridge any of the Clauses or Provisions contained in any of the recited Acts for the Pro-  
 ' tection or Benefit of the Lord Bishop or his Lessees, but that Act did not contain any Saving of any  
 ' Rights of Under-lessees or Tenants of any Part of that Estate: And whereas, as appears by the Recital  
 ' in the Act of the Session of the Seventh and Eighth Years of Her present Majesty, Chapter Thirty,  
 ' of an Agreement made in the Year One thousand eight hundred and forty-four between the Lord Bishop,  
 ' his Lessees, the Canal Company, and the Company, it having become unnecessary for the Company to  
 ' maintain their Reservoirs and other Works on the Estate of the Lord Bishop, the Company were  
 ' desirous of letting the Sites thereof as Building Ground, and applied to the Lord Bishop and his Lessees  
 ' for their Consent to the Appropriation of the Leasehold Parts thereof to Building Purposes, and they,  
 ' being satisfied that it would tend greatly to the Improvement of that Estate, consented upon Conditions  
 ' therein expressed, one of those Conditions being that the Company should give up Parts of their  
 ' Lands in the Parish as Sites for a then intended Hospital and a then intended Church, and should  
 ' supply the several Lessees or Tenants of that Estate, including the Inhabitants of the Houses proposed  
 ' to be built on the Sites of those Reservoirs and Works of the Company, with an equal Supply of  
 ' Water from their new Reservoirs and Works at the like Rate and in the like Manner as provided by  
 ' the recited Act of the Fifty-first Year of *George* the Third, Chapter One hundred and sixty-nine:  
 ' And whereas by the Act of the Session of the Seventh and Eighth Years of Her present Majesty,  
 ' Chapter Thirty, that Agreement, with a Modification thereof requiring the Company to sell their Land  
 ' for Building Purposes instead of leasing it, was confirmed, and Parts of their Land were appropriated  
 ' as Sites for the intended Hospital and the intended Church: And whereas the Company accordingly  
 ' wholly removed their Waterworks from the Parish of *Paddington*, and have disposed of the Sites of  
 ' their Reservoirs and Works there, or the greatest Part thereof, and Houses have been built thereon:  
 ' And whereas it is questionable whether when the Company had removed their Waterworks from the  
 ' Parish of *Paddington*, and had given up for the Benefit of the Parish the Sites for the intended Hospital  
 ' and intended Church (both of which have for some Time been built), and had disposed of their remain-  
 ' ing

- ing Land in that Parish, the Consideration for the Privilege conferred by Section Thirty-three of the Act of the Fifty-first Year of *George* the Third, Chapter Sixty-nine, on the Lessees and Tenants of the Estate of the Lord Bishop had not wholly failed: And whereas by "The *Grand Junction* Waterworks Act, 1852," (with which the greater Part of "The Waterworks Clauses Act, 1847," was incorporated,) the Company were authorized to take a Supply of Water from the River *Thames* at *Hampton*, and to make and maintain additional Waterworks for the Purpose, and for supplying such Water within the Limits of that Act, including the Parish of *Paddington*; and it was (by Section Forty-six) enacted that the Company should, at the Request of the Owner or Occupier of any House in any Street within the Limits of their Act in which any Pipe of the Company should be laid, or of any Person who, under the Provisions of that Act, or any Act incorporated therewith, should be entitled to demand a Supply of Water for domestic Purposes, furnish to such Owner or Occupier or other Person a sufficient Supply of Water for their domestic Purposes at the Rates therein-after specified; (that is to say,)
- Where the annual Value of the Dwelling House or other Place supplied should not exceed Two hundred Pounds, at a Rate *per Centum per Annum* on such Value not exceeding Four Pounds, and where such annual Value should exceed Two hundred Pounds, at a Rate *per Centum per Annum* on such Value not exceeding Three Pounds:
- If there should be a Watercloset or Waterclosets, or fixed Bath or Baths, or any High Service in such Dwelling House or Place, then, in addition to the Rates above specified, the following Rates should be payable; (that is to say,)
- Where the annual Value of such House should exceed Thirty Pounds, but should not exceed Fifty Pounds, a Rate not exceeding Four Shillings *per Annum* for each single Watercloset, fixed Bath, or High Service, and a further Sum of Two Shillings for each additional Watercloset, fixed Bath, or High Service; where such annual Value should exceed Fifty Pounds, but should not exceed One hundred Pounds, a Rate not exceeding Six Shillings *per Annum* for each single Watercloset, fixed Bath, or High Service, and a further Sum of Three Shillings for each additional Watercloset, fixed Bath, or High Service;
  - Where such annual Value should exceed One hundred Pounds, but should not exceed Two hundred Pounds, a Rate not exceeding Eight Shillings for each single Watercloset, fixed Bath, or High Service, and a further Sum of Four Shillings for each additional Watercloset, fixed Bath, or High Service;
  - Where such annual Value should exceed Two hundred Pounds, but should not exceed Three hundred Pounds, a Rate not exceeding Ten Shillings for each single Watercloset, fixed Bath, or High Service, and a further Sum of Five Shillings for each additional Watercloset, fixed Bath, or High Service;
  - And where such annual Value should exceed Three hundred Pounds, a Rate not exceeding Twelve Shillings for each single Watercloset, fixed Bath, or High Service, and a further Sum of Six Shillings for each additional Watercloset, fixed Bath, or High Service;
- And it was (by Section Forty-seven) enacted that the Expression "High Service" in that Act should mean and be considered as being a Delivery of Water at an Elevation more than Ten Feet above the Footway or Pavement in front of the Dwelling House or other Place supplied; and it was (by Section Forty-eight) enacted that a Supply of Water for domestic Purposes should not include a Supply of Water for Steam Engines or Railway Purposes, or for warming or ventilating Purposes, or for working any Machine or Apparatus, or for Baths, Horses, Cattle, or for washing Carriages, or for Gardens, Fountains, or ornamental Purposes, or for flushing Sewers or Drains, or for any Trade or Manufacture or Business requiring an extra Supply of Water; and it was (by Section Forty-nine) enacted that the Company might supply any Person or Body within their Limits with Water to be used within such Limits for other than domestic Purposes at such Rate and upon such Terms and Conditions as should be agreed upon between the Company and the Person or Body requiring such Supply; and it was (by Section Fifty) enacted that the Company might at their own Instance, and should at the Request of any Owner or Occupier of any Premises situate in or adjoining any Street in which any Main or Service of the Company should be laid, and who required a Supply of Water by Measure for Purposes other than the Purposes in respect of which Rates were by that Act provided or limited, and by means of Communication Pipes and other necessary and proper Apparatus to be provided, laid, and maintained at the Cost of the Person requiring such Supply, afford a Supply of Water by Meter or other fit and sufficient Instrument or Mode for measuring and ascertaining the Quantity of Water so supplied, and might charge for such Supply not exceeding the following Rates for each One thousand Gallons; (that is to say,)
- In respect of ordinary Service—
    - When the quarterly Consumption of Water did not exceed Fifty thousand Gallons, Ninepence;
    - When exceeding Fifty thousand Gallons and not exceeding One hundred thousand Gallons, Eightpence;
    - When exceeding One hundred thousand Gallons and not exceeding Two hundred thousand Gallons, Sevenpence;
    - When exceeding Two hundred thousand Gallons, Sixpence;
  - And in respect of High Service—
    - An additional Rate not exceeding Twenty-five *per Centum* upon the several Rates last therein-before specified and authorized for ordinary Service:

Provided

' Provided that the Company should not be required so to supply Water in any less Quantity than  
 ' Twenty-five thousand Gallons in any Quarter of a Year ; and it was (by Section Fifty-eight) provided  
 ' that nothing contained in that Act or in any Act incorporated therewith should authorize the Company  
 ' to purchase any Part of the Estate at *Paddington* in the County of *Middlesex* belonging to the See of  
 ' the Bishop of *London* without the Consent in Writing of the said Lord Bishop of *London* for the Time  
 ' being, and of the Trustees or Trustee for the Time being of the Local or Local and Personal Act of  
 ' the Thirty-fifth of *George* the Third, Chapter Eighty-three, and of the several Acts since passed for  
 ' amending and enlarging the same, nor should anything contained in the now-reciting Act, or in any  
 ' Act incorporated therewith, lessen, interfere with, or prejudicially affect any Rights or Privileges of  
 ' the said Bishop and Trustees or Trustee, or any of them, or their or any of their Lessees, or the Tenants  
 ' or Occupiers for the Time being of the said Estate at *Paddington*, under or by virtue of the recited Act  
 ' of the Fifty-first Year of *George* the Third, Chapter One hundred and sixty-nine, or otherwise how-  
 ' soever : And whereas it is questionable whether the recited Provisions of Sections Forty-six to Fifty,  
 ' both inclusive, of the *Grand Junction* Waterworks Act, 1852, did not confer on the Company an abso-  
 ' lute Right to demand and take from all Persons supplied by them with Water the several Rates and  
 ' Charges thereby authorized : And whereas by the *Grand Junction* Waterworks Act, 1855, in which it  
 ' was recited that the Funds of the Company were insufficient to enable them to complete the Works  
 ' authorized by their Acts, and required by the Metropolis Water Act, 1852, in order to enable them to  
 ' comply with the Requirements of that Act, they were authorized to raise further Sums ; and by  
 ' Section Twenty-three of the now-reciting Act it was provided that nothing contained in that Act, or  
 ' in any Act incorporated therewith, should authorize the Company to purchase any Part of the Estate  
 ' at *Paddington* in the County of *Middlesex* belonging to the See of the Bishop of *London* without the  
 ' Consent in Writing of the Lord Bishop of *London* for the Time being, and of the Trustees or Trustee  
 ' for the Time being of the Local or Local and Personal Act of the Thirty-fifth of *George* the Third,  
 ' Chapter Eighty-three, and of the several Acts since passed for amending and enlarging the same ; nor  
 ' should anything contained in the now-reciting Act, or in any Act incorporated therewith, lessen, inter-  
 ' fere with, or prejudicially affect any Rights or Privileges of the said Bishop and Trustees or Trustee,  
 ' or any of them, or their or any of their Lessees, or the Tenants or Occupiers for the Time being of  
 ' the Estate at *Paddington* under or by virtue of the Act of the Fifty-first of *George* the Third, Chapter  
 ' One hundred and sixty-nine, or otherwise howsoever : And whereas a Question has been raised whether  
 ' Section Twenty-three of the *Grand Junction* Waterworks Act, 1855, affected the Right of the Com-  
 ' pany under the *Grand Junction* Waterworks Act, 1852, to demand and take from all Persons supplied  
 ' by them with Water the several Rates and Charges thereby authorized : And whereas a Question has  
 ' been raised whether, by reason of the Exemptions conferred by Section Thirty-three of the recited Act  
 ' of the Fifty-first Year of *George* the Third, Chapter One hundred and sixty-nine, and Section Twenty-  
 ' eight of the recited Act of the Seventh Year of *George* the Fourth, Chapter One hundred and forty  
 ' respectively, having been Exemptions from Rates which the Company were by those Acts respectively  
 ' authorized to demand and take, and by reason also of their Powers to demand and take those Rates  
 ' having been repealed, those Exemptions have not consequently been repealed or have not ceased : And  
 ' whereas at divers Times Occupiers of Houses on Parts of the Estate of the Lord Bishop have alleged  
 ' a Right to be supplied with Water by the Company at Rates below the Rates charged by them to other  
 ' Persons, but (so far as is now known to the Company) no Proceedings were at any Time from  
 ' the Establishment of the Waterworks down to the Year One thousand eight hundred and fifty-four  
 ' ever taken by any Person to enforce any such alleged Right : And whereas in the Year One thousand  
 ' eight hundred and fifty-three, after the Company's Act of One thousand eight hundred and fifty-two  
 ' came into operation, the Company revised their Water Rates so as to bring the same within the Scale  
 ' by that Act prescribed ; and with a view to avoid all Risk of Litigation with Occupiers of Houses on  
 ' the Estate of the See of *London* they made in their favour a greater Reduction than they made in  
 ' favour of Occupiers of other Houses in the Parish of *Paddington* : And whereas, notwithstanding such  
 ' Reduction, in the Year One thousand eight hundred and fifty-four a Notice was given to the Company  
 ' on the Part of One of the Under-lessees or Under-tenants of Part of the Estate of an Intention to take  
 ' Proceedings against the Company to enforce such alleged Right, but no Proceedings were taken on that  
 ' Notice : And whereas, notwithstanding such Reduction, Proceedings were, in or about the Month of  
 ' *March* in the Year One thousand eight hundred and fifty-five, taken against the Company by another  
 ' of the Under-lessees or Under-tenants of Part of the Estate to enforce such alleged Right, and were  
 ' resisted by the Company, and Litigation thereon, in a Case of the *Grand Junction* Waterworks Com-  
 ' pany against *Andrews*, being an Action of Replevin arising thereout, is still pending : And whereas  
 ' it is questionable whether any Persons claiming by virtue of Leases granted under the recited Act of  
 ' the Sixth Year of *George* the Fourth, Chapter Forty-five, being by virtue of that Act only Under-  
 ' lessees or Under-tenants of the Estate, are Lessees or Tenants of the Estate within the Meaning of the  
 ' recited Acts of the Fifty-first Year of *George* the Third, Chapter One hundred and sixty-nine, Section  
 ' Thirty-three, and the Seventh Year of *George* the Fourth, Chapter One hundred and forty, Section  
 ' Twenty-eight, respectively : And whereas the Company alleged that such alleged Right, if existing, is  
 ' a Right to an Exemption of which the Limits and Extent could not be so ascertained as to enable the  
 ' Company to determine and fix, in accordance therewith, the Rates to be charged by them for a Supply  
 ' of Water to the Estate of the Lord Bishop, and the Company also allege that whatever might be the  
 ' Decision in the pending Case of the Company against *Andrews*, or in any other Litigation, the Decision  
 ' therein

‘ therein would only determine whether or not the Rate in question therein was or was not accurate, and  
 ‘ could not decide whether or not any other Rate then or thereafter charged by the Company for a Supply  
 ‘ of Water to any other House on the Estate of the Lord Bishop was accurate, and therefore could not  
 ‘ enable either the Company or any Person claiming such alleged Right to ascertain the Accuracy of any  
 ‘ other than the one Rate in question : And whereas the Company ground those Allegations by them on  
 ‘ the following Facts ; to wit,

- ‘ First, That the Amount of the Rates for Water Supply demanded and taken by the other Metro-  
 ‘ litan Water Companies respectively for Houses of a similar Magnitude is a frequently varying  
 ‘ Amount ;
- ‘ Secondly, That the Quantity of Water supplied by the Company and the other Metropolitan Water  
 ‘ Companies respectively to Districts or Streets is a frequently if not a constantly varying  
 ‘ Quantity ;
- ‘ Thirdly, That the Quantity of Water supplied by the Company or any other Metropolitan Water  
 ‘ Company to any One House, or to all the Houses of like Magnitude and Description in any  
 ‘ District or Street, is a Quantity not accurately ascertainable ;
- ‘ Fourthly, That the Number of the Houses supplied with Water by the Company and the other  
 ‘ Metropolitan Water Companies respectively is a constantly varying Quantity ;
- ‘ Fifthly, That neither the recited Act of the Fifty-first of *George* the Third, Chapter One hundred  
 ‘ and sixty-nine, nor the recited Act of the Seventh Year of *George* the Fourth, Chapter One  
 ‘ hundred and forty, affords any Means for ascertaining the Likeness in point of Magnitude and  
 ‘ Description of Houses situate in Districts or Streets of various Character, the annual Value of the  
 ‘ House in respect of which the Water Rate is assessed being dependent on Locality and not on  
 ‘ Magnitude ;
- ‘ Sixthly, That it is for all practical Purposes impossible to deduce from these constantly or frequently  
 ‘ fluctuating or uncertain Data any certain Conclusion ;
- ‘ Seventhly, That if at any one Time the Company could arrive at a certain Conclusion from the  
 ‘ Data then ascertainable by them, any Alteration either of any Rate demanded by any other Metro-  
 ‘ politan Water Company or of the Quantity of Water supplied either by the Company or by any  
 ‘ other Metropolitan Water Company, or of the Number or Magnitude or Description of the Houses  
 ‘ so supplied, would render that Conclusion useless ;
- ‘ Eighthly, That the Rate so ascertained in order to its Accuracy would require to be assessed quar-  
 ‘ terly or half-yearly, and the Districts supplied by other Companies in the Cities of *London* and  
 ‘ *Westminster* to be gone through, and the average Charge made by such other Companies for the  
 ‘ Supply of Water ascertained for all the Houses varying in Magnitude in the said District, which  
 ‘ the Company have no Power or Means of doing ;
- ‘ Ninthly, That in order to arrive at a correct Assessment, founded on the average Charge made by  
 ‘ the Company or by any other Company or Companies supplying Districts or Streets in the Cities  
 ‘ of *London* or *Westminster*, all the Houses of the same Magnitude and Description in the District  
 ‘ supplied by the Company or by any other Company or Companies, and the Charges for such  
 ‘ Supply by such respective Company or Companies, must be accurately ascertained, which is wholly  
 ‘ impracticable :

‘ And whereas the Company also allege that some of the other Metropolitan Water Companies do not  
 ‘ supply to any Houses in their Districts or the Streets therein a Quantity of Water equal to the Quan-  
 ‘ tity which the Company supply to Houses of the like Magnitude and Description on the Estate of the  
 ‘ Lord Bishop : And whereas the only certain Rates for a Supply of Water by the Company and by the  
 ‘ other Metropolitan Water Companies respectively, which are practically ascertainable as well by the  
 ‘ Lessees and Tenants of the Estate of the Lord Bishop as by the Company, are the Rates which are fixed  
 ‘ by the recited Act of the Session of the Fifteenth and Sixteenth Years of Her present Majesty, Chapter  
 ‘ One hundred and fifty-seven, and by the several Acts relating to the other Metropolitan Water Com-  
 ‘ panies respectively, and which Rates respectively are so fixed, not with respect to the Magnitude and  
 ‘ Description of the Houses supplied with Water, but with respect to the annual Value of such Houses :  
 ‘ And whereas it is of Importance as well to the Persons claiming such alleged Right as to the Company  
 ‘ that all Questions with respect to the same be set at rest, and in order thereto, and to avoid the Risk  
 ‘ of future Litigation, the Company and certain Parties representing a large Proportion of the Persons  
 ‘ claiming such alleged Right are willing and have agreed and it is expedient that such Provision be  
 ‘ made in that Behalf as by this Act is made : And whereas the Objects of this Act cannot be attained  
 ‘ without the Authority of Parliament : May it therefore please Your Majesty that it may be enacted ;  
 ‘ and he it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the  
 ‘ Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority  
 ‘ of the same, as follows :

I. This Act may be cited for all Purposes as “ *Grand Junction Waterworks Act, 1856.* ”

II. From and after the passing of this Act, Section Thirty-three of the recited Act of the Fifty-first  
 Year of *George* the Third, Chapter One hundred and sixty-nine, and Section Twenty-eight of the recited  
 Act of the Seventh Year of *George* the Fourth, Chapter One hundred and forty, and all other Clauses  
 and Provisions of the recited Acts or any of them, or of the Agreements or other Instruments therein  
 respectively recited, or any of them, for conferring on any Owners, Lessees, Tenants, or Under-lessees,  
 Under-tenants, Occupiers, or Inhabitants of the Estate in the Parish of *Paddington* belonging to the  
 See

Short Title.

Provisions of  
 recited Acts for  
 exempting Les-  
 sees, &c. in  
 Paddington  
 from Rates for  
 Water Supply  
 repealed.

See of the Lord Bishop of *London*, or any Part thereof, any Exemption from Liability to any Rates or Charges for any Supply of Water by the Company, or any Exemption from Liability to the full Amount of any such Rates or Charges, so far, if at all, as those Clauses and Provisions, or any of them, are now in force, or any such Exemption from Liability could now be lawfully claimed, and all Rights, Remedies, Claims, and Demands whatsoever under or by virtue of or with respect to those Clauses and Provisions, or any of them, or any such Exemption from Liability, are by this Act repealed, and shall be wholly and for ever annulled and extinguished.

III. Provided always, That this Act or anything therein shall not in any way prejudice or affect the recited Cause The *Grand Junction Waterworks Company* against *Andrews*, or any past, pending, or future Proceedings therein or with respect thereto, but on the contrary that Cause and all Proceedings therein may be continued and take effect, whether in favour of or against the Company, in like Manner in all respects as if this Act were not passed: Provided also, that this Act shall not give any Validity to any such Proceedings which they would not have had if this Act were not passed.

Act not to affect pending Cause, The Company v. Andrews.

IV. From and after the Twenty-ninth Day of *September* One thousand eight hundred and fifty-six, the Company shall, at the Request of the Owner or Occupier of any House in any Street or Place, being on the Estate in the Parish of *Paddington* belonging to the See of the Lord Bishop of *London*, in which any Pipe of the Company shall be laid, furnish to such Owner or Occupier or other Person a sufficient Supply of Water for their domestic Purposes at Rates less in the Proportion of Fifteen Pounds *per Centum* than the several Rates specified in Section Forty-six of "The *Grand Junction Waterworks Act*, 1852."

Rates at which Water is to be supplied in Part of *Paddington* for domestic Purposes.

V. Provided always, That, except only as is by this Act expressly provided with respect to Rates for a Supply of Water after the Twenty-ninth Day of *September* One thousand eight hundred and fifty-six for domestic Purposes to Owners or Occupiers of Houses on the said Estate in the Parish of *Paddington* belonging to the See of the Lord Bishop of *London*, or to other Persons, to be supplied for domestic Purposes on that Estate, the Company from and after the passing of this Act may demand and take from all Owners, Occupiers, and other Persons from Time to Time supplied by the Company with Water for domestic or other Purposes the several Rates respectively authorized by "The *Grand Junction Waterworks Act*, 1852."

In all other Cases Rates authorized by Company's Act of 1852 may be taken.

VI. From and after the passing of this Act "The *Grand Junction Waterworks Act*, 1852," save so far as any of the Clauses and Provisions thereof are by this Act repealed or altered, and this Act, shall be read and have effect as if they were One Act.

15 & 16 Vict. c. clvii. and this Act to be read as One Act.

VII. This Act or anything therein shall not exempt the Company from the Provisions of "The *Metropolis Water Act*, 1852," or any other General Act relating to the Supply of Water to the *Metropolis* or the *Suburbs* thereof now in force, or which may pass during the present Session of Parliament.

Company not exempt from Provisions of General Acts. Expenses of Act.

VIII. All the Costs, Charges, and Expenses of and incident to the obtaining and passing of this Act, or otherwise in relation thereto, shall be borne and paid by the Company as Part of the general Expenses of their Undertaking.

#### Cap. cxvii.

An Act to grant further Powers to the *Crystal Palace Company* for the raising of Capital, for the internal Management of their Undertaking, and with respect to *Dulwich Wood*. [21st July 1856.]

[Ordinary Capital, £985,775, § 1. Preference Shares issued by Resolution of February 8, 1855, authorized and confirmed, § 2. Power to raise additional Capital (£100,000) by Creation of new Preference Shares, but such Shares not to prejudice those issued under Resolution of February 8, 1855, § 3. Power to borrow £200,000, but the £95,000 already borrowed to be deemed Part of the said Sum, § 4. As to Consolidation of Shares, &c. into Stock, §§ 4 and 5. As to Issue of Life Tickets, § 11. Power to hold Part of *Dulwich Wood* by Lease or Under-lease, §§ 15 to 21.]

#### Cap. cxviii.

An Act to consolidate the Powers of the *Gloucester Gaslight Company*, to enable them to raise Money, and for other Purposes. [21st July 1856.]

[1 Geo. 4. c. x. repealed, § 1. Company to continue incorporated, § 5. Capital, £46,400, § 17. Power to raise Money by Creation of new Shares, § 20. As to Dividend on new Shares, § 26. Limit of Dividend, § 27. Power to borrow not more than One Fourth of Capital, § 30. Restriction on Erection of new Works, &c., §§ 46 to 50. Saving Rights of Corporation, § 69. Saving Rights of Governor and Guardians of the Poor acting under 4 Geo. 3. c. lx., 21 Geo. 3. c. lxxiv., and 59 Geo. 3. c. lxxix.]

#### Cap. cxix.

An Act for the making of a Dock and Works at *Thames Haven*, and for other Purposes.

[21st July 1856.]

[6 & 7 Will. 4. c. cviii., 5 & 6 Vict. c. clxxxix., 9 & 10 Vict. c. cxliv., 14 & 15 Vict. c. cxxiii., 16 & 17 Vict. c. lxx., repealed, § 7. General Saving of Rights under Acts repealed, and under Provisions of other Acts, §§ 10 and 11. Power to make Docks and construct Works on Company's Lands, § 37. Provisions as to Docks and Works authorized by this Act, §§ 28 to 34. Company before commencing Works affecting the *Thames* to give Notice to the Corporation of *London*, § 37. Provisions for preserving Navigation of the River *Thames*, §§ 38 to 42. Lights not to be exhibited or altered, or Buoys placed without Sanction of *Trinity House*,

*House*, § 43. *For Protection of Works of Commissioners of Sewers*, § 44. *As to Communications with Thames Haven Branch Railway, whose Lands are not to be used without Consent*, §§ 45 and 46. *Customs Officers to have free Access of Dock without Payment of Toll*, § 57. *Capital*, £51,000, § 58. *Power to borrow £12,000*, § 66. *Provisions as to Rate payable on Vessels*, §§ 69 to 78. *Tolls for Passengers*, § 79. *Saving Rights of the Crown, the Corporation of London, the Commissioners of Sewers, the Trinity House, and the Railway Companies*, §§ 80 to 84.]

## Cap. cxx.

An Act for the making by the *London and South-western Railway Company* of a Railway from *Yeovil* to *Exeter*, to be called "The *Exeter Extension Railway*;" and for other Purposes. [21st July 1856.]

[*Power to make Exeter Extension Railway, and take Lands for the Purpose*, § 4. *As to Communications with Salisbury and Yeovil Railway*, § 11. *Provision in case of Diversion of Turnpike Road in Parish of Saint David, Exeter*, § 19. *Provisions as to ornamental Grounds at Northernhay, Exeter*, §§ 20 to 23. *Boundary Wall to be erected next Land belonging to the Crown*, § 24. *Lands, &c. of the Wilts, Somerset, and Weymouth Railway Company not to be interfered with without Consent*, §§ 26 and 27. *Saving Rights of Great Western Railway Company*, § 28. *Provisions as to Tolls, &c. on Railways*, §§ 31 to 40. *Provisions as to Directors of the Salisbury and Yeovil Railway Company*, §§ 42 to 55. *Company may create new Shares of different Classes, &c.*, § 62. *Saving Rights of existing Preference Shares*, § 63. *Provisions as to cancelling of unissued new Shares, &c.*, §§ 64 to 71. *Company's Capital not to be increased*, § 74. *Saving Rights of Railway Companies, the Crown, and the Duke of Cornwall*, §§ 77 and 78.]

## Cap. cxxi.

An Act to amend the Acts relating to the *East Indian Railway Company*. [21st July 1856.]

[*Sections 2 and 3 of 16 & 17 Vict. c. cccxxvi. repealed*, § 1. *Power to issue Shares of different Rates of Interest*, § 2. *As to the Division of Profits*, § 3. *As to Division of Purchase Money in the event of the East India Company purchasing the Railway*, § 4. *Power to consolidate Shares into Stock*, § 5.]

## Cap. cxxii.

An Act for making a Railway from the *Taff Vale Railway* to the River *Ely* in the County of *Glamorgan*, for converting Part of the said River into a tidal Harbour and regulating the Access thereto, for authorizing Arrangements with the *Taff Vale Railway Company*; and for other Purposes.

[21st July 1856.]

[*Incorporation of Company*, § 4. *Capital*, £130,000, § 5. *Power to borrow £43,000*, § 8. *Agreement dated April 30, 1856, confirmed*, § 22. *Crown Lands reclaimed not to be taken without Consent of Commissioners of Woods, &c.*, § 26. *Provisions affecting South Wales Railway*, §§ 31 to 35. *Provisions affecting Taff Vale Railway*, §§ 36 to 38. *Provisions as to Tolls and Rates*, §§ 45 to 59. *As to Rates for Use of Wharves, Cranes, &c., and for warehousing Goods*, § 61. *Company to construct public Wharves and Landing Places*, § 62. *Power to improve Portion of the River Ely between Cardiff Roads and intended Harbour*, § 64. *Provisions as to Appointment of Pilots, &c.*, §§ 68 to 73. *No Jetties to be built but by the Company, without Consent of the Admiralty. Nothing to affect Rights of the Crown or Commissioners of Woods, &c.*, § 74. *Provisions as to Ballast*, §§ 75 to 85. *Power to Board of Trade to appoint an Auditor to examine Accounts*, § 87. *As to Traffic Arrangements with the Taff Vale Company*, §§ 88 to 93. *Saving Rights of Cardiff Waterworks Company, and Owners of Ely Mill*, §§ 94 and 95. *Saving Rights of the Crown*, § 98.]

## Cap. cxxiii.

An Act for altering the *Crewe and Shrewsbury Line* of the *London and North-western Railway*, for making Provision with respect to Station Accommodation at *Shrewsbury*, and for other Purposes.

[21st July 1856.]

[*Railway to be made according to Plan*, § 3. *Difference of Opinion as to Junction to be determined by Arbitration*, § 4. *Power to abandon Part of original Line*, § 7. *Power to alter engineering Works*, § 13. *Provisions as to Use of general Station at Shrewsbury, and Lines of Railway in or approaching thereto*, §§ 17 to 23. *Power to provide additional Station Accommodation at Bolton*, § 24. *Not to take Land of Lancashire and Yorkshire Railway Company without Consent*, § 25. *Power to divert Footpath at Warrington*, § 26. *As to Works in connexion with Syke Footpath at Preston*, § 27. *So much of Section 10 of 15 & 16 Vict. c. cv. as refers to the Conversion of Debenture Debt into Stock repealed*, § 28. *So much of 10 & 11 Vict. c. cxxi. as refers to Constitution of Joint Committee for Management of Railway between Shrewsbury and Wellington repealed*, § 31. *Power to apply the Corporate Funds to Purposes of this Act*, § 32. *Saving Rights of North Staffordshire Railway Company*, § 33.]

## Cap. cxxiv.

An Act to enable the *Londonderry and Enniskillen Railway Company* to create Preference Shares with Priority of Dividend over all the existing Shares of the Company, and for other Purposes.

[21st July 1856.]

[*Power to create a Preference on the Issue of certain Shares over existing Preference Shares*, § 3; *but certain Preference Shares not to be interfered with*, § 4. *Power to borrow Part of the Residue of £150,000 authorized by former Acts*, § 5. *Power to convert Debentures into Stock*, § 8. *Power to redeem Preference Shares and Stock, and to re-issue the same*, § 9.]

## Cap. cxxv.

An Act for making a Railway from the authorized Line of the *West End of London and Crystal Palace Railway* (Extension to *Bromley* and *Farnborough*) at *Shortlands* in the Parish of *Beckenham* in the County of *Kent* to *Saint Mary Cray* in the same County. [21st July 1856.]

[*Incorporation of Company*, § 4. *Capital*, £70,000, § 5. *Power to borrow* £23,000, § 10. *Provisions as to Junction with the West End of London and Crystal Palace Railway*, §§ 21 to 23. *Power to enter into Traffic Arrangements with certain Companies for the Use of their Railways*, §§ 24, 25. *Provisions as to Tolls*, §§ 30 to 38.]

## Cap. cxxvi.

An Act to enable the *Oxford, Worcester, and Wolverhampton Railway Company* to raise further Money for the Completion of the Broad Gauge, and for other Purposes; and to convert their Mortgage Debt into Stock. [21st July 1856.]

[*Power to create a First Preference Stock*, §§ 4 to 6. *Rails not to be taken up except for Repairs*, § 8. *Indemnity to Proprietors of existing Preference and Guaranteed Stocks*, §§ 9 and 10. *New Capital not to found any Claim for new borrowing Powers*, § 11. *As to Rights of Holders of Debenture Stock*, § 23.]

## Cap. cxxvii.

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. [21st July 1856.]

[4 *Geo. 4. c. lix. repealed*, § 1. *Appointment of Trustees*, §§ 5, 6. *Provisions as to Tolls and Toll Houses*, §§ 9 to 16. *Trustees exonerated from Repairs of certain Roads*, §§ 18, 19. *Nothing to affect Rights of Uttoxeter District of Roads*, § 22. *Act to commence on the Day of passing, and to continue for Twenty-one Years*, § 28.]

## Cap. cxxviii.

An Act to amend *An Act for draining, embanking, and improving the Fen Lands and Low Grounds within the Parishes, Hamlets, Townships, or Places of Bardney, Southrow otherwise Southry, Tupholme, Bucknall, Horsington, Stixwold Edlington, and Thimbleby, in the County of Lincoln*, and to confer further Powers on the Commissioners under such Act; and for other Purposes. [21st July 1856.]

[*Powers conferred on the Commissioners by 6 & 7 Vict. c. lxxvi. for borrowing Money on Mortgage of Rates by that Act authorized to remain for Twenty-five Years*, § 1. *Power to Commissioners to agree for the Advance of Moneys by way of terminable Annuity*, § 2. *Provisions respecting such Annuity, &c.*, §§ 3 to 17. *Amendment of Rating Powers*, §§ 19, 20. *As to Recovery of Rentcharges, &c.*, §§ 21 to 28. *Commissioners exonerated in respect of the Sum of £5,000 borrowed under an Agreement with the Earl of Harrowby, R. Vyner, and C. Turner, Esquires*, §§ 30, 31. *Act to be construed with 6 & 7 Vict. c. lxxvi.*]

## Cap. cxxix.

An Act to revive and extend certain of the Powers of the *Waveney Valley Railway Company* with relation to their Railway. [29th July 1856.]

## Cap. cxxx.

An Act for authorizing the Abandonment of Parts of the authorized Lines of the *Westminster Terminus Railway*, and the making of other Lines of Railway in lieu thereof, and for reducing the Capital of the *Westminster Terminus Railway Company*; and for other Purposes. [29th July 1856.]

[17 & 18 *Vict. c. ccv. repealed*, § 6. *Company to continue incorporated*, § 7. *General Saving of Rights under repealed Act*, § 10. *Provisions respecting Shares*, §§ 24 to 29. *Power to borrow* £20,000, § 30. *Saving Rights of the South-western Railway Company*, §§ 50 to 53. *As to Junction with Crystal Palace Railway*, §§ 57, 58. *As to Bridge over Wandsworth Road, and Roads connected with the Surrey and Sussex Roads*, §§ 59 to 66. *Works affecting Sewers to be approved by Metropolitan Board of Works, &c.*, § 67. *Provisions as to Tolls*, §§ 71 to 78. *Saving Rights of Metropolitan Board of Works, Railway Companies, and W. S. Scholey, Esq.*, §§ 81 to 83.]

## Cap. cxxx.

An Act to render more effectual the Powers of raising Money given by "The *Severn Navigation Act, 1853*," and for other Purposes. [29th July 1856.]

[*Power to Staffordshire and Worcestershire Canal Navigation Company to advance Money to the Severn Commissioners for Purposes of Act*, §§ 3 to 6. *Power to Company to borrow on Mortgage*, § 9. *Saving Rights of Company and Commissioners*, § 14.]

## Cap. cxxxii.

An Act for making a Railway from the *Oswestry and Newtown Railway* in the Parish of *Buttington* in the County of *Montgomery* to *Shrewsbury*, with a Branch thereof to *Minsterley* in the County of *Salop*, and for other Purposes. [29th July 1856.]

[*Incorporation of Company*, § 3. *Capital*, £150,000, § 4. *Power to borrow* £50,000, § 7. *As to Communications with the Shrewsbury and Hereford, and Oswestry and Newtown Railways*, §§ 27 to 29. *Provisions as to Tolls*, §§ 31 to 39. *Provisions as to Use of Shrewsbury and Hereford Railway*, §§ 40 to 42.]

## Cap. cxxxiii.

An Act for extending the Operations of the Society for the Discharge and Relief of Persons imprisoned for small Debts throughout *England* and *Wales*. [29th July 1856.]

[*Power to Society to apply its surplus Income to other Charitable Institutions*, § 2. *Application of Funds limited*, § 3. *Saving Rights of the Society*, § 5.]

## Cap. cxxxiv.

An Act to unite and amalgamate the Undertaking of the *Scottish Midland Junction Railway Company* with the Undertaking of the *Aberdeen Railway Company*, to be thenceforth called "The *Scottish North-eastern Railway Company*," and to regulate the Management of and confer additional Powers on the United Company, and for other Purposes. [29th July 1856.]

[*Preamble recites Acts relating to the Aberdeen Railway*:—8 & 9 *Vict. c. cliii.*, 10 & 11 *Vict. cc. xxxix. and cxlii.*, 11 & 12 *Vict. c. lxxvii.*, 13 & 14 *Vict. c. lxxviii.*, 16 & 17 *Vict. c. ci.*—*Acts relating to the Arbroath and Forfar Railway*: 6 *Will. 4. c. xxxiv.*, 3 & 4 *Vict. c. xiv.*, 9 & 10 *Vict. c. lxxviii.*, 11 & 12 *Vict. c. liv.*—*Acts relating to the Scottish Midland Railway*: 8 & 9 *Vict. c. clxx.*, 9 & 10 *Vict. c. lxxv.*, 11 & 12 *Vict. c. lxxii.*, 16 & 17 *Vict. c. lxxxii.* *Short Title*, § 1. *Undertakings of the Two Companies to which this Act shall apply defined*, § 2. *Proprietors of the Two Companies united by Name of "The Scottish North-eastern Railway Company"*, § 3. *As to Proceedings pending by or against the Aberdeen Railway Company*, § 4. *General Saving of Rights under recited Acts relating to the Aberdeen Railway Company*, § 5. *Dissolution of the Scottish Midland Junction Railway Company, and vesting their Undertaking in "The Scottish North-eastern Railway Company"*, § 6. *Provisions of recited Acts relating to the Scottish Midland Junction Railway Company to remain in force with respect to the Scottish North-eastern Railway Company, except as altered by this Act*, § 7. *Provisions in other Acts of Parliament in favour of the Scottish Midland Junction Railway Company may be enforced, notwithstanding Dissolution of that Company*, § 8. *Debts, &c. due from or to the Scottish Midland Junction Railway Company to be payable by or to the Scottish North-eastern Railway Company*, § 9. *All Conveyances, &c. entered into by the Scottish Midland Junction Railway Company in force at the Time of the passing of this Act, and all Obligations, &c. to be as effectual as if made by the Scottish North-eastern Railway Company*, § 10. *All Causes of Action enforceable by or against the Scottish Midland Junction Railway Company to remain effectual by or against the Scottish North-eastern Railway Company*, § 11. *Actions or Suits commenced by or against the Scottish Midland Junction Railway Company not to be abated or prejudiced, but may be continued by or against the Scottish North-eastern Railway Company*, § 12. *Submissions to Arbitration and Awards affecting the Scottish Midland Junction Railway Company not to be revoked, but to be effectual for or against the Scottish North-eastern Railway Company*, § 13. *Real and Personal Property and all Rights and Privileges of the Scottish Midland Junction Railway Company to be vested in the Scottish North-eastern Railway Company*, § 14. *Works of Scottish Midland Junction Railway Company may be executed by the Scottish North-eastern Railway Company*, § 15. *Clerks, &c. of Scottish Midland Junction Railway Company to be the Clerks, &c. of the Scottish North-eastern Railway Company*, § 16. *Present and future Liabilities of Scottish Midland Junction Railway Company*, § 17. *Books and Documents which were Evidence for or against either of the Companies to be Evidence for or against the Scottish North-eastern Railway Company*, § 18. *Agreement for Amalgamation confirmed*, § 19. *Proprietors of Shares and Stock in the Two Companies to be Proprietors of Shares and Stock of like Quality in the Scottish North-eastern Railway Company*, § 20. *Capital of the Scottish North-eastern Railway Company defined; but the Capital of the Two Companies to be kept separate and in distinct Accounts and Books*, § 21. *The Debt of each Company to be kept distinct and placed to the Account of the particular Capital Stock representing its former Capital Stock*, § 22. *Certain Liabilities to be charged to the Aberdeen Proprietors*, § 23. *Certain Liabilities to be charged to the Scottish Midland Proprietors*, § 24. *Certain Feu Duties to be paid by united Company*, § 25. *Certain Liabilities of each Company to be deemed the Liabilities of the united Company*, § 26. *Expenses in respect of certain Branches to be charged to united Company*, § 27. *Rolling Stock, &c. acquired since a certain Date to be paid for by united Company*, § 28. *Division and Appropriation of Revenue of united Company*, § 29. *Certain Monies and Lands to be the separate Property of the Aberdeen Proprietors*, § 30. *Certain Sums to be the separate Property of the Scottish Midland Proprietors*, § 31. *Dividends to be declared out of Profits appropriated to each Class of Proprietors*, § 32. *Power to re-borrow Monies owing on Mortgage or Bond, so as to make the same a Charge on the united Company*, § 33. *Power to re-issue Debenture Stock so as to make the Debenture Shares or Stock and funded Debt a Charge on the united Company*, § 34. *When and as Debts paid off the Powers to mortgage, &c. reduced*, § 35. *General Meeting to determine Terms*



*Terms of Issue of Debenture Stock, § 36. Debenture Stock to be a permanent Charge on the united Undertaking, § 37. Interest on Debenture Stock to be a primary Charge over all Dividends payable to Proprietors, § 38. Provisions as to Debenture Stock, §§ 41 to 44. Interest on Monies raised by united Company to be charged rateably to each Class of Proprietors, § 45. Powers to enter into Agreements with the Perth and Dunkeld Railway Company for the Use of Stations, § 60. United Company may purchase Lands for Purposes of joint Stations, § 61. Rent, &c. payable to Arbroath and Forfar Railway Company not to be affected, § 64. Amalgamated Company to afford Facilities for the Transmission of Traffic to and from the Dundee and Arbroath and Dundee and Perth Railways, § 65. Expenses of Act, § 69.]*

## Cap. cxxxv.

An Act for making a Railway from the Southampton and Dorchester Railway to Blandford Saint Mary in the County of Dorset, and for other Purposes. [29th July 1856.]

[*Incorporation of Company, § 4. Capital, £100,000, § 5. Power to borrow £33,000, § 9. As to Communication with the London and South-western Railway, §§ 20 to 25. Provisions as to Tolls, §§ 35 to 41. As to Working Arrangements with the London and South-western Railway, § 42.*]

## Cap. cxxxvi.

An Act for making a Railway from the Scottish Midland Junction Railway, near the Dunkeld Road Bridge, to Methven, in the County of Perth. [29th July 1856.]

[*Incorporation of Company, § 3. Capital, £25,000, § 4. Power to borrow, £8,000, § 9. As to Junction with the Scottish Midland Junction Railway, §§ 22 to 24. Provisions as to Tolls, §§ 32 to 40. Power to Scottish Midland Company to subscribe, §§ 41 to 44. Provisions as to Agreements and Working Arrangements with the Scottish Midland Company, §§ 45 to 52. Saving Rights of the same Company, § 54.*]

## Cap. cxxxvii.

An Act to extend the Time limited for completing the Oxford, Worcester, and Wolverhampton Railway, and for adapting the same to the Broad Gauge, and for other Purposes. [29th July 1856.]

## Cap. cxxxviii.

An Act to provide for the Arrangement of the Financial Affairs of the City of Perth, for the Maintenance of the Port and Harbour; and for other Purposes therewith connected. [29th July 1856.]

[*11 Geo. 4. & 1 Will. 4. c. cxxi., 4 & 5 Will. 4. c. lxxvii., 2 & 3 Vict. c. xxi., and 12 & 13 Vict. c. xxiii. repealed, § 2. Port and Harbour vested in Town Council, § 3. Power to Magistrates and Council to levy Rates and Duties on Vessels and Goods, § 13. Power to grant Bonds of perpetual Annuities, § 18. Surplus Revenues to be applied in Payment of Annuities, § 29. Power to raise Money by Assessments within the Bounds described in Schedule (M.) of 2 & 3 Will. 4. c. 65. As to Restriction of City Expenditure, § 35. Accounts of the Harbour to be kept separate from those of the City, § 37. Saving Rights of Corporation, of Rights to private Quays, and Rights of the Crown and the Admiralty, §§ 40 to 43.*]

## Cap. cxxxix.

An Act to enable the Scottish Central Railway Company to make Branch Railways to the Town of Denny in the County of Stirling. [29th July 1856.]

## PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

## Cap. 1.

AN Act to amend an Act made and passed in the Tenth Year of the Reign of Her present Majesty, intituled *An Act to divide the Parish and Rectory of Doddington otherwise Dornington into Three separate and distinct Parishes and Rectories, and to endow the same out of the Revenues of that Rectory, and to make Provisions for the further Division of such Rectories and Parishes, and for other Purposes connected therewith.* [5th June 1856.]

[Preamble recites 10 & 11 Vict. c. 3. containing certain Provisions respecting the Rectory of Doddington otherwise Dornington. Income of the new Rectory of Doddington, after providing the Incumbent £1,700 a Year, to form a Fund to provide a Church and Parsonage House in a new Parish to be formed out of it, § 1. The Rectory of Doddington to be divided into Two Parishes and Rectories from a Time to be specified by the Bishop of Ely, § 2. When Doddington is formed into Two Parishes, each Rector to receive the Income from his own Parish, § 3. Income of the new Rectory of March, after providing the Incumbent an Income of £13,000 a Year, to form a Fund to provide new Churches and Parsonage Houses for Three new Parishes to be formed out of it, to be called Saint Mary March, Saint John March, and Saint Peter March, and also to provide a Chapel of Ease to Saint Mary March, § 4. Provisions as to Consecration of Churches, and Conveyance of Parsonage Houses, &c. to Rectors, §§ 5 to 8. As to Performance of Services in new Churches, §§ 9 to 11. Each new Rectory to be a separate Benefice under the Jurisdiction of the Bishop of Ely, § 12. Power to raise Money upon Tithe Rentcharge of Doddington or March, §§ 16 to 19. Sums authorized to be raised by 10 & 11 Vict. c. 3. may be increased by Order in Council, § 20. If Parish of Doddington become a distinct Parish during the Incumbency of Rev. A. Peyton, no further Division to take place during his Incumbency without his Consent, § 21. Provisions of 10 & 11 Vict. c. 3., as to additional Churches, and as to providing Remedies for Mortgages, &c., to be applicable to this Act, § 23. General Saving of Rights, § 26.]

## Cap. 2.

An Act for continuing in force, during the Minority of Mrs. Clara Clarke Thornhill, the Wife of William Capel Clarke Thornhill, of Swakeleys in the County of Middlesex, Esquire, the Powers conferred by "Thornhill's Estate Act, 1852," and "Thornhill's Estate Act, 1854," and for other Purposes. [23d June 1856.]

[General Saving of Rights, § 8. Power to grant Leases for Twenty-one Years, § 1. Power to grant Building or Repairing Leases for Ninety-nine Years, § 2. Power to appropriate Lands for Markets, Squares, Streets, &c., § 3. General Saving, § 22.]

## Cap. 3.

An Act for authorizing the Trustees under the Will of William Wainman Esquire, deceased, to grant Leases, and to make Sales, Exchanges, and Partition of the Real Estates devised by or subject to the Trusts of the same Will; and for other Purposes. [23d June 1856.]

[Power for Trustees to grant Leases for Twenty-one Years, § 1. To grant Building or Repairing Leases for Ninety-nine Years, § 2. To appropriate Lands for Markets, Squares, &c., § 3. Monys arising from Sales, &c. to be paid into Court of Chancery, § 13. General Saving, § 22.]

## Cap. 4.

An Act for giving effect to a Compromise relating to the Estate of the Most Noble George Fourth Duke of Marlborough, deceased, and, with a view thereto, for extinguishing the demisable Quality of certain Copyhold Hereditaments, Parcels of the Manors comprised in the Estates and Hereditaments settled on the Dukedom, and for creating a Term of Years in a Portion of the said Copyhold Hereditaments. [23d June 1856.]

[General Saving of Rights, § 12.]

## Cap. 5.

An Act to authorize Sir Lionel Milborne Swinnerton Baronet and his Issue to assume and bear the Surname of Pilkington jointly with the Surnames of Milborne and Swinnerton, and to be called by the Surnames of Milborne Swinnerton Pilkington. [23d June 1856.]

## Cap. 6.

An Act for vesting in Trustees the undivided Parts, subject to the Limitations of the Wills of *Benjamin Ingham* deceased and *Joshua Ingham* deceased respectively, of Estates in the West Riding of the County of *York*, and for authorizing Partitions of Parts of those Estates, and for authorizing Leases and Sales of Parts of those Estates, and for other Purposes. [30th June 1856.]

[Settled Estates under the Wills of *Benjamin Ingham* and *Joshua Ingham* vested in Trustees, § 2. Trustees empowered to make Partitions of Estates, § 10. Trustees empowered to appropriate Lands in Tenth Schedule for Building Purposes, §§ 12 to 33. Power to lease for Twenty-one Years, § 34. Power to sell settled Estates, § 37. General Saving of Rights, § 59. Exception from General Saving, § 60. As to Consent of *Joshua Cunliffe Ingham*, § 61.]

## Cap. 7.

An Act to authorize the granting of Leases of Parts of the Freehold, Copyhold, and Leasehold Estates of the late *Leonard Lewen Wheatley* Esquire, situate in the several Parishes of *Saint Lawrence* and *Saint Peter the Apostle* in the Isle of *Thanet*, of *Meopham near Gravesend*, and *Ash next Sandwich*, and elsewhere in the County of *Kent*, and within the Manor of *Stepney* otherwise *Stebunheath Ratchliffe* in the Parish of *Saint Dunstan Stepney*, and elsewhere in the County of *Middlesex*. [30th June 1856.]

[Court of Chancery may authorize the granting of Leases according to Contracts entered into by Testator, &c., §§ 2 to 9. Saving Rights of Lords of Manors, § 14. General Saving, § 15.]

## Cap. 8.

An Act to enable the Trustees of the Will of *Matthew Butterwick* Esquire, to sell the Rectory and Tithes of *Thirsk*, held by Lease for Lives under the Archbishop of *York*, and certain Policies of Assurance, and for the Investment of the Proceeds, and for other Purposes; of which the Short Title is "*Butterwick's Estate Act, 1856.*" [14th July 1856.]

[Power to sell Leasehold Premises and Policies of Assurance, § 2. Power to make Exchanges, § 3. General Saving, § 14.]

## Cap. 9.

An Act for enabling Leases for Mining, Agricultural, and Building Purposes to be made of the Estates of *John Walmsley* Esquire, deceased, and Sales of Portions thereof, and for other Purposes; the Short Title of which is "*Walmsley's Estate Act, 1856.*" [21st July 1856.]

[Power to grant Mining Leases, § 2. Provisions as to Licences granted to Lessees, &c., §§ 3 to 12. Power to lease for Twenty-one Years, § 13. Power to grant Agricultural Leases, § 14. Power to grant Building Leases, § 15. Liberties which may be comprised in Leases for building, &c., § 16. Particulars of Covenants Agricultural and Building and Improving Leases; Agricultural Leases; Building, Repairing, and Improving Leases, under Act must contain, §§ 17, 18, and 19. Power to contract for Building, Repairing, and Improving Leases, § 23. Power of Sale and Exchange, § 29. General Saving, § 35. Exceptions from General Saving, § 36.]

## Cap. 10.

An Act for enabling Leases and Sales to be made of Lands and Hereditaments in the Counties of *Northumberland* and *Durham* belonging to the Families of *Thoroton* and *Croft*, and for other Purposes; called "*The Thoroton and Croft Estate Act, 1856.*" [29th July 1856.]

[24 Geo. 3. c. 28. (Private) repealed, without Prejudice to Sales, Leases, &c. made pursuant to such Act, § 1. Lands, &c. mentioned in Schedule, and other Lands formerly belonging to *Margaret Bowles* and others vested in Trustees, upon Trust to lease, sell, &c., § 2. Power to grant Leases for Twenty-one Years, and appropriate Land for Squares, &c., §§ 5 and 6. Power to grant Building and Improving Leases, § 7. Provisions as to Terms, Covenants, &c. in such Leases, §§ 8 to 17. Power to grant Mining Leases, § 18. Provisions as to Terms, Covenants, &c. in such Leases, §§ 19 to 24. Power to enter into Contracts for Leases according to this Act, § 25. Provisions as to Term, Contracts, &c. in such Leases, §§ 26 to 34. General Saving of Rights, § 58. Exemptions from General Saving, § 59.]

## Cap. 11.

An Act for vesting in Trustees the Estates of the late *Sarah Reddall*, deceased, situate in the County *Northampton*, known as the *Dallington* Estate, for the Purpose of enabling Leases, Sales, Exchanges, and Partitions to be made of the same; and for other Purposes. [29th July 1856.]

[Power to grant Leases for Twenty-one Years, § 5. Provisions for appropriating Lands for Building and Improving Purposes, §§ 7 to 19. Power to grant Mining Leases, and to grant Licences to Mining Lessees, §§ 23 and 24. Provisions as to Rents, Reservations, &c. in Mining Leases, §§ 25 to 30. Power to borrow Money to pay off existing Charges and Expenses of this Act, § 42. Power to borrow Money for Bridges, § 43. General Saving of Rights, § 67. Exception from General Saving of Rights, § 68.]

## Cap. 12.

An Act to enable the Trustees of the Will of *John Bell* Esquire to sell a Leasehold Estate for Lives in the County of *York*, known as "*Wildon Grange*," held of the Archbishop of *York*, and for the Re-investment of the Proceeds in the Purchase of Real Estates of Inheritance ; of which the Short Title is "*Bell's Estate Act, 1856.*" [29th July 1856.]

[*Power to Trustees of the Will of John Bell to sell Leasehold Lands, &c. described in Schedule to the Purchaser, § 2. Expenses of Act to be paid, and surplus Monies to be laid out in the Purchase of other Estates, &c., § 6. Power to grant Leases for Twenty-one Years, § 9. Power to borrow by way of Mortgage £5,000, § 14. General Saving of Rights, § 22.*]

## Cap. 13.

An Act to amend and enlarge the Powers of an Act passed in the Twelfth and Thirteenth Years of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for authorizing the Trustees of the late Thomas Gordon to sell his Estates of Cairness and others in the County of Aberdeen, and to apply the Price thereof in Payment of the Debts and Burdens affecting the same, and for laying out the Residue of the Price in the Purchase of other Lands to be entailed, in Terms of the Trust Deed of Settlement by the said Thomas Gordon ; and for other Purposes.* [29th July 1856.]

[*General Saving of Rights, § 7.*]

## Cap. 14.

An Act for enabling Partitions, Sales, Exchanges, and Leases to be made of certain Parts of the Estates devised by the Will of Sir *John William Head Brydges*, deceased, and for other Purposes.

[29th July 1856.]

[*Power to grant Leases for Terms of Twenty-one Years, for Ninety Years, and for Sixty Years, § 3. As to Payment of Expenses of obtaining and carrying into effect this Act, § 22. Power to raise Money by Mortgage for such Expenses, § 23. General Saving of Rights, § 32. Provision as to future Consents of Stephen Ponsonby Peacocke and Wife, § 33.*]

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THE

# STATUTES at Large, &c.

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Anno Regni VICTORIÆ, Britanniarum Reginae,  
Vicesimo.

‘ **A**T the Parliament begun and holden at *Westminster*, the Fourth Day of *November*, Anno  
‘ *Domini* 1852, in the Sixteenth Year of the Reign of our Sovereign Lady VICTORIA, by the  
‘ Grace of God, of the United Kingdom of *Great Britain* and *Ireland*, Queen, Defender of the  
‘ Faith: And from thence continued, by several Prorogations, to the Third Day of *February* 1857;  
‘ being the Fifth Session of the Sixteenth Parliament of the United Kingdom of *Great Britain* and  
‘ *Ireland*.’

C A P. I.

An Act to amend the Act for limiting the Time of Service in the Royal Marine Forces.

[9th March 1857.]

‘ **W**HEREAS by an Act passed in the Session holden in the Tenth and Eleventh Years of the Reign  
‘ of Her Majesty, Chapter Sixty-three, for limiting the Time of Service in the Royal Marine  
‘ Forces, it was enacted, that no Person should be enlisted to serve in the Royal Marine Forces as a  
‘ Marine for a longer Term than Twelve Years, to be reckoned from the Day on which the Recruit  
‘ should have been attested, if he should have stated himself to be then of the Age of Eighteen Years, or  
‘ if not then from the Day on which he would complete the Age of Eighteen Years, to be reckoned  
‘ according to the Age stated in his Attestation; and it was thereby also enacted, that any Marine at any  
‘ Time during the last Six Months of the Term of limited Service for which he should have first engaged,  
‘ or after the Completion of such Term, might, if approved by his Commanding Officer or other com-  
‘ petent Authority as a fit Person to continue in Her Majesty’s Service as a Marine, be re-engaged to  
‘ serve for the further Term of Twelve Years in the Royal Marine Forces; and that any Marine who  
‘ should be ordered on Foreign Service, and who was within Three Years of the Expiration of his First  
‘ Engagement, should be at liberty, with the Approbation of his Commanding Officer, to re-engage, before  
‘ he embarked for such Foreign Service, for such Period as should complete a total Service of Twenty-  
‘ four Years: And whereas it is expedient that the Commissioners for executing the Office of Lord  
‘ High Admiral should be enabled to permit Enlistment for such less Terms as they may at any Time or  
‘ Times deem expedient, and to authorize Marines to re-engage for any Terms within the Limit of  
‘ Service prescribed by 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:

I. Any Person may be enlisted to serve in the Royal Marine Forces as a Marine for any Term not exceeding Twelve Years, to be reckoned as provided by the herein-before recited Act, as may be authorized by any Order or Orders of the said Commissioners in such Behalf; and any Marine may, subject to such Approbation as in the said Act mentioned, re-engage for such Term as may by any Order or Orders of the said Commissioners be authorized, provided the Term for which he is so engaged, with the Term of his Service under his First Enlistment, do not exceed the Period of Twenty-one Years; and the Forms of Questions on Enlistment in Schedule A. to the herein-before recited Act, and the Form of Declaration in Schedule B. to such Act, and the Questions on Enlistment and Declaration to be made by a Marine renewing his Service in the Schedule to the Marine Mutiny Act in force for the Time being, may, when the Occasion requires, be filled up with such Term or Number of Years as may for the Time being be authorized by such Order or Orders, instead of the Term or Number of Years mentioned in the Directions contained in such Schedules.

II. The herein-before recited Act and this Act shall be read and construed together as One Act.

10 & 11 Vict.  
c. 63.

Power to the  
Admiralty to  
prescribe  
Terms for  
Enlistment  
and Re-en-  
gagement of  
Marines.

Recited Act  
and this Act  
to be read as  
One.

## C A P. II.

An Act to facilitate the Appointment of Chief Constables for adjoining Counties, and to confirm Appointments of Chief Constables in certain Cases. [9th March 1857.]

Recital of Part of s. 4. of 2 & 3 Vict. c. 93.

‘ WHEREAS by the Act of the Second and Third Years of Her Majesty, Chapter Ninety-three, “ for the Establishment of County and District Constables by the Authority of Justices of the Peace,” it is provided, “ that it shall be lawful to appoint the same Chief Constable for Two or more adjoining Counties or Parts of Counties, if the Justices of such Counties, in General or Quarter Session assembled, shall mutually agree to join in such Appointment:” And whereas Difficulties have arisen in certain Cases in giving effect to the said Enactment:’ 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 :

Provision above recited repealed.

I. So much of the Fourth Section of the said Act of the Second and Third Years of Her Majesty as is herein-before recited shall be repealed.

Justices appoint as Chief Constable a Person holding similar Appointment in an adjoining County.

II. It shall be lawful for the Justices of the Peace of any County, in General or Quarter Session assembled, subject to the Provisions of the said Act, to appoint a Person to be Chief Constable of their County or of Part thereof, although he may hold or be appointed to the Office or Offices of Chief Constable of any adjoining County or Counties, or Part or Parts of Counties: Provided, that the Justices of each County, in General or Quarter Session assembled, shall declare their Consent that the Office in their Appointment may be held by such Person together with such other Office or Offices.

Previous Appointments of Chief Constables confirmed, and all Acts done by them valid.

III. And whereas Doubts have arisen as to the Validity of the Appointment of Chief Constables in certain Cases :

Every Appointment heretofore made or expressed to be made by the Justices of any County, in General or Quarter Session, of a Chief Constable for their County or Part thereof, and all Acts done under or with reference to every such Appointment, either by the Person appointed or by the Justices of the County, or by any other Persons whatsoever, shall be effectual and valid, notwithstanding any Defect or Informality in or in relation to such Appointment; provided such Appointment shall have been approved by One of Her Majesty’s Principal Secretaries of State.

2 & 3 Vict. c. 93. 3 & 4 Vict. c. 88. 19 & 20 Vict. c. 69. and this Act to be construed as One.

IV. The said Act of the Second and Third Years of Her Majesty, the Acts of the Session holden in the Third and Fourth Years of Her Majesty, Chapter Eighty-eight, and of the Session holden in the Nineteenth and Twentieth Years of Her Majesty, Chapter Sixty-nine, and this Act, shall be construed together as one Act.

## C A P. III.

An Act to confirm certain Provisional Orders of the General Board of Health applying the Public Health Act, 1848, to the Districts of *Ipswich*, *Oldbury*, *Stroud*, *Llangollen*, and *Dukinfield*; and for altering the Constitution of the Local Board for the Main Sewerage District of *Wisbech* and *Walsoken*. [9th March 1857.]

‘ WHEREAS the General Board of Health have, in pursuance of the Public Health Act, 1848, made published, and deposited, according to the Provisions of that Act, certain Provisional Orders in the Schedule to this Act contained, and it is expedient that the said Orders should be confirmed, and further Provisions made in relation thereto:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That—

Certain Provisional Orders of General Board of Health confirmed.

I. The Provisional Orders of the General Board of Health contained in the Schedule hereunto annexed shall, from and after the passing of this Act, so far as the same are authorized by the said Public Health Act, be absolute, and be as binding, and of the like Force and Effect, as if the Provisions of the same had been expressly enacted in this Act.

First Election of Local Board of Oldbury.

II. The First Election of the Local Board of Health for the District of *Oldbury*, for the Purposes of the said Public Health Act, shall take place on the Twenty-fifth Day of *March* in the Year of our Lord One thousand eight hundred and fifty-seven.

First Election of Local Board of Llangollen.

III. The First Election of the Local Board of Health for the District of *Llangollen* shall take place on the Twenty-fifth Day of *March* in the Year of our Lord One thousand eight hundred and fifty-seven.

First Election of Local Board of Dukinfield.

IV. The First Election of the Local Board of Health for the District of *Dukinfield* shall take place on the Twenty-fifth Day of *March* in the Year of our Lord One thousand eight hundred and fifty-seven.

First Selection and Election of Local Board for Main

V. The First Selection of the Twenty-three Members of the Local Board of Health for the Main Sewerage District of *Wisbech* and *Walsoken* to be selected by the Council of the Borough of *Wisbech*, and the First Election of the Six Members of the said Board to be elected for and in respect of the Parish

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Parish of *Walsoken*, shall take place on the Twenty-fifth Day of *March* in the Year of our Lord One thousand eight hundred and fifty-seven.

VI. All the Proceedings had, and Acts, Matters, and Things done and executed, by the Local Board of Health for the Main Sewerage District of *Wisbech* and *Walsoken*, as constituted by the Provisional Order of the General Board of Health, in relation to the aforesaid District, bearing Date the Fourteenth Day of *May* One thousand eight hundred and fifty-two, shall be as valid and effectual as if the said Order had been made and the said Local Board had been constituted consistently in every respect with the Public Health Act, 1848.

VII. No Rate made or Expenditure incurred before the passing of this Act by the Local Board of Health for the Main Sewerage District of *Wisbech* and *Walsoken*, as constituted by the Provisional Order aforesaid, shall be deemed invalid or illegal by reason of any Defect in the Constitution of the said Local Board; and the said Local Board, and all Persons acting under their Authority, are hereby relieved and indemnified from and against all Proceedings whatsoever on account of the making, levying, and collecting of any such Rate, or the incurring of any such Expenditure.

VIII. This Act shall be deemed to be incorporated with the Public Health Act, and shall be as if this Act and the Public Health Act, 1848, were One Act.

IX. In citing this Act in any other Act of Parliament, or in any Proceeding, Instrument, or Document whatsoever, it shall be sufficient to use the Words and Figures "The Public Health Supplemental Act, 1857."

Sewerage District of *Wisbech* and *Walsoken*.

Proceedings of Local Board for the last-mentioned District valid.

Rates, &c. of said Local Board to be deemed valid.

Act incorporated with Public Health Act 1848.

Short Title.

## SCHEDULE to which this Act refers.

## IPSWICH.

*Provisional Order for the Application of the Public Health Act to the Borough of Ipswich, in the County of Suffolk.*

## GENERAL BOARD OF HEALTH.

Whereas, upon the petition of not less than one-tenth of the inhabitants rated to the relief of the poor of and within the Borough of Ipswich, in the County of Suffolk, and within the boundaries of the said Borough, as fixed for the purposes of an Act passed in the sixth year of the reign of King William the Fourth, intituled "An Act to provide for the Regulation of Municipal Corporations in England and Wales," the General Board of Health, appointed for the purposes of the Public Health Act, 1848, have, in pursuance of the provisions of that Act, directed William Ranger, a Superintending Inspector, appointed for the purposes of the said Act, to visit the said Borough, within and throughout the said boundaries, and to make public inquiry, and to examine witnesses as to the sewerage, drainage, and supply of water, the state of the burial-grounds, the number and sanitary condition of the inhabitants, and as to any Local Acts of Parliament in force within the said Borough, for paving, lighting, cleansing, watching, regulating, supplying with water, or improving the said Borough, or having relation to the purposes of the said Act; also as to the natural drainage areas, and the existing municipal, parochial, or other local boundaries, and the boundaries which might be most advantageously adopted for the purposes of the said Act.

And whereas the said Superintending Inspector, having previously given the notices directed by the said Act, proceeded upon the said inquiry, and hath reported in writing to the said General Board upon the several matters with respect to which he was directed to inquire, and upon certain other matters in respect of which he deemed it expedient to report for the purposes of that Act.

And whereas copies of the said Report, accompanied by a notice, stating that written statements might be forwarded to the said Board with respect to any matter contained in or omitted from the said Report, or any amendment proposed to be made therein, have been duly published and deposited as directed by the said Public Health Act, and the time for forwarding such statements has now elapsed, and no such statements have been received by the said Board.

And whereas it appears upon such Report that there is a certain Local Act of Parliament in force within the said Borough, having relation to the purposes of the said Public Health Act; (that is to say,)

An Act passed in the first year of the reign of Queen Victoria, intituled "An Act for paving, lighting, cleansing, and otherwise improving the Town of Ipswich, in the County of Suffolk, and for removing and preventing Encroachments, Obstructions, and Annoyances therein."

And whereas it appears to the said General Board of Health to be expedient that the said Public Health Act, except as herein-after mentioned, should be applied to the said Borough; and that provision should be made with respect to the said Local Act of Parliament, and the partial repeal, alteration, extension, and further execution thereof; but the same cannot be done without the authority of Parliament.

Now therefore, in pursuance of the power vested in the said Board by the Public Health Act, 1848, the said General Board of Health do, by this Provisional Order under my hand, as President of the said Board, and under its seal of office, direct:

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

1. In the construction of this Order, the same meanings shall be assigned to certain expressions which are assigned to them by the section numbered 2 in the copies of "The Public Health Act, 1848," printed by Her Majesty's Printers, unless such meanings be repugnant to or inconsistent with the context or subject-matter in which such expressions occur.
2. So much of "The Public Health Act, 1848," as relates to corporate districts shall apply to the area comprised within the boundaries of the said Borough of Ipswich.
3. The Mayor, Aldermen, and Burgesses of the said Borough shall be by the Council of the said Borough the Local Board of Health under the said Public Health Act.
4. Such parts of the said Local Act as are specified in the Schedule to this Order shall be repealed, except in so far as they relate to anything done before the passing of any Act of Parliament confirming this Order, and except in so far as the same repeal any other Act or Acts of Parliament.
5. The powers, authorities, and duties of the Commissioners for the time being acting in execution of the said Local Act shall cease; and such of them as are granted or imposed by the unrepealed parts of the said Local Act shall, so far as they are not repugnant to, or inconsistent with, the said Public Health Act, or this Order, or any byelaw which shall be lawfully made under the said Public Health Act, be transferred to the said Local Board of Health, and the officers and servants of the said Local Board, and shall be exercised as if they had been granted or imposed by the said Public Health Act, and for this purpose the unrepealed parts of the said Local Act shall be incorporated with the said Public Health Act as applied to the said Borough, and all places within the limits of the said Borough shall be subject to the unrepealed parts of the said Local Act.
6. The said Local Board shall be the Commissioners for executing the unrepealed parts of the said Local Act.
7. The sections of the Towns Improvement Clauses Act, 1847, with respect to—
  - Naming the streets and numbering the houses;
  - Improving the line of the streets, and removing obstructions;
  - Ruinous or dangerous buildings;
  - Precautions during the construction and repair of the sewers, streets, and houses;
  - The abatement of nuisances (being the sections numbered 104, 105, and 106);
  - The prevention of smoke;
  - The construction of houses for the prevention of fire;
  - The supplying buildings with fresh air;
  - Public bathing places and drying grounds, except so much thereof as requires any special order for doing anything contained therein;
  - Clocks;
 And also the sections of the Towns Police Clauses Act, 1847, with respect to—
  - Obstructions and nuisances in the streets;
  - Fires;
  - Places of public resort;
  - Hackney carriages;
  - And public bathing;
 Shall be incorporated with so much of the said Local Act as remains unrepealed by this Order, and with the said Public Health Act, as applied to the said Borough by this Order, and any Act of Parliament confirming the same; and the expression "The Special Act," used in the said sections, shall be construed to mean the unrepealed parts of the said Local Act, and the said Public Health Act so applied; and the expression "Limits of the Special Act," used in the same sections, shall be construed to mean the district constituted by this Order; and the expression "the Commissioners," used in the said sections, shall mean the said Local Board.
8. All property and estate of the Commissioners acting in the execution of the said Local Act shall be transferred to the said Local Board of Health, and shall, as near as circumstances will permit, be held by the said Local Board of Health upon the same trusts, and for the same purposes, as by such Commissioners.
9. All debts, monies, and securities for money contracted or payable by such Commissioners, shall be satisfied by the said Local Board out of such parts of the said transferred property and estate as would have been chargeable therewith if this Order had not been made; and shall be paid and satisfied by the said Local Board, as by such Commissioners.
10. Provided always, that if such property and estate be insufficient for that purpose, the deficiency shall be charged upon the rates leviable under the said Public Health Act, in the parts only which would have been chargeable with such deficiency if this Order had not been made.
11. Provided also, that if such property and estate be more than sufficient, the surplus shall be applied to the exclusive use of the same parts and to the same purposes as it would have been if this Order had not been made.

12. All



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12. All expenses which shall be incurred by the said Local Board of Health under the unrepealed parts of the said Local Act, and which shall not be defrayed out of monies arising under such Local Acts, shall be deemed to be expenses incurred by such Board under the said Public Health Act, and shall be defrayed out of the rates under that Act (as the nature of the case may require); and the monies necessary to be raised for the purposes of such Local Act may be raised as under the said Public Health Act.
13. Provided always, that this Order, and the repeal of the parts of the said Local Act mentioned in the Schedule thereto, shall not prejudicially affect anything done under that Act before the passing of any Act of Parliament confirming this Order; but notwithstanding this Order, and the Schedule thereto, all such things, and all existing contracts and agreements, shall be as valid with reference to the said Local Board of Health, as if the same had been done and made by or with that Board, and may be dealt with in the same manner, in all respects, as if they related to that Board, instead of the said Commissioners, and all duties and liabilities thereunder shall attach to and be borne and discharged by the said Local Board instead of the said Commissioners.
14. Provided also, that this Order, and the repeal of the parts of the said Local Act mentioned in the Schedule thereto, shall be without prejudice to any penalties incurred under the said Local Act, but all such penalties may be recovered by the said Local Board of Health according to the provisions of this Order.

Given under my hand as President of the General Board of Health, and under its seal of office, this Twenty-first day of January, in the year of our Lord One thousand eight hundred and fifty-seven.

(L.S.)

(Signed)

W. COWPER.

*Schedule to which this Order refers.*

The parts of the said Local Act referred to in this Order to be repealed are as follows; (that is to say,) The sections numbered respectively in the copies of the said Act printed by the Queen's printers 1 to 23, 26 to 35, 37 to 87, all inclusive.

And so much of any unrepealed part of the said Act as fixes the amount of any penalty for any offence under the said Act, wherever the penalty for such offence shall have been fixed by the Public Health Act, 1848, or by any byelaw of the Local Board of Health, made under and by virtue of the said Public Health Act, at an amount other than that fixed by the said first-mentioned Act.

## OLDBURY.

*Provisional Order for the Application of the Public Health Act to the District of Oldbury, in the County of Worcester.*

## GENERAL BOARD OF HEALTH.

Whereas, upon the petition of not less than one tenth of the inhabitants rated to the relief of the poor of and within the township of Oldbury, in the parish of Halesowen, in the county of Worcester, the General Board of Health appointed for the purposes of the Public Health Act, 1848, in pursuance of the provisions of that Act, directed William Ranger, a Superintending Inspector, appointed for the purposes of the said Act, to visit the said township within and throughout the boundaries thereof, and to make public inquiry, and to examine witnesses as to the sewerage, drainage, and supply of water, the state of the burial-grounds, the number and sanitary condition of the inhabitants, and as to any Local Acts of Parliament in force within the said township for paving, lighting, cleansing, watching, regulating, supplying with water, or improving the said township, or having relation to the purposes of the said Act; also as to the natural drainage areas, and the existing municipal, parochial, or other local boundaries, and the boundaries which might be most advantageously adopted for the purposes of the said Act.

And whereas the said Superintending Inspector, having previously given the notices directed by the said Act, proceeded upon the said inquiry, and hath reported in writing to the said General Board upon the several matters with respect to which he was directed to inquire, and upon certain other matters in respect of which he deemed it expedient to report for the purposes of that Act.

And whereas copies of the said Report, accompanied by a notice stating that written statements might be forwarded to the said Board with respect to any matter contained in or omitted from the said Report, or any amendment proposed to be made therein, have been duly published and deposited as directed by the said Public Health Act, and the time for forwarding such statements has now elapsed, and all such statements as have been received by the said Board have been duly deposited as required by that Act.

And whereas it having appeared to the said General Board that the boundaries which might be most advantageously adopted for the purposes of the Act were not the same as those of the said township, with respect to which the said inquiry had been made, the said Board caused the said William Ranger to visit the parts within the boundaries proposed to be adopted for the purposes of the said Act.

And whereas the said Inspector, after having given such notice as is required by the said Act, did proceed

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proceed with such further inquiry, and did hear all persons desirous of being heard before him on the subject of the said Report, and did make further Report according to the directions of the said Board.

And whereas copies of such further Report, accompanied by a notice stating that, within the time directed by the said Act, written statements might be forwarded to the said Board with respect to any matter contained in or omitted from the said last-mentioned Report, or any amendment proposed to be made therein, have been duly published and deposited as required by the said Act, and the time for forwarding such statements has now elapsed; and no such statements have been received by the said Board in relation to such Report.

And whereas it appears to the said General Board to be expedient that the said Public Health Act, except as herein-after mentioned, should be applied to so much of the aforesaid parish of Halesowen as is included within the dotted line on the map accompanying the aforesaid further Report of Mr. Ranger to the General Board of Health, dated 18th April 1856, and described in the Schedule to this Order, annexed; but the same cannot be done without the authority of Parliament.

Now therefore, in pursuance of the powers vested in the said Board by the Public Health Act, 1848, the said General Board of Health do, by this Provisional Order, under the hand of the President of the said Board, and the official seal of that Board, direct:—

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

1. The Public Health Act, 1848, except the Section numbered 50 in the copies of that Act printed by Her Majesty's Printers, shall apply to so much of the said parish of Halesowen, in the county of Worcester, as is included in the dotted line aforesaid, and described in the Schedule to this Order annexed, and that the said district shall be called the "Oldbury District."
2. The Local Board of Health for the said district shall consist of fifteen persons, and the entire number shall be elected for the whole of the said district.
3. One third in number of the said Local Board shall go out of office on the 25th day of March in each year subsequently to that in which the first election takes place.
4. Every person shall at the time of his election as member of the said Local Board, and so long as he shall continue in office by virtue of such election, be seised and possessed of real or personal estate, or both, to the value or amount of not less than five hundred pounds, or shall be rated to the relief of the poor of some parish, township, or place of which some part is within the said district, upon an annual value of not less than fifteen pounds.
5. At the first election of the said Local Board, Mr. Samuel Marsh shall have the powers and perform the duties vested in or imposed upon the Chairman of the Local Board of Health by the Public Health Act, 1848, in relation to any election by owners of property and ratepayers, and shall perform all other duties which it may be requisite for him to perform in conducting and completing the said first election; and in case the said Samuel Marsh, from illness or other sufficient cause, shall be unable to exercise or discharge such powers or duties, or shall be absent or shall refuse to act, then Mr. Samuel Clifton shall exercise and perform such of the said powers and duties as then remain to be exercised or performed.
6. The fourteen days' notice of qualification required by the Public Health Act, 1848, to be given by owners of property in order to entitle them to vote at the said first election shall be given to the said Samuel Marsh at his residence in Oldbury, or in case he shall refuse or be unable to receive the same, then to the said Samuel Clifton at his residence in Oldbury aforesaid.

Given under my Hand and under the Seal of the General Board of Health, this Twentieth day of January, in the year of our Lord One thousand eight hundred and fifty-seven.

(L.S.)

(Signed) W. COWPER.

*Schedule.*

The following is the description of the Boundary of the district of OLDBURY, referred to in the preceding Order:

The boundaries of the Oldbury district (being part of the said parish of Halesowen) commence at the northern extremity of the said parish at its junction with the parishes of Rowley Regis and West Bromwich, running thence in a south-eastwardly and southern direction along the boundary between the said parishes of Halesowen and West Bromwich to the point where the parishes of Halesowen, West Bromwich, and Harborne meet, thence in a southern direction along the boundary between the parishes of Halesowen and Harborne to the turnpike-road leading out of Oldbury to or towards Birmingham, near to the Rood End toll-gate, thence across the said turnpike-road at or near to a pit or watering place at the eastern corner of a garden or pleck belonging to and in the occupation of Solomon Simpson, running thence in a southern direction along the boundary of the said parishes of Halesowen and Harborne to the south-eastern corner of a field called Brook Leasow, belonging to Richard Bloxidge, in the occupation of Samuel Underhill, thence along the south side of the said field to the south-west corner thereof, thence along the west side of the said field and of another field, also called Brook Leasow, belonging to the said Richard Bloxidge, and in the occupation of the said Samuel Underhill, to the north-west corner of the latter, thence across the foredrift or occupation-road there to the west side thereof, thence up to and along the

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the south side of a public-house situate at Rood End, known as "The Bell," belonging to the representatives of the late James Birch, and occupied by John Smith (thereby including the said public-house in the said proposed district), thence along the south and south-west side of the lane leading from Rood End to Langley Green to the north-west corner of a garden belonging to Elizabeth Downing, in the occupation of Henry Hadley, thence along the east side of the said garden and of a field called Cob's Croft to the south-east corner of the latter, thence along part of the north and the whole of the east side of a field called Horse Leasow, which two last-mentioned pieces belong to the representatives of the said James Birch, and are occupied by William Smith, thence along the eastern sides of certain fields called Pingle Meadow, Bissell's Piece, Hilly Piece, and Highway Piece, to the south-east corner of the latter at its junction with the highway leading from a house called the Dog Kennel to Smethwick, which said pieces belong to John Sargeant, and are occupied by Daniel Darby, junior, thence along the south side of the said Highway Piece into and about half way along the south side of a field called Big Reddings, belonging to Samuel and James Sadler, and occupied by Diana Thompson, thence across the said highway to the south side thereof, thence along the south side of the said highway to its junction with the road leading from the said house called the Dog Kennel to or towards Bristnall Fields to or opposite to the south corner of a field called the Croft, belonging to Joseph Shorthouse, in the occupation of George Thompson, and along the south-west side thereof, thence along the south side of a field called the Junage, and along about two thirds of the south-west side of a field called the House Piece, thence in a westward direction to the south-west corner of a garden or homestead attached to a house called Langley Hall, thence along the west side thereof up to the highway leading to Langley Green (thereby including the said Langley Hall and premises within the said proposed district), thence along the south side of a pleck at the back of some cottages belonging to Henry Sturges (thereby including the cottages within the said proposed district), which said fields called the Junage, House Piece, garden or homestead, and pleck, belong to Edward Maude, and are occupied by Diana Thompson, thence in a south-westward direction along the south-east side of certain fields belonging to Mrs. Ann Hill, and occupied by Benjamin Hadley, called Langley Green Meadow, Brick Kiln Piece, and Clay Crofts (in two parts) to the south corner of the second Clay Croft, thence in a north-westerly direction along the west side of the Clay Croft (last mentioned) and the south-west side of a field called the Eddishes, also belonging to the said Mrs. Ann Hill, and occupied by the said Benjamin Hadley, to the west corner of the latter at its junction with the highway leading from Langley Green to Causeway Green, there crossing the said highway and taking a westerly direction to the corner of the highway leading towards Titford Green, thence along the western side of two fields called Near Langley Piece and Far Langley Piece, belonging to and in the occupation of John Collins, thence along the western side of two cottages and a field called Heather Langley, belonging to the Reverend William Lewis, the former occupied by John Adams and William Parkes and the latter by Samuel Walker, thence along the western side of two fields called Little Leasow and Dingle Piece, belonging to the trustees of Fentham's Hampton in Arden Charity Estates, and occupied by Henry Bickerton Whitehouse, to the north-west corner of the latter (thereby *excluding* the cottages and gardens which lie between the highway and the last-mentioned fields from the proposed district), thence across the end of a garden belonging to William Jervis Hodgetts, in the occupation of David Turley or others, into and across the road leading from Titford Green to Oldbury, thence along the south-west side of a field called the Long Meadow, also belonging to William Jervis Hodgetts, in the occupation of John Brinton, thence across the Canal Branch belonging to the Birmingham Canal Company into a field called the Lower Field, and along the south-west side thereof, also of another field called the House Leasow, both belonging to the said William Jervis Hodgetts, in the occupation of William Hadley, to the north-west corner of the latter at its junction with the said parish of Harborne (thereby *excluding* the Canal Company's house and premises, also the houses and buildings which lie between the highway and the said last-described fields, from the proposed district), thence in a northward and westward direction, taking the boundary line between the parishes of Halesowen and Rowley Regis to the point upon which this description of the boundary of the aforesaid district commenced.

Nos. on Plan.	Names of Fields referred to.	Owners.	Occupiers.
586	House, Garden, and Pleck	Simpson, Solomon	Himself.
587	Top Stile	Smith, William	Himself.
777	Canal Feeder, &c.	Birmingham Canal Co.	Themselves.
778	Middle Gate Leasow	Downing, Sam. David	Smith, Wm.
779	The Meadow	Do.	Do.
466	House Piece	Do.	Do.
780	Garden	Smith, John	Himself.
781	Bullbrooks	Do.	Smith, William.
782	Do.	Bloxidge, Richard	Underhill, Samuel.
783	Brook Leasow	Do.	Do.

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Nos. on Plan.	Names of Fields referred to.	Owners.	Occupiers.
784	Brook Leasow - - -	Bloxidge, Richard - -	Underhill, Samuel.
468	The " Bell " public house, &c. - -	Birch, Jas., Executors - -	Smith, John.
818	House and Garden - - -	Downing, Elizabeth - -	Hadley, Henry.
819	Cob's Croft - - -	Birch, Jas., Executors - -	Smith, William.
822	Horse Leasow - - -	Do. - - -	Do.
823	Pingle Meadow - - -	Sargeant, John - - -	Darby, Daniel, jun.
826	Bissell's Piece - - -	Do. - - -	Do.
827	Hilly Piece - - -	Do. - - -	Do.
849	Highway Piece - - -	Do. - - -	Do.
850	Big Reddings - - -	Sadler, Sam. and Jas. - -	Thompson, Diana.
865	The Croft - - -	Shorthouse, Joseph - -	Thompson, George.
866 pt.	Little Junage - - -	Maude, Edward - - -	Thompson, Diana.
388	In the Junage - - -	Do. - - -	Do.
389	House Piece - - -	Do. - - -	Do.
390	House, Offices, Garden, &c. Langley Hall.	Do. - - -	Do.
396	Houses, Shops, and Gardens - -	Sturges, Henry - - -	{ Cooper, Frederick, Fletcher, William, Bradbury, Jas., and Essex, Charles.
399	In Langley Green Meadow - -	Hill, Mrs. Ann - - -	Hadley, Benjamin.
705 pt.	Do. - - -	Do. - - -	Do.
704	Brick-kiln Piece - - -	Do. - - -	Do.
703	Part of Clay Croft - - -	Do. - - -	Do.
702	Do. - - -	Do. - - -	Do.
700	The Eddishes - - -	Do. - - -	Do.
696	Near Langley Piece - - -	Collins, John - - -	Himself.
695	Far Langley Piece - - -	Do. - - -	Do.
694	Two Houses and Gardens - -	Lewis, Rev. William - -	Adams, John, and Parkes William.
693	Heather Langley - - -	Do. - - -	Walker, Samuel.
689	Little Leasow - - -	Hampton Charity - - -	Whitehouse, H. B.
687	Dingle Piece - - -	Do. - - -	Do.
686	Houses and Gardens - - -	Hodgetts, Wm. Jervis - -	Turley, David, and others.
480	Part of Long Meadow - - -	Do. - - -	Brinton, John.
478	Canal Feeders, &c. - - -	Birmingham Canal Co. - -	Themselves.
474	Lower Field - - -	Hodgetts, Wm. Jervis - -	Hadley, William.
473	House Leasow - - -	Do. - - -	Do.

STROUD.

*Provisional Order for the Application of the Public Health Act to the Parish of Stroud, in the County of Gloucester.*

GENERAL BOARD OF HEALTH.

Whereas, upon the petition of not less than one-tenth of the inhabitants rated to the relief of the poor of and within the Parish of Stroud, in the County of Gloucester (the number of such petitioners greatly exceeding thirty in the whole), the General Board of Health, appointed for the purposes of the Public Health Act, 1848, have, in pursuance of the provisions of that Act, directed William Ranger, Superintending Inspector, appointed for the purposes of the same Act, to visit the said Parish, and to make public inquiry, and to examine witnesses, as to the sewerage, drainage and supply of water, the state of the burial-grounds, the number and sanitary condition of the inhabitants, and as to any Local Acts of Parliament in force within the said Parish, for paving, lighting, cleansing, watching, regulating, supplying with water, or improving the said Parish, or having relation to the purposes of the said Public Health Act, also as to the natural drainage areas, and the existing municipal, parochial, or other local boundaries, and the boundaries which might be most advantageously adopted for the purposes of the Act.

And whereas the said Superintending Inspector, having previously given notices directed by the said Act,

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Act, proceeded upon the said inquiry in the manner directed by the said Act, and hath reported in writing to the said General Board upon the said several matters with respect to which he was directed to inquire, and upon certain other matters in respect of which he deemed it expedient to report for the purposes of that Act.

And whereas copies of the said Report, accompanied by a notice stating that within the time directed by the said Act written statements might be forwarded to the said Board with respect to any matter contained in or omitted from the said Report, or any amendment proposed to be made therein, have been duly published and deposited as required by the said Act, and the time for forwarding such statements has now elapsed, and no such statements have been received by the said Board.

And whereas it having appeared to the said General Board that the boundaries which might be most advantageously adopted for the purposes of the Act were not the same as those of the said Parish of Stroud with respect to which the said inquiry had been made, the said Board caused the said William Ranger to visit the parts within the boundaries proposed to be adopted for the purposes of the said Act.

And whereas the said Superintending Inspector, after having given such notice as is required by the said Act, did hear all persons desirous of being heard before him on the subject of the said Report, and did make further inquiry and report according to the directions of the said Board.

And whereas copies of such further Report, accompanied by a notice stating that, within the time directed by the said Act, written statements might be forwarded to the said Board, with respect to any matter contained in or omitted from the said last-mentioned Report, or any amendment proposed to be made therein, have been duly published and deposited as required by the said Act, and the time for forwarding such statements has now elapsed, and no such statements have been received by the said Board.

And whereas it appears to the said General Board to be expedient that the said Public Health Act, except as hereinafter mentioned, should be applied to so much of the said Parish of Stroud as lies within the distance of one mile in every direction from the Parish Church of Stroud aforesaid, and constitutes the Town of Stroud, as defined by the second section of the Act of 6 Geo. 4. c. 6. herein-after recited.

And whereas it appears upon such Report that there is a certain Local Act of Parliament in force within the said Parish, having relation to the purposes of the said Public Health Act; (that is to say,)

An Act passed in the sixth year of the reign of King George the Fourth, intituled "An Act for paving, lighting, watching, cleansing, regulating, and improving the Town of Stroud in the County of Gloucester."

And whereas it appears to the said General Board of Health to be expedient that the said Public Health Act, except as herein-after mentioned, should be applied to the said Town, as defined in the second section of the last herein-before recited Act of 6 Geo. 4. c. 6., and that provision should be made with respect to the said Local Act of Parliament, and the partial repeal, alteration, extension, and further execution thereof; but the same cannot be done without the authority of Parliament.

Now therefore, in pursuance of the power vested in the said Board by the Public Health Act, 1848, the said General Board of Health do, by this Provisional Order under my hand, as President of the said Board, and under the seal of the said Board, direct :—

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

1. In the construction of this Order, the same meanings shall be assigned to certain expressions which are assigned to them by the section numbered 2 in the copies of "The Public Health Act, 1848," printed by Her Majesty's Printers, unless such meanings be repugnant to or inconsistent with the context or subject-matter in which such expressions occur.
2. "The Public Health Act, 1848," except as herein-after excepted, shall apply to the area comprised within the boundaries of the said Town of Stroud, as defined in the second section of the aforesaid Act of 6 Geo. 4. c. 6.
3. The Commissioners for the time being acting in execution of the said Act "for paving, lighting, watching, cleansing, regulating, and improving the Town of Stroud, in the county of Gloucester," shall be the Local Board of Health under the said Public Health Act; but after the constitution of the said Commissioners as such Local Board of Health, the provisions of the Public Health Act and this Order with respect to the election, qualification, and tenure of office of Local Boards, excepting only such provisions as relate to the first election thereof, shall apply to and be in force in the said district.
4. Such parts of the said Local Act as are specified in the Schedule to this Order shall be repealed, except in so far as relates to anything done before the passing of any Act of Parliament confirming this Order, and except in so far as the same repeal any other Act or Acts of Parliament.
5. The powers, authorities, and duties of the Commissioners for the time being, acting in execution of the said Local Act, shall cease; and such of them as are granted or imposed by the unrepealed parts of the said Local Act shall, so far as they are not repugnant to, or inconsistent with, the said Public Health Act, or this Order, or any byelaw which shall be lawfully made under the said Public Health Act, be transferred to the said Local Board of Health, and the officers and

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- servants of the said Local Board, and shall be exercised as if they had been granted or imposed by the said Public Health Act, and for this purpose the unrepealed parts of the said Local Act shall be incorporated with the said Public Health Act as applied to the said Town, and all places within the limits of the said Town shall be subject to the unrepealed parts of the said Local Act.
6. All property and estate of the Commissioners acting in the execution of the said Local Act shall be transferred to the said Local Board of Health, and shall, as near as circumstances will permit, be held by the said Local Board of Health upon the same trusts, and for the same purposes, as by such Commissioners.
  7. All debts, monies, and securities for money contracted or payable or to become payable by such Commissioners, shall be satisfied by the said Local Board out of such parts of the said transferred property and estate as would have been chargeable therewith if this Order had not been made; and shall be paid and satisfied by the said Local Board, as by such Commissioners.
  8. Provided always, that if such property and estate be insufficient for that purpose, the deficiency shall be charged upon the rates leviable under the said Public Health Act, in the parts only which would have been chargeable with such deficiency if this Order had not been made.
  9. Provided also, that if such property and estate be more than sufficient, the surplus shall be applied to the exclusive use of the same parts and to the same purposes as it would have been if this Order had not been made.
  10. All expenses which shall be incurred by the said Local Board of Health under the unrepealed parts of the said Local Act, and which shall not be defrayed out of monies arising under such Local Act, shall be deemed to be expenses incurred by such Board under the Public Health Act, and shall be defrayed out of the rates under that Act (as the nature of the case may require); and the monies necessary to be raised for the purposes of such Local Act may be raised as under the said Public Health Act.
  11. Provided always, that this Order, and the repeal of the parts of the said Local Act mentioned in the Schedule thereto, shall not prejudicially affect anything done under that Act before the passing of any Act of Parliament confirming this Order; but notwithstanding this Order, and the Schedule thereto, all such things, and all existing contracts and agreements, shall be as valid with reference to the said Local Board of Health as if the same had been done and made by or with that Board, and may be dealt with in the same manner, in all respects, as if they related to that Board, instead of the said Commissioners, and all duties and liabilities thereunder shall attach to and be borne and discharged by the said Local Board instead of the said Commissioners.
  12. Provided also, that this Order, and the repeal of the parts of the said Local Act mentioned in the Schedule thereto, shall be without prejudice to any penalties incurred under the said Local Act, before the confirmation of this Order; but all such penalties may be recovered by the said Local Board of Health according to the provisions of this Order.
  13. From the 25th day of March 1858 the Local Board shall consist of 18 persons, and if on the day aforesaid the said Local Board shall exceed that number, then so many of the said Board as will reduce their number to 18 shall go out of office, and the names of those so to go out of office shall be determined by ballot, and one third in number of the said Local Board so reduced to 18 persons shall go out of office on the said 25th day of March 1858, and in each year subsequently, and an equal number shall be elected in their place; but in case the day appointed shall fall on a Sunday, or on a day appointed for a Public Fast or Thanksgiving, then that third shall go out of office on the day next following.
  14. Every person shall, at the time of his election as member of the said Local Board, at every election to take place after the Public Health Act, 1848, has been duly applied to the said Town, and so long as he shall continue in office by virtue of such election, be resident as in the Public Health Act, 1848, is required, and be seised and possessed of real or personal estate, or both, to the value or amount of not less than one thousand pounds, or shall be so resident and rated to the relief of the poor of some parish, township, or place of which some part is within the said district, upon an annual value of not less than thirty pounds.

Given under my hand, as President of the General Board of Health, and under the seal of the said Board, this Twelfth day of January in the year of our Lord One thousand eight hundred and fifty-seven.

(L.S.)

(Signed) W. COWPER.

*Schedule to which this Order refers.*

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

The sections numbered respectively in the copies of the said Act printed by the Queen's Printers 1 to 14, both inclusive, 15, except the proviso to the section so numbered, 16 to 21, 46 to 51, 60 to 77, all inclusive, 79, 82 to 96, 101 to 118, all inclusive.

And so much of any unrepealed part of the said Act as fixes the amount of any penalty for any offence under

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under the said Act, wherever the penalty for such offence shall have been fixed by the Public Health Act, 1848, or by any byelaw of the Local Board of Health, made under and by virtue of the said Public Health Act, at an amount other than that fixed by the said first-mentioned Act.

## LLANGOLLEN.

*Provisional Order for the Application of the Public Health Act, 1848, to the District of Llangollen, in the County of Denbigh.*

## GENERAL BOARD OF HEALTH.

Whereas, in pursuance of the Public Health Act, 1848, the General Board of Health, appointed for the purposes of the said Act, upon the joint petition of not less than one tenth of the inhabitants rated to the relief of the poor of and within the Parish of Llangollen, in the County of Denbigh, (the number of the said Petitioners exceeding thirty in the whole,) directed Thomas Webster Ramtall, a Superintending Inspector, appointed for the purposes of the said Act, to visit the said Parish, and to make public inquiry, and to examine witnesses as to the sewerage, drainage, and supply of water, the state of the burial-grounds, the number and sanitary condition of the inhabitants, and as to any Local Acts of Parliament in force within the said Parish for paving, lighting, cleansing, watching, regulating, supplying with water, or improving the said Parish, or having relation to the purposes of the said Act; also, as to the natural drainage areas, and the existing parochial or other local boundaries, and the boundaries which might be most advantageously adopted for the purposes of the said Act.

And whereas the said Superintending Inspector, having previously given the notices required by the said Act, proceeded upon the said inquiry in the manner directed by the said Act, and hath reported in writing to the said General Board upon the several matters with respect to which he was so directed to inquire as aforesaid, and upon certain other matters in respect of which he deemed it expedient to report for the purposes of the said Act.

And whereas copies of the said Report, accompanied by a notice stating that within the time directed by the said Act written statements might be forwarded to the said Board, with respect to any matter contained in or omitted from the said Report, or any amendment proposed to be made therein, have been duly published and deposited as required by the said Act, and the time for forwarding such statements has now elapsed, and all such statements as have been received by the said Board have been duly deposited, as required by the said Act.

And whereas it having appeared to the said General Board that the boundaries which might be most advantageously adopted for the purposes of the said Act were not the same as those of the said Parish with respect to which the said inquiry had been made, the said Board caused Alfred Lamerte Dickens, another of the Superintending Inspectors appointed for the purposes of the said Act, to visit the parts within the boundaries proposed to be adopted for the purposes of the said Act.

And whereas the said last herein-before named Superintending Inspector, after having given such notice as is required by the said Act, did hear all persons desirous of being heard before him on the subject of the said Report, and of the boundaries proposed to be adopted for the purposes of the said Act; and did make further inquiry, and report according to the directions of the said Board.

And whereas copies of such further Report, accompanied by a notice stating that within the time directed by the said Act written statements might be forwarded to the said Board with respect to any matter contained in or omitted from the said Report, or any amendment proposed to be made therein, have been duly published and deposited as required by the said Act; and the time for forwarding such statements has now elapsed, and no such statements have been received by the said Board.

And whereas it appears to the said General Board to be expedient that the said Public Health Act, except as herein-after mentioned, should be applied to a district comprised within so much of the boundaries set forth and described in the Schedule to this Order annexed, and shown by the red line on the map accompanying Mr. Dickens's printed Report to the General Board of Health, bearing date the 30th July 1856, as lies within the aforesaid Parish of Llangollen, and described on that map as the "Boundary of the proposed new District;" but the same cannot be done without the authority of Parliament.

Now therefore, in pursuance of the powers vested in the said Board by the Public Health Act, 1848, the said General Board of Health do, by this Provisional Order under my hand as President of the said Board, and under its official seal, order and direct, That from and after the day appointed for the first election of the Local Board of Health by any Act of Parliament confirming this Order—

1. The Public Health Act, 1848, and every part thereof, except the Section numbered 50 in the copies of that Act printed by her Majesty's Printers, shall apply to and be in force within and throughout so much of the entire area, places, and parts of places comprised within the boundaries set forth and described in the Schedule to this Order annexed, (and shown by the red line, described as the "Boundary of the proposed new District," on the map accompanying Mr. Dickens's printed Report to the General Board of Health, bearing date the 30th July 1856,) as lies within the aforesaid Parish of Llangollen, being the parts within which the said inquiry and further inquiry have been made, and that such area, places, and parts of places so comprised within the said Parish

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- of Llangollen shall be and constitute a district, for the purposes of the said Public Health Act, to be called the Llangollen District.
2. That the Local Board of Health, to be elected under the said Public Health Act, shall consist of nine persons to be elected for the whole of the said District.
  3. That one third in number of the said Local Board shall go out of office on the Twenty-fifth day of March in each year subsequent to that in which the first election of the said Local Board takes place.
  4. That every person shall at the time of his election as member of the said Local Board, and so long as he shall continue in office, by virtue of such election, be resident, as in the Public Health Act, 1848, is required, and be seised and possessed of real or personal estate, or both, to the value or amount of not less than three hundred pounds, or shall be so resident and rated to the relief of the poor of the said parish, or of some township or place of which some part is within the said District, upon an annual value of not less than fifteen pounds.
  5. That at the first election of the said Local Board, Major Charles John Tottenham, of Berwyn House, near Llangollen, shall have the powers and perform the duties vested in or imposed upon the chairman of the Local Board of Health by the Public Health Act, 1848, in relation to any election by owners of property and ratepayers, and shall perform all other duties which it may be requisite for him to perform in conducting and completing the said first election; and in case the said Major Tottenham, from illness or other sufficient cause, shall be unable to exercise or discharge such powers or duties, or shall be absent, or shall refuse to act, then Ebenezer Cooper, Gentleman, of Llangollen, shall exercise and perform such of the said powers and duties as then remain to be exercised or performed; and the said chairman may be elected a member of the said Local Board.
  6. That the fourteen days' notice of qualification required by the Public Health Act, 1848, to be given by owners of property in order to entitle them to vote at the said first election shall be given to the said Major Tottenham, at Messrs. Richards's Offices at Llangollen; or in case he shall refuse or be unable to receive the same, then to the said Ebenezer Cooper, at his residence at Llangollen.

Given under my Hand and under the Seal of the General Board of Health, this Fifteenth day of December, in the year of our Lord One thousand eight hundred and fifty-six.

(L.S.)

(Signed) W. COWPER.

*Schedule to which this Order refers.*

The boundary of the District of the Llangollen Local Board of Health, referred to in the preceding Order, is marked by a red line upon the map accompanying Mr. Dickens's Report, addressed to the President of the General Board of Health, and bearing date the 30th July 1856, the said red line being described on that map as the "Boundary of proposed new District;" but the said boundary is only to be taken to include the portions of the parish of Llangollen lying within it, and not to include any part of the adjoining parish of Llantysilio. The said red line is formed on the north-west and south-east sides by a circle drawn from the centre of the tower of the parish church at a radius of one mile and three furlongs; and on the north-east and south-west sides by lines drawn at a distance of one mile from the centre of the tower of the church at right angles to a line drawn through the centre of the tower of the said parish church and the centre of Castle Dinas Bran, until such lines intersect the before-mentioned circle drawn at a radius of one mile and three furlongs from the centre of the tower of the church,—the District of the said Local Board being confined to those portions of the parish of Llangollen alone which are included within the said red line, and not to comprise any portions of the adjoining parish of Llantysilio.

## DUKINFIELD.

*Provisional Order for the Application of the Public Health Act, 1848, to the District of Dukinfield, in the County of Chester.*

## GENERAL BOARD OF HEALTH.

Whereas, in pursuance of the Public Health Act, 1848, the General Board of Health, upon the joint petition of not less than one tenth of the inhabitants rated to the relief of the poor of and within so much of the Township of Dukinfield in the County Palatine of Chester as is not included within the limits or boundaries of the Town of Stalybridge, the said portion of the said Township being commonly called Dukinfield, and being a place having a well-known or defined boundary, (the number of the said petitioners exceeding thirty in the whole,) directed William Ranger, one of their Superintending Inspectors, to visit the said part of the said Township, and to make public inquiry, and to examine witnesses as to the sewerage, drainage, and supply of water, the state of the burial-grounds, the number and sanitary condition of the inhabitants, and as to any Local Acts of Parliament in force within the said part for paving, lighting, cleansing, watching, regulating, supplying with water, or improving the said part of the said Township, or having relation to the purposes of the said Act; also, as to the natural drainage areas,



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areas, and the existing parochial or other local boundaries, and the boundaries which might be most advantageously adopted for the purposes of the said Act.

And whereas the said Superintending Inspector, having previously given the notices required by the said Act, proceeded upon the said inquiry in the manner directed by the said Act, and hath reported in writing to the said General Board upon the several matters with respect to which he was so directed to inquire as aforesaid, and upon certain other matters in respect of which he deemed it expedient to report for the purposes of the said Act.

And whereas copies of the said Report, accompanied by a notice stating that, within the time directed by the said Act, written statements might be forwarded to the said Board with respect to any matter contained in or omitted from the said Report, or any amendment proposed to be made therein, have been duly published and deposited as required by the said Act, and the time for forwarding such statements has now elapsed, and no such statements have been received by the said Board.

And whereas it appears upon such Report that there is a certain Local Act in force within the said part of the said Township having relation to the purposes of the said Public Health Act, that is to say,

An Act passed in the Sixth year of the Reign of King William the Fourth, intituled "An Act for better supplying with Water the Township of Dukinfield in the County Palatine of Chester."

And whereas it appears to the said General Board to be expedient that the said Public Health Act should be applied to the said portion of the said Township; but the same cannot be done without the authority of Parliament.

Now therefore, the said General Board of Health, in pursuance of the powers vested in them by the Public Health Act, 1848, do, by this Provisional Order under the hand of their President, and under their official seal, order and direct,

That from and after the day appointed for the first election of the Local Board of Health by any Act of Parliament confirming this Order:—

1. The Public Health Act, 1848, shall apply to so much of the Township of Dukinfield in the County Palatine of Chester as is not included within the limits or boundaries of the Town of Stalybridge, and that the portion of the Township to which the said Act is so applied shall be called the Dukinfield District.
2. The Local Board of Health shall consist of fifteen persons, to be elected for the whole of the said District.
3. One third in number of the said Local Board shall go out of office on the twenty-fifth day of March in each year subsequently to that in which the first election takes place.
4. Every person shall, when elected, and while he continues a member of the said Local Board, be resident, as in the Public Health Act, 1848, is required, and be possessed of real or personal estate, or both, to the amount of not less than one thousand pounds, or shall be so resident and rated to the relief of the poor of the said Township upon an annual value of not less than thirty pounds.
5. At the first election of the said Local Board, William Bass, Esquire, of Dukinfield Lodge, Dukinfield, shall perform the duties which it may be requisite for him to perform in conducting the said first election; and in case the said William Bass, from illness or other sufficient cause, shall be unable to discharge such duties, or shall be absent, or shall refuse to act, then Edward Hyde, Esquire, of Oxford Road, Dukinfield, shall perform such of the said duties as then remain to be performed.
6. The fourteen days' notice of qualification required by the Public Health Act, 1848, to be given by owners of property in order to entitle them to vote at the said first election shall be given to the said William Bass, at his residence, Dukinfield Lodge aforesaid, or in case he shall refuse or be unable to receive the same, then to the said Edward Hyde, at his residence in Oxford Road, Dukinfield, aforesaid.

Given under my Hand and under the Seal of the General Board of Health, this Twelfth day of February, in the year of our Lord One thousand eight hundred and fifty-seven.

(L.S.)

(Signed) WILLIAM MONSELL,  
President.

WISBECH AND WALSOKEN.

*Provisional Order for altering the Constitution of the Local Board for the Main Sewerage District of Wisbech and Walsoken.*

GENERAL BOARD OF HEALTH.

Whereas, by a Provisional Order of the General Board of Health, bearing date the 14th day of May, 1852, confirmed by the Public Health Supplemental Act, 1852, (No. 2,) the Public Health Act, 1848, was applied to the District of Wisbech, in the County of Cambridge, for all purposes of that Act, and to the District of Wisbech and Walsoken, in the Counties of Cambridge and Norfolk, for the purposes of main sewerage only.

And

And whereas it appears to the General Board of Health that alterations should be made in certain provisions of the said Order, numbered 4, 7, and 8 respectively, for the constitution of the Local Board of Health for the said Main Sewerage District of Wisbech and Walsoken.

And whereas the said General Board have, in pursuance of the provisions of the said Act, directed William Ranger, a Superintending Inspector appointed for the purposes of the said Act, to visit the said District, and to make further public inquiry, and to examine witnesses as to the alteration of the said provisions.

And whereas the said Superintending Inspector, having previously given the notices directed by the said Act, proceeded upon the said further inquiry in the manner directed by the said Act, and hath reported in writing to the said General Board upon the said matter with respect to which he was directed to inquire.

And whereas copies of the Report on such further inquiry, accompanied by a notice stating that written statements might be forwarded to the said Board with respect to any matter contained in or omitted from the said Report, or any amendment proposed to be made therein, have been duly published and deposited as directed by the said Public Health Act, and the time for forwarding such statements has now elapsed, and no such statements have been received by the said Board.

And whereas it appears to the said General Board to be expedient that the said provisions should be altered, but the same cannot be done without the authority of Parliament.

Now therefore, the said General Board of Health, in pursuance of the power vested in them by the Public Health Act, 1848, under the hand of their President and under their official seal, order and direct:—

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

1. The provisions numbered 4, 7, and 8 in the said Provisional Order shall be repealed.
2. The Local Board of Health for the said Main Sewerage District of Wisbech and Walsoken shall consist of the Mayor for the time being of the said Borough of Wisbech and twenty-nine other persons, of whom twenty-three shall be selected by the Council of the said Borough out of their own number or out of the persons qualified to be councillors of the said Borough, and six shall be elected by the owners of, and ratepayers in respect of, property situated within the said Parish of Walsoken.
3. The qualification, going out of office, and the day of election of the members to be elected for the said Parish shall remain as fixed by the herein-before recited Provisional Order.
4. The Mayor for the time being of the Borough of Wisbech shall conduct the first election of the six persons to be elected members of the Local Board for the said Main Sewerage District; and in case the said Mayor, from illness or other sufficient cause, shall be unable to conduct the said election, or shall refuse to act, then the clerk for the time being of the Local Board of Health of the said Borough, for all purposes of the Public Health Act, shall act in his stead.
5. The fourteen days' notice of qualification required by the Public Health Act, 1848, to be given by owners of property in order to entitle them to vote at the said first election of such six members, as last aforesaid, shall be given to the said Mayor at the office of the said Local Board of Health of the said Borough, in Wisbech Saint Peter, in the said Borough, or, in case he shall refuse or be unable to receive the same, then to the said clerk at the same place.

Given under my Hand as President of the General Board of Health, and under the Seal of the said Board, this Second day of February, in the year of our Lord One thousand eight hundred and fifty-seven.

(L.S.)

(Signed)

W. COWPER.

#### C A P. IV.

An Act to enable the Subjects of the *Ionian States* to hold Military and Naval Commissions under the Crown. [9th March 1857.]

WHEREAS the united States of the *Ionian Islands* being, by the Treaty concluded at *Paris* on the Fifth Day of *November* One thousand eight hundred and fifteen, between His Majesty King *George* the Third and the Emperors of *Austria* and *Russia* and the King of *Prussia*, placed under the immediate and exclusive Protection of the Crown of the United Kingdom, it is expedient that Her Majesty should be enabled to grant Military and Naval Commissions to Subjects of the said States: 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: It shall be lawful for Her Majesty to grant Commissions to any Persons being Subjects of the united States of the *Ionian Islands* to serve as Officers in any of Her Majesty's Forces, by Sea or Land, other than the Militias of *England*, *Scotland*, and *Ireland* respectively, and such Commissions and the Service thereunder shall be as lawful as if such Persons were natural-born Subjects of Her Majesty.

Power to grant Commissions to Subjects of the Ionian Islands.

C A P.

Commons Inclosure.

C. A. P. V.

An Act to authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for *England* and *Wales*. [21st March 1857.]

‘WHEREAS the Inclosure Commissioners for *England* and *Wales* have, in pursuance of “The Acts for the Inclosure, Exchange, and Improvement of Land,” issued their Provisional Orders for and concerning the proposed Inclosures mentioned in the Schedule to this Act, and have in their Twelfth Annual General Report certified their Opinion that such Inclosures would be expedient; but the same cannot be proceeded with without the previous Authority of Parliament: Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

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

II. And whereas by the Private Act, Six George the Third, Chapter Seventy, “for dividing and inclosing certain open Grounds or Pastures, and some parts of a certain Moor or Tract of Waste Land, within the Manor of *Bowes* in the County of *York*,” the Powers contained in the following Enactment were granted for ascertaining, determining and recovering the Compensation to be paid to the Persons interested in the Portions of the said Moor divided and allotted under the Powers of the said Act by reason of the searching for, winning, and working the Mines and Quarries of Lead and Coal within and under the said Moor, and of leading away the Lead and Coal obtained from such Mines and Quarries by *Wingate Pulleine*, the then Owner of the said Mines of Lead and Coal, his Heirs or Assigns, or his or their Lessees or Tenants: Be it therefore enacted, That when and so often as any Person entitled under this Act, or the said Provisional Order, to any Allotment upon the said Moor called *Bowes Moor*, shall sustain any Loss or Damage in his Allotment upon the said Moor by the searching for, winning, or working the Mines and Quarries of Lead and Coal under the said Moor, as well opened as unopened, now belonging to *James Pulleine* of *Crakehall* in the County of *York*, Esquire, or his Lessees or Tenants, or the leading and carrying away the Lead and Coals which shall arise out of the same Mines and Quarries respectively by the said *James Pulleine*, his Heirs or Assigns, or his or their Lessees or Tenants, then, upon Complaint thereof made by such Person so damnified as aforesaid to any Justice of the Peace for the North Riding of the County of *York* (Notice of such intended Complaint having been first given by such Person on the principal outer Door of the Parish Church of *Bowes* in the said County of *York* on some Sunday Morning at least Ten Days next preceding such Complaint), such Justice is hereby empowered and required to examine and inquire into such Complaint in a summary way, either by Examination of Witnesses upon Oath, which Oath the said Justice is hereby empowered to administer, or by such other Evidence or Proofs, Ways and Means, as to him shall seem requisite and expedient in that Behalf, and to assess, settle, and determine the Damages sustained by such Person as aforesaid, which Damages shall be paid and borne by the Owners or Occupiers for the Time being of such Allotments upon the said Moor in which such Damage shall be committed, and of the several other Allotments to be made thereon in pursuance of this Act, according to the respective yearly Rents or Values of such Allotments, in such Proportions and Shares as the said Justice shall direct or appoint; and in case any Person chargeable with or liable to contribute to such Damages as aforesaid shall neglect or refuse to pay his or her said Proportion thereof, within a Time to be limited by such Justice, to such Person so injured as aforesaid respectively, then and in every such Case so happening the said Justice, by Warrant under his Hand and Seal respectively, shall and he is hereby required to cause the same to be levied by Distress and Sale of the Goods and Chattels of such Person so neglecting or refusing the same as aforesaid, rendering the Overplus, if any be, from Time to Time, after the reasonable Charges of each such Warrant, Distress, and Sale, to the Owner of such Goods and Chattels respectively, upon Demand.

III. In citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use either the Expression “The Annual Inclosure Act, 1857,” or “The Acts for the Inclosure, Exchange, and Improvement of Land.”

Inclosures in Schedule may be proceeded with. For ascertaining, &c. the Compensation to be paid to Persons interested in Portions of *Bowes Moor* in the County of *York*.

Short Title.

SCHEDULE to which this Act refers.

Inclosure.	County.	Date of Provisional Order.
Tresparrrett Down	Cornwall	5th June 1856.
North Baddesley	Southampton	1st August 1856.
Hulham Common	Devon	31st July 1856.
Gamblesby Fell and Viol Moor	Cumberland	18th September 1856.
Broadbridge	Sussex	31st July 1856.
Whittlebury	Northampton	20th November 1856.

<i>Income Tax.</i>		<i>Indemnity.</i>	
Inclosure.	County.	Date of Provisional Order.	
Whittlebury (Alderton) - - -	Northampton - - -	20th November 1856.	
Whittlebury (Grafton Regis) - -	Northampton - - -	20th November 1856.	
Whittlebury (Paulerspury) - - -	Northampton - - -	20th November 1856.	
Passenham (Passenham with } Deanshanger) - - -	Northampton - - -	20th November 1856.	
Passenham (Potterspury with } Yardley Gobion) - - -	Northampton - - -	20th November 1856.	
Passenham (Wicken) - - -	Northampton - - -	20th November 1856.	
Chilington Common - - -	Sussex - - -	4th December 1856.	
Ashmore - - -	Dorset - - -	11th December 1856.	
Cossey - - -	Norfolk - - -	4th December 1856.	
Burntwood - - -	Stafford - - -	23d July 1856.	
Holme Common - - -	Norfolk - - -	30th October 1856.	
Hunstanton Common - - -	Norfolk - - -	30th October 1856.	
Darsingham - - -	Norfolk - - -	20th November 1856.	
Bowes Moor - - -	York - - -	15th May 1856.	
Chilworth Common - - -	Southampton - - -	1st January 1857.	
Westbourne - - -	Sussex - - -	28th January 1857.	
The Deep Meadows - - -	Lancaster - - -	22d January 1857.	
Ashwell - - -	Hertford - - -	22d January 1857.	
Petersfield - - -	Southampton - - -	22d January 1857.	

## C A P. VI.

An Act to reduce the Rates of Duty on Profits arising from Property, Professions, Trades, and Offices. [21st March 1857.]

‘ **W**HEREAS under and by virtue of the several Acts now in force relating to the Income Tax certain Rates of Duty have been granted for and in respect of all Property, Profits, and Gains in the said Acts specified, and the aggregate Amount of such Rates chargeable for the Year commencing from the Fifth Day of *April* One thousand eight hundred and fifty-seven is the Rate of One Shilling and Fourpence for every Twenty Shillings of the annual Value or Amount of all such Property, Profits, and Gains respectively, subject to certain Deductions, Abatements, and Relief in the several Cases in the said Acts specified: And whereas it is expedient to reduce the said Rates of Duty for the Year commencing 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:

Reduced Rate of 7d. in the Pound to be charged for the Year commencing from the 5th April, 1857.

I. In lieu of the Rates of Duty chargeable under the several Acts in force relating to the Income Tax for the Year commencing from the Fifth Day of *April* One thousand eight hundred and fifty-seven, there shall be charged, raised, collected, and paid, for the Use of Her Majesty, Her Heirs and Successors, for and in respect of all Property, Profits and Gains chargeable under the said several Acts, the reduced Rate of Sevenpence for every Twenty Shillings of the annual Value or Amount of all such Property, Profits, and Gains; subject to a further Reduction of the Rates now in force, in the same Proportion that the Rate of Sevenpence bears to the Rate of One Shilling and Fourpence, in the several Cases mentioned or referred to in the Second Section of the Act passed in the Eighteenth Year of Her Majesty's Reign, Chapter Twenty: Provided nevertheless, that where under the last-mentioned Enactment any Person is now chargeable with the Rate of Elevenpence Halfpenny for every Twenty Shillings of his Property, Profits, and Gains, he shall be chargeable, for the Year commencing as aforesaid, at the Rate of Fivepence for every Twenty Shillings of his Profits and Gains.

## C A P. VII.

An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively. [21st March 1857.]

[This Act is the same, except as to Dates, as 19 & 20 Vict. Cap. 73.]

*Copyhold and Inclosure Commissions, &c.**Mr. Speaker's Retirement.*

## C A P. VIII.

An Act to continue Appointments under the Act for consolidating the Copyhold and Inclosure Commissions, and for completing Proceedings under the Tithe Commutation Acts.

[21st March 1857.]

‘ WHEREAS under an Act of the Session holden in the Fourteenth and Fifteenth Years of Her Majesty (Chapter Fifty-three,) “to consolidate and continue the Copyhold and Inclosure Commissioners, and to provide for the Completion of Proceedings under the Tithe Commutation Acts,” certain Powers of appointing Commissioners and other Officers as therein mentioned were limited to continue for Two Years next after the Day of the passing of that Act, and thenceforth until the End of the then next Session of Parliament, and no Commissioner or other Officer or Person appointed or continued under that Act was to hold his Office for a longer Period than two Years next after the Day of the passing of that Act, and thenceforth until the End of the then next Session of Parliament: And whereas by the Acts of the Session holden in the Sixteenth and Seventeenth Years of Her Majesty, Chapter One hundred and twenty-four, and of the Session holden in the Eighteenth and Nineteenth Years of Her Majesty, Chapter Fifty-two, the said Powers of appointing Commissioners and other Officers have been continued, and the Period limited for the holding of Office under the said first-mentioned Act has been extended until the First Day of August One thousand eight hundred and fifty-six, and thenceforth until the End of the then next Session of Parliament: And whereas it is expedient that the said Powers of the said first-mentioned Act should be continued, and that the said Period thereby limited should be extended as herein-after mentioned:’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: The Powers of appointing Commissioners and other Officers limited to continue as aforesaid by the said Act of the Fourteenth and Fifteenth Years of Her Majesty shall be further continued until the First Day of August One thousand eight hundred and fifty-seven, and thenceforth until the End of the then next Session of Parliament, and the Period limited for the holding of Office under the said Act shall in like Manner be extended until the said First Day of August One thousand eight hundred and fifty-seven, and thenceforth until the End of the then next Session of Parliament.

14 & 15 Vict.  
c. 53.16 & 17 Vict.  
c. 124.18 & 19 Vict.  
c. 52.Powers of Ap-  
pointment of  
Commissioners  
&c. under  
14 & 15 Vict.  
c. 53, con-  
tinued.

## C A P. IX.

An Act for settling and securing an Annuity on the Right Honourable *Charles Shaw Lefevre*, in consideration of his eminent Services.

[21st March 1857.]

Most Gracious Sovereign,

‘ WHEREAS the Commons of the United Kingdom of *Great Britain* and *Ireland* did, by an humble Address to Your Majesty, pray Your Majesty that You would be graciously pleased to confer some signal Mark of Your Royal Favour upon the Right Honourable *Charles Shaw Lefevre*, Speaker of the House of Commons, for his great and eminent Services performed to his Country during the long and important Period in which he had with such distinguished Ability and Integrity presided in the Chair of the House, and did assure Your Majesty that whatever Expense Your Majesty should think proper to be incurred upon that Account, the said House would make good the same: And whereas Your Majesty in answer to the said Address was graciously pleased to declare that Your Majesty was desirous, in compliance with the Wishes of Your faithful Commons, to confer upon the said Right Honourable *Charles Shaw Lefevre* some signal Mark of Your Royal Favour, but as the same could not be effectually granted and secured without the concurrence of Parliament, Your Majesty recommended to the House of Commons the Adoption of such Measures as might be necessary for the Accomplishment of that Purpose:’ Now we, Your Majesty’s most dutiful and loyal Subjects the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, have resolved that the annual Sum of Four thousand Pounds net be granted to Your Majesty out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, the said Annuity to commence upon and take effect from the Day on which the Right Honourable *Charles Shaw Lefevre* shall cease to hold the Office of Speaker of the House of Commons, to be settled in the most beneficial Manner upon and to continue during the Life of him the Right Honourable *Charles Shaw Lefevre*; and do 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:

I. One Annuity of Four thousand Pounds shall be payable out of and charged upon the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, (after paying or reserving sufficient to pay all such Sums of Money as have been directed by former Acts of Parliament to be paid out of the same, but with Preference to all other Payments which shall or may hereafter be charged upon or payable out of the said Fund,) and the same shall from Time to Time be paid quarterly, free and clear of all Taxes and Deductions whatsoever, except Income Tax, to the said Right Honourable *Charles Shaw Lefevre* during

An Annuity  
of 4,000*l.* to be  
paid to the  
Right Ho-  
nourable C. S.  
Lefevre.

*Ecclesiastical Jurisdiction.*

*Commissioners of Supply (Scotland) Act, 1856, Amendment.*

his natural Life, which said Annuity shall commence and take effect upon the Day upon which he the said Right Honourable *Charles Shaw Lefevre* shall cease to hold the Office of Speaker of the House of Commons, the First Payment to be computed from the said Day until the ensuing Quarter Day, and from thenceforth shall be paid at the Four usual Days of Payment in the Year, (that is to say,) the Fifth Day of *July*, the Tenth Day of *October*, the Fifth Day of *January*, and the Fifth Day of *April*, by equal Portions.

Treasury to direct Payment of Annuity.

II. The Commissioners of her Majesty's Treasury are hereby authorized and required by Warrant or Warrants under their Hands to direct the Payment of the said Annuity according to the Provisions herein-before contained.

Time at which the Right Hon. C. S. Lefevre deemed to have ceased to hold Office.

III. Provided, That for the Purposes of this Act, and also of the Act of the Session holden in the Second and Third Years of King *William* the Fourth, Chapter One hundred and five, the said Right Honourable *Charles Shaw Lefevre* shall be deemed to have ceased to hold the Office of Speaker of the House of Commons upon the Day of the Dissolution of this present Parliament.

One Half of Annuity to abate in case he should hereafter hold Office.

IV. Provided also, That One Half of the said Annuity shall abate and be suspended during any Period in which the said Right Honourable *Charles Shaw Lefevre* may hereafter hold any Place, Office, or Employment under Her Majesty of equal or greater Amount in Salary, Profits, or Emolument than the Amount of such Annuity.

C A P. X.

An Act to continue certain temporary Provisions concerning Ecclesiastical Jurisdiction in *England*. [21st March 1857.]

10 & 11 Vict. c. 98.

WHEREAS an Act was passed in the Session holden in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act to amend the Law as to Ecclesiastical Jurisdiction in England*, by which it was enacted, that certain of the Provisions therein contained should continue until the First Day of *August* One thousand eight hundred and forty-eight, and if Parliament were then sitting, until the End of the then Session of Parliament; and such Provisions have been continued by sundry Acts until the First Day of *August* One thousand eight hundred and fifty-six, and to the End of the then next Session of Parliament: And whereas it is expedient that the said Provisions should be further continued: 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, That the said Provisions of the said Act shall continue until the First Day of *August* One thousand eight hundred and fifty-seven, and to the end of the then next Session of Parliament.

Certain Provisions of recited Act further continued.

C A P. XI.

An Act to amend the Commissioners of Supply (*Scotland*) Act, 1856. [21st March 1857.]

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:

Section 3. of 19 & 20 Vict. c. 93. repealed.

I. The Third Section of an Act of the Nineteenth and Twentieth Years of Her Majesty's Reign, intituled *An Act to constitute all legally qualified Persons in Scotland Commissioners of Supply without being named in an Act of Supply*, is hereby repealed.

Clerk of Supply to make up List of Commissioners under subsisting Act of Supply.

II. The Clerk of Supply in every County in *Scotland* shall, prior to the Thirtieth Day of *April* in the present Year, make up a List of all Commissioners of Supply of such County entitled to act and vote under any subsisting Act of Supply, and the General Meeting of Commissioners of Supply in every County to be held on the said Thirtieth Day of *April* shall add to such List the Names of all Persons who shall, prior to the Tenth Day of *December* last, have lodged Claims to be enrolled under the said recited Act as Commissioners of Supply; provided always, that the said Meeting shall be satisfied of the Qualification of such Claimants.

Claims to be given to the Clerk in Writing.

III. Before the Twentieth Day of *October* in each Year every Person desirous of having his Name added to the aforesaid List shall give in to the Clerk of Supply a Claim in Writing setting forth the Grounds of such Claim, and all such Claims shall remain in the Custody of the Clerk of Supply open to the Inspection of any Commissioner of Supply till the Thirtieth Day of the said Month; and any Commissioner of Supply intending to object to any Claimant being placed on the List or to any Person on the List remaining thereon shall, within Ten Days after the said Thirtieth Day of *October*, give Notice in Writing to the Clerk of Supply of his Intention, and shall also, within the said Period, intimate his having done so to the Person to be objected to by written Notice transmitted to him by Post, and he shall at the Meeting of the Committee for disposing of Claims and Objections appointed under the Provisions of the said recited Act adduce Evidence of his having given such last-mentioned Notice, or if he fail to adduce such Evidence he shall not be entitled to appear and insist in his Objection before the Committee; and the Clerk of Supply shall give to every Person objected to and to all Persons who may have lodged Claims or Objections respectively Ten Days Notice in Writing of the Time and Place fixed in Terms of the said recited Act for disposing of the same.

Notice of Objections to be given to Persons objected to.

Recited Act and this Act to be as One.

IV. This Act and the said recited Act shall be read as One Act.

CAP.

## C A P. XII.

An Act to amend an Act of the Ninth Year of King *George* the Fourth, Chapter Eighty-two, intituled *An Act to make Provision for the lighting, cleansing, and watching of Cities, Towns Corporate, and Market Towns in Ireland, in certain Cases.* [21st March 1857.] 9 G. 4. c. 82. ss. 68, 69, 70.

WHEREAS by Sections LXVIII., LXIX., and LXX., respectively, of the Act 9 *George* IV. Chapter LXXXII., certain Penalties, Forfeitures, and Disqualifications are imposed on Persons acting as Commissioners under the said Act, or as Clerks or Treasurers to such Commissioners, in case they shall be interested in or hold any Employment in connexion with any Contract entered into with such Commissioners: And whereas it is expedient to exempt from the said Provisions of the said Act Persons becoming Shareholders in or holding Offices or Employments in any Joint Stock Company which may contract with the Commissioners of any Town for the Supply of Water or Gas thereto, or otherwise for the Improvement thereof: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. Notwithstanding anything to the contrary in the said recited Act or any other Act contained, no Person being a Commissioner for the Execution of the said recited Act, or a Treasurer or Clerk of any Commissioners acting under the said recited Act, shall from and after the passing of this Act be subject or liable to any Forfeiture, Loss of Office, Disqualification, or Penalty, by reason of such Person being a Proprietor of a Share or Shares or a Holder of any Office or Employment in any Joint Stock Company which may have made or may make or enter into any Contract with the Commissioners of such Town acting under the said Act, and no Contract entered into between any such Company and such Commissioners shall be void or voidable by reason of any such Commissioner, Clerk, or Treasurer being interested in such Company as a Shareholder or Officer in the same.

II. Provided always, That no Commissioner interested as a Shareholder or holding any Office or Employment in any Company shall at any Meeting of the Commissioners take part in or vote upon any Arrangements or any Contract with such Company.

Recited Provisions not to affect Proprietors in Joint Stock Companies having Contracts for lighting, &c., Towns subject to said Act.

No Commissioner, &c., holding Office to take part or vote in any Contract, &c.

## C A P. XIII.

An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters. [21st March 1857.]

[This Act is the same, except as to Dates, and the Sections and Schedule here inserted, as 19 & 20 *Vict.* Cap. 10.]

WHEREAS the raising or keeping a Standing Army within the United Kingdom of *Great Britain and Ireland* in Time of Peace, unless it be with the Consent of Parliament, is against Law: And whereas it is adjudged necessary by Her Majesty and this present Parliament that a Body of Forces should be continued for the Safety of the United Kingdom, the Defence of the Possessions of Her Majesty's Crown, and the Preservation of the Balance of Power in *Europe*, and that the whole Number of such Forces should consist of One hundred and twenty-six thousand seven hundred and ninety-six Men, exclusive of the Officers and Men belonging to the Regiments and other Corps employed in the Territorial Possessions of the *East India* Company, but including the Officers and Men of the Troops and Companies recruiting for those Regiments and Corps: And whereas no Man can be forejudged of Life or Limb, or subjected in Time of Peace to any Kind of Punishment within this Realm, by Martial Law, or in any other Manner than by Judgment of his Peers, and according to the known and established laws of this Realm; yet nevertheless it being requisite, for the retaining of all the before-mentioned Forces in their Duty, that an exact Discipline be observed, and that Soldiers who shall mutiny or stir up Sedition, or shall desert Her Majesty's Service, or be guilty of Crimes and Offences to the Prejudice of good Order and Military Discipline, be brought to a more exemplary and speedy Punishment than the usual Forms of the Law will allow: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. It shall be lawful for Her Majesty to make Articles of War for the better Government of Her Majesty's Forces, 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-at-War 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 be transported as a Felon, or to be kept in Penal Servitude, or to suffer any Punishment extending to Life or Limb, except for Crimes which are by this Act expressly made liable to Transportation or Penal Servitude, or to such Punishment as aforesaid, or shall be subject,

Numbers, 126,796 Men.

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.

*Mutiny.*

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.

Persons sub-  
ject to this  
Act.

II. All the Provisions of this Act shall apply to all Persons who are or shall be commissioned or in Pay as an Officer, or who are or shall be listed or in Pay as a Non-commissioned Officer or Soldier, and to all Persons employed on the Recruiting Service receiving Pay in respect of such Service, and to the Officers and Soldiers belonging to the Forces of the *East India* Company while such Officers or Soldiers shall be in any Part of the United Kingdom, and to the Officers and Persons who are or shall be serving and hired to be employed in the Royal Artillery and Field Train, and to Master Gunners, and Gunners, and Conductors of Stores, and to all Officers and Persons who are or shall be serving in the Regiment of Royal Engineers or the Corps of Royal Sappers and Miners, or in the Corps of Royal Military Surveyors and Draftsmen, or in the Field Train or Medical Staff Corps, or serving as Army Schoolmasters, and to Persons in the War Department, who are or shall be serving with any Part of Her Majesty's Forces at home or abroad, under the Command of any Officer having Commission from Her Majesty or from His late Majesty King *William* the Fourth, and to all Military Storekeepers and all Civil Officers who are or shall be employed by or act under the War Department at any of Her Majesty's Establishments in the Islands of *Jersey, Guernsey, Alderney, Sark, and Man*, and the Islands thereto belonging, or at Foreign Stations; provided that nothing in this Act contained shall extend to affect any Security which has been or shall be given by any Storekeeper, Barrack Master, or other Officer, or their Sureties, for the due Performance of their respective Offices, but that all such Securities shall be and remain in full Force and Effect.

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

IV. All Officers and Soldiers of any Troops mustered and in Pay, which shall be raised and serving in any of Her Majesty's Dominions abroad, or in Places in possession of or occupied by Her Majesty's Subjects under the Command of any Officer having any Commission immediately from Her Majesty, 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.

Provision as  
to the Militia  
and Yeomanry  
Corps.

V. Nothing in this Act contained shall be construed to extend to any Militia Forces or Yeomanry or Volunteer Corps in *Great Britain or Ireland*, excepting only 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.

Power to con-  
stitute Courts-  
martial.

VI. For the purpose of bringing Offenders against this Act and against the Articles of War to Justice, Her Majesty may from Time 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 Her Majesty's Forces, 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 authorizing 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 authorized 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 authorized to convene District or Garrison Courts-martial; and 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.

As to General  
Courts-martial  
convened in  
Saint Helena,  
&c.

VII. A General Court-martial convened in *Saint Helena*, the Settlements on the Western Coast of *Africa, Honduras, New Zealand*, the *Australian Colonies, Hong Kong*, or the Settlements on the Coast of *China*, and *Prince of Wales Island, Singapore, and Malacca*, shall consist of not less than Five Commissioned Officers; if convened in *Jamaica*, the *Windward and Leeward Islands, British Guiana, Newfoundland, Bermuda*, the *Bahamas*, the *Cape of Good Hope*, or other Settlements in *Southern Africa*, or in any Place out of the Queen's Dominions, excepting the *Ionian Islands* and the Places herein-before mentioned, it shall consist of not less than Seven, and if convened in any other Part of the Queen's Dominions, or in the *Ionian Islands* or in the Settlements of the *East India* Company, it shall consist of not less than Thirteen Commissioned Officers; and every such General Court-martial shall have Power to sentence any Officer or Soldier to suffer Death, Transportation, Penal Servitude, or any other Punishment which shall accord with the Provisions of this Act.

District or  
Garrison  
Courts-  
martial.

VIII. A District or Garrison Court-martial shall consist of not less than Seven Commissioned Officers, except in *Bermuda, the Bahamas, the Cape of Good Hope*, or other Settlements in *Southern Africa, Saint Helena, Jamaica, Honduras, Newfoundland, New Zealand, the Australian Colonies, the Windward and Leeward Islands, British Guiana, Hong Kong*, and the Settlements on the Coast of *China*,



*Mutiny.*

*China*, where it may consist of not less than Five Commissioned Officers, and in the Settlements on the Western Coast of *Africa*, where it may consist of not less than Three Commissioned Officers; and every such District or Garrison Court-martial 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 to pass any Sentence of Death, or Transportation, or Penal Servitude.

XI. It shall be lawful for any Officer commanding any Detachment or Portion of Her Majesty's Troops serving out of Her Majesty's Dominions 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 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 to which the Division, Brigade, Detachment, or Party to which any Person so tried, convicted, and adjudged to suffer Punishment shall belong shall have approved and confirmed the same.

As to Courts-martial in special Cases out of the Queen's Dominions.

XII. Where it is necessary or expedient, Officers of Her Majesty's Royal Marines, or Officers in the Service of the *East India* Company, or Officers of both such Services, may sit on Courts-martial together with Officers of Her Majesty's Land Forces, whether the Commanding Officer by whose Order such Court-martial is assembled belongs to the Land or to the Marine Forces; and when the Person to be tried shall belong to the Land Forces, then the Proceedings of such Court shall be regulated, to all Intents and Purposes, as if the Court was composed of Officers of Her Majesty's Land Forces only, and the Provisions of this Act, and the Oaths hereby prescribed, shall be applicable to the Proceedings of such Court; but where the Person to be tried shall belong to Her Majesty's Royal Marines, then the Provisions of such Act as shall be in force for the Regulation of Her Majesty's Royal Marine Forces while on shore, and the Oaths therein prescribed, shall be applicable; and where the Person to be tried shall be in the Service of the *East India* Company, the Provisions of such Act as shall be in force for the Amendment of the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the *East India* Company, and the Oaths thereby prescribed, shall be applicable, notwithstanding any Officer, though in the actual Service of the said Company, may hold a Commission from Her Majesty or from His late Majesty King *William* the Fourth.

As to Appointment of mixed Courts-martial in Cases of Trials of Marines and Soldiers of the *East India* Company.

XV. 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 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 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 Court of Queen's Bench in *London* or *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 subpoenaed, had neglected to attend upon a Trial in any Proceeding in the Court in which such Complaint shall be made: 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.

As to swearing and summoning of Witnesses.

XVI. After any Person subject to this Act has been found guilty of any Charge or Charges, the Court before which any such Person shall have been tried may, before passing Sentence on such Person, and for the Purpose only of awarding Punishment, receive in Evidence against him any previous Convictions by Courts-martial, and in like Manner and for the like Purpose the Court may receive in Evidence any previous Conviction of any such Person, not being a Commissioned Officer, by a Court of ordinary Criminal Jurisdiction, where the Offence charged in the Indictment was of a felonious, fraudulent, or unnatural Nature; and in the Case of Convictions by Courts-martial, duly confirmed,

Previous Convictions may be put in Evidence before passing Sentence.

*Mutiny.*

confirmed, the Court-martial Book, or the Defaulter Book of the Regimental Corps, Troop, or Company, and when none of those Books can conveniently be produced, a Certificate, which shall purport to contain a Copy of the Entry of such Convictions in any of such Books, and which shall be signed by the Adjutant, or other Officer having the Custody of the Court-martial Book or of the Defaulters Book of the Regiment, Corps, Troop, or Company to which the Prisoner belongs, shall be sufficient Evidence of such Conviction; and it shall not be necessary to prove the Signature or Official Character of the Person appearing to have signed such Certificate, nor, if the Court be satisfied from all the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in any such Certificate, shall it be necessary to give other Proof of the Identity of the Person of the Offender; and in the Case of a Conviction by a Court of ordinary Criminal Jurisdiction, any Certificate transmitted as herein-after provided to the Officer commanding a Regiment or other Corps by the Clerk of any such Court or other Officer having Custody of the Records of such Court, or the Deputy of such Clerk, containing the Substance and Effect of the Indictment, omitting the formal Part, together with the Judgment of the Court thereon, and purporting to be signed by such Clerk or other Officer, or by the Deputy of such Clerk, or if such Certificate cannot conveniently be obtained, a Copy thereof, duly certified by the Officer producing it, shall be sufficient Evidence of such last-mentioned Conviction; and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed such last-mentioned Certificate, nor, if the Court be satisfied from all the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in such Certificate, shall it be necessary to give other Proof of the Identity of the Person of the Offender: Provided always, that before any such Evidence shall be received it shall be proved to the Satisfaction of the Court that the Prisoner had previously to his Trial received Notice of the Intention to produce such Evidence against him; provided also, that the Court shall in no Case award to him any other Punishment or Punishments than may by this Act and by the Articles of War be awarded for the Offence of which he shall be so found guilty.

Report of  
Proceedings of  
General and  
District  
Courts-martial  
to be trans-  
mitted to  
Judge Advo-  
cate General.

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

Crimes punish-  
able with  
Death.

XIX. 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 Her Majesty's Land or Marine Forces, or shall not use his utmost Endeavours to suppress the same, 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 Licence or Licence 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 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 such other Punishment as by a Court-martial shall be awarded: Provided always, that any Non-commissioned Officer or Soldier enlisted or in Pay in any Regiment, Corps, Troop, or Company, who shall, without having first obtained a regular Discharge therefrom, enlist himself in any other Regiment, Corps, Troop, or Company, may be deemed to have deserted Her Majesty's Service, and shall be liable to be punished accordingly.

Judgment of  
Death may be

XXI. Whosoever any General Court-martial by which any Soldier shall have been tried and convicted of any Offence punishable with Death shall not think the Offence deserving of Capital Punishment,

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ment, such Court-martial may adjudge the Offender, according to the Degree of the Offence, to be transported as a Felon for Life, or for any Term of Years not less than Fourteen, or may sentence him to be kept in Penal Servitude for any Term not less than Four Years: Provided always, that 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 the *East Indies*, for the Officer commanding in chief the Forces in *India*, or if out of Her Majesty's Dominions (the *Ionian Islands* excepted) for the Officer commanding in chief Her Majesty's Forces there serving, instead of causing such Sentence to be carried into execution, to order the Offender to be transported as a Felon, either for Life or for any Term of Years not less than Fourteen, or to be kept in Penal Servitude for any Term not less than Four Years, or to suffer such Term of Imprisonment, either with or without Hard Labour, as shall seem meet to Her Majesty, or, if in the *East Indies*, or out of Her Majesty's Dominions (the *Ionian Islands* excepted), to the Officers commanding as aforesaid.

commuted for  
Transportation  
or other  
Punishments.

XXII. Any Paymaster or other Commissioned Officer of Her Majesty's Forces, or any Person employed in the War Department, or in any way concerned in the Care or Distribution of any Money, Provisions, Forage, or Stores, who shall embezzle or fraudulently misapply, wilfully damage, steal, or be concerned in or connive at the Embezzlement, fraudulent Misapplication, wilful Damage, or Theft of any Money, Provisions, Forage, Arms, Clothing, Ammunition, or other Stores belonging to Her Majesty's Forces or for Her Majesty's Use, may be tried for the same by a General Court-martial, which may adjudge any such Offender to be transported as a Felon for Life or for any Term of Years not less than Fourteen, or to be kept in Penal Servitude for any Term not less than Four Years, or to suffer such Punishment of Fine, Imprisonment, Dismissal from Her Majesty's Service, Reduction to the Ranks if a Warrant or Non-commissioned Officer, and Incapacity of serving Her Majesty in any Office, Civil or Military, 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, which shall have been ascertained by such Court-martial; and in every such Case the Court is required to ascertain by Evidence the Amount of the Loss or Damage incurred, 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; and every Commissioned Officer sentenced to be transported as a Felon or to be kept in Penal Servitude, when such Sentence shall be confirmed, shall thereupon cease to belong to Her Majesty's Service, and for ever be incapable of serving Her Majesty in any Military Capacity.

Embezzlement  
punishable by  
Transportation  
or Penal  
Servitude.

XXIV. Whenever any Sentence of Transportation or Penal Servitude heretofore or hereafter passed upon any Offender by any Court-martial holden in the *East Indies*, or in any Part of Her Majesty's Foreign Dominions, or elsewhere beyond the Seas, is to be carried into execution for the Term specified in such Sentence or for any shorter Term, or when Sentence of Death passed by any such Court-martial has been or shall as aforesaid be commuted to Transportation or Penal Servitude, the same shall be notified by the Officer commanding Her Majesty's Forces at the Presidency or Station where the Offender may come or be, or in his Absence by the Adjutant General for the Time being, to some Judge of One of the Supreme Courts of Judicature in the *East Indies*, or the Chief Justice, or some other Judge, as the Case may be, in any Part of Her Majesty's Foreign Dominions, who shall make Order for the Transportation or Penal Servitude or intermediate Custody of such Offender, in like Manner as for the Transportation or Penal Servitude or intermediate Custody of any other Convict; 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 undergo the Sentence of Transportation or Penal Servitude which shall have been passed upon him 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 there 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 Transportation or Penal Servitude, by the Judgment of a Court of competent Jurisdiction in the Colony or Place to which he has been so removed or sent: Provided always, that in any Case where a Sentence of Transportation or Penal Servitude shall have been awarded by a General or Detachment General Court-martial, it shall be lawful for Her Majesty, or, if in the *East Indies*, for the Officer commanding in chief the Forces in *India*, instead of causing such Sentence to be carried into execution, to order that the Offender be imprisoned for a Term not exceeding Two Years, either with or without Hard Labour, and Solitary Confinement not exceeding the Period herein-after prescribed.

As to Execution  
of Sentences of  
Transportation  
or Penal Ser-  
vitude in the  
Colonies,

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Power to inflict Corporal Punishment and Imprisonment.

Power to commute Corporal Punishment for Imprisonment, &c

Court-martial may, in addition to other Punishment, order Forfeiture of Pay and Pension.

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

Forfeiture of Pay when in Confinement under Sentence of Court-martial, or for Debt, &c. ;

or during Absence on Commitment under a Charge, or whilst in Arrest for Debt ; or when Prisoner of

XXVI. 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 herein-after prescribed.

XXVII. 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 authorized 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, such Confinement not exceeding the Periods herein-after prescribed, 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, such Confinement not exceeding the Periods herein-after prescribed, and Corporal Punishment, to be inflicted in the Prison, not exceeding Twenty-five Lashes.

XXVIII. Any General Court-martial may, in addition to any other Punishment whatsoever which it may be competent to 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 the Annuity and Medal which may have been granted for former meritorious Service, or of the Gratuity and Medal awarded for former good Conduct, according to the Nature of the Case ; and any District or Garrison Court-martial may also, in addition to any Sentence 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 Soldier, whether at the Instance of such other Soldier or not, or of causing himself to be maimed or injured by any other Person, with Intent thereby to render himself or such other Soldier unfit for Service :

In tampering with his Eyes with Intent thereby to render himself unfit for the Service :

In wilfully doing any Act, or wilfully disobeying any Orders, whether in Hospital or otherwise, thereby producing or aggravating Disease or Infirmary, or delaying his Cure :

In malingering or feigning Disease :

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 Military Officer, or of any Military or Regimental 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 or Military :

Or for any other disgraceful Conduct, being of a cruel, indecent, or unnatural Kind.

XXIX. Every Soldier who shall be found guilty by a Court-martial of Desertion, of wilfully maiming or injuring himself or any other Soldier, whether at the Instance of such other Soldier or not, or of causing himself to be maimed or injured by any other Person, with Intent thereby to render himself or such other Soldier unfit for Service, or of tampering with his Eyes, with Intent thereby to render himself unfit for Service, such Finding having been confirmed, or of Felony in any Court of ordinary Criminal Jurisdiction in *England* or *Ireland*, or of any Crime or Offence in any Court of Criminal Judicature in any Part of the United Kingdom, or in any Dominion, Territory, Colony, Settlement, or Island belonging to or occupied by Her Majesty out of the United Kingdom, which would, if committed therein, amount to Felony, shall thereupon forfeit all Advantage as to additional Pay, Good-conduct Pay, and to Pension on Discharge, which might have otherwise accrued from the Length of his former Service, in addition to any Punishment which such Court may award.

XXX. If any Non-commissioned Officer or Soldier, by reason of his Imprisonment, whether under Sentence of a Court-martial or of any other Court duly authorized 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 Soldier was enlisted or re-engaged, or for which his Term of Service may have been prolonged ; and no Soldier 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 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 Soldier 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

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Court that the said Soldier 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 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 Soldier 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 Soldier shall absent himself, without Leave for any Period not exceeding Five Days, and shall not account for the same to the Satisfaction of the Commanding Officer, or if any Soldier 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 authorized to award, order that such Soldier 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 Soldier 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 Soldier 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 Soldier shall be accordingly forfeited: Provided always, that such Soldier 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 Soldier 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 Her Majesty's Secretary-at-War to order or withhold the Payment of the whole or any Part of the Pay of any Officer or Soldier during the Period of Absence by any of the Causes aforesaid.

War until Inquiry shall be made; or when convicted of Desertion or of Absence without Leave; or when absent without Leave, not exceeding Five Days.

Proviso.

XXXIV. Whenever any Soldier 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 Soldier, such Court may further recommend that he 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 her Majesty, or if in the *East Indies* for the Officer commanding in Chief the Forces in *India*, in the event of the Sentence of Transportation or Penal Servitude 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.

Power to discharge Soldiers with Ignominy.

XXXV. On the first and on every subsequent Conviction for Desertion the Court-martial, in addition to any other Punishment, may order the Offender to be marked on the Left Side, Two Inches below the Arm-pit, with the letter D, such Letter not to be less than an Inch long, and to be marked upon the Skin with some Ink or Gunpowder, or other Preparation, so as to be visible and conspicuous, and not liable to be obliterated.

Marking Deserters.

XXXVI. A General, Garrison, or District Court-martial may sentence any Soldier 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 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; and 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 may also direct that such Soldier 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 that when any Court-martial, whether General, Garrison, or District, or Regimental or Detachment, shall direct that the Imprisonment shall be Solitary Confinement only, or when any Sentence of Corporal Punishment shall have been commuted to such Imprisonment only, the Period of such Solitary Confinement shall in no Case exceed Fourteen Days.

Power of Imprisonment by different Kinds of Courts-martial.

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

As to Imprisonment of Offenders already under Sentence for previous Offences.

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Regulations as  
to Military  
Prisons.

XXXIX. It shall be lawful for the Secretary-at-War to set apart any Buildings now erected or which may hereafter be 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-at-War; and it shall be lawful for the Secretary-at-War 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; and it shall be lawful for the Secretary-at-War 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 Foreign Station within which may be any such Military Prison, or such General or other Officer, and such other Person or Persons as the Secretary-at-War may from Time to Time appoint, shall be a Visitor or Visitors of such Prison; and the Secretary-at-War may authorize any General Officer commanding on a Foreign Station to appoint periodically Visitors to any Military Prison within his Command; and the Secretary-at-War 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 Secretary-at-War, 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.

Provision for  
Subsistence of  
Soldiers when  
imprisoned in  
Common  
Gaols.

XLII. 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, during the Period of his Imprisonment, Sixpence *per Diem*, which the Secretary-at-War shall cause to be issued out of the Subsistence of such Soldier, 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 Sixpence *per Diem* shall be carried to the Credit of the Fund from which the Expense of such Place of Confinement is defrayed.

Expiration of  
Imprisonment  
of Soldiers in  
Common  
Gaols.

XLIII. 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 give, if in *Great Britain* to the Secretary-at-War, and if in *Ireland* to the General commanding Her Majesty's Forces in *Ireland*, One Month's Notice of the Period of such Expiration of Imprisonment, or if there shall not be sufficient Time for a Month's Notice then the longest practicable Notice thereof.

Musters, and  
Punishment  
for false  
Musters.

XLIV. Musters shall be taken of every Regiment, Corps, Troop, or Company in Her Majesty's Service, twice at least in every Year, at such Times as shall be appointed; and no Officer, or Soldier, or other Person liable to be mustered shall be absent from such Musters unless properly certified to be employed on some other Duty of the Regiment, or to be sick, or in Prison, or on Furlough; and every Officer who shall make any false or untrue Muster of Man or Horse, or shall wittingly or willingly allow or sign the Muster Roll wherein such false Muster is contained, or any Duplicate thereof, or who shall directly or indirectly take or cause to be taken any Money or Gratuity for mustering any Officers, Soldiers, or other Persons, or for signing any Muster Rolls or Duplicates thereof, or shall knowingly muster any Person by a wrong Name, upon Proof thereof upon Oath made by Two Witnesses before a General Court-martial, shall for 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 Army or Regimental Rank, or both, as may be deemed expedient.

Apprehension  
of Deserters in  
the United  
Kingdom.

XLVI. Upon reasonable Suspicion that a Person is a Deserter it shall be lawful for any Constable, or if no Constable can be immediately met with, then for any Officer or Soldier in Her Majesty's Service, or other Person, to apprehend or cause to be apprehended such suspected Person, and forthwith to bring him or cause him to be brought before any Justice living in or near the Place where he was so apprehended and acting for the County or Borough wherein such Place is situate or for the County adjoining such first-mentioned County or such Borough; and such Justice is hereby authorized and required to inquire whether such suspected Person is a Deserter, and if it shall appear to the Satisfaction of such

Justice

*Mutiny.*

Justice by the Testimony of One or more Witnesses, taken upon Oath, or by the Confession of such suspected Person, confirmed by some corroborative Evidence upon Oath or by the Knowledge of such Justice, that such suspected Person is a Deserter, such Justice shall forthwith cause him to be conveyed in civil Custody to the Head Quarters or Depôt of the Regiment or Corps to which he belongs, if stationed within a convenient and easily accessible Distance from the Place of Commitment, or if not so stationed then to the nearest or most convenient public Prison (other than a Military Prison set apart under the Authority of this Act) or Police Station legally provided as a Lock-up House for temporary Confinement of Persons taken into Custody, whether such Prison or Police Station be in the County or Borough in which such suspected Person was apprehended or in which he was committed, or not; or if the Deserter has been apprehended by a Party of Soldiers of his own Regiment or Corps in charge of a Commissioned Officer, such Justice may deliver him up to such Party, unless the Officer shall deem it necessary to have the Deserter committed to Prison for safe Custody; and such Justice shall transmit an Account of the Proceedings, in the Form prescribed in the Schedule annexed to this Act, to the Secretary-at-War, specifying therein whether such Deserter was delivered to his Regiment or Corps or to the Party of his Regiment or Corps in order to his being taken to the Head Quarters or Depôt of his Regiment or Corps, or whether such Deserter was committed to Prison, to the end that the Person so committed may be removed by an Order from the Office of the said Secretary-at-War, and proceeded against according to Law; and such Justice shall also send to the Secretary-at-War a Report stating the Names of the Persons by whom or by or through whose Means the Deserter was apprehended and secured; and the Secretary-at-War shall transmit to such Justice an Order for the Payment to such Persons of such Sum not exceeding Forty Shillings as the Secretary-at-War shall be satisfied they are entitled to according to the true Intent and Meaning of this Act; and for such Information, Commitment, and Report as aforesaid the Clerk of the said Justice shall be entitled to a Fee of Two Shillings and no more; and every Gaoler and other Person into whose Custody any Person charged with Desertion is committed shall immediately upon the Receipt of the Person so charged into his Custody pay such Fee of Two Shillings, and also upon the Production of a Receipt from the Medical Practitioner who, in the Absence of a Military Medical Officer, may have been required to examine such suspected Person, a Fee of Two Shillings and Sixpence, and shall notify the Fact to the Secretary-at-War, and transmit also to the Secretary-at-War a Copy of the Commitment, to the end that such Secretary-at-War may order Repayment of such Fees; and when any Person shall be apprehended and committed as a Deserter in any of Her Majesty's Colonies the Justice shall forthwith cause him to be conveyed to some public Prison, if the Regiment or Corps to which he is suspected to belong shall not be in the Colony, or, if the Regiment or Corps be in the Colony, the Justice may deliver him into Custody at the nearest Military Post, if within reasonable Distance, although the Regiment to which such Person is suspected to belong may not be stationed at such Military Post; and such Justice shall in every Case transmit to the General or other Officer commanding in the Colony a Descriptive Return in the Form prescribed in the Schedule to this Act annexed, to the end that such Person may be removed by Order of such Officer, and proceeded against according to Law.

In the Colonies.

XLVII. 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-at-War, 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.

As to the temporary Custody of Deserters in Gaols.

XLVIII. Any Recruit who shall desert before joining the Regiment or Corps for which he has enlisted shall, on being apprehended, and committed for such Desertion by any Justice of the Peace upon the Testimony of One or more Witnesses upon Oath, or upon his own Confession, 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 all Cavalry Recruits so committed for Desertion shall be transferred to Cavalry Regiments or Corps, and all Infantry Recruits to Infantry Regiments or Corps; and 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, reserving only for them that Part of the Bounty which is applicable to and required for the Provision of Necessaries.

Desertion of Recruits prior to joining their Regiments or Corps.

L. 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

Furlough in case of Sickness.

*Mutiny.*

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 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.

LI. 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 Soldier 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 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, containing the Substance and Effect only of the Indictment, omitting the formal Part, and containing also a Copy of the Entry of 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.

LII. Any Person enlisted into Her Majesty's Service as a Soldier, or serving as a Non-commissioned Officer or Drummer on the Permanent Staff of the Disembodied Militia, 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 refusing to comply with an Order of Justices for the Payment of Money, or on account of an original Debt proved by Affidavit of the Plaintiff or of some one on his Behalf to amount to the Value of Thirty Pounds at the least, over and above all Costs of Suit, such Affidavit to be sworn, without Payment of any Fee, before some Judge of the Court out of which Process or Execution shall issue, or before some Person authorized to take Affidavits in such Court, of which Affidavit, when duly filed in such Court, a Memorandum shall, without Fee, be endorsed upon the Back of such Process, stating the Facts sworn to, and the Day of filing such Affidavit; but no Soldier or other Person as aforesaid shall be liable by any Process whatever to appear before any Justice of the Peace or other Authority whatever, or to be taken out of Her Majesty's Service by any Writ, Summons, Warrant, Order, Judgment, Execution, or any Process whatsoever issued by or by the Authority of any Court of Law, or any Magistrate, Justice or Justices of the Peace, or any other Authority whatsoever; for any original Debt not amounting to Thirty Pounds, or for not supporting or maintaining, or for not having supported or maintained, or for leaving or having left chargeable to any Parish, Township, or Place, or to the Common Fund of any Union, any Relation or Child which such Soldier or Person might, if not in Her Majesty's Service, be compellable by Law to relieve or maintain, or for neglecting to pay to the Mother of any Bastard Child, or to any Person who may have been appointed to have the Custody of such Child, any Sum to be Paid in pursuance of an Order on that Behalf, or for the Breach of any Contract, Covenant, Agreement, or other Engagement whatever, by Parol or in Writing, or for having left or deserted his Employer or Master, or his Contract, Work, or Labour, 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 hereinafter prescribed.

Soldiers not liable to be taken out of Her Majesty's Service for Debts under 30*l.*, or for not maintaining their Families, or for Breach of Contract.

Enlisting and swearing of Recruits.

LIV. Every Person who shall receive Enlisting Money, knowing it to be such, from any Person employed in the Recruiting Service, and authorized to enlist Recruits, shall 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; and every Person who shall enlist any Recruit shall first ask the Person offering to enlist whether he does or does not belong to the Militia, and shall within Twelve Hours after the Receipt of



*Mutiny.*

of the Enlisting Money cause to be taken down in Writing the Name and Place of Abode of such Recruit, and (if such Recruit shall not reside in or in the Vicinity of the Town or Place where he offered to enlist) the Place also at which he shall declare that he intends to sleep, in order that within Forty-eight but not sooner than Twenty-four Hours (any intervening *Sunday, Christmas Day, or Good Friday*, not included) after his having received the Enlisting Money, Notice of his having so enlisted may be given to the Recruit in the Form prescribed in the Schedule to this Act annexed, or left at his usual Place of Abode, or at the Place where he stated that it was his Intention to sleep; and when any Person shall be enlisted as a Soldier in Her Majesty's Land Service he shall, within Ninety-six Hours (any intervening *Sunday, Christmas Day, or Good Friday* not included), but not sooner than Twenty-four Hours after such enlisting, appear, together with some Person employed in the Recruiting Service of the Party with which he shall have enlisted, before any Justice or other Magistrate residing in the Vicinity of the Place where such Recruit shall have been enlisted, or before any Justice or other Magistrate acting for the Division, District, or Place where such Recruit shall have been enlisted, and not being an Officer in the Army; and if such Recruit shall declare that he voluntarily enlisted, the said Justice shall put to him the several Questions contained in the Schedule to this Act annexed, and shall then and there, and in the Presence of the said Recruit, record or cause to be recorded in Writing his Answers thereto; and the said Justice is hereby required forthwith to read over, or cause his Clerk in his Presence to read over, to such Recruit, the Fortieth and Forty-sixth Articles of the Articles of War against Mutiny and Desertion, and to administer to such Recruit the Oath in the Schedule to this Act annexed, or for Service in the Forces of the *East India Company*, as may be applicable to the Case of the Recruit, and no other Oaths; and the Fee for administering each Oath shall be One Shilling and no more; and the said Justice is hereby required to give under his Hand the Certificate in the Schedule to this Act annexed; and if any such Recruit so to be certified shall refuse to take the Oath in the Schedule to this Act annexed before the said Justice, it shall be lawful for the Justice, at the Request of the Officer or Non-commissioned Officer with whom he enlisted, to detain and confine such Person until he shall take the said Oath of Fidelity.

LVII. If any Recruit shall receive Enlisting Money (knowing it to be such) from any Person employed in the Recruiting Service and authorized to enlist Recruits, and shall abscond or refuse to go before such Justice, or shall after his Enlistment absent himself from the Recruiting Party or Person with whom he enlisted, and shall not voluntarily return to go before some Justice within such Period of Ninety-six Hours as aforesaid, such Recruit shall at the Expiration of such Period of Ninety-six Hours be deemed to be enlisted and to be a Soldier in Her Majesty's Service, or in the Service of the *East India Company*, as fully to all Intents and Purposes as if he had been duly attested, and may be apprehended and punished as a Deserter, or for being absent without Leave, under any Articles of War made for Punishment of Mutiny and Desertion; and such Recruit shall not be discharged by any Justice of the Peace after the Expiration of such Ninety-six Hours as aforesaid, unless it shall be proved to the Satisfaction of such Justice that the true Name and Residence of the Recruit were disclosed and known to the Recruiting Party, and that no Notice was given to the Recruit, or left at his usual Place of Abode, of his having so enlisted, or that the true Name and Residence of the Recruit were not taken down in Writing: Provided always, that in every Case wherein any Recruit shall have received Enlisting Money, and shall have absconded, so that it shall not be possible immediately to apprehend and bring him before a Justice, the Officer or Non-commissioned Officer commanding the Party shall produce to the Justice before whom the Recruit ought regularly to have been brought for Attestation a Certificate of the Name and Place of Residence of such Recruit; and the Justice to whom such Certificate shall be produced shall, after satisfying himself that the Recruit who had so absconded cannot be found and apprehended, transmit a Duplicate thereof to Her Majesty's Secretary-at-War, in order that in the event of such Recruit being afterwards apprehended and reported as a Deserter, the Facts of his having received Enlisting Money, and having absconded after having been enlisted, may be ascertained before he be finally adjudged to be a Deserter.

LVIII. Any Recruit who shall have enlisted into and been attested for Her Majesty's Forces, and who shall be discovered to be incapable of active Service by reason of any Infirmary concealed or not declared by such Recruit before the Justice at the Time of his Attestation, may be transferred to any Garrison or Veteran or Invalid Battalion or Company, notwithstanding he shall have enlisted for any particular Regiment or Corps, and shall be entitled to receive such Proportion or Residue of Bounty only as Her Majesty may allow in that Behalf, instead of the Bounty upon which such Recruit shall have been enlisted, anything in any Act or Acts, or any Rules and Regulations relating to Soldiers, to the contrary notwithstanding; and it shall be lawful for any Two Justices acting for the County, District, City, Burgh, or Place where any such Recruit shall at any Time happen to be when any such Recruit shall be brought before them, and shall be proved upon Oath upon being attested to have concealed his having been a Soldier and discharged, or to have concealed his having been discharged upon any prior Enlistment, or to have concealed any such Infirmary, or to have designedly made any false Representation, to adjudge such Recruit, if in *England*, to be a Rogue and Vagabond, and to sentence him to such Punishment as by any Law in force may be inflicted upon Rogues and Vagabonds, and to adjudge such Recruit, if in *Scotland or Ireland*, to be imprisoned, with Hard Labour, in any Prison or House of Correction for any Period not exceeding Three Months; and any Recruit who shall designedly make any false Representation

Offences connected with Enlistment.

Further Offences connected with Enlistment.

*Mutiny.*

Representation of any Particular contained in the Oaths and Certificates in the Schedule to this Act annexed, before the Justice, at the Time of his Attestation, and shall obtain any Enlisting Money or Bounty for entering into Her Majesty's Service, or into the Service of the *East India* Company, or any other Money, shall be deemed guilty of obtaining Money under false Pretences, within the true Intent and Meaning, if in *England*, of an Act passed in the Seventh and Eighth Years of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in England relative to Larceny and other Offences connected therewith*, and, if in *Ireland*, of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in Ireland relative to Larceny and other Offences connected therewith*, and such Recruit, if in *Scotland*, shall be deemed guilty of Falsehood, Fraud, and wilful Imposition; and any attested Recruit who shall in any Part of Her Majesty's Dominions or elsewhere have committed any of the before-mentioned Offences regarding Enlistment may be summarily punished or prosecuted, tried and convicted, for any such Offence, at any Time during the Continuance of the Service for which he shall have enlisted, and in any County or Place where he may happen to be when such summary Proceeding or Prosecution shall be instituted; and the Production of the Oath in the Schedule to this Act annexed taken by the Recruit on his Attestation, and of the Certificate then signed by the Justice before whom the Recruit was attested, certifying that the Questions and Answers contained in the Attestation were in his Presence put to and given by such Recruit, shall, in the Absence of Proof to the contrary, be deemed and taken to be sufficient Evidence of such Recruit having represented the several Particulars as stated in the Oath sworn by him; and Proof upon Oath that the Person so prosecuted hath voluntarily acknowledged that at the Time of his Enlistment he belonged to any Regiment or Corps in Her Majesty's Service, or to Her Majesty's Navy or Marines, or to the Forces of the *East India* Company, shall be deemed and taken as Evidence of the Fact so by him acknowledged without Production of any Roll or other Document to prove the same; and the Proof of such Acknowledgment shall be certified to the Secretary-at-War by the Justice before whom such Proof shall have been given; and any Man having been enrolled as a Volunteer under the Act Fifteenth and Sixteenth *Victoria*, Chapter Fifty, or any subsequent Acts, to serve in the Militia, who at the Time of Offering to enlist into Her Majesty's Forces, Army or Marines, or into the Forces of the *East India* Company, or to enter into Her Majesty's Navy, shall deny that he is a Militia Man then actually enrolled and engaged to serve in the Militia, and who shall not have completed his Engagement by Attestation or by being entered on the Books of the Navy, shall, upon Conviction thereof before any Justice of the Peace in the United Kingdom, either upon the Oath of One Witness or upon his own Confession, be committed to the Common Gaol or House of Correction for any Time not exceeding Fourteen Days; and any Man enrolled as aforesaid who may have denied or shall hereafter deny, or who may have confessed or shall hereafter confess, to the Justice before whom he shall have been or shall be attested for the Army or Marine Forces, or for the Forces of the *East India* Company, or who may have denied or shall hereafter deny, or who may have confessed or shall hereafter confess, on the Completion of his Engagement to enter the Navy, that he belongs to the Militia, shall not be liable to Imprisonment for such Offence, but shall, upon Conviction thereof before any One Justice in the United Kingdom, or before a Regimental or Naval Court of Inquiry, either upon his own Confession or upon the Oath of One Witness, forfeit all Militia Bounty which would have become payable to him during the Period of his belonging to Her Majesty's Regular Forces, or to the Forces of the *East India* Company, or to the Royal Navy, if he had not therein enlisted or entered, and be subjected to a Stoppage of One Penny a Day from his Pay for Eighteen Calendar Months, to be applied as the Secretary-at-War shall direct; or if enrolled in the Militia as a balloted Man or Substitute shall, if convicted before any One Justice as aforesaid, be committed to the Common Gaol or House of Correction for any Time not exceeding Six Calendar Months over and above any Penalty or Punishment to which such Person so offending may be otherwise liable; and such Person, whether he shall have been enrolled as a Volunteer or as a balloted Man or Substitute, shall, from the Day on which his Engagement to serve in the Militia shall end, and not sooner, belong as a Soldier to the Corps of Her Majesty's Regular Forces, or of the *East India* Company's Forces, into which he shall have so enlisted, or to the Navy into which he shall have entered: Provided always, that every such Person so enlisted shall be liable to serve within the United Kingdom of *Great Britain* and *Ireland* in any Regiment, Battalion, or Corps of Her Majesty's Regular Forces, or of the *East India* Company's Forces, in which he has so enlisted, during all the Time the Militia to which he shall belong shall remain disembodied, or shall not be called out for Training or Exercise, and shall during all such Time be subject to all the Provisions of this Act, or if he had entered the Navy to the Rules and Regulations by which that Force is governed, and liable to be apprehended and dealt with and punished as a Deserter from the Corps in which he shall have so enlisted, or from the Navy, if he shall neglect or refuse to join and serve in such Corps, or in the Navy as aforesaid.

Apprentice en-  
listing to be  
liable to serve  
after Expiration  
of his Appren-  
ticeship.

LXII. 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 Service or in the *East India* Company's Service, 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 within the true Intent and Meaning of the

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the before-recited Acts, 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 any of Her Majesty's Regular Forces, or in the Forces of the *East India* Company, 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 authorized to receive Recruits, such Person may be taken as a Deserter from Her Majesty's Forces; 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 or the *East India* Company's Service, 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 Seven 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 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 was so produced, which Certificate or Declaration such Justice of the Peace is hereby required to endorse 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 Apprenticeship or indentured Labourer may have been bound for a less Term than Seven, 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.

Claims of  
Masters to  
Apprentices.

LXVII. 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 Seventeen Shillings and Threepence, for paying and disbanding the Forces, it is declared and enacted, that no Officer, Civil or Military, nor other Person whatsoever, should henceforth 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 received 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.

Suspending  
Operation of  
certain Acts  
herein recited.

6 Anne, c. 14.  
s. 8. (1.)

LXIX. 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 Bât 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

How and  
where Troops  
may be bil-  
leted.

Forage

*Mutiny.*

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 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 authorize 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 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-commissioned 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.

Military Officers not to act as Justices in billeting.

LXXI. 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.

Allowance to Innkeepers.

LXXII. 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

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Person furnishing the same shall be paid the Sum of Tenpence; and all Innholders and other Persons on whom Soldiers may be billeted in *Great Britain*, except when on the March and entitled to be furnished with the hot Meal as aforesaid, shall furnish such Soldiers 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 One Penny Halfpenny *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*, for Oats, Hay, and Straw, shall be One Shilling and Ninepence *per Diem* for each Horse; and in *Ireland* the Sum to be paid for Forage to the Innholder or other Person, for Horses billeted by virtue of this Act, shall be the Rate established by the Lord Lieutenant or other sufficient Authority from Time to Time, the same to be regulated by the average Rate of Contracts for Forage in *Ireland*; and for the Use of Stables in *Ireland*, when such Horses are provided with Hay and Straw by Contract, and not by the Occupiers of the Houses on which they are billeted, the Sum of Fourpence *per Week* for each Horse shall be paid; and every Officer to whom it belongs to receive or who does actually receive the Pay for any Officers or Soldiers shall every Four Days, or before they shall quit their Quarters if they shall not remain so long as Four Days, pay the Constable of the Parish or Place a Sum of Money sufficient to settle and discharge the just Demands of all Victuallers or other Persons upon whom such Officers and Soldiers are billeted, together with a further Sum of One Shilling for every Pound or Part of a Pound due to such Victuallers or other Persons as a Compensation to such Constable for his Trouble in the Matter, 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 shall not pay the same as aforesaid, then, upon Complaint, and Oath made thereof by any Two Witnesses before Two Justices of the Peace for the County, Riding, Division, Liberty, City, Borough, or Place where such Quarters were situated, sitting in Quarter or Petty Sessions, the Secretary-at-War is hereby required (upon Certificate of the Justices before whom such Oath was made of the Sum due upon such Accounts, and the Persons to whom the same is owing,) to give Orders to the Agent of the Regiment or Corps to pay the Sums due to such Victuallers or other Persons as aforesaid, and to charge the same against such Officers; and any Constable who shall wilfully and without reasonable Cause omit to pay over to such Victuallers or other Persons any Money paid to him for the Purpose of paying the same over as aforesaid, within the Space of Forty-eight Hours after the Receipt of the same by him as aforesaid, shall be liable, on Conviction thereof before any Justice of the Peace, to a Penalty not exceeding Five Pounds over and above the Amount so paid to him, and not paid over by him as aforesaid; and in case any Soldier be suddenly ordered to march, and the respective Commanding Officers are not enabled to make Payment of the Sums due for the Lodging of the Men and Stabling for the Horses, every such 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 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.

LXXIII. All the Powers 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 all Powers and Provisions relating to the *British Isles* shall be construed to extend to *Guernsey, Jersey, Alderney, Sark, and Man*, and all Isles thereto and to *Great Britain* and *Ireland* belonging; and all Powers and Provisions relating to Soldiers shall be construed to extend to Non-commissioned Officers, unless when otherwise provided; and all Powers and Provisions relating to Justices shall be construed to extend to all Magistrates authorized to act as such in their respective Jurisdictions, and to Chief Magistrates of exclusive local Jurisdictions; and all the Powers given to and Regulations made for the Conduct of Constables in relation to the billeting of Officers and Soldiers, and all Penalties and Forfeitures for any Neglect thereof, shall extend to all Tithingmen, 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 Licences, nor in the House of any Distiller kept for distilling Brandy and Strong Waters, nor in the House of any Shopkeeper whose principal Dealing shall be more in other Goods and Merchandise than in Brandy and Strong Waters, so as such Distillers and Shopkeepers do not permit tipping in such Houses, nor in the House of Residence in any Part of the United Kingdom of any Foreign Consul duly accredited as such.

Definition of Terms.

Powers and Regulations as to Billets.

Exemptions from Billets.

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Supply of Carriages.

LXXIV. 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 authorized 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 Lists shall at all reasonable Hours be open to the Inspection of the said Persons,) and may by Warrant under his Hand authorize 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.

Rates to be paid for Carriages and Regulations relating thereto.

LXXV. 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, Threepence, 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-at-War 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*,

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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.

LXXXVI. 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-at-War, or if in *Ireland*, by the Chief Secretary or Under Secretary, or the First Clerk in the Military Department, to authorize 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 Waggon, 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 Regiments, Corps, or Detachment, but also the Officers, Soldiers, Servants, Women, Children, or other Persons of and belonging to the same.

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

LXXXVIII. 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 Misdemeanor of refusing to comply with an Order of Justices for the Payment of Money; 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*, 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*.

LXXXVI. 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, 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,

Supply of Carriages in Cases of Emergency.

Justices empowered to reimburse Constables for Sums expended by them.

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

Penalty for procuring false Musters.

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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 for inducing Soldiers to desert.

LXXXVIII. 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, be liable to be punished by Fine or Imprisonment, or both, as the Court before which such Conviction shall take place may adjudge.

Penalty for forcible Entry in pursuit of Deserters.

LXXXIX. 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.

XC. If any Person shall convey or cause to be conveyed into any Military Prison appointed to be a public Prison under this Act any Arms, Tools, or Instruments, or any Mask or other Disguise, in order to facilitate the Escape of any Prisoner, or shall by any Means whatever aid and assist any Prisoner to escape or in attempting to escape from such Prison, whether an Escape be actually made or not, such Person shall be deemed guilty of Felony, and upon being convicted thereof shall be kept to Penal Servitude for any Term not less than Four Years, and not exceeding Six Years, or be imprisoned, with or without Hard Labour, for any Term not exceeding Two Years; and if any Person shall bring or attempt to bring into such Prison, in contravention of the existing Rules thereof, any spirituous or fermented Liquor, he shall for every such Offence be liable to a Penalty not exceeding Twenty Pounds and not less than Ten Pounds, or to be imprisoned, with or without Hard Labour, for any Time not exceeding Three Calendar Months; and if any Person shall bring into such Prison, to or for any Prisoner, without the Knowledge of the Governor, any Money, Clothing, Provisions, Tobacco, Letters, Papers, or any other Articles not allowed by the Rules of the Prison to be in the Possession of a Prisoner, or shall throw into the said Prison any such Articles, or shall by Desire of any Prisoner, without the Sanction of the Governor, carry out of the Prison any of the Articles aforesaid, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds, or to 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, 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 so much of the Time for which he was originally sentenced as may then be unexpired; or if such Soldier shall, within Forty-eight Hours of the Expiration of his Sentence, be guilty of any Offence against the Rules of the Prison, he may, on Conviction thereof by a single Visitor, be imprisoned, either with or without Hard Labour or Solitary Confinement, for a Period not exceeding Seventy-two Hours in addition to his original Sentence; 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 purchasing Soldiers Necessaries, Stores, &c.

XCII. Any Person who shall knowingly detain, buy, exchange, or receive from any Soldier or Deserter or any other Person, on any Pretence whatsoever, or 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



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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 Colonies, on the Recommendation of the Officer for the Time being administering the Government of any such Colony, 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 administering the Government of any such Colony on Her Majesty's Behalf, 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 as aforesaid in respect of any other Law made or enacted by any such Colonial Legislature.

XCV. 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. Penalty on killing Game without Leave.

XCVI. Any Action which shall be brought against any Person or 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 assize 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 the Court of Session in *Scotland*, and in no other Court whatsoever. Form of Actions at Law.

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

CV. And whereas it may be doubtful whether certain Soldiers who have been enlisted for the Medical Staff Corps, the Land Transport Corps, the Army Works Corps, and the Military Train, and as School-masters and Armourer Serjeants, and who have voluntarily taken the Oath of Allegiance and Fidelity, and are now receiving Military Pay, have been attested in entire Accordance with the Forms prescribed by the Statutes now in force relating to Enlistment: It is hereby provided, That in every Case where any such Soldier having been duly enlisted shall not have claimed to be discharged on or before the Sixteenth Day of *March* One thousand eight hundred and fifty-seven, he shall not be entitled to his Discharge by reason of such Informality in his Attestation, but shall be liable to all the Provisions of this Act, and of the Act passed during the last Session of Parliament for the Punishment of Mutiny and Desertion, and for the better Payment of the Army and their Quarters, where in force, and shall be entitled to the full Benefit Certain Soldiers to be deemed to have been duly attested.

*Mutiny.*

Benefit of his past Service, and to all Pay and Pension in respect thereof, to all Intents and Purposes, and in like Manner, as if he had been duly attested.

Alterations in  
the Forms of  
Attestation.

10 & 11 Vict.  
c. 37.

Duration of  
this Act.

CVI. 'And whereas it is expedient to make certain Alterations in the Forms of Attestation prescribed by the several Statutes now in force relating to Enlistment: It is hereby provided, That the Question directed to be put on the Attestation of Recruits as to their Willingness to serve, as set forth in the Schedule annexed to the Statute Ten and Eleven *Victoria*, Chapter Thirty-seven, intituled *An Act for limiting the Time of Service in the Army*, and in the Schedule to the several Acts heretofore passed for the punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, may be put in the Form set forth in the Schedule hereto annexed, any Statute to the contrary notwithstanding.

CVII. This Act shall be and continue in force within *Great Britain* from the Twenty-fifth Day of *April* One thousand eight hundred and fifty-seven inclusive until the Twenty-fifth Day of *April* One thousand eight hundred and fifty-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 fifty-seven inclusive until the First Day of *May* One thousand eight hundred and fifty-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 fifty-seven inclusive until the First Day of *August*, One thousand eight hundred and fifty-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 fifty-seven inclusive to the First Day of *September* One thousand eight hundred and fifty-eight; and shall be and continue in force within the *Cape of Good Hope*, the *Isle of France* or *Mauritius* and its Dependencies, *Saint Helena*, and the Settlements on the Western Coast of *Africa*, from the First Day of *January* One thousand eight hundred and fifty-eight inclusive until the First Day of *January* One thousand eight hundred and fifty-nine; and shall be and continue in force in all other Places from the First Day of *February* One thousand eight hundred and fifty-nine inclusive until the First Day of *February* One thousand eight hundred and sixty: Provided always, that this Act shall, from and after the Receipt and Promulgation thereof in General Orders in any Part of Her Majesty's Dominions or elsewhere beyond the Seas, become and be in full Force, anything herein stated to the contrary notwithstanding.

## SCHEDULES referred to by the foregoing Act.

## • FORM OF OATHS to be taken by MEMBERS OF COURTS-MARTIAL.

YOU shall well and truly try and determine according to the Evidence in the Matter now before you. So help you GOD.

YOU shall duly administer Justice according to the Rules and Articles for the better Government of Her Majesty's Forces, and according to an Act now in force for the Punishment of Mutiny and Desertion, and other Crimes therein mentioned, 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 due Course of Law. So help you GOD.

## FORM OF OATH OF a 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, or left at his Place of Abode, or at the Place at which he stated that it was his Intention to sleep, agreeably to the Provisions of the Mutiny Act, within Forty-eight, but no sooner than Twenty-four, Hours after his Enlistment, the Hours of Sunday not being counted.

Date \_\_\_\_\_ 185

you enlisted with \_\_\_\_\_

at \_\_\_\_\_ o'Clock\* on the \_\_\_\_\_ Day of \_\_\_\_\_

for the \_\_\_\_\_ Regiment [instead of the Words "for the \_\_\_\_\_ Regiment," any Words may be substituted which are applicable to the Case],

and if you do not come forward on or before \_\_\_\_\_ o'Clock\* on the \_\_\_\_\_

for the Purpose of being taken before a Magistrate, either to be attested or to release yourself from your

\* A.M. or P.M., as the Case may be.

Engagement

*Mutiny.*

Engagement by repaying the Enlisting Shilling and any Pay you have received as a Recruit, and by paying Twenty Shillings as Smart Money, you will be legally adjudged to be a Soldier without Attestation, and will be proceeded against as a Deserter.

*Signature of the Officer or Non-commissioned Officer commanding the Party* ] \_\_\_\_\_

*Name of the Recruit* \_\_\_\_\_

*Residing at* \_\_\_\_\_

QUESTIONS to be put separately by the JUSTICE to a RECRUIT ON ENLISTING.

1. What is your Name ?
2. In what Parish, and in or near what Town, and in what County, were you born ?
3. What is your Age ?
4. What is your Trade or Calling ?
5. Are you an Apprentice ?
6. Are you married ?
7. Are you ruptured or lame ; have you ever been subject to Fits ? or have you any Disability or Disorder which impedes the free Use of your Limbs, or unfits you for ordinary Labour ?
8. Are you willing to be attested to serve in the \_\_\_\_\_ Regiment of \_\_\_\_\_ for the Term of \_\_\_\_\_ [instead of the Words "in the Regiment of" any Words may be substituted denoting the particular Corps or Service in which the Recruit is willing to serve ; the Blank after the Words "Term of" to be filled up by the Justices with Ten Years for Infantry, and Twelve for Cavalry or Artillery or other Ordnance Corps, if the Person enlisted is of the Age of Eighteen Years or upwards ; but if under that Age, then the Difference between his Age and Eighteen is to be added to such Ten or Twelve Years (as the Case may be) ], provided Her Majesty should so long require your Services, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station ?
9. At what Place, on what Day, at what Hour of the Day, and by whom were you enlisted ?
10. For what Bounty did you enlist ?
11. Have you any Objection to make to the Manner of your Enlistment ?
12. Do you now belong to the Militia, or to the Naval Coast Volunteers ?
13. Do you belong to any Regiment or Corps in Her Majesty's Army, or to the Marines, Ordnance, or Navy, or to the Forces of the East India Company ?
14. Have you ever served in the Army, Marines, Ordnance, or Navy, or in the Forces of the East India Company ?
15. Have you ever been rejected as unfit for Her Majesty's Service, or for the Service of the East India Company, upon any prior Enlistment.

Note.—The Justice is directed in putting the Twelfth Question to the Recruit, and before he receives his Answer, distinctly to apprise the Recruit that if he belongs to the Militia, and denies the Fact, he is liable to forfeit One Penny a Day of his Pay for Eighteen Months if attested and to Fourteen Days Imprisonment if he is not attested, and if he belong to the Naval Coast Volunteers he is liable under the Act 16 & 17 Victoria, c. 73, to Imprisonment for Six Months, and his Enlistment will be null and void.

*Enlisting for the East India Company's Service.*

Question 8. is to be put by the Justice as follows :

8. Are you willing to be attested to serve in the East India Company's\* for the Term of [this Blank to be filled up by the Justices with Ten Years for Infantry, and Twelve for Cavalry or Artillery or other Ordnance Corps, if the Person enlisted is of the Age of Eighteen Years or upwards ; but if under that Age, then the Difference between his Age and Eighteen is to be added to such Ten or Twelve Years (as the Case may be) ], provided the said Company should so long require your Services, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station ?

\* The Blank to be filled up with the Words Infantry, Cavalry, or Artillery, as the Case may be.

*Mutiny.*

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

I do make Oath, That the above Questions have been separately put to me; that the Answers thereto have been read over to me; and that they are the same that I gave, and are true.

I do also 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.

Witness my Hand \_\_\_\_\_ So help me GOD.  
Signature of Recruit.

Sworn before me at \_\_\_\_\_  
Day of \_\_\_\_\_  
hundred and \_\_\_\_\_  
at \_\_\_\_\_ o'Clock.

this  
One thousand eight

}  
Signature of Justice

*If enlisting for the East India Company's Service, the following is to be added to the Oath:*

And that I also will be true to the said Company, and will duly observe and obey all their Orders, and the Orders of their Generals and Officers who shall be lawfully set over me.

## CERTIFICATE to be given by the JUSTICE.

to wit. } I do hereby certify, That in my Presence all the foregoing Questions were put to \_\_\_\_\_; that the Answers written opposite to them are those which he gave to me; and that the Fortieth and Forty-sixth Articles of the Articles of War were read over to him; that he took the Oath of Allegiance and Fidelity; that he received the Sum of \_\_\_\_\_ on being attested this Day; that he was not attested until Twenty-Four Hours had elapsed after he received Enlisting Money; that the Place where he swears that he enlisted is in the Vicinity of my Residence, or within the Division or District or Place for which I act; that I am not an Officer of the Army; and that I have given him a Duplicate of this Certificate, signed with my Name.

Signature of Justice.

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

I \_\_\_\_\_ do declare, That I am at present (or was, as the Case may be,) \_\_\_\_\_ Number \_\_\_\_\_ Company in the \_\_\_\_\_ Regiment; [the foregoing Portion of this Declaration may be altered to suit each particular Case]; that I enlisted on the \_\_\_\_\_ Day of \_\_\_\_\_ for a Term of \_\_\_\_\_ Years; that I am of the Age of \_\_\_\_\_ Years; that I will serve Her Majesty, Her Heirs and Successors, [or in the Forces of the East India Company, as the Case may be,] for a further Term of \_\_\_\_\_ Years [to be filled up with Eleven Years in the Infantry, and Twelve in the Cavalry or Artillery or other Ordnance Corps, and, in the Case of a Soldier about to embark for Foreign Service, with such Number of Years as shall be required to complete a total Service of Twenty-one Years in the Infantry or Twenty-four in the Cavalry or Artillery or other Ordnance Corps,] 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.

Declared before me \_\_\_\_\_

Signature of Soldier.

Signature of Witness.

*Mutiny.*

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 and that the said did on or about the  
 Day of and quit my Service without my Consent; and that  
 to the best of my Knowledge and is aged about Years.  
 Witness my Hand at 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 One of Her Majesty's Justices of the Peace of  
 certify, That of came before me, at  
 the Day of One thousand eight hundred and  
 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.

FORM of OATH to be taken by a MASTER whose indentured LABOURER in any of Her Majesty's Colonies or Possessions has absconded.

I of do make Oath, That was bound to me to serve  
 as an indentured Labourer by Indenture dated the Day of for the Term  
 of Years, and that the said did on or about the  
 Day of abscond and quit my Service without my Consent.  
 Witness, &c. [as for Apprentice.]

FORM of JUSTICE'S CERTIFICATE to be given to the MASTER of an indentured LABOURER.

to wit. } I One of Her Majesty's Justices of the Peace of certify, That  
 of of came before me at the Day  
 of and made Oath that was bound to serve as an indentured Labourer to  
 him by Indenture dated the Day of for the Term  
 of Years, and the said indentured Labourer did on or about the  
 Day of abscond and quit the Service of the said  
 without his Consent.

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

I do solemnly and sincerely declare, That I have not applied any Monies  
 or Stores or Supplies under my Care or Distribution to my own Use, or to the private Use of any other  
 Person by way of Loan to such Person or otherwise, or in any Manner applied them, or knowingly per-  
 mitted them to be applied, to any other than Public Purposes, according to the Duty of my Office; and  
 I make this solemn Declaration conscientiously believing the same to be true, and by virtue of the Pro-  
 visions of an Act passed in the Fifth and Sixth Years of the Reign of His Majesty King William the Fourth,  
 Chapter 62, for the Abolition of unnecessary Oaths, and for substituting Declarations in lieu thereof.

Declared before me by the within-named }  
 this Day of  
 Justice of the Peace of , or, Commander in  
 Chief, or Second in Command, et cetera, the Army serving  
 in et cetera [as the Case may be].

*Mutiny.*

*Marine Mutiny.*

No.	DESCRIPTION RETURN of <i>the Case may be,</i> on the on the	Day of	who was apprehended [ <i>or "surrendered himself," as</i> and was committed to Confinement at as a Deserter from [ <i>insert Regiment or Corps</i> ].
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 apprehended		-	
* Particulars in the Evidence on which the Prisoner is committed, and showing whether he sur- rendered 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 hereinstated, 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.

|| No Fee will be allowed to a Private Medical Practitioner where a Military Medical Officer is stationed, unless it is shown that his Services were not available.

C A P. XIV.

An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.

[21st March 1857.]

[This Act is the same, except as to Dates, and the Sections and Portion of Schedule here inserted, as 19 & 20 Vict. c. 8.]

No Person tried by Civil Power to be punished by Court-martial for same

V. 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 High Admiral, or in the Case of a Non-commissioned Officer, by Reduction to the Ranks, by Order

*Marine Mutiny.*

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.

Offence except  
by cashiering.

VII. It shall be lawful for the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral aforesaid, from Time to Time to grant Commissions or Warrants under the Hand of the said Lord High Admiral, or under the Hands of any Two or more of the said Commissioners, for the holding of General and other Courts-martial within the United Kingdom of *Great Britain* and *Ireland*, and elsewhere out of the same, in like Manner as has been heretofore used, and for bringing Offenders against this Act and the Articles of War to Justice, and to erect and constitute Courts-martial as well within the said United Kingdom and the *British Isles* as in any of Her Majesty's Garrisons or Dominions or elsewhere beyond the Seas, and to grant Commissions or Warrants to the Officer or Officers commanding in chief or commanding for the Time being any of Her Majesty's Royal Marine Forces, as well within the said United Kingdom as Her Majesty's other Dominions, and in any Foreign Parts out of the same Dominions, for convening, as well as for authorizing any Officer to convene Courts-martial, as Occasion may require, for the Trial of Offences committed by any of the Royal Marine Forces, whether the same shall have been committed before or after such Officer shall have taken upon himself such Command, provided that the Officer so authorized be not below the Degree of a Field Officer, except in detached Situations beyond Seas, where a Captain may be authorized to convene District or Garrison Courts-martial; and any Person subject to this Act who shall, in any of Her Majesty's Dominions or elsewhere, commit any of the Offences for which he may be liable to be tried by Court-martial by virtue of this Act or of the Articles of War, may be tried and punished for the same in any Part of Her Majesty's Dominions, or other Place where he may have come or be after the Commission of the Offence, as if the Offence had been committed where such Trial shall take place.

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

VIII. A General Court-martial convened in *St. Helena*, the Settlements on the Western Coast of *Africa*, *Honduras*, *New Zealand*, the *Australian Colonies*, *Hong Kong*, *Prince of Wales Island*, *Singapore*, and *Malacca*, or the Settlements on the Coast of *China*, shall consist of not less than Five Commissioned Officers; if convened in *Jamaica*, the *Windward* and *Leeward Islands*, *British Guiana*, *Newfoundland*, *Bermuda*, the *Bahamas*, the *Cape of Good Hope* or other Settlements in *Southern Africa*, or in any Place out of the Queen's Dominions, excepting the *Ionian Islands* and the Places herein-before mentioned, it shall consist of not less than Seven; and if convened in any other Part of the Queen's Dominions, or in the *Ionian Islands*, or in the Settlements of the *East India Company*, it shall consist of not less than Thirteen Commissioned Officers; and every such General Court-martial shall have Power to sentence any Officer or Soldier to suffer Death, Transportation, Penal Servitude, or any other Punishment which shall accord with the Provisions of this Act.

As to General  
Courts-martial.

XVII. 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 Court of Queen's Bench in *London* or *Dublin*, or in the Court of Session, Sheriff or Stewart 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: 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.

Swearing and  
Summoning  
Witnesses.

XVIII. After any Person subject to this Act has been found guilty of any Charge or Charges the Court before which any such Person shall have been tried, before passing Sentence on such Person, and

Previous Con-  
victions to be  
for

*Marine Mutiny.*

put in  
Evidence.

for the Purpose only of awarding Punishment, may receive in Evidence against him any previous Convictions by Courts-martial; and in like Manner and for the like Purpose the Court may receive in Evidence any previous Conviction of any such Person, not being a Commissioned Officer, by a Court of ordinary Criminal Jurisdiction, where the Offence charged in the Indictment was of a felonious, fraudulent, or unnatural Nature; and in the Case of Convictions by Courts-martial, duly confirmed, the Court-martial Book or the Divisional or Company's Defaulters Book, and when none of those Books can conveniently be produced, a Certificate, which shall purport to contain a Copy of the Entry of such Convictions in any of such Books or any of them, and which shall be signed by the Adjutant or other Officer having the Custody of the Court-martial Book or of the Defaulters Book of the Division or Company to which the Prisoner belongs, shall be sufficient Evidence of such Conviction; and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed such Certificate, nor, if the Court be satisfied from all the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in any such Certificate, shall it be necessary to give other Proof of the Identity of the Person of the Offender; and in the Case of a Conviction by a Court of ordinary Criminal Jurisdiction, any Certificate transmitted as herein provided to the Officer commanding by the Clerk of any such Court or other Officer having Custody of the Records of such Courts, or the Deputy of such Clerk, containing the Substance and Effect of the Indictment, omitting the formal Part, together with the Judgment of the Court thereon, and purporting to be signed by such Clerk or other Officer, or by the Deputy of such Clerk, or if such Certificate cannot conveniently be obtained, a Copy thereof, duly certified by the Officer producing it, shall be sufficient Evidence of such last-mentioned Conviction; and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed such last-mentioned Certificate, nor, if the Court be satisfied from all the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in such Certificate, shall it be necessary to give other Proof of the Identity of the Person of the Offender: Provided always, that before any such Evidence shall be received it shall be proved to the Satisfaction of the Court that the Prisoner had previously to his Trial received Notice of the Intention to produce such Evidence against him; and provided also, that the Court shall in no Case award to him any other Punishment or Punishments than may by this Act and by the Articles of War be awarded for the Offence of which he shall be so found guilty.

Report of  
Proceedings of  
Courts-martial.

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

No Second  
Trial, but  
Revision  
allowed.

XX. 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 that 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 be received by the Court on any Revision.

Crimes punish-  
able with  
Death.

XXI. 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 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;



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ever; or shall treat or enter into any Terms with any such Rebel, Pirate, or Enemy, without the Licence of the Lord High Admiral of the said United Kingdom or the Commissioners for executing the Office of Lord High Admiral aforesaid, for the Time being; or shall strike or use or offer any Violence against his Superior Officer being in the Execution of his Office, or shall disobey any lawful Command of his Superior Officer; or who being confined in a Military Prison shall offer any Violence against a Visitor or other Officer being in the Execution of his Office, or shall violate any Law or Regulation of or relating to any Military Prison; or shall desert Her Majesty's Service; every Person so offending in any of the Matters before mentioned, whether such Offence be committed within this Realm, or in any other of Her Majesty's Dominions, or in Foreign Parts upon Land or upon the Sea, shall suffer Death or such other Punishment as by a Court-martial shall be awarded: Provided always, that any Non-commissioned Officer or Marine enlisted or in Pay in any Division or Company who shall, without having first obtained a regular Discharge therefrom, enlist himself in any other Division or Company, may be deemed to have deserted Her Majesty's Service, and shall be liable to be punished accordingly.

XXIII. Whosoever any General Court-martial by which any Marine shall have been tried and convicted of any Offence punishable by Death shall not think the Offence deserving of Capital Punishment, such Court-martial may adjudge the Offender, according to the Degree of the Offence, to be transported as a Felon for Life or for any Term of Years not less than Fourteen Years, or may sentence him to be kept in Penal Servitude for any Term not less than Four Years: Provided always, that 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 the *East Indies*, for the Officer commanding in chief the Forces in *India*, or if out of Her Majesty's Dominions (the *Ionian Islands* excepted) for the Officer commanding in chief Her Majesty's Forces there serving, instead of causing such Sentence to be carried into execution, to order the Offender to be transported as a Felon either for Life or for any Term of Years not less than Fourteen, or to be kept to Penal Servitude for any Term not less than Four Years, or to suffer such Term of Imprisonment, either with or without Hard Labour, as shall seem meet to Her Majesty, or, if in the *East Indies*, or out of Her Majesty's Dominions (the *Ionian Islands* excepted) to the Officers commanding as aforesaid.

Commutation  
of Death for  
Transportation  
or other  
Punishment.

XXIV. Every Officer and other Person employed or in any way concerned in the Care or Distribution of any Money, Provisions, Forage or Stores belonging to Her Majesty's Royal Marine Forces or for their Use, who shall embezzle or fraudulently misapply, wilfully damage, steal, or be concerned in or connive at the Embezzlement, fraudulent Misapplication, wilful Damage, or Theft 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, may be tried for the same by a General Court-martial, which may adjudge any such Offender to be transported as a Felon for Life, or for any Term of Years not less than Fourteen, or to be kept in Penal Servitude not less than Four Years, or to suffer such Punishment of Fine, Imprisonment, Dismissal from Her Majesty's Service, Reduction to the Ranks, if a Warrant or Non-commissioned Officer, and Incapacity of serving Her Majesty in any Office, Civil or Military, 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, which shall have been ascertained by such Court-martial; and in every such Case the Court is required to ascertain by Evidence the Amount of the Loss or Damage incurred, 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; and every Commissioned Officer sentenced to be transported as a Felon or to be kept in Penal Servitude, when such Sentence shall be duly confirmed, shall thereupon cease to belong to Her Majesty's Service, and for ever be incapable of serving Her Majesty in any Military Capacity.

Embezzlement  
punishable by  
Transportation  
or Penal  
Servitude.

XXV. Whenever Her Majesty shall intend that any Sentence of Transportation or 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 Transportation or Penal Servitude Sentence of Death which shall have been passed by any such Court, such Sentence, together with Her Majesty's Pleasure upon the same, shall be notified in Writing by the Lord High Admiral, or by any Two or more of the Commissioners for executing the said Office of Lord High Admiral for the Time being, to any Justice of the Queen's Bench, Common Pleas, or Baron of the Exchequer, and thereupon such Justice or Baron shall make an Order for the Transportation or Penal Servitude of such Offender upon the Terms and for the Time which shall be specified in such Notification, and shall do all such other Acts consequent upon such Notification as any such Justice or Baron is authorized to make or do by any Statute or Statutes in force at the Time of making any such Orders in relation to Transportation or 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

Transportation  
of Offenders.

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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 transported, or 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 Transportation or Penal Servitude, or receiving Her Majesty's Pardon on Condition of Transportation or Penal Servitude; and from the Time when such Order of Transportation or 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 Transportation or Penal Servitude as aforesaid shall direct the Notification of Her Majesty's Pleasure, and his own Order made thereupon, to be filed and kept of Record in the Office of the Clerk of the Crown of the Court of Queen's Bench; and the said Clerk shall have a Fee of Two Shillings and Sixpence only for filing the same; and shall, on Application, deliver a Certificate in Writing (not taking more than Two Shillings and Sixpence for the same) to such Offender, or to any Person applying in his or Her Majesty's Behalf, showing the Christian and Surname of such Offender, his Offence, the Place where the Court was held before which he was convicted, the Sentence, and the Conditions on which the Order of Transportation or 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 Transportation or Penal Servitude was made, in any Court and in any Proceeding wherein it may be necessary to inquire into the same.

In the  
Colonies.

XXVI. Whenever any Sentence of Transportation or Penal Servitude heretofore or hereafter passed upon any Offender by any Court-martial holden in the *East Indies*, or in any Part of Her Majesty's Foreign Dominions, or elsewhere beyond the Seas, is to be carried into execution for the Term specified in such Sentence, or for any shorter Term, or when Sentence of Death passed by any such Court-martial has been or shall as aforesaid be commuted to Transportation or 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 to some Judge of One of the Supreme Courts of Judicature, in the *East Indies*, or the Chief Justice or some other Judge, as the Case may be, in any Part of Her Majesty's Foreign Dominions, who shall make Order for the Transportation or Penal Servitude or intermediate Custody of such Offender in like Manner as for the Transportation or Penal Servitude or intermediate Custody of any other Convict; 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 undergo the Sentence of Transportation or Penal Servitude which shall have been passed upon him 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 there 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 Transportation or Penal Servitude by the Judgment of a Court of competent Jurisdiction in the Colony or Place to which he has been so removed or sent: Provided always, that in any Case where a Sentence of Transportation or Penal Servitude shall have been awarded by a General Court-martial or Detachment General Court-martial, it shall be lawful for Her Majesty, or, if in the *East Indies*, for the Officer commanding in chief the Forces in *India*, instead of causing such Sentence to be carried into execution, to order that the Offender be imprisoned for a Term not exceeding Two Years, either with or without Hard Labour and Solitary Confinement not exceeding the Period herein-after prescribed.

Power to inflict Corporal Punishment and Imprisonment.  
Power to commute Corporal Punishment.

XXIX. 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 herein-after prescribed, and in case of a Marine in addition to Corporal Punishment.

XXX. 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 authorized 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, such Confinement not exceeding the Periods herein-after prescribed, or to mitigate such Sentence, or instead of such

Sentence

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Sentence to award Imprisonment, for any Period not exceeding Twenty Days, with or without Hard Labour, and with or without Solitary Confinement, such Confinement not exceeding the Periods hereinafter prescribed, and Corporal Punishment, to be inflicted in the Prison, not exceeding Twenty-five Lashes.

XXXI. Any General Court-martial may, in addition to any other Punishment whatever which it may be competent to 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, according to the Nature of the Case; and any District or Garrison Court-martial may also, in addition to any Sentence which such Court may award, sentence any Offender to such Forfeiture for Desertion, or for disgraceful Conduct,

Forfeiture of Pay and Pension by Sentence of Court-martial.

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 the 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.

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

Forfeiture of Pay on Conviction of Desertion or Felony.

XXXIII. 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 authorized 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 hereinafter 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 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 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 not exceeding Five Days, 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

Forfeiture of Pay when in Confinement;

or during Absence on Commitment under a Charge, or in arrest for Debt; or when Prisoner of War;

or when convicted of Desertion or Absence without Leave; or when ab-

Officer

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sent without  
Leave not  
exceeding Five  
Days.

Officer may, in addition to any minor Punishment he is authorized 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.

Discharge with  
Ignominy.

XXXVII. 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 recommend that he 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.

Marking  
Deserters.

XXXVIII. On the first and on every subsequent Conviction for Desertion the Court-martial, in addition to any other Punishment, may order the Offender to be marked on the Left Side, Two Inches below the Armpit, with the Letter D, such Letter not to be less than an Inch long, and to be marked upon the Skin with some Ink or Gunpowder or other Preparation, so as to be visible and conspicuous, and not liable to be obliterated.

Power of Im-  
prisonment by  
different Kinds  
of Courts-  
martial.

XXXIX. 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 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; and 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 Offenders  
already under  
Sentence for  
previous  
Offence.

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

Their Subsist-  
ence in  
Common  
Gaols.

XLIV. 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 Sixpence *per Diem*, 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 Sixpence

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Sixpence *per Diem* shall be carried to the credit of the Fund from which the Expense of such Place of Confinement is defrayed.

XLV. 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; 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, previously 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 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 Two Shillings *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.

Expiration of  
Imprisonment  
in Common  
Gaols.

XLVII. 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.

Musters, and  
Penalty on  
false Musters.

L. Upon reasonable Suspicion that a Person is a Deserter it shall be lawful for any Constable, or if no Constable can be immediately met with, then for any Officer or Marine, or Soldier in Her Majesty's Service, or other Person, to apprehend or cause to be apprehended such suspected Person, and forthwith to bring him or cause him to be brought before any Justice living in or near the place where he was so apprehended, and acting for the County or Borough wherein such Place is situate, or for the County adjoining such first-mentioned County or such Borough; and such Justice is hereby authorized and required to inquire whether such suspected Person is a Deserter, and if it shall appear to the Satisfaction of such Justice, by the Testimony of One or more Witnesses taken upon Oath, or by the Confession of such suspected Person, confirmed by some corroborative Evidence upon Oath, or by the Knowledge of such Justice, that such suspected Person is a Deserter, such Justice shall forthwith cause him to be conveyed in Civil Custody to the Head Quarters or Depôt of the Division to which he belongs, if stationed within a convenient and easily accessible Distance from the Place of Commitment, or if not so stationed then to the nearest or most convenient public Prison (other than a Military Prison) or Police Station legally provided as the Lock-up House for temporary Confinement of Persons taken into Custody, whether such Prison or Police Station be in the County or Borough in which such suspected Person was apprehended or in which he was committed, or not; or if the Deserter has been apprehended by a Party of Marines in

Apprehension  
of Deserters.

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

Temporary  
Custody of  
Deserters in  
Gaols.

LII. 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 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.

Marines liable  
to be taken out  
of Her Ma-  
jesty's Service  
only for Felony  
and certain  
Misdemeanors,  
or for Debts  
amounting to  
30*l.* and up-  
wards;  
but not liable  
to be taken out  
of Her Ma-  
jesty's Service  
for not main-  
taining their  
Families or for  
Breach of Con-  
tract.

LVI. Any Person enlisted into Her Majesty's Royal Marine Forces as a Marine 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 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 authorized to take Affidavits in such Court, of which Affidavit, when duly filed in such Court, a Memorandum shall, without Fee, be endorsed upon the Back of such Process, stating the 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 not supporting or maintaining, or for not having supported or maintained, or for leaving or having left chargeable to any Parish, Township, or Place, or to the Common Fund of any Union, any Relation or Child which such Marine or Person might, if not in Her Majesty's Service, be compellable by Law to relieve or maintain, or for neglecting to pay to the Mother of any Bastard Child, or to any Person who may have been appointed to have the Custody of such Child, any Sum to be paid in pursuance of an Order in that Behalf, or for the Breach of any Contract, Covenant, Agreement, or other Engagement whatever, by Parol or in Writing, or for having left or deserted his Employer or Master, or his Contract, Work, or Labour; 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

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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 Necessaries 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.

LIX. Every Person who shall receive Enlisting Money (knowing it to be such) to serve in the Royal Marines from any Person employed in the Recruiting Service, and being an Officer, Non-commissioned Officer, or attested Marine, shall be deemed to be enlisted as a Marine in Her Majesty's Service, and while he shall remain with the Recruiting Party shall be entitled to be billeted; and every Person who shall enlist any Recruit shall first ask the Person offering to enlist whether he does or does not belong to the Militia, and shall, within Twelve Hours after the Receipt of the Enlisting Money, cause to be taken down in Writing the Name and Place of Abode of such Recruit, and, if such Recruit shall not reside in or in the Vicinity of the Town or Place where he offered to enlist, the Place also at which he shall declare that he intends to sleep, in order that within Forty-eight Hours, but not sooner than Twenty-four Hours (any intervening *Sunday, Christmas Day, or Good Friday* not included), after his having received the Enlisting Money, Notice of his having so enlisted may be given to the Recruit in the Form prescribed in the Schedule to this Act annexed, or left at his usual Place of Abode, or at the Place where he stated that it was his Intention to sleep; and when any Person shall be enlisted as a Marine he shall within Ninety-six Hours, (any intervening *Sunday, Christmas Day, or Good Friday* not included,) but not sooner than Twenty-four Hours after such Enlisting, unless he shall voluntarily have absented himself or absconded, appear, together with some Person employed in the Recruiting Service of the Party with which he shall have enlisted, before a Justice, not being an Officer in the Marines, residing in the Vicinity of the Place or acting for the Division or District or Place where such Recruit shall have been enlisted, or where the Head Quarters of the Recruiting Party shall be stationed, and if such Recruit shall declare that he voluntarily enlisted, the said Justice shall put to him the several Questions contained in the Schedule to this Act annexed, and shall then and there in the Presence of the said Recruit record or cause to be recorded in Writing his Answers thereto; and the said Justice is hereby required forthwith to read over, or cause his Clerk in his Presence to read over, to such Recruit, the several Articles of War against Mutiny and Desertion, and to administer to such Recruit the Oath in the Schedule to this Act annexed applicable to the Case of a Recruit, and no other Oaths, anything in any Act to the contrary notwithstanding; and the Fee for administering such Oath shall be One Shilling and no more; and the said Justice is hereby required to give, under his Hand, the Certificate in the Schedule to this Act annexed; and if any such Recruit so to be certified shall refuse to take the Oath in the Schedule to this Act annexed before the said Justice, it shall be lawful for the Justice, at the Request of the Officer or Non-commissioned Officer with whom he enlisted, to detain and confine such Person until he shall take the said Oath of Fidelity.

Enlisting and  
swearing of  
Recruits.

LXI. If any Recruit shall receive Enlisting Money, knowing it to be such, from any Person employed in the Recruiting Service and authorized to enlist Recruits, and shall abscond or refuse to go before such Justice, or shall after his Enlistment absent himself from the Recruiting Party or Person with whom he enlisted, and shall not voluntarily return to go before some Justice within such Period of Ninety-six Hours as aforesaid, such Recruit shall at the Expiration of such Period of Ninety-six Hours be deemed to be enlisted and a Private in Her Majesty's Royal Marine Forces as fully to all Intents and Purposes as if he had been duly attested, and may be apprehended and punished as a Deserter, or for being absent without Leave, under any Articles of War made for the Punishment of Mutiny and Desertion; and such Recruit shall not be discharged by any Justice of the Peace after the Expiration of such Ninety-six Hours as aforesaid, unless it shall be proved to the Satisfaction of such Justice that the true Name and Residence of the Recruit were disclosed and known to the Recruiting Party, and that no Notice was given to the Recruit, or left at his usual Place of Abode, of his having so enlisted, or that the true Name and Residence of the Recruit were not taken down in Writing: Provided always, that in every Case wherein any Recruit shall have received Enlisting Money, and shall have absconded so that it shall not be possible immediately to apprehend and bring him before a Justice, the Officer or Non-commissioned Officer commanding the Party shall produce to the Justice before whom the Recruit ought regularly to have been brought for Attestation a Certificate of the Name and Place of Residence of such Recruit; and the Justice to whom such Certificate shall be produced shall, after satisfying himself that the Recruit who had so absconded cannot be found and apprehended, transmit a Duplicate thereof to the Secretary of the Admiralty, in order that, in the event of such Recruit being afterwards apprehended and reported as a Deserter, the Facts of his having received Enlisting Money, and having absconded after having been enlisted, may be ascertained before he shall be finally adjudged to be a Deserter; and it shall be lawful for any Two Justices acting for the County, Division, District, or Place where any such Recruit shall at any Time happen to be when any such Recruit shall be brought, and shall be proved upon Oath before

Offences con-  
nected with  
Enlistment.

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them to have concealed his belonging or having belonged to any Regiment, or to the Marines, Ordnance, or Navy, or the Forces of the *East India* Company, and discharged, or to have deserted therefrom, or to have concealed his having been discharged on any prior Enlistment, or to have wilfully concealed any Infirmary, or designedly made any false Representation at or previously to the Time of receiving Enlisting Money or upon being attested, to adjudge such Recruit, if in *England*, to be a Rogue and Vagabond, and to sentence him to such Punishment as by any Law may be inflicted on Rogues and Vagabonds, and to adjudge such Person, if in *Scotland* or *Ireland*, to be imprisoned with Hard Labour in any Prison or House of Correction for any Period not exceeding Three Months; and any Recruit who shall designedly make any false Representation of any Particular contained in the Oaths and Certificates in the Schedule to this Act annexed before the Justice at the Time of his Attestation, and shall obtain any Enlisting Money, or any Bounty for entering into Her Majesty's Service, or any other Money, shall be deemed guilty of obtaining Money under false Pretences, within the true Intent and Meaning, if in *England*, of an Act passed in the Session holden in the Seventh and Eighth Years of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in England relative to Larceny and other Offences connected therewith*, and if in *Ireland*, of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in Ireland relative to Larceny and other Offences connected therewith*, and such Recruit, if in *Scotland*, shall be deemed guilty of Falsehood, Fraud, and wilful Imposition; and any attested Recruit who shall in any Part of Her Majesty's Dominions or elsewhere have committed any of the before-mentioned Offences regarding Enlistment may be summarily punished, or prosecuted, tried, and convicted, for any such Offence, at any Time during the Continuance of the Service for which he shall have enlisted, and in any County or Place where he may happen to be when such summary Proceeding or Prosecution shall be instituted; and the Production of the Oath in the Schedule to this Act annexed taken by the Recruit on his Attestation, and the Certificate signed by the Justice before whom the Recruit was attested, certifying that the Questions and Answers contained in the Attestation were in his Presence put to and given by such Recruit, shall, in the Absence of Proof to the contrary, be deemed and taken to be sufficient Evidence of such Recruit having represented the several Particulars as in the Oath sworn by him; and Proof by the Oath of One or more credible Witnesses that the Person so prosecuted hath voluntarily acknowledged that at the Time of his Enlistment he belonged to the Militia, or to any Regiment in Her Majesty's Service, or to Her Majesty's Navy or Marine or Ordnance, or to the Forces of the *East India* Company, or that he designedly made any false Representation of any Particular contained in the said Oaths and Certificates or either of them before the Justice at the Time of the Attestation of the Person being prosecuted, shall be deemed and taken as Evidence of the Fact so by him acknowledged, without Production of any Roll or other Document to prove the same; and such Proof of such Acknowledgment shall be certified to the Secretary of the Admiralty by the Justice before whom such Proof shall have been given; and any Man having been enrolled as a Volunteer under the Act Fifteenth and Sixteenth *Victoria*, Chapter Fifty, or any subsequent Acts, to serve in the Militia, who at the Time of offering to enlist into Her Majesty's Forces, Army, Ordnance, or Marines, or into the Forces of the *East India* Company, or to enter into Her Majesty's Navy, shall deny that he is a Militia Man then actually enrolled and engaged to serve in the Militia, and who shall not have completed his Engagement by Attestation or by being entered on the Books of the Navy, shall upon Conviction thereof before any One Justice of the Peace in the United Kingdom, either upon the Oath of One Witness or upon his own Confession, be committed to the Common Gaol or House of Correction for any Time not exceeding Fourteen Days; and any Man enrolled as aforesaid who may have denied or shall hereafter deny, or who may have confessed or shall hereafter confess, to the Justice before whom he shall have been or shall be attested for the Army, Ordnance, or Marine Forces, or for the Forces of the *East India* Company, or who may have denied or shall hereafter deny, or who may have confessed or who shall hereafter confess, on the Completion of his Engagement to enter the Navy, that he belongs to the Militia, shall not be liable to Imprisonment for such Offence, but shall, upon Conviction thereof before any One Justice of the United Kingdom, or before a Divisional or Naval Court of Inquiry; either upon his own Confession or upon the Oath of One Witness, forfeit all Militia Bounty which would have become payable to him during the Period of his belonging to Her Majesty's Forces, Army, Ordnance, or Marines, or to the Forces of the *East India* Company, or to the Royal Navy, if he had not therein enlisted or entered, and be subjected to a Stoppage of One Penny a Day from his Pay for Eighteen Calendar Months, to be applied as the Secretary of the Admiralty shall direct, or if enrolled in the Militia as a balloted Man or a Substitute shall, if convicted before any One Justice as aforesaid, be committed to the Common Gaol or House of Correction for and during any Time not exceeding Six Calendar Months, over and above any Penalty or Punishment to which such Person so offending may be otherwise liable, and such Person, whether he shall have been enrolled as a Volunteer or as a balloted Man or Substitute, shall from the Day on which his Engagement to serve in the Militia shall end be and serve as a Marine of the Division of Her Majesty's Royal Marine Forces in which he has so enlisted or in the Navy into which he shall have entered: Provided also, that every such Person so enlisted shall be liable to serve in Her Majesty's Royal Marine Forces in which he has so enlisted during all the Time the Militia to which he shall belong shall remain disembodied, or shall not be called out for Training or Exercise, and shall

7 & 8 G. 4.  
c. 29.  
9 G. 4. c. 55.



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shall during all such Time be subject to all the Provisions of this Act, or if he had entered the Navy, to the Law, Rules, Regulations, and Customs by which the Navy is governed, and be liable to be apprehended and dealt with and punished as a Deserter from the Marines or from the Navy if he shall neglect or refuse to join and serve in the Marines or in the Navy as aforesaid.

LXIII. 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 within the true Intent and Meaning of the before-recited Acts, 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 authorized to receive Recruits, such Person may be taken a Deserter from Her Majesty's Royal Marine Forces.

LXIV. 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 Seven 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 Seven, 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.

LXV. 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 be sufficient Evidence of the said Indenture; and every such Offender in *Scotland* may be tried by the Judge Ordinary in the County or Stewartry 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.

LXIX. 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 in Writing in that Behalf under the Hand of the Lord High Admiral, or the Hands of Two or more of the Commissioners for executing the Office of Lord High Admiral, for the Time being, 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 Bât 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,

Apprentices enlisting to be liable to serve after the Expiration of their Apprenticeship.

Claims of Masters to Apprentices.

No Apprentice claimed by the Master shall be taken away without a Warrant.

Punishment of Apprentices enlisting.

Billeting of Marines.

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lations, 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 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 authorize 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 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 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.

LXX. 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 Tenpence; and all Innholders and other Persons on whom Marines may be billeted in *Great Britain*, except when on the March, and entitled to be furnished with the hot Meal as aforesaid, shall furnish such Marines 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 such a Sum as the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral for the Time being, shall at any Time or Times direct, but not less than the Sum of a Halfpenny *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*, for Oats, Hay, and Straw, shall be One Shilling and Ninepence *per Diem* for each Horse, and in *Ireland* the Sum to be paid for Forage to the Innholder or other Persons for Horses billeted by virtue of this Act shall be the Rate established by the Lord Lieutenant or other sufficient Authority from  
Time

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Time to Time, the same to be regulated by the average Rate of Contracts for Forage in *Ireland*; and for the Use of Stables in *Ireland*, when such Horses are provided with Hay and Straw by Contract, and not by the Occupiers of the Houses in which they are billeted, the Sum of Fourpence *per* Week for each Horse shall be paid; and every Officer to whom it belongs to receive or who does actually receive the Pay and Subsistence of the Officers and Men shall every Four Days, or before they shall quit their Quarters if they shall not remain so long as Four Days, pay the Constable of the Parish or Place a Sum of Money sufficient to settle and discharge the just Demands of all Victuallers or other Persons upon whom such Officers and Marines are billeted, together with a further Sum of One Shilling for every Pound or Part of a Pound due to such Victuallers or other Persons as a Compensation to such Constable for his Trouble in the Matter, out of the Pay and Subsistence of such Officers and Marines, before any Part of the said Pay or Subsistence be distributed to them respectively; and if any such 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 any Constable who shall wilfully and without reasonable Cause omit to pay over to such Victuallers or other Persons any Money paid to him for the Purpose of bringing the same over as aforesaid, within the Space of Forty-eight Hours after the Receipt of the same by him as aforesaid, shall be liable on Conviction thereof before any Justice of the Peace to a Penalty not exceeding Five Pounds, over and above the Amount so paid to him, and not paid over by him as aforesaid; and in case of any Marines being suddenly ordered to march, and of the Commanding Officer not being enabled to make immediate Payment of the Sums due on account of Billets, every such 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 Officer's Account.

LXXII. 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 Shilling, Ninepence, and 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, and 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 the Admiralty 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 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 down the proper Sums into the Hands of the Constable 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 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 of Her Majesty's Service: Provided also, 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 that no Penalties or Forfeitures in any Act relating to Highways or Turnpike Roads in the United Kingdom shall apply to the Number of Horses or Oxen or Weight of Loading of the

Rates for  
Carriages.

the

*Marine Mutiny.*

the aforesaid Carriages, nor shall any such Carriages on that Account be stopped or detained; and whenever it shall be necessary to impress Carriages for the March of Marines 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 Marines on any Pretence whatever.

Providing for Supply of Carriages, &c. in Cases of Emergency.

LXXIII. 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 authorize 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 Waggon, Wains, Carts, and Cars kept by or belonging to any Person and for any Use whatsoever, but also of Saddle Horses, Coaches, Postchaises, 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. \*

Justices of Peace to direct Payment of Sums expended for Carriages, &c.

LXXIV. It shall be lawful for the Justices of the Peace assembled at their Quarter Sessions to direct the Treasurer to pay, without Fee, out of the Public Stock of the County or Riding, or if such Public Stock be insufficient then out of Monies which the said Justices shall have Power to raise for that Purpose, in like Manner as for County Gaols and Bridges, such reasonable Sums as shall have been expended by the Constables within their respective Jurisdictions for Carriages and Vessels, over and above what was or ought to have been paid by the Officer requiring the same, regard being had to the Season of the Year and the Condition of the Ways by which such Carriages and Vessels are to pass; and in *Scotland* such Justices shall direct such Payments to be made out of the Rogues Money and Assessments directed and authorized to be assessed and levied by an Act of the 2nd and 3rd Years of the Reign of Her present Majesty, Cap. 65.

Exemption from Tolls.

LXXVI. All Officers and Marines, being in proper Uniform, Dress or Undress, and their Horses and Baggage, (but not when passing in any private or hired Vehicle,) and all Recruits marching by Route, and all Prisoners under Military Escort, and all Carriages and Horses belonging to Her Majesty or employed in Her Service under the Provisions of this Act, or in any of Her Majesty's Colonies, when employed in conveying any such Persons as aforesaid or their Baggage or returning from conveying the same, shall be exempted from the Payment of any Duties and Tolls on embarking or disembarking from or upon any Pier, Wharf, Quay, or Landing Place, or in passing along or over any Turnpike or other Roads or Bridges, otherwise demandable by virtue of any Act already passed or hereafter to be passed, or by virtue of any Act or Ordinance, Order or Direction, of any Colonial Legislature or other Authority in any of Her Majesty's Colonies; and if any Toll Collector shall demand or receive Toll from any Marine Officer or Marine who shall be in proper Uniform, Dress or Undress, or for their Horses, and who by this Act is exempted from Payment thereof, or from any Recruits marching by Route, or from any Prisoners under Military Escort, or for any Carriages or Horses belonging to Her Majesty or employed in Her Service under the Provisions of this Act, when conveying Persons or Baggage, or returning therefrom, every such Collector shall for every such Offence be liable to a Penalty not exceeding Five Pounds; providing 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

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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.

LXXXII. Any Person who shall detain, buy, or exchange, or otherwise receive from any Marine or Marine Deserter, or any other Person, upon any Account or Pretence whatsoever, or 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 Majesty'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, 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 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.

Penalty for purchasing Clothes, &c. from any Marine.

LXXXIV. 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.

Penalty on Officers killing Game.

LXXXIX. 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 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 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: Provided also, that when no such Examination shall have been required, the Statement made on Oath by the Recruit on his Attestation of his Place of Birth shall be taken to be his last Place of Settlement until legally disproved.

Mode of recording a Marine's Settlement.

XCI. 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 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

Definition of Terms.

*Marine Mutiny.*

all Magistrates authorized 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 Licences; 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 Tippling 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.

Alterations in Forms of Attestation.

XCII. And whereas it is expedient to make certain Alterations in the Forms of Attestation prescribed 'by the several Statutes now in force relating to Enlistment:' It is hereby provided, That the Question directed to be put on the Attestation of Recruits, as to their Willingness to serve as set forth in the Schedule annexed to the Statute 10 & 11 *Victoria*, Ch. 63., intituled *An Act for limiting the Time of Service in the Royal Marine Forces*, and in the Schedule to the several Acts heretofore passed for the Regulation of Her Majesty's Royal Marine Forces while on shore, may be put in the Form set forth in the Schedule hereto annexed, any Statute to the contrary notwithstanding.

Duration of Act.

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

SCHEDULE.

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 \_\_\_\_\_ 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.

Declared before me, \_\_\_\_\_

\_\_\_\_\_  
Signature of Marine.

\_\_\_\_\_  
Signature of Witness.

DESCRIPTION

<i>Marine Mutiny.</i>	<i>Customs Duties.</i>
DESCRIPTION RETURN of <i>Case may be</i> ] on the Confinement at from the Royal Marines.	who was apprehended [ <i>or surrendered himself, as the</i> Day of and was committed to Day of as Deserter
Age - - - - -	{ Feet.      Inches.
Height - - - - -	
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 apprehended - - - - - }	
* { Particulars of the Evidence on which the Prisoner is committed; and showing whether he sur- rendered 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.

C A P. XV.

An Act for granting certain Duties of Customs on Tea, Sugar, and other Articles.

[21st March 1857.]

‘ WHEREAS it is expedient to alter the Duties and Drawbacks of Customs imposed or allowed by any Act or Acts in force relating to the Customs upon the several Articles herein mentioned:’  
Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same:

I. That in lieu of the Duties of Customs chargeable on Tea imported into *Great Britain and Ireland* during the Period herein-after mentioned the following Duties shall be charged; that is to say,  
From and after Fifth *April* One thousand eight hundred and fifty-seven to Fifth *April* One thousand eight hundred and fifty-eight, 1s. 5d. per Pound.

Alteration of Duties on Tea.

Customs Duties.

Race-horse Duty Act Amendment.

Alteration of Customs Duties on Sugar.

II. That in lieu of the Duties of Customs chargeable on Sugar imported into *Great Britain* and *Ireland* during the Period herein-after mentioned the following Duties shall be charged; that is to say,

	From and after 5th April 1857 to 5th April 1858 inclusive.
SUGAR, viz. :-	
Candy Brown or White Refined Sugar, or Sugar rendered by any Process equal in Quality thereto the Cwt.	£ s. d. 0 18 4
White Clayed Sugar or Sugar rendered by any Process equal in Quality to White Clayed, not being Refined, or equal in Quality to Refined the Cwt.	0 16 0
Yellow Muscovado and Brown Clayed Sugar, or Sugar rendered by any Process equal in Quality to Yellow Muscovado or Brown Clayed, and not equal to White Clayed. the Cwt.	0 13 10
Brown Muscovado or any other Sugar, not being equal in Quality to Yellow Muscovado or Brown Clayed Sugar the Cwt.	0 12 8
M classes the Cwt.	0 5 0

Alteration of Customs Duties on certain Articles herein named.

III. That in lieu of the Duties chargeable on the following Articles imported into *Great Britain* and *Ireland* during the Period herein-after mentioned the following Duties shall be charged; that is to say,

	From and after 5th April 1857 to 5th April 1858 inclusive.
Cherries, dried	} the Pound £ s. d. 0 0 2
Comfits, dry	
Confectionery	
Ginger, preserved	
Marmalade	
Plums preserved in Sugar	
Succades, including all Fruits and Vegetables preserved in Sugar not otherwise enumerated	

Bounties and Drawbacks, as herein named.

IV. That the Bounties and Drawbacks now payable on the Exportation of Refined Sugar, or on Removal to the *Isle of Man* for Consumption there, shall be continued until the Fifth Day of *May* next, and that from and after that Day, and until the Fifth Day of *May* One thousand eight hundred and fifty-eight, the following Drawbacks shall be allowed on the Exportation, or on the Removal to the *Isle of Man* for Consumption there, of the several Descriptions of Refined Sugar herein-after mentioned; that is to say,

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

Duties to be under Ma-

V. The Duties imposed by this Act shall be under the Management of the Commissioners of Her Majesty's Customs, and shall be ascertained, raised, levied, collected, paid, recovered, and applied or appropriated



appropriated under the Provisions of any Act or Acts now in force or hereafter to be made relating to the Customs.

VI. This Act shall come into operation on the Day of the passing of this Act, and in citing it in other Acts of Parliament and in legal Instruments it shall be sufficient to use the Expression "The Customs Duties Amendment Act, 1857."

agement of Commissioners of Customs, Commencement of Act and Short Title.

## C A P. XVI.

An Act to amend an Act of the last Session of Parliament, for repealing, and re-imposing under new Regulations, the Duty on Race Horses. [21st March 1857.]

WHEREAS by an Act of the last Session of Parliament, Chapter Eighty-two, an annual Duty of Three Pounds Seventeen Shillings was imposed for every Race Horse, and it is expedient to amend the Provisions of the said Act regulating the Collection of the said Duty: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

19 & 20 Vict. c. 82.

I. Previously to the starting or running of a Race Horse at any Race, the Duty by the said Act imposed shall be paid by or on behalf of the Owner or Trainer or other Person having charge of the Horse, to an Officer to be appointed by the Commissioners of Inland Revenue for the Purpose of receiving the same, and to be called the Receiver of Race-horse Duty, who shall give a Receipt for the Duty in such Form, and with such Particulars as herein-after mentioned; and such Payment and Receipt shall free the Owner for the Time being of the Horse named in such Receipt from any further Payment of the said Duty in respect of the said Horse for the Year ending on the Fifth Day of *April* next after such Payment; and if the Owner or Trainer or other Person having charge of any Race Horse shall neglect or omit to pay the said Duty to the said Receiver, and require and take from him such Receipt as aforesaid for the same, previously to the starting or running of such Horse at any Race in any Year ending as aforesaid, such Owner, Trainer, or other Person as aforesaid shall for every such Neglect or Omission forfeit the Sum of Fifty Pounds.

Duty imposed by said Act to be paid to the Receiver of Race-horse Duty previously to the starting of a Race Horse.

II. The Commissioners of Inland Revenue shall provide Books of printed Forms of Receipts with Counterfoils for the said Duty, and such Forms of Receipts and Counterfoils respectively shall be adapted for the Insertion therein of the Name or Description of the Race Horse, and the Name of the Owner of such Horse, or the Name of the Person paying the Duty, and also the Date of the actual Payment of the said Duty; and the said Commissioners shall supply a proper and sufficient Number of such Forms to the said Receiver of Race-horse Duty, from Time to Time, whenever he shall apply for the same.

Commissioners of Inland Revenue to provide Books of printed Forms of Receipts and Counterfoils.

III. Whenever the said Duty for any Race Horse shall be paid to the said Receiver of Race-horse Duty, or to any Person employed or authorized by him to receive the same (and for such Person the said Receiver shall be answerable), the said Receiver shall give or cause to be given to the Person paying the said Duty a Receipt for the same upon One of such printed Forms, properly filled up with all the several Particulars for which the same shall be adapted, and signed by the said Receiver with his own Hand, and he shall also properly fill up with all the like Particulars the Counterfoil of such Receipt, and keep the same remaining in the said Book.

Receiver of Race-horse Duty to give Receipt for Duty on printed Form, and fill up Counterfoil;

IV. The Receiver of Race-horse Duty shall be chargeable with and accountable in manner herein-after mentioned for every such Book of printed Forms of Receipts and Counterfoils with which he shall have been supplied, and shall, upon every Request of any Officer of Inland Revenue authorized by the said Commissioners in this Behalf, produce and show to such Officer all such Books and Forms as may from Time to Time be in the Possession of the said Receiver, and shall account with such Officer for all such Forms of Receipts and Counterfoils respectively as shall have been cut out of or separated from any such Book; and for and in respect of each and every such Form which shall have been so cut out or separated as aforesaid, and for and in respect also of each and every such Form of Receipt and Counterfoil respectively contained in any Book of such Forms delivered to such Receiver, and not produced by him to such Officer, the said Receiver shall be deemed to have received the Amount of the said Duty of Three Pounds Seventeen Shillings, and shall be charged with the same accordingly, as so much Money had and received by him for the Use of Her Majesty, Her Heirs and Successors.

to be accountable for Forms of Receipts and Counterfoils supplied to him;

V. The Receiver of Race-horse Duty shall give such Security, by Bond, with Sureties or otherwise, as the Commissioners of Inland Revenue may deem sufficient and require for duly accounting for and paying over the said Duties, and shall pay over all Monies received by him or for which he shall be chargeable under this Act to the Receiver General of Inland Revenue, or to such other Officer as the said Commissioners may direct, and under such Regulations as the said Commissioners may make in that Behalf; and upon the due Payment of all such Monies, and on the Performance by the said Receiver of Race-horse Duty, to the Satisfaction of the said Commissioners, of all Matters and Things required of him by or under the Authority of this Act, he shall have and be entitled to an Allowance at the Rate of One Shilling in the Pound on all such Monies paid over by him as aforesaid; and such Allowance shall be paid to him by the said Receiver General or other Officer by Warrant of the said Commissioners.

to give Security, and pay over Monies to Receiver General of Inland Revenue; and to have an Allowance for due Payment and Performance of Duty.

*Race-horse Duty Act Amendment.**Exchequer Bills.**Pauper Maintenance.*

Penalty on Receiver of Race-horse Duty for Neglect of Duty.

Certain Sections of 19 & 20 Vict. c. 82. repealed.

VI. If the Receiver of Race-horse Duty shall neglect or omit to do or perform any Act, Matter, or Thing required of him by or under the Authority of this Act, or shall do or permit or suffer to be done any Act, Matter, or Thing contrary in any respect to any Injunction or Direction herein contained, he shall for every such Offence forfeit the Sum of Fifty Pounds.

VII. Sections Four, Five, Six, Seven, Eight, Nine, Ten, and Eleven of the said Act, and so much of Section Twelve as enacts that the Person by whom or in whose Name any Race Horse shall be entered to start or run at any Race shall be deemed to be the Owner of such Race Horse, shall be and the same are hereby repealed.

## C A P. XVII.

An Act for raising the Sum of Twenty-one million forty-nine thousand seven hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and fifty-seven.

[21st March 1857.]

## C A P. XVIII.

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

[21st March 1857.]

[18 & 19 Vict. c. 47. continued until 30th September 1858.]

## C A P. XIX.

An Act to provide for the Relief of the Poor in Extra-parochial Places. [21st March 1857.]

‘ WHEREAS it is desirable that Provisions should be made for the Relief of the Poor in Extra-parochial Places: 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 :

All Extra-parochial Places, where no Poor Rate is levied, to be deemed Parishes for Relief of the Poor, &c., and Justices, having Jurisdiction, to appoint Overseers.

I. After the Thirty-first Day of *December* One thousand eight hundred and fifty-seven, every Place entered separately in the Report of the Registrar General on the last Census which now is or is reputed to be extra-parochial, and wherein no Rate is levied for the Relief of the Poor, shall for all the Purposes of the Assessment to the Poor Rate, the Relief of the Poor, the County, Police, or Borough Rate, the Burial of the Dead, the Removal of Nuisances, the Registration of Parliamentary and Municipal Voters, and the Registration of Births and Deaths, be deemed a Parish for such Purposes, and shall be designated by the Name which is assigned to it in such Report; and the Justices of the Peace having Jurisdiction over such Place or over the greater Part thereof shall appoint Overseers of the Poor therein; and with respect to any other Place being or reputed to be extra-parochial, and wherein no Rate is levied for the Relief of the Poor, such Justices may appoint Overseers of the Poor therein, notwithstanding anything contained in the Hundred and first Chapter of the Statute passed in the Session of Parliament of the Seventh and Eighth Years of Her present Majesty.

One Overseer only may be appointed by the Justices.

II. If in any Extra-parochial Place it shall appear to the Justices that Two Overseers cannot conveniently be appointed from the Inhabitant Householders thereof, or are not required for such Place, such Justices may appoint One only; and if it shall appear to them that there is no such Householder liable or fit to be appointed they shall appoint some Inhabitant Householder of an adjoining Parish willing to serve to be such Overseer, either with or without an annual Salary, such Salary, if any, to be approved of by the Poor Law Board, and to be paid out of the Poor Rate of such Place; and such last-mentioned Appointment shall enure until the usual Time of the Appointment of Overseers, and may be renewed from Year to Year as long as the Justices shall find necessary.

Provision for the Inns of Court.

III. In each of the Places termed the *Inner Temple*, the *Middle Temple*, and *Gray’s Inn*, the Officer for the Time being acting as the Under Treasurer of such Inn of Court, and in the Place termed *Charterhouse, London*, the Registrar, shall be the Overseer of such Place; and in default of any such Officer, the Justices having Jurisdiction in such Inns or Place respectively shall appoint some Inhabitant Householder therein to be the Overseer thereof for the then current Year, and thenceforth from Year to Year so long as the Office of Under Treasurer or Registrar shall be vacant; provided that such Places shall not be liable to be added to any Union or other District for the Purposes aforesaid.

Justices at the Quarter Sessions may, upon Application, and with Consent, annex

IV. If the Owners and Occupiers respectively of the Land comprised in any Extra-parochial Place owning and occupying Two Thirds in Value at least of such Land shall express their Desire in Writing, signed by such major Part, that such Place be comprised in or annexed to any Parish for the Purposes aforesaid, and such Parish shall consent thereto, such Consent to be expressed by a Resolution of the Vestry, after due Notice, the Justices of the Peace in Quarter Sessions assembled, or the Recorder of the Borough,

*Extra-parochial Places.**Consolidated Fund (Appropriation).*

Borough, if such Place be situated within a Borough subject to the Jurisdiction of a Recorder, may make an Order for the Annexation of such Place to such Parish, and thenceforth the same shall be deemed to be Part of the said Parish for all such Purposes.

V. If any such Place should be added to any Union the Overseer or Overseers thereof shall act as the Guardian or Guardians of such Place at the Board of Guardians of such Union until there shall be Ratepayers thereof qualified to elect a Guardian; provided that if the Poor Law Board should direct One Guardian only to be appointed for any such Place, and there shall be Two Overseers appointed for the same, the Overseer first appointed, or whose Name shall stand first in the Warrant of Appointment, shall act as such Guardian, and in the Case of his Decease or Incapacity during the Year of Office the other Overseer shall thenceforth act as such Guardian; provided also, that no such paid Overseer as aforesaid shall be authorized to act as a Guardian.

VI. The Overseers or Overseer appointed under the Authority of this Act shall have all the Powers, Authorities, Privileges, Exemptions, and Protections which Overseers now or hereafter shall possess, and shall be subject to all the Obligations, Responsibilities, Penalties, and Consequences which Overseers are now or may hereafter be liable to.

VII. Provided, That nothing above contained shall apply to any Extra-parochial Place in respect whereof there shall be any Agreement with any Parish as to the Liability of such Place to contribute to the Poor Rate of such Parish contained in any Act of Parliament.

VIII. Where there is any Extra-parochial Place contained in or adjoining to any District comprising any Parish or Parishes, in which District the Relief of the Poor is administered under the Authority of a Local Act, the Poor Law Board may, with the Consent of the Occupiers and Owners of Two Thirds in Value of the Land comprised in such Place, and with the Consent of the Guardians acting in that District, by Order direct such Place to be added, for the Purposes of Administration of Relief to the Poor, to such District, upon such Conditions and subject to such Provisions and Regulations as shall appear to them to be necessary for such Purposes.

IX. Where any Extra-parochial Place has belonging to or within it any Church or Chapel of the Church of England, the Bishop of the Diocese within which such Church or Chapel shall be locally situated may, if he think fit, authorize by Writing under his Hand and Seal the Publication of Banns and the Solemnization of Marriages by Banns or Licence in such Church or Chapel of Persons residing within such Extra-parochial Place, and such written Authorization shall be registered in the Registry of the Diocese.

X. Provided always, That all Provisions now in force or which may hereafter be established by Law relative to providing and keeping Marriage Registers in any Parish Churches shall extend and be construed to extend to any Church or Chapel in which the Publication of Banns and Solemnization of Marriages shall be so authorized as aforesaid in the same Manner as if the same were a Parish Church, and everything required by Law to be done relative thereto by the Churchwardens of any Parish Church, shall be done by the Churchwarden or Chapelwarden or other Officer exercising analogous Duties in such Church or Chapel, or if there shall be no such Officer then by such Person as shall be appointed in that Behalf by the Bishop of the Diocese.

XI. The Words used in this Act shall be construed in the like Manner as in the Seventy-sixth Chapter of the Statute passed in the Fourth and Fifth Years of King *William* the Fourth; and the Provisions contained therein, and in the subsequent Acts explaining and extending the same, and not repealed, shall, so far as they shall be consistent herewith, be extended to this Act.

any Extra-parochial Place to an adjoining Parish.

Overseers may act as Guardians until there shall be Ratepayers qualified to elect.

Powers, &c. of Overseers extended to Overseers appointed under this Act.

Certain Places excepted.

Provision for Extra-parochial Places adjoining Districts under Local Acts.

Bishop may authorize Publication of Banns in Extraparochial Place.

Provisions as to the keeping of Marriage Registers to extend to any Church or Chapel where Banns may be published.

Terms used in this Act to be construed as in 4 & 5 W. 4. c. 76. &c.

## C A P. XX.

An Act to apply a Sum out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-seven, and to appropriate the Supplies granted in this Session of Parliament. [21st March 1857.]

- § I. There shall be applied for the Service of the Year 1857 the Sum of £13,007,200 out of the Consolidated Fund.
- II. The Treasury may cause £13,007,200 of Exchequer Bills to be made out in manner prescribed by 48 G. 3. c. 1., 4 & 5 W. 4. c. 15., and 5 & 6 Vict. c. 66.
- III. The Clauses, &c. in recited Acts extended to this Act.
- IV. Interest on Exchequer Bills.
- V. Bank of *England* may advance £13,007,200 on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.
- VI. Bills prepared by virtue of this Act to be delivered to the Bank, as Security for such Advances.
- VII. Monies raised by Bills to be applied to the Services voted by the Commons.
- VIII. Exchequer Bills made chargeable upon the growing Produce of the Consolidated Fund.
- IX. Appropriation of Ways and Means to Services hereafter expressed.

X. There

## Consolidated Fund (Appropriation).

X. There shall be issued £3,390,000 on account, for Navy Services; viz.				
£800,000	0	0	For Wages to 53,700 Seamen and Marines	} On account, to 31st March 1858.
300,000	0	0	For Victuals, &c. in the Navy	
50,000	0	0	For Salaries, &c. of the Admiralty Office	
80,000	0	0	For Coast Guard Service and Royal Naval Coast Volunteers	
30,000	0	0	For the Navy Scientific Departments	
60,000	0	0	For Naval Establishments at home	
10,000	0	0	For Naval Establishments abroad	
300,000	0	0	For Wages of Artificers, &c. at home	
20,000	0	0	For Wages of Artificers, &c. abroad	
500,000	0	0	For Naval Stores, &c.	
200,000	0	0	For New Works in Naval Establishments	
20,000	0	0	For Medicines and Medical Stores	
30,000	0	0	For divers Naval Miscellaneous Services	
250,000	0	0	For Naval Half Pay, &c.	
200,000	0	0	For Military Pensions	
60,000	0	0	For Civil Pensions	
80,000	0	0	For Freight of Ships, Conveyance of Troops, &c.	
400,000	0	0	For Packet Service.	
XI. For Army Services, £1,082,000, on account, viz.				
£111,000	0	0	For Wages of Artificers, &c.	} On account, from 1st April 1857 to 31st March 1858.
140,000	0	0	For Clothing and Necessaries	
319,000	0	0	For Provisions, Barrack Furniture, &c.	
199,000	0	0	For Stores for Land and Sea Service	
82,000	0	0	For Fortifications	
231,000	0	0	For Civil Buildings, and Barracks	
And for other Army Services, £2,672,000; viz.				
£1,467,000	0	0	For Forces in the United Kingdom and Stations abroad (exclusive of <i>India</i> )	
184,000	0	0	For Miscellaneous Charges at home and abroad (exclusive of <i>India</i> )	
14,000	0	0	For Volunteer Corps in <i>Great Britain</i>	
62,000	0	0	For Salaries, &c. of War Departments	
125,000	0	0	For Manufacturing Departments, Military Store- keepers, Barrack Masters, &c.	
76,000	0	0	For Educational and Scientific Branches	
9,000	0	0	For Rewards for Military Service	
21,000	0	0	For Pay of General Officers	
190,000	0	0	For Reduced and Retired Officers	
63,000	0	0	For Pensions to Widows of Officers, and Allowances on Compassionate List	
16,000	0	0	For Pensions, Gratuities, &c. to wounded Officers	
11,000	0	0	For <i>Chelsea</i> and <i>Kilmainham</i> Hospitals, and In- Pensioners thereof	
393,000	0	0	For Out-Pensioners of <i>Chelsea</i> Hospital, &c.	
41,000	0	0	For Superannuation and Retired Allowances	
XII.	£2,000,000	0	0	To pay off Exchequer Bonds of 1854.
XIII.	£21,049,700	0	0	To pay off Exchequer Bills of 1856.
XIV. For the Revenue Departments, £1,510,000, on account, viz.—				
£280,000	0	0	For Salaries, &c. of the Customs Department	} On account, to 31st March 1858.
450,000	0	0	For Salaries, &c. of the Inland Revenue Department	
20,000	0	0	For the Expense of the Revenue Police, <i>Ireland</i>	
600,000	0	0	For Salaries, &c. of the Post Office	
160,000	0	0	For Superannuations, &c. of the Three Departments	
XV. For Civil Services, £1,553,200 on account, viz.				
CIVIL SERVICES.—Class 1.				
£60,000	0	0	For Royal Palaces and Public Buildings	} On account, to 31st March 1858.
40,000	0	0	For Royal Parks, Pleasure Gardens, &c.	
60,000	0	0	For the New Houses of Parliament	
7,000	0	0	For <i>Kingstown</i> Harbour	

## Consolidated Fund (Appropriation).

## CIVIL SERVICES.—Class 2.

£18,000	0	0	For Salaries, &c. of the Treasury	-
8,000	0	0	For Salaries, &c. of the Home Department	-
22,000	0	0	For Salaries, &c. of the Foreign Department	-
9,000	0	0	For Salaries, &c. of the Colonial Department	-
20,000	0	0	For Salaries, &c. of the Privy Council Office and Board of Trade	-
1,000	0	0	For the Salary, &c. of the Lord Privy Seal	-
6,000	0	0	For Salaries, &c. of the Paymaster General's Office	-
2,000	0	0	For Salaries, &c. in the Exchequer	-
8,000	0	0	For Salaries, &c. of the Office of Works, &c.	-
8,000	0	0	For Salaries, &c. of the Office of Woods and Forests	-
5,000	0	0	For Salaries, &c. of the Public Records and State Paper Office	-
7,000	0	0	For Salaries, &c. of Inspectors of Factories, &c.	-
2,000	0	0	For Salaries, &c. in the Department of Paymaster of Civil Services, <i>Ireland</i>	-
7,000	0	0	For Salaries, &c. of the Board of Public Works, <i>Ireland</i>	-
800	0	0	For Salaries, &c. of the Office of the Inspectors of Lunatic Asylums, <i>Ireland</i>	-
12,000	0	0	For Salaries, &c. of the Audit Office	-
5,000	0	0	For the Expenses of the Copyhold Inclosure and Tithe Commission	-
4,000	0	0	For Payment of Copyhold Imprest Expenses	-
12,000	0	0	For Salaries, &c. of the General Register Office, <i>England</i>	-
1,000	0	0	For Salaries, &c. of the General Register Office, <i>Ireland</i>	-
2,000	0	0	For Salaries, &c. of the General Register Office, <i>Scotland</i>	-
5,000	0	0	For Salaries, &c. of the National Debt Office	-
1,000	0	0	For Salaries, &c. of the Public Works Loan Commission	-
600	0	0	For Expenses of the <i>West India</i> Relief Commission	-
700	0	0	For the Contingent Expenses of the Commissioners in Lunacy	-
300	0	0	For the Salary, &c. of the Superintendent of Roads, <i>South Wales</i>	-
500	0	0	For Salaries, &c. in the Department of the Registrar of Friendly Societies	-
10,000	0	0	For Secret Services	-
150,000	0	0	For Printing and Stationery	-
40,000	0	0	For Postages of Public Departments	-

On account, to  
31st March 1858.

## CIVIL SERVICES.—Class 3.

## ENGLAND:

12,000	0	0	For Salaries, &c. of the Office of the Solicitor to the Treasury, and Law Charges	-
100,000	0	0	For Salaries of the Treasurers and other Officers, and Expenses of County Courts	-
40,000	0	0	For the Expense of the Police, Counties, and Boroughs	-
9,000	0	0	For the Expenses of the Police Courts (Metropolis)	-
40,000	0	0	For the Expenses of the Metropolitan Police	-
1,000	0	0	For Salaries, &c. of the Queen's Prison	-

## Consolidated Fund (Appropriation).

SCOTLAND:		
£1,000	0 0	For Salaries of the Lord Advocate and Solicitor General.
6,000	0 0	For Salaries, &c. of the Court of Session
3,000	0 0	For Salaries, &c. of the Court of Justiciary
400	0 0	For Salaries, &c. of the Exchequer (Legal Branch)
4,000	0 0	For Salaries of Procurators Fiscal
3,000	0 0	For Salaries of Sheriffs Clerks
4,000	0 0	For Salaries, &c. of the Offices in the General Register House, <i>Edinburgh</i>
400	0 0	For Salaries, &c. in the Department of the Commissary Clerk, <i>Edinburgh</i>
IRELAND:		
400	0 0	For Salaries, &c. of the Court of Chancery
800	0 0	For Salaries, &c. of the Court of Queen's Bench
900	0 0	For Salaries, &c. of the Court of Common Pleas
600	0 0	For Salaries, &c. of the Court of Exchequer
100	0 0	For the Salary of the Taxing Officers of Law Courts
2,000	0 0	For Salaries of the Registrars to the Judges
800	0 0	For Salaries, &c. of the Office for the Registration of Judgments.
100	0 0	For Fees to Advocates, High Court of Delegates
1,000	0 0	For Salaries, &c. of the Insolvent Debtors Courts
100	0 0	For Salary of the Clerk of Court of Errors
500	0 0	For Salaries of the Police Justices, <i>Dublin</i>
12,000	0 0	For the Expense of the <i>Dublin</i> Police
250,000	0 0	For the Expense of the Constabulary Police, <i>Ireland</i>
700	0 0	For Salaries, &c. of the Four Courts, <i>Marshalsea</i>
6,000	0 0	For the Superintendence of Prisons
CIVIL SERVICES.—Class 4.		
180,000	0 0	For Education, <i>Great Britain</i>
25,000	0 0	For Education, Science and Art Branch
70,000	0 0	For Education, <i>Ireland</i>
200	0 0	For the official Expenses of the Commission of Education, <i>Ireland</i>
2,500	0 0	For the Universities, &c. in <i>Scotland</i>
800	0 0	For the Queen's University in <i>Ireland</i>
1,600	0 0	For the Queen's Colleges, <i>Ireland</i>
200	0 0	For the Royal <i>Irish</i> Academy
100	0 0	For the Royal <i>Hibernian</i> Academy
900	0 0	For <i>Belfast</i> Theological Professors
20,000	0 0	For the <i>British Museum</i> Establishment
14,000	0 0	For the <i>British Museum</i> Buildings
6,000	0 0	For the <i>British Museum</i> Purchases
1,500	0 0	For Scientific Works and Experiments
CIVIL SERVICES.—Class 5.		
1,000	0 0	For Civil Establishment of the <i>Bermudas</i>
10,000	0 0	For Charges at <i>St. Helena</i>
60,000	0 0	For the Consular Establishments abroad
15,000	0 0	For the Extraordinary Expenses of Ministers abroad
CIVIL SERVICES.—Class 6.		
50,000	0 0	For Superannuations, &c.
700	0 0	For the Expense of the National Vaccine Establishments
1,200	0 0	For <i>Polish</i> Refugees and Distressed <i>Spaniards</i>
1,000	0 0	For Public Infirmaries, <i>Ireland</i>
		For Hospitals, <i>Dublin</i> ; £5,000; viz.,
850	0 0	The <i>Westmoreland</i> Lock Hospital

On account, to  
31st March 1858.

## Consolidated Fund (Appropriation).

£200	0	0	The <i>Rotunda</i> Lying-in Hospital	-	-	-
100	0	0	The <i>Coombe</i> Lying-in Hospital	-	-	-
3,000	0	0	The House of Industry Hospitals	-	-	-
600	0	0	The <i>Cork Street</i> Fever Hospital	-	-	-
200	0	0	The <i>Meath</i> Hospital	-	-	-
50	0	0	The <i>St. Mark's</i> Ophthalmic Hospital	-	-	-
2,000	0	0	For the Concordatum Fund	-	-	-
CIVIL SERVICES.—Class 7.						
4,000	0	0	For the Expense of the General Board of Health	-	-	-
1,000	0	0	For the Expenses of the Ecclesiastical Commissioners	-	-	-
5,000	0	0	For Salaries, &c. of the Charity Commissioners, <i>England</i>	-	-	-
7,000	0	0	For Salaries, &c. of the Patent Office	-	-	-
2,000	0	0	For Salaries, &c. of the Civil Service Commission	-	-	-
3,000	0	0	For Salaries, &c. of sundry temporary Commissions	-	-	-
5,000	0	0	For Salaries, &c. of the Incumbered Estates Courts, <i>Ireland</i>	-	-	-
5,000	0	0	For Salaries, &c. of the Fishery Board, <i>Scotland</i>	-	-	-
6,000	0	0	For Revising Barristers ( <i>England</i> and <i>Wales</i> )	-	-	-
5,000	0	0	For the Expense of the Inspection of Burial Grounds	-	-	-
2,000	0	0	For the Expense of the Police at the Camp ( <i>Aldershot</i> )	-	-	-
4,000	0	0	For Freight of Specie and Loss by Exchange	-	-	-
800	0	0	For Salaries, &c. of the Office for the Registration of Joint Stock Companies	-	-	-

On account, to  
31st March 1858.

XVI. Supplies to be applied only for the Purposes aforesaid.

XVII. Certain Rules to be observed in the Application of the Sum appropriating Half Pay. Not to prevent the receiving of Half Pay under any Act relating to the General or Local Militia, &c. Paymaster General, by Permission of the Treasury, may issue Half Pay to Officers appointed to Civil Offices since *July* 1828. An Account of the Number of Officers so receiving Half Pay to be laid before Parliament annually.

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

XIX. Persons concerned in issuing, paying, and receiving Money for Payment of Half Pay, without the requisite Oaths, indemnified.

XX. Half Pay allowed to Officers of the *Manx* Fencibles.

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

XXII. Surplus of Sum by 19 & 20 *Vict.* c. 105. appropriated to Half Pay Officers to be disposed of as Her Majesty shall direct.

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

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

## LOCAL ACTS.

## Cap. i.

An Act for enabling the *Great Western, Bristol and Exeter, and South Devon Railway Companies* to afford further Assistance towards the Completion of the *Cornwall Railway* between *Plymouth and Truro*; for extending the Time for the Completion thereof; and for other Purposes.

[21st March 1857.]

*Preamble* recites Acts 9 & 10 Vict. c. cccxxxv.; 18 & 19 Vict. c. lix.; 10 & 11 Vict. c. lxxii.; 17 & 18 Vict. c. lxxxv. *Period limited by 18 & 19 Vict. c. lix. extended, § 2. Such Extension not to affect Provision as to Suspension of Dividends, § 3. Associated Companies may enter upon and complete the Portion of Railway between Plymouth and Truro, § 4. Property in such Portion of Railway to remain in the Cornwall Company, § 5. Account of Expenditure to be delivered to Company, and if not agreed to, to be settled by Arbitration, § 6. Provisions of Agreement as to Purchase may be exercised by Associated Companies, § 7. Expenditure to become a Debt from the Cornwall Company to the Associated Companies, and Cornwall Company to raise Money to pay the same, § 8. Provision as to Payment if Debt not paid out of Money raised, § 9. Term of Lease to be continued until Associated Companies be fully repaid in respect of Expenditure, &c., § 10. Agreement of 23d June 1855, and Modifications thereof, to remain in force, except as hereby altered, § 11. Cornwall Company to create £300,000 of Preference Stock on Guarantee of Associated Companies, § 12. Provisions, &c. as to new and Preference Shares, §§ 13-17. Deposits not to be paid out of Company's Capital, § 18.*

## Cap. ii.

An Act to re-incorporate *Price's Patent Candle Company, Limited*, and for other Purposes.

[21st March 1857.]

[*Preamble* recites Act 18 & 19 Vict. c. xxii. *Recited Act repealed, § 1. Purposes and Re-establishment of Company, §§ 4 & 6. Capital £1,000,000, § 14. Provisions as to Shares, §§ 15 to 18. Power to borrow £50,000, § 19. Application of Money raised, § 20. Provisions as to Meetings, §§ 21 to 24. Provisions as to Directors and Auditors, §§ 25 to 29. Restriction as to Land to be held by Company, § 30. Provision for Education, &c., of Persons in Company's Employment, § 31. Provision as to Powers of holding Patents being brought before Parliament after Seven Years, § 35.*]

## Cap. iii.

An Act to enable the *Whitehaven, Cleator, and Egremont Railway Company* to raise additional Capital; and for other Purposes.

[21st March 1857.]

*Preamble* recites 17 & 18 Vict. c. lxiv. *Power to raise, by Creation of new Shares, £25,000, § 5. Provisions as to New Shares, §§ 5 to 12. Provisions as to Preference Shares, §§ 13, 14, 15. Power to borrow £8000, § 16. Deposits not to be paid out of Company's Capital, § 20.*



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T H E

# STATUTES at Large, &c.

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Anno Regni VICTORIÆ, Britanniarum Reginae,  
Vicesimo & Vicesimo Primo.

‘ **A**T the Parliament begun and holden at *Westminster*, the Thirtieth Day of *April*, Anno Domini 1857,  
‘ in the Twentieth Year of the Reign of our Sovereign Lady *Victoria*, by the Grace of God, of  
‘ the United Kingdom of *Great Britain* and *Ireland*, Queen, Defender of the Faith: Being the  
‘ First Session of the Seventeenth Parliament of the United Kingdom of *Great Britain* and *Ireland*.’

C A P. I.

An Act for the Amendment of the Cinque Ports Act.

[26th June 1857.]

‘ **W**HEREAS by an Act passed in the Session of Parliament holden in the Eighteenth and Nineteenth  
‘ Years of the Reign of Her present Majesty, intituled *An Act for the better Administration of* 18 & 19 Vict.  
‘ *Justice in the Cinque Ports*, it was enacted (by the Fifth Section), that from and after the granting c. 48.  
‘ of a Charter of Incorporation to certain Parishes or Places therein mentioned, amongst which was  
‘ *Saint John the Baptist* (called *Margate*), or any One of them, or any Part thereof, certain Acts and  
‘ Portions of Acts therein mentioned should be and the same were thereby repealed, so far as the same  
‘ concerned or affected the Part comprised in such Charter, and that from and after the Date of such  
‘ Charter no Court of Sessions to be holden for the Town and Port of *Dover*, nor any Justices thereof,  
‘ should have any Jurisdiction or Authority over or in respect of the District comprised in any such  
‘ Charter, and no such District should be liable to any Rate, Cess, or Impost to which the same or the  
‘ Inhabitants thereof would but for the now-reciting Act be liable as a Member or Liberty of *Dover*,  
‘ save as therein-after otherwise provided: And whereas the Inhabitant Householders of the Town of  
‘ *Margate*, being Part of the said Parish of *Saint John the Baptist* called *Margate*, have, in pursuance  
‘ of the Provisions of an Act passed in the First Year of the Reign of Her present Majesty, intituled  
‘ *An Act to amend an Act for the Regulation of Municipal Corporations in England and Wales*, 7 W. 4. &  
‘ tioned Her Majesty to grant a Charter of Incorporation to the Inhabitants of the said Town of *Margate* 1 Vict. c. 73.  
‘ within the Limits defined in the Schedule to an Order of the General Board of Health bearing Date  
‘ the Third Day of *July* One thousand eight hundred and fifty-one, whereby and by means of “The  
‘ Public Health Supplemental Act, 1851, No. 2.” the Public Health Act was applied to the said Town:  
‘ And whereas Notice of such Petition, and of the Time when the same was ordered by Her Majesty  
‘ to be taken into consideration by Her Privy Council; was duly published in the *London Gazette* One  
‘ Month at least before such Petition was considered, as herein-after mentioned: And whereas Her  
‘ Majesty’s said Privy Council did proceed to consider the said Petition, and having fully considered it  
‘ have advised Her Majesty to grant a Charter of Incorporation to the Inhabitants of the said Town of  
‘ *Margate* within the District set forth in the said Order of the General Board of Health: And whereas  
‘ if such Charter as aforesaid be granted the Provisions of the said recited Act with respect to the  
‘ District comprised in such Charter will take effect, and thenceforward, and until the Grant of a Com-  
‘ mission of the Peace and Quarter Sessions of the Peace for such District, Inconveniences may arise,  
‘ unless the said recited Act be amended: And whereas it is expedient that the said recited Act should  
‘ be amended: Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice  
‘ and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled,  
‘ and by the Authority of the same, as follows:

‘ **I.** The Provisions contained in the Fifth Section of the said recited Act shall not apply or have any  
‘ Effect with reference to any District comprised within any Charter of Incorporation to be granted to  
‘ any Parish or Place mentioned in the said Act or any Part thereof, unless and until Her Majesty shall  
‘ have granted a Commission of the Peace and a Court of Quarter Sessions for the District comprised in  
‘ any such Charter, but on the Grant of a Commission of the Peace and Court of Quarter Sessions to any  
‘ such District the said Provisions contained in Section Five of the said recited Act shall thereupon take  
‘ effect and come into force with respect to such District.

20 & 21 VICT.

3 N.

C A P.

Sect. 5. of re-  
cited Act inap-  
licable to any  
District not  
having a Com-  
mission of the  
Peace and Court  
of Quarter  
Sessions.

## C A P. II.

An Act to enable Her Majesty to settle an Annuity on Her Royal Highness the Princess Royal. [26th June 1857.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of Great Britain and Ireland, having taken into consideration Your Majesty's most Gracious Message, that Your Majesty has agreed to a Marriage proposed between the Princess Royal and His Royal Highness Prince Frederic William of Prussia, do 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:

Power to Her Majesty to grant an Annuity of 8,000*l.* to Her Royal Highness the Princess Royal for Her Life.

I. It shall be lawful for Her Majesty, by Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland, to give and grant unto Her Royal Highness the Princess Royal, or to such Persons as Her Majesty shall think fit, to be named in such Letters Patent, in trust or for the Use of Her said Royal Highness, an Annuity of Eight thousand Pounds, to be settled on Her said Royal Highness for Her Life, in such Manner as Her Majesty shall think proper; the said Annuity to commence from the Date of the Marriage of Her Royal Highness with His Royal Highness Prince Frederic William of Prussia, to be free from all Taxes, Assessments, and Charges, and to be paid quarterly, on the Fifth Day of January, the Fifth Day of April, the Fifth Day of July, and the Tenth Day of October, the First Payment to be made, on such of the said quarterly Days as shall happen next after the said Marriage, of such Portion of the Annuity as shall have accrued between the Date of such Marriage and such quarterly Day, and a proportionate Part to be payable for the Period from the last quarterly Day of Payment to the Day of the Determination thereof; and such Annuity shall be charged on and payable out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, after paying or reserving sufficient to pay such Sums as have been directed to be paid out of the same by former Acts of Parliament, but with Preference to all other Payments which may hereafter be charged upon the said Fund.

## C A P. III.

An Act to amend the Act of the Sixteenth and Seventeenth Years of Her Majesty, to substitute in certain Cases other Punishment in lieu of Transportation. [26th June 1857.]

16 & 17 Vict. c. 99.

WHEREAS an Act was passed in the Session holden in the Sixteenth and Seventeenth Years of the Reign of Her Majesty, Chapter Ninety-nine, to substitute in certain Cases other Punishment in lieu of Transportation; and it is expedient that such Act should be amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Part of recited Act repealed.

Sentence of Transportation abolished, and Sentence of Penal Servitude substituted.

I. Sections One, Two, Three, and Four of the said Act shall be repealed.

II. After the Commencement of this Act, no Person shall be sentenced to Transportation; and any Person who, if this Act and the said Act had not been passed, might have been sentenced to Transportation shall, after the Commencement of this Act, be liable to be sentenced to be kept in Penal Servitude for a Term of the same Duration as the Term of Transportation to which such Person would have been liable if the said Act and this Act had not been passed; and in every Case where, at the Discretion of the Court, One of any Two or more Terms of Transportation might have been awarded, the Court shall have the like Discretion to award One of any Two or more of the Terms of Penal Servitude which are hereby authorized to be awarded instead of such Terms of Transportation: Provided always, that any Person who might at the Discretion of the Court have been sentenced either to Transportation for any Term or to any Period of Imprisonment, shall be liable at the Discretion of the Court to be sentenced either to Penal Servitude for the same Term or to the same Period of Imprisonment; and in any Case in which before the passing of the said Act Sentence of Seven Years Transportation might have been passed, it shall be lawful for the Court in its Discretion to pass a Sentence of Penal Servitude of not less than Three Years.

Acts concerning transported Offenders applicable to Offenders sentenced to Penal Servitude.

III. And whereas the Provisions applicable to Persons under Sentence of Transportation extend to Persons under Sentence of Penal Servitude conveyed to Parts beyond the Seas in those Cases only where they are conveyed to and kept in Places of Confinement appointed under the said Act or the Act of the Fifth Year of King George the Fourth, Chapter Eighty-four, and it is expedient to extend the said Provisions to other Cases:

Any Person now or hereafter under Sentence or Order of Penal Servitude may, during the Term of the Sentence or Order, be conveyed to any Place or Places beyond the Seas to which Offenders under Sentence or Order of Transportation may be conveyed, or to any Place or Places beyond the Seas which may be hereafter appointed as herein mentioned; and all Acts and Provisions now applicable to and for the Removal and Transportation of Offenders under Sentence or Order of Transportation to and from any

*Insurance on Lives (Abatement of Income Tax) Continuance. Court of Exchequer (Ireland).*

any Places beyond the Seas, and concerning their Custody, Management, and Control, and the Property in their Services, and the Punishment of such Offenders if at large without lawful Cause before the Expiration of their Sentence, and all other Provisions now applicable to and in the Case of Persons under Sentence or Order of Transportation, shall apply to and in the Case of Persons under Sentence or Order of Penal Servitude, as if they were Persons under Sentence or Order of Transportation.

IV. The Provisions and Powers of the said Act of the Fifth Year of King *George* the Fourth, authorizing the Appointment (by Her Majesty, with the Advice of Her Privy Council,) of any Place or Places beyond the Seas to which Felons and other Offenders under Sentence or Order of Transportation shall be conveyed, and all other Powers of Her Majesty, or the Lord Lieutenant or Chief Governor or Governors of *Ireland*, for the like Purpose, shall extend and be applicable to and for the Appointment of any Place or Places beyond the Seas to which Offenders under Sentence or Order of Penal Servitude may be conveyed, as herein provided.

V. And whereas by the said Act of the Sixteenth and Seventeenth Years of Her Majesty it is provided, that any Convict whose Licence is revoked shall be recommitted to the Prison or Place of Confinement from which he was released by virtue of the said Licence: Be it enacted, That from and after the passing of this Act any such Convict may be recommitted by the Magistrate issuing his Warrant in that Behalf, either to the Prison from which he was released by virtue of his Licence, or to any other Prison in which Convicts under Sentence of Penal Servitude may be lawfully confined.

VI. Where in any Enactment now in force the Expression "any Crime punishable with Transportation," or "any Crime punishable by Law with Transportation," or any Expression of the like Import, is used, the Enactment shall be construed and take effect as applicable also to any Crime punishable with Penal Servitude.

VII. The said Act of the Sixteenth and Seventeenth Years of Her Majesty and this Act shall be read and construed together as One Act.

VIII. This Act shall commence on the First Day of *July* One thousand eight hundred and fifty-seven.

## C A P. IV.

An Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-seven. [3d *July* 1857.]

## C A P. V.

An Act to continue the Act for extending for a limited Time the Provision for Abatement of Income Tax in respect of Insurance on Lives. [3d *July* 1857.]

WHEREAS an Act was passed in the Session of Parliament holden in the Sixteenth and Seventeenth Years of Her Majesty's Reign, Chapter Ninety-one, intituled *An Act to extend for a limited Time the Provision for Abatement of Income Tax in respect of Insurance on Lives*, and was limited to continue in force until the Fifth Day of *July* One thousand eight hundred and fifty-four: And whereas by certain other Acts subsequently passed, and more especially by an Act passed in the Session of Parliament holden in the Nineteenth and Twentieth Years of Her Majesty's Reign, Chapter Thirty-three, the said first-mentioned Act has been amended and extended, and now stands limited to continue in force until the Fifth Day of *July* One thousand eight hundred and fifty-seven, and it is expedient further to continue the same, so amended, for such Period as herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. The said first-mentioned Act, so amended as aforesaid, shall be and the same is hereby continued in force until the Sixth Day of *April* One thousand eight hundred and sixty.

## C A P. VI.

An Act to alter the Constitution and amend the Procedure of the Court of Exchequer Chamber in *Ireland*. [3d *July* 1857.]

WHEREAS by an Act of the Session of the Parliament of *Ireland* holden in the Fortieth Year of the Reign of his late Majesty King *George* the Third, Chapter Thirty-nine, Writs of Error upon Judgments of the Superior Courts of Law in *Ireland* were made returnable in the Court thereby constituted, and since commonly called the Court of Exchequer Chamber, and the Chief Justices, Chief Barons, and the rest of the Justices and Barons, or any Nine of them assembled in the said Court, were empowered to examine and affirm or reverse such Judgments: And whereas by an Act of the Session of Parliament holden in the First Year of the Reign of His late Majesty King *George* the Fourth, Chapter Sixty-eight, increased Powers were given to the said Court of Exchequer Chamber: And whereas by the "Common Law Procedure Amendment Act (*Ireland*), 1853," and the "Common Law Procedure Amendment Act (*Ireland*), 1856," further Provision was made for the bringing of Error and Appeals into the said Court of Exchequer Chamber: And whereas it is expedient that the Pro-

Power to appoint Places of Transportation applicable under this Act.

Magistrates may recommit Convicts whose Licences are revoked, &c.

Enactments to have reference to Penal Servitude.

Recited Act and this to be read as One.

Commencement of Act.

16 & 17 Vict. c. 91.

19 & 20 Vict. c. 33.

16 & 17 Vict. c. 91. continued until 6th April 1860.

40 G. 3. c. 39.

1 G. 4. c. 68. 16 & 17 Vict. c. 113.

19 & 20 Vict. c. 102.

*Court of Exchequer (Ireland).**County Cess (Ireland).*

cedure in Error in the said Court should be rendered uniform, and that all Proceedings in Error and upon Appeals brought into the said Court on Judgments and other Proceedings of any of the Courts of Queen's Bench, Common Pleas, and Exchequer should be before the Justices only, or the Justices and Barons only, as the Case may be, of the Two other of the said last-mentioned 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:

Appeals from one Court to Judges of Two other Courts.

I. In all Cases in which Error or an Appeal shall, after the passing of this Act, be brought into the said Court of Exchequer Chamber upon any Judgment or other Proceeding of any of the Courts of Queen's Bench, Common Pleas, or Exchequer, the Proceedings in the said Court of Exchequer Chamber in Error, or upon such Appeal, shall be before the Chief Justices and Justices only, or Chief Justice and Justices, Chief Baron and Barons only, as the Case may be, of the Two other of the said Courts, or any Six or more of them.

Act not to affect Chief Justices or Chief Baron.

II. Nothing in this Act contained shall in any way affect the Power or Jurisdiction of either of the Chief Justices or the Chief Baron to fix the Sittings of the said Court, or (save in Proceedings in Error or upon Appeal, to which the last preceding Section shall apply,) to do any other Thing in or relating to the said Court.

Procedure in Error shall be uniform.

III. In order that the Procedure in Error in the said Court of Exchequer Chamber upon all Judgments and Proceedings of the Superior Courts of Law may be rendered, so far as possible uniform, the Enactments of the "Common Law Procedure Amendment Act (*Ireland*), 1853," with respect to the bringing of Error into the said Court of Exchequer Chamber, and the Rules and Orders made or to be made in pursuance of the said Act, shall extend to and include the bringing of Error in the said Court of Exchequer Chamber upon all Judgments and Proceedings of the Court of Chancery as a Court of Law, of the Courts of Queen's Bench, Common Pleas, and Exchequer, as well in Crown as in all other Cases in which Error upon such Judgments or Proceedings may now be brought in the said Court of Exchequer Chamber; and the Procedure in Error in the said Court of Exchequer Chamber, and the Proceedings consequent thereon, shall, so far as practicable, in all such Cases be pursuant to the said "Common Law Procedure Amendment Act (*Ireland*), 1853," and the said Rules made or to be made under the said Act: Provided, that nothing in this Act contained shall be construed to enable Error to be brought in Cases in which Error cannot now be brought: Provided also, that where any Fiat or Consent is now required in any Proceeding in Error, such Fiat or Consent shall continue to be required in the corresponding Proceeding in Error under this Act.

No Error to be brought in Cases in which Error cannot now be brought.

Power to make General Orders.

IV. The Power to make General Orders for the said Court of Exchequer Chamber under Section Two hundred and thirty-three of the "Common Law Procedure Amendment Act (*Ireland*), 1853," shall extend to all Proceedings in Error in the said Court.

## J. A. P. VII.

An Act to revive and amend certain Acts relating to the Collection of County Cess in *Ireland*; and also to provide for the Appointment, in certain Cases, of Collectors to levy the Charges and Expenses of additional Constabulary appointed under the Act 19 and 20 *Vict.* c. 36.

[3d July 1857.]

11 & 12 *Vict.* c. 32.

WHEREAS, under and by virtue of an Act passed in the Eleventh and Twelfth Years of Her Majesty's Reign, Chapter Thirty-two, certain Provisions are made relating to the Collectors of County Cess in *Ireland*: And whereas by certain other Acts subsequently passed, and more especially by an Act passed in the Sixteenth Year of Her Majesty's Reign, Chapter Thirteen, the said Provisions were revived and continued in force to the End of the Year One thousand eight hundred and fifty-four, and it is expedient to amend and revive the said first-recited Act, and to continue the same for a limited Time: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

16 & 17 *Vict.* c. 13.

I. The said first-recited Act shall be revived and continued to the End of the Year One thousand eight hundred and fifty-nine, and the respective Powers and Authorities by the said Act given to Grand Juries at the Assizes, and to Magistrates at the Sessions therein mentioned, shall be respectively applied and extended to the Grand Juries at any Assizes and to Magistrates at any Sessions, as the Case may be, within the Period for which the said Act is hereby revived and continued.

11 & 12 *Vict.* c. 32. revived and continued to the End of the Year 1859.

Justices may take Security for Collectors.

II. Whenever any Person shall have been appointed Collector of Cess under the Provisions of this Act, either at Assizes, Quarter Sessions, or Special Sessions, and the Security of such Persons shall have been there approved, it shall be lawful for any Justice at any Petty Sessions to take such Security in like Manner and as effectually as if the same had been given before the Grand Jury at the Assizes.

19 & 20 *Vict.* c. 36.

III. And whereas by virtue of an Act passed in the Nineteenth and Twentieth Years of Her Majesty's Reign, Chapter Thirty-six, the Lord Lieutenant is empowered to issue his Warrants directed to the several Collectors of County Cess in *Ireland*, requiring them to levy within the respective Districts for which they shall have been appointed Collectors the estimated Charges and Expenses of any additional Constabulary

*County Cess (Ireland).**Ministers Money (Ireland).*

‘ Constabulary Force appointed for any County or District thereof, and which may be payable by such District, under the Provisions of the said Act : And whereas it may be expedient, in certain Cases, that special Collectors should be appointed for such Purposes :’ Be it therefore enacted, That the Lord Lieutenant may from Time to Time appoint any Person he may think proper to be a Collector of such Charges and Expenses, and may remove such Person, and appoint any other Person in his Place, and may issue his Warrants, under the Hand of his Chief or Under Secretary, requiring such Person to levy such Charges and Expenses, together with such Fees for levying and collecting the same, as to the Lord Lieutenant shall seem proper, not exceeding in the whole One Shilling in the Pound upon the Sum so to be levied and collected.

Power to Lord Lieutenant to appoint Persons to collect Charges, &c. of additional Constabulary Force.

IV. The several Persons to whom from Time to Time the Lord Lieutenant may issue his Warrants, under the Provisions of this Act, for the Collection of such Charges and Expenses, shall for the Purposes of such Collection have all the Powers, Authorities, and Remedies given by Law to the Collector of Grand Jury Cess, or for the Levy of any Debt or Rent due to the Crown, and may proceed to collect and levy such Charges and Expenses in like Manner as any Collector of Grand Jury Cess could have done, and shall account for and pay over the same in the Manner directed by the said last-recited Act, and the Production of the Lord Lieutenant’s Warrant shall be sufficient Proof of the Authority of the Person therein named to levy the Sums in such Warrant specified.

Collectors so appointed to have same Powers as Collectors of County Cess under last-recited Act.

V. Nothing in this Act contained shall prevent the Lord Lieutenant (if he shall so think fit) from issuing his Warrants to the Collectors of County Cess, requiring them to levy such Charges and Expenses, in like Manner as if this Act had not passed.

Charges, &c. levied by Collectors of County Cess. “Lord Lieutenant.”

VI. In the Construction of this Act the Term “Lord Lieutenant” shall be held to include any other Chief Governor or Governors of *Ireland*.

## C A P. VIII.

An Act to amend the Act 17 & 18 Vict. c. 11., with a view to the Abolition of Ministers Money in *Ireland*. [3d July 1857.]

‘ WHEREAS by an Act of the Session of Parliament holden in the Seventeenth Year of the Reign of Her present Majesty, intituled *An Act to amend the Laws relating to Ministers Money, and the Church Temporalities (Ireland) Act*, it is enacted, amongst other things, that the Collector General of Rates within the Municipal District of the City of *Dublin*, and the Boards of Guardians and the Council of each of the Cities or Boroughs of *Cork, Limerick, Waterford, Drogheda, Kilkenny, and Clonmel*, and the Town Commissioners of *Kinsale*, in their respective Districts, shall cause to be raised in each Parish then liable to the Payment of Ministers Money, in every Year, in Two equal Sums, the Amount ascertained, approved, and certified under the Provisions of the said Act with respect to such Parish, by means of a Rate, to be assessed and levied as therein provided, on all Houses situated in each such Parish respectively then liable to the Payment of Ministers Money, and being of the rated Value of more than Ten Pounds; and that the Monies so levied shall be paid in manner therein provided into the Bank of *Ireland* to a separate Account in the Name of the Paymaster of the Civil Services in *Ireland*; and all Sums paid to such Paymaster shall be paid by him to “The Ecclesiastical Commissioners for *Ireland* ;” and it is further enacted by the said recited Act, that in case in any Half Year the Sums due on the Houses liable to the said Tax be not raised and paid over to the Paymaster of Civil Services, the same shall in case of such Default, with respect to any Parish in the immediate District of *Dublin* or in any of the other Cities and Boroughs therein mentioned, become and be a Debt due to the Crown, and recoverable as such from the City of *Dublin*, or from such other City or Borough in which such Default may happen; and the Lord Lieutenant of *Ireland* shall order all Sums which shall become due to the Crown to be recovered and paid to “The Ecclesiastical Commissioners for *Ireland* ;” And whereas it is expedient to alter and amend the said recited Act, in order that the said Rate or Tax in lieu of Ministers Money should cease and determine, and should not, nor should any Arrears thereof, be collected or enforced :’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

17 & 18 Vict. c. 11.

I. The Second, Third, Fourth, Fifth, Sixth, Seventh, Ninth, and Eleventh Sections of the said recited Act shall be and are hereby repealed.

Certain Sections of recited Act repealed. Arrears not to be recovered.

II. No Proceeding shall be hereafter instituted or prosecuted to recover or enforce any Arrears of the said Rate or Tax under the said recited Act.

III. Nothing herein contained shall be deemed to lessen or interfere with the Rights of the Incumbents of the several Parishes out of which Ministers Money was payable to be paid by the Ecclesiastical Commissioners in manner provided by the Eighth Section of the said recited Act.

Incumbents to be paid by Ecclesiastical Commissioners.

*Turnpike Trusts Arrangements.*

## C A P. IX.

An Act to confirm certain Provisional Orders made under an Act of the Fifteenth Year of Her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts.

[13th July 1857.]

14 & 15 Vict.  
c. 38.

WHEREAS, in pursuance of an Act of the Fifteenth Year of Her Majesty, to "facilitate Arrangements for the Relief of Turnpike Trusts, and to make certain Provisions respecting Exemptions from Tolls," certain Provisional Orders have been made by the Right Honourable Sir George Grey, One of Her Majesty's Principal Secretaries of State, for reducing the Rate of Interest, and for extinguishing in certain Cases the Arrears of Interest on the Mortgage Debts charged or secured on the Tolls or Revenues of certain Turnpike Roads, and such Orders have been published in the *London Gazette*, and in Newspapers circulating in the Neighbourhood of such Roads, and the Dates of such Provisional Orders, and the Acts under which the Tolls or Revenues on which such Debts are charged or secured are levied or raised, together with the Amount to which the Rate of Interest on such Debts is to be reduced, and the Days up to which the Interest and Arrears of Interest on such Debts are to be extinguished by such Orders, are mentioned in the Schedule to this Act: And whereas it is expedient that the said Provisional Orders should be confirmed and made absolute: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Provisional  
Orders con-  
firmed.

I. The said Provisional Orders are hereby confirmed and made absolute, and shall be as binding and of the like Force and Effect as if the Provisions thereof had been expressly enacted by Parliament.

## SCHEDULE.

Date of Provisional Order.	TITLE OF LOCAL ACT.	Amount of Principal Debt.	Interest to be reduced to the following Rates per Annum.	Arrears of Interest to be extinguished to the following Dates.
1856. 15 May	7 G. 4. c. 80., "An Act for making and maintaining a Turnpike Road from a Place called Coxbridge, near Farnham in the County of Surrey, to Ramshill near Petersfield in the County of Southampton"	£ 5,050 0 0	s. d. 1d. per Cent.	{ 30 Jan. 1856.
15 May	4 G. 4. c. 63., "An Act for repairing and widening the Road from Rugby in the County of Warwick, to the Turnpike Road from Lutterworth to Market Harborough, in the Counties of Leicester and Northampton"	1,119 3 4	3l.10s. per Cent.	{ 31 Dec. 1855.
23 Oct.	54 G. 3. c. 51., "An Act for amending, widening, and keeping in repair the Road leading from Sturry Street to Herne Bay in the County of Kent"	2,600 0 0	3l. per Cent.	{ No Arrears extinguished.
28 Oct.	11 G. 4. c. 19., "An Act for more effectually repairing and improving the Roads from the Town of Malmesbury to Copped Hall Turnpike, Sutton Benger Church, and Dauntsey Gate, in the County of Wilts"	7,560 0 0	4l. per Cent.	{ 31 Dec. 1854.
3 Nov.	3 G. 4. c. 39., "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 leading from the City of Canterbury to the Town of Ramsgate in the County of Kent; and for suspending and varying for a further limited Time so much of an Act passed in the Twenty-seventh Year of the Reign of His said late Majesty as relates to the Toll Gate and to the Tolls payable			

## Turnpike Trusts Arrangements.

Date of Provisional Order.	TITLE OF LOCAL ACT.	Amount of Principal Debt.	Interest to be reduced to the following Rates per Annum.	Arrears of Interest to be extinguished to the following Dates.
1856.		£ s. d.		
3 Nov.	6 " by virtue of the said Act on the Road leading from the said City of Canterbury to the Isle of Thanet in the said County of Kent; and for altering the Line of certain Parts of the said Road." So far as the same relates to the Second District of Roads - G. 4. c. 27., "An Act for more effectually repairing and improving the Road from Stockport in the County Palatine of Chester to near New Houses in the County of York, and other Roads in the said Counties, and in the County Palatine of Lancaster, and for making and maintaining several new Branches to communicate therewith" -	4,300 0 0	2l. per Cent.	{ 31 Dec. 1854.
14 Nov.	5 G. 4. c. 30., "An Act for repairing, improving, and maintaining several Roads leading to and from Cerne Abbas in the County of Dorset"	8,013 10 0	4l. per Cent.	{ No Arrears extinguished.
18 Nov.	9 G. 4. c. 32., "An Act for more effectually amending, widening, and keeping in repair Two several Districts of Road leading from High Bridges to Uttoxeter, and from the Newcastle Road at Spath, near Uttoxeter, to the Leek Road at or near Hanging Bridge in the County of Stafford." So far as the same relates to the First or High Bridges and Uttoxeter District of Road -	4,264 3 4	2l. 10s. per Cent.	{ 29 Sept. 1855.
18 Nov.	3 G. 4. c. 68., "An Act for more effectually repairing the South District of the Road from Royston in the County of Hertford to Wandesford Bridge in the County of Huntingdon"	2,500 0 0	2l. per Cent.	{ No Arrears extinguished.
3 Dec.	9 G. 4. c. 101., "An Act to alter, amend, and enlarge the Powers and Provisions of an Act for making a Turnpike Road from Wells-next-the-Sea to Fakenham in the County of Norfolk, and other Roads connected therewith"	2,400 0 0	2l. 10s. per Cent.	{ 3 April 1856.
15 Dec.	53 G. 3. c. 133., "An Act for enlarging the Term and Powers of an Act of His present Majesty, for repairing the Road from the Neat Enstone and Chipping Norton Turnpike Road, through Bicester, to Weston-on-the-Green, in the county of Oxford, and for making a new Branch of Road to communicate therewith"	9,600 0 0	2l. per Cent.	{ No Arrears extinguished.
1857. 29 Jan.	55 G. 3. c. 48., "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"	4,577 0 0	3l. per Cent.	{ 31 Dec. 1856.
23 April	2 W. 4. c. 60., "An Act for more effectually repairing and improving the Road from Conway to Pwllheli, and other Roads therein mentioned, in the Counties of Carnarvon and Denbigh"	14,180 0 0	2l. per Cent.	{ 25 Dec. 1856.
		17,358 10 0	4l. per Cent.	{ No Arrears extinguished.

*Hanley Borough Incorporation.**Militia (Ireland) Act (1854) Amendment.*

## C A P. X.

An Act to amend the Charter of Incorporation granted to the Borough of *Hanley* in the County of *Stafford*. [13th July 1857.]

2 & 3 Vict.  
c. xliv.  
(Local.)

WHEREAS by an Act passed in the Session holden in the Second and Third Years of Her Majesty, intituled *An Act for establishing an effective Police in Places within or adjoining to the District called the Staffordshire Potteries, and for improving and cleansing the same, and better lighting Parts thereof*, it was enacted that the Third District, for the Purposes of that Act, should comprise, among other Places, such Part of the Township of *Shelton* as comprised any Part of the Glebe Lands then belonging to the Rector of *Stoke-upon-Trent*, or any Lands which, on the Twentieth Day of *May* One thousand eight hundred and twenty-five, were Parcel of the Glebe Lands of the Rector of *Stoke-upon-Trent* aforesaid, and the Powers of the said Act extend over the said Part of the Township of *Shelton*: And whereas the Inhabitant Householders of *Hanley* and *Shelton* in the County of *Stafford* did petition Her Majesty to grant to the Inhabitants of the said Towns, under the Name of *Hanley*, a Charter of Incorporation, and such Petition was taken into consideration by the Privy Council; and, in pursuance of the Advice of the said Privy Council, it was intended that a Charter of Incorporation should be granted, which should include the whole of the Townships of *Hanley* and *Shelton*, with the Exception of that Portion of the Township of *Shelton* which is included in the District over which the Powers of the said Act of the Second and Third Years of Her Majesty extend (*videlicet*, the Part of the Township of *Shelton* comprised in the said Third District for the Purposes of that Act), which Portion is commonly known by the Name of the Glebe Lands: And whereas a Charter of Incorporation has been granted by Her Majesty, and bears Date the Twenty-second Day of *May* last past, by which the Inhabitants of the District comprised within the Town of *Hanley* and *Shelton*, and comprising the whole of the said Townships of *Hanley* and *Shelton*, are expressed to be incorporated by the Name of the Mayor, Aldermen, and Burgesses of the Borough of *Hanley*, and, through Inadvertence, no Exception has been made in the said Charter of the said Part of the Township of *Shelton* over which the Powers of the said Act of the Second and Third Years of Her Majesty extend: And whereas it is expedient that the Error in the said Charter should be corrected, and that the Charter, as so amended, should be confirmed: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

The Incorporation of *Hanley* to take effect as if Part of *Shelton* excepted therefrom.

Postponement of Time for completing Revision of Burgess Lists, and for subsequent Proceedings.

In case Burgess List be revised before passing of Act, certain Names to be omitted from Burgess Roll. If Burgess Roll be made out, same to be amended, &c. Amended Charter confirmed.

I. The said Charter of Incorporation shall be read and shall take effect as if the said Part of the Township of *Shelton* over which the Powers of the said Act of the Second and Third Years of Her Majesty extend had been duly excepted from the District comprised in such Charter, and had been therein also excepted from the Wards or Ward of the said Borough of *Hanley*, as described in the said Charter, in which it may now be comprised.

II. And whereas under the said Charter the Revision of the Burgess List cannot be continued after the Sixth Day of *July* One thousand eight hundred and fifty-seven, the Burgess Roll is to be completed on or before the Thirteenth Day of *July* One thousand eight hundred and fifty-seven, the First Election of Councillors is to be holden on the Twentieth Day of *July* One thousand eight hundred and fifty-seven, the First Aldermen are to be elected and assigned to their respective Wards on the Twentieth Day of *July* One thousand eight hundred and fifty-seven, and the First Election of Auditors and Assessors is to take place on the Tenth Day of *August* One thousand eight hundred and fifty-seven: The several Days limited and appointed for the Purposes aforesaid by the said Charter shall be postponed for the Space of One Calendar Month, as if the Month of *August* had been mentioned in the said Charter instead of the Month of *July*, and the Month of *September* had been mentioned therein instead of the Month of *August*.

III. Provided always, That in case the Revision of the Burgess List for the said Borough have been completed before the passing of this Act, the Names of the Persons therein appearing to be rated in respect of Property within that Part of the Township of *Shelton* which by this Act is excepted from the District comprised in the said Charter shall be omitted from the Burgess Roll to be made out for the said Borough, in like Manner as if their Names had been expunged from the said Burgess List by the Barrister who revised the same; and in case such Burgess Roll have been made out before the passing of this Act, then the same shall be amended by One of the Persons by the said Charter authorized to make out such Roll, by expunging therefrom the Names of the Persons therein appearing to be rated as aforesaid; and such Burgess Roll made out or amended as aforesaid shall be valid for the Purposes of the said Charter as amended by this Act.

IV. The said Charter, as amended by this Act, shall be deemed good and lawful.

## C A P. XI.

An Act to amend "The Militia (*Ireland*) Act, 1854."

[13th July 1857.]

17 & 18 Vict.  
c. 107.

WHEREAS by "The Militia (*Ireland*) Act, 1854," it is, amongst other things, enacted, that the Costs of providing any House or Place for the keeping of the Arms, Accoutrements, Clothing, or other Stores of the Militia in each County or County of a City in *Ireland* when not embodied shall



*Militia (Ireland) Act (1854) Amendment.**Sound Dues.*

be defrayed by the County and County of a City respectively, and the necessary Sum for that Purpose, and all Arrears in respect of such Cost which shall have become due before the Certificate thereof shall be transmitted as thereafter mentioned, shall be raised by the Presentment of the Grand Jury of such County and County of a City, and in the City of *Dublin* by the Town Council of the Borough of *Dublin*; and by the same Act such Grand Jury and Town Council are empowered to borrow all or any Part of the Money necessary for the aforesaid Purpose upon Mortgage of the County Cess and Rates, and to provide for and cause to be paid out of the County Cess of such County and County of a City, and out of the Rates of such Borough of *Dublin*, the Principal and Interest of the Money so borrowed in manner therein mentioned: And whereas by "The *Cork* Improvement Act, 1852," and "The *Limerick* Improvement Act, 1853," the Powers, Rights, and Duties of the Grand Juries of the Counties of the Cities of *Cork* and *Limerick*, in regard to the presenting and levying of Rates for any Purpose, have been transferred to the Councils of the Boroughs of *Cork* and *Limerick* respectively; but, inasmuch as the said first-recited Act was passed subsequently to the said Two last-recited Acts, Doubts have arisen whether the Councils of the Boroughs of *Cork* and *Limerick* respectively can make such Presentments and do such other Acts as the Grand Juries of the Counties of Cities are by the first-recited Act required and empowered to make and do: 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:

15 & 16 Vict.  
c. cxliii.  
16 & 17 Vict.  
c. cxciv.

I. The Councils of the Boroughs of *Cork* and *Limerick* respectively shall and may raise, by way of Rate upon such Boroughs respectively, such Sums as the Grand Juries of the Counties of the Cities of *Cork* and *Limerick* respectively would have been required or enabled to raise by way of Presentment by virtue of the first-recited Act if the Two last-recited Acts had not been passed, and shall and may do all such other Acts as the said Grand Juries or the Foremen thereof respectively might have done under the said first-recited Act in the event aforesaid.

Powers of  
Councils of  
*Cork* and  
*Limerick* to  
raise Monies,  
&c.

II. The Expression "the County Cess and Rates" or "the County Cess" contained in the said first-recited Act shall, in relation to the Boroughs of *Dublin*, *Cork*, and *Limerick*, be construed to mean the Rates of such Boroughs respectively.

Interpretation  
of Terms.

III. Any Mortgage to be executed in pursuance of the first-recited Act for the Borough of *Cork* or of *Limerick* shall be executed by the Mayor and Two of the Council of each such Borough.

As to Execu-  
tion of Mort-  
gages.

IV. This Act may be cited for all Purposes as "The *Militia (Ireland) Act, 1857.*"

Short Title.

## C A P. XII.

An Act to carry into effect a Convention between Her Majesty and the King of *Denmark*.

[13th July 1857.]

WHEREAS a Treaty was concluded on the Fourteenth Day of *March* One thousand eight hundred and fifty-seven, between Her Majesty and other High Contracting Parties of the one Part, and the King of *Denmark* of the other Part, (and has been duly ratified,) containing Arrangements for the Abolition of Tolls levied on Vessels and their Cargoes passing the *Sound* and the Belts, and for the Reduction of the Duties on Goods passing in Transit by the various Lines of Communication which connect the *North Sea* and the *Elbe* with the *Baltic*, and for the Payment by the other Contracting Parties to the King of *Denmark*, in compensation for the Sacrifices which the Treaty imposed on him, of the total Sum of Thirty-five million Rigs Dollars, of which the Proportion falling to the Charge of *Great Britain* was Ten million one hundred and twenty-six thousand eight hundred and fifty-five Rigs Dollars: And whereas a Convention was also concluded on the said Fourteenth Day of *March* One thousand eight hundred and fifty-seven between Her Majesty and the King of *Denmark* (and has been duly ratified), by which Her Majesty engaged to recommend to Her Parliament to enable Her to pay to the King of *Denmark* the said Sum of Ten million one hundred and twenty-six thousand eight hundred and fifty-five Rigs Dollars; and by Article II. of the said Convention it is provided, that the said Sum of Ten million one hundred and twenty-six thousand eight hundred and fifty-five Rigs Dollars "shall be converted into Sterling Money at the Rate of Nine Rigs Dollars to the Pound Sterling, and thus amounts to the Sum of One million one hundred and twenty-five thousand two hundred and six Pounds Sterling: This Sum shall be paid at *London* to such Person as may be authorized by His Majesty the King of *Denmark* to receive the same, within Three Months after the requisite Act shall have been passed by the Parliament of Her *Britannic* Majesty." And whereas, in pursuance of Her Majesty's gracious Recommendation in this Behalf, it is expedient that Her Majesty should be enabled to carry into effect the said Convention with the King of *Denmark*: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. It shall be lawful for the Commissioners of Her Majesty's Treasury to direct and cause to be issued and paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* the Sum of One million one hundred and twenty-five thousand two hundred and six Pounds, at the Time and in manner provided by the said Convention for such Payment, and conformably to Her Majesty's Engagement in this Behalf.

Treasury may  
direct Payment  
of 1,125,206*l.*  
in accordance  
with recited  
Convention.

*Sites for Workhouses.*

## C A P. XIII.

An Act to facilitate the procuring of Sites for Workhouses in certain Cases. [13th July 1857.]

WHEREAS it is provided by the Act of the Fifth and Sixth Years of King *William* the Fourth; Chapter Sixty-nine, that any Ecclesiastical Corporation Sole may dispose of, by way of absolute Sale or in Exchange for any Messuages, Lands, or other Hereditaments, any Lands or Buildings for the Purpose of the same being used as or converted into a Workhouse, or of being occupied with a Workhouse, or for any other Purpose relating to the Relief of the Poor, which the Poor Law Commissioners might approve of, and to convey the same, and the Fee Simple and Inheritance thereof, unto the Guardians of any Union or Parish, or their Successors, and to accept from and give to such Guardians any Moneys by way of Equality of Exchange: And whereas Difficulty has arisen in carrying this Provision into execution where the Person who constitutes any Ecclesiastical Corporation Sole is insane, and it is expedient to provide a Remedy for such Cases: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

5 & 6 W. 4.  
c. 69.

Provision for the Acquisition of Sites for a Workhouse, when the Land belongs to an Ecclesiastical Corporation Sole unbound in Mind.

I. If the Guardians of any Union or Parish, or the Managers of any School District, shall be desirous of purchasing or of exchanging for the Purposes mentioned in the said Act, or in any Act incorporated therewith or extending or explaining the same, any Land or Building belonging to any Ecclesiastical Corporation Sole, and the Person for the Time being entitled to such Land or Building by virtue of his Office shall be found upon a Commission issued by the Lord Chancellor intrusted as in the Act of the Sixteenth and Seventeenth Years of the Reign of Her Majesty, Chapter Seventy, to be insane, it shall be competent for such Guardians or Managers to petition the said Lord Chancellor, intrusted as aforesaid, for Leave to purchase or exchange any such Land or Buildings so belonging to such Corporation Sole, and upon such Petition the said Lord Chancellor may make such Order as shall seem to him to be proper; and if he shall see fit to authorize the Sale or Exchange of any Land or Building, the same shall on behalf of such Corporation Sole be conveyed to or received in Exchange from such Guardians or Managers, as the Case may be, (with the Consent of the Ordinary having Jurisdiction over such Corporation Sole, and with such further Consents if necessary as are herein-after mentioned,) by such Person as the said Lord Chancellor shall by Order appoint, and the Purchase Money or the Money to be received for Equality of Exchange on behalf of such Corporation Sole shall (except as herein-after mentioned) be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the said Corporation Sole, and thenceforth all Proceedings authorized by the Second Section of the said herein-before first-mentioned Act shall be applicable to such Sum of Money paid to the Account of the said Accountant General.

Certain Consents to be obtained to the Acquisition.

II. Provided nevertheless, That if the said Corporation Sole shall be the Incumbent of any Benefice, the Consent of the Patron of the said Benefice shall be necessary to perfect and complete such Sale or Exchange as aforesaid, and if the said Land or Building so to be sold or exchanged as aforesaid or any Part thereof shall have been purchased by the Governors of the Bounty of Queen *Anne* for the Augmentation of the Maintenance of the Poor Clergy, or have been otherwise appropriated or annexed by or with the Consent, Concurrence, or Direction of the said Governors to the said Benefice for the Augmentation thereof, the Consent of the said Governors shall be necessary to perfect and complete such Sale or Exchange as aforesaid, and in either of such Cases the said Purchase Money, or the Money to be received for Equality of Exchange as aforesaid, shall be paid to the said Governors, and the Receipt of the Treasurer for the Time being of the said Governors shall be sufficient Discharge for the said Moneys, or for so much thereof, as in such Receipt shall be expressed to be received; and all the Moneys to arise from such Purchase or Exchange as aforesaid shall (subject to any Stipulation or Agreement which the said Governors in their Discretion may think proper to make for Payment thereof of the Costs and Expenses of such Sale or Exchange) be appropriated by the said Governors to the particular Benefice to which the said Land or Building comprised in such Sale or Exchange shall have previously belonged, and shall be applicable and disposable by them, for the Benefit and Augmentation of such Benefice, in such and the same Manner, and with such and the same Powers of Investment and other Powers or Authorities in all respects according to the Rules and Regulations of the said Governors for the Time being, as if the said Moneys or the Stocks or Funds which might be purchased therewith were then originally appropriated by the said Governors to such Benefice out of the General Funds and Profits of the said Governors or otherwise for the Benefit and Augmentation thereof.

Application of Purchase Money.

Application of Dividends or annual Income until Investment.

III. Until the said Purchase Money or the Money so to be paid for Equality of Exchange as aforesaid shall have been reinvested in the Purchase of Land, Tithes, or other Hereditaments for the Benefit of the said Corporation Sole, the Interest, Dividends, or Annual Income from Time to Time accruing thereon shall be applied in like Manner as the Rents and Profits of the Land or Building so purchased or exchanged would have been applicable if the same Land or Building had not been purchased or exchanged, and the said Lord Chancellor may make such Order or Orders from Time to Time as may be requisite for the Purpose of such Application.

IV. The

*Sites for Workhouses.*

*Joint Stock Companies Act, 1857.*

IV. The Consent of the said Ordinary, Patron, and Governors hereby required shall be testified by the said Ordinary, Patron, and Governors respectively executing the Deed or other Assurance by which the Land or Building sold or exchanged shall be conveyed or assured, except that in the Case of any Land or Building of Copyhold or Customary Tenure which shall be conveyed or assured by Surrender such Consent shall be testified by any Writing under the Corporate Seal, or the Hand and Seal, as the Case may be, of each of the consenting Parties, which Writing, if produced to the Lord or Steward of the Manor of which the said Land or Building shall be holden, shall be a sufficient Authority to such Lord or Steward for accepting from the Person so appointed or ordered to convey as aforesaid a Surrender of the same Land and Building, and such Writing shall be entered, with the Surrender, upon the Court Rolls of the said Manor.

How Consent of Patron, &c. to be given.

V. In any Case where upon the Sale of any such Land or Building as aforesaid belonging to any Benefice the Patronage of the said Benefice shall be in the Crown, or the Advowson and Right of Patronage of such Benefice shall be Part of the Possessions of the Duchy of Cornwall, or the Patron of such Benefice shall be a Minor, Idiot, Lunatic, or Feme Covert, the Consent required by this Act on the Part of the Patron of such Benefice shall be testified by the Execution of such Deed or Assurance or other Writing as aforesaid by such and the same Persons as by the Act of Parliament passed in the Session holden in the First and Second Years of the Reign of Her present Majesty, Chapter Twenty-three, intituled *An Act to amend the Law for providing fit Houses for the Beneficed Clergy*, are in like Cases directed or authorized to testify the Consent of the Patron to the Exercise of the several Powers given by the said last-mentioned Act, or by certain other Acts therein mentioned or referred to; and in all other Cases the Consent required by this Act on the Part of the Patron of any Benefice shall be given by the Person or Persons who would be entitled to present, nominate, or collate to such Benefice in case the same were actually vacant at the Time of giving such Consent.

Provision where the Right of Patronage is in the Crown, the Duke of Cornwall, or in Persons under Disability.

VI. In the Construction of this Act the Word "Benefice" shall be taken to extend to and comprise all Rectories with Cure of Souls, Vicarages, Perpetual Curacies, and Chapelries the Incumbents of which respectively shall in right thereof be Corporations Sole.

Interpretation of the Word "Benefice."

VII. The Provisions of the Act of the First Year of the Reign of Her present Majesty, Chapter Fifty, shall be applicable to this Act, and the several Terms herein used shall be construed as in the One hundred and ninth Section of the Act of the Fourth and Fifth *William* the Fourth, Chapter Seventy-six, and as in the Act of the Sixteenth and Seventeenth Years of Her present Majesty, Chapter Seventy, respectively.

7 W. 4. & 1 Vict. c. 50. and Interpretation of Terms in 4 & 5 W. 4. c. 76. and 16 & 17 Vict. c. 70. to apply.

C A P. XIV.

An Act to amend the Joint Stock Companies Act, 1856.

[13th July 1857.]

WHEREAS it is expedient that further Provision should be made for the Incorporation and Regulation of Joint Stock Companies, and that for that Purpose the Joint Stock Companies Act 1856, should be amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

*Preliminary.*

- I. This Act may be cited for all Purposes as "The Joint Stock Companies Act, 1857."
- II. "The Joint Stock Companies Act, 1856," herein-after called "the Principal Act," and this Act, shall, so far as is consistent with the Context and Objects of such Acts, be construed as One Act, and this Act and the Principal Act may be cited together for all Purposes as "The Joint Stock Companies Acts, 1856, 1857."

Short Title. Definition of Principal Act and Joint Stock Companies Acts.

*Registry (Part I, of Principal Act).*

III. The Fourth Section of the Principal Act shall be repealed, and in lieu thereof be it enacted as follows:

Penalty on Partnerships exceeding a certain Number.

If after the passing of this Act more than Twenty Persons carry on, in Partnership, any Trade or Business, having for its Object the Procurement of Gain to the Partnership, then, unless such Persons are included within One or more of the Classes following, (that is to say),

- 1. Are registered as a Company under the Principal Act;
- 2. Are a Company incorporated or otherwise legally constituted by or in pursuance of some Act of Parliament, Royal Charter, or Letters Patent; or
- 3. Are engaged in working Mines within and subject to the Jurisdiction of the Stannaries;

Each one of the Persons so carrying on Business in Partnership together contrary to this Provision shall be severally liable for the Payment of the whole Debts of the Partnership, and may be sued for the same without the Joinder in the Action or Suit of any other Member of the Partnership.

IV. The Registrar shall on Payment of Five Shillings issue a Certificate of Incorporation of any Company to any Person applying for the same, and such Certificate shall be admissible in Evidence in like Manner as the Certificate of Incorporation directed to be given by the Principal Act.

The Registrar to give Certificate of Incorporation.

*Joint Stock Companies Act, 1857.**Register of Shareholders (Part I. of Principal Act).*

Power of Limited Company to convert paid up Shares into Stock.

V. Any Limited Company may by special Resolution convert into Stock any Shares which have been fully paid up; and upon such Conversion being made all the Provisions of the Principal Act or of this Act which require or imply that the Capital of the Company is divided into Shares of any fixed Amount, and distinguished by Numbers, and all the Provisions of the Principal Act that require the Company to keep a Register of Shareholders, or to make an annual List of Shareholders in the Register, shall cease as to so much of the Capital as has been so converted into Stock.

Company to give Notice of Conversion of Capital into Stock.

VI. Any Company that has converted any Portion of its Capital into Stock shall give Notice of such Conversion, specifying the Shares so converted, to the Registrar of Joint Stock Companies, within Fifteen Days from the Date of the last of the Meetings at which the Resolution was passed by which such Conversion was authorized, and the Registrar shall forthwith record the Fact of such Conversion. If such Notice is not given within the Period aforesaid, the Company shall incur a Penalty not exceeding Five Pounds for every Day during which such Neglect to give Notice continues.

Register of Holders of Stock.

VII. Any Company that has converted any Portion of its Capital into Stock shall keep at the registered Office of the Company a Register of the Names and Addresses of the Persons for the Time being entitled to such Stock, and such Register shall be open to Inspection in the Manner and subject to the Penalties in and subject to which the Register of Shareholders is by the Principal Act directed to be kept open.

Remedy for Omissions, &c. in Register of Stock.

VIII. If the Name of any Person is without sufficient Cause entered or omitted to be entered in the Register of Stock of any Company, such Person, or any Holder of Stock in the Company, may apply to have the Register rectified in manner directed by the Twenty-fifth Section of the Principal Act.

Power of Court to decide on disputed Questions.

IX. The Court may in any Proceeding under the Twenty-fifth Section of the Principal Act decide on any Question relating to the Title of any Person who is a Party to such Proceeding, to have his Name entered in or erased from the Register, whether such Question arises between Two or more Holders or alleged Holders of Shares or Stock, or between any Holders or alleged Holders of Shares or Stock and the Company, and generally the Court may in any such Proceeding decide any Question that it may be necessary or expedient to decide for the Rectification of the Register.

Penalty on not forwarding Copies of Memorandum, &c.

X. If any Company makes default in forwarding Copies of the Memorandum of Association and Articles of Association to Shareholders, in pursuance of Section Twenty-seven of the Principal Act, the Company so making default shall for each Offence incur a Penalty not exceeding One Pound.

*Winding up by Court (Part III. of Principal Act).*

Power to arrest Shareholder about to abscond, or to remove or conceal any of his Property.

XI. Where an Order has been made for winding up a Company under the Third Part of the Principal Act, if upon the Application of the Official Liquidator it appears to the Court having Jurisdiction in the Matter of such Winding-up that there is probable Cause for believing that any Contributory to such Company is about to quit the United Kingdom, or otherwise abscond, or to remove or conceal any of his Goods or Chattels, for the Purpose of evading Payment of Calls, or for avoiding Examination in respect of the Affairs of the Company, the Court may, by Warrant directed to such Person or Persons as it thinks fit, cause such Contributory to be arrested, and his Books, Papers, Monies, Securities for Monies, Goods, and Chattels, to be seized, and him and them to be safely kept until such Time as the Court may order.

Arrested Shareholder may apply to Court for his Discharge.

XII. Any Contributory who has been arrested or whose Goods or Chattels have been seized under any such Warrant as aforesaid may, at any Time, after such Arrest or Seizure, apply to the Court that issued the Warrant to discharge him from Custody, or to direct the Delivery to him of any Books, Papers, Monies, Securities for Money, Goods, or Chattels that may have been seized; and the Court shall take such Application into consideration, and shall make such Order thereon as it thinks just.

Calls under Third Part of Principal Act to be Specialty Debt.

XIII. All Calls that are authorized by the Third Part of the Principal Act to be made on a Contributory in the event of the Company to which he belongs being wound up by the Court or voluntarily shall be deemed in *England* and *Ireland* to be Specialty Debts due from such Contributory to the Company.

*Official Liquidators (Part III. of Principal Act).*

Proviso as to Appointment of Liquidator by Courts other than Court of Bankruptcy.

XIV. In Cases within the Jurisdiction of the Court of Chancery in *England* or *Ireland*, or of the Court of Session in *Scotland*, or of the Court of the Stannaries, the Court having Jurisdiction shall, in the Appointment of an Official Liquidator or Official Liquidators, consult the Interests of both the Creditors and Contributories, and hear such Creditors or Contributories as it thinks fit to hear with respect to such Appointment. It may, unless both the Creditors and Contributories concur in the Appointment of a single Liquidator, appoint One or more Liquidator or Liquidators to act on behalf of each of such Parties. It may declare that, in case of Difference, any Act may be done by a Majority of Liquidators; or it may require the Liquidators in all Cases of Difference to apply to the Court. It may do anything hereby authorized to be done, either upon the First Appointment of a Liquidator or at any subsequent Stage of the Winding-up; but, notwithstanding anything herein contained, it shall not be obligatory on the Court to appoint more than One Liquidator, if in its Discretion it thinks that such Appointment will be most conducive to Justice.

XV. In

*Joint Stock Companies Act, 1857.*

XV. In Cases within the Jurisdiction of any Court of Bankruptcy the Official Assignee shall, where a Liquidator is appointed by the Creditors, be considered as appointed as the Representative of the Contributories, and where a Liquidator is appointed by the Contributories, be considered as appointed as the Representative of the Creditors.

Appointment of Liquidators by Court of Bankruptcy.

XVI. The Power of compromising Debts and Claims given by the Principal Act to the Liquidators therein mentioned shall be deemed to extend to the Compromise of any Calls or Debts due from any Contributory or alleged Contributory to the Company on Receipt of a smaller Sum, in lieu of a greater, or upon such Terms as may be agreed upon, with Power to the Liquidators to take any Security for any Calls or Debts so due, and to give effectual Discharges on Completion of such Compromise, subject to this Proviso, that no such Compromise shall be made by any Official Liquidator except with the Sanction of the Court, and after giving such Notice to Creditors, and subject to such Conditions as to obtaining the Consent of Creditors or any Portion of them, as the Court may direct, and that no such Compromise shall be made by the Liquidators appointed on the voluntary Winding-up of a Company, except with the Sanction of a special Resolution.

Extension of Power to compromise Debts.

XVII. Where a Company is being wound up voluntarily, and the whole or a Portion of its Property is about to be sold to another Company, registered under this Act, the Liquidators of the first-mentioned Company may, with the Sanction of a special Resolution of the Company by whom they were appointed, receive, in Compensation or part Compensation for such Sale, Shares in such other Company, for the Purpose of Distribution amongst the Shareholders of the Company being wound up, or may enter into any other Arrangement whereby the Shareholders of the Company being wound up may, in lieu of receiving Cash or Shares, or in addition thereto, participate in the Profits of or receive any other Benefit from the purchasing Company; and any Sale made or Arrangement entered into by the Liquidators in pursuance of this Section shall be binding on the Shareholders of the Company being wound up, subject to this Proviso, that if any Shareholder in the Company being wound up who has not voted in favour of the special Resolution, passed by his Company at either of the Meetings held for passing the same expresses his Dissent from any such special Resolution, in Writing addressed to the Liquidators or One of them, and left at the registered Office of the Company, not later than Seven Days after the Date of the last of the Meetings at which such special Resolution was passed, such dissentient Shareholder may require the Liquidators to do such One of the following Things as they may prefer; that is to say, either to abstain from carrying such Resolution into effect, or to purchase the Shares held by the dissentient Shareholders or Shareholder, at such Price as may be agreed upon or settled by Arbitration, such Purchase Money to be paid before the Company is dissolved, and to be raised by the Liquidators in such Manner as may be determined by special Resolution.

Power for Liquidators to accept Shares as a Consideration for Sale of Property of Company.

XVIII. In the Case of a Company being wound up voluntarily, the Liquidators may, from Time to Time, during the Continuance of such Winding-up, summon General Meetings of the Company for the Purpose of obtaining the Sanction of the Company by a special Resolution, or for such other Purposes as they think fit.

Power of Liquidators to call General Meeting.

XIX. Where a Company is in course of being wound up voluntarily, and Proceedings are taken for the Purpose of having the same wound up by the Court, the Court may, if it thinks fit, notwithstanding that it makes an Order directing the Company to be wound up by the Court, provide in such Order or in any other Order for the Adoption of all or any of the Proceedings taken in the course of the voluntary Winding-up: It may also, instead of making an Order that the Company should be altogether wound up by the Court, direct that the voluntary Winding-up should continue, but subject to such Supervision of the Court, and with such Liberty for Creditors, Contributories, or others to apply to the Court, and generally upon such Terms and subject to such Conditions as the Court thinks just.

Power of Court to adopt Proceedings of voluntary Winding-up.

XX. If the Liquidators make default in reporting to the Registrar, in the Case of a Company being wound up by the Court, the Decree declaring the Company to be dissolved, and in the Case of a Company being wound up voluntarily, the Resolution declaring the Company to have been fairly wound up, they shall be liable to a Penalty not exceeding Five Pounds for every Day during which they are so in default, and moreover shall not, while so in default, be entitled to recover any Compensation for their Services as Liquidators.

Penalty on Liquidators not reporting Dissolution of Company to Registrar.

XXI. If at the Expiration of Twelve Months from the Date of the Dissolution of any Company that has been wound up there remain in the Hands of the Liquidators any Money, Shares, or other Property which they have been unable, by reason of the Absence or Death of any Persons entitled thereto, or for any other Reason, to distribute amongst the Parties so entitled, the Liquidators shall be deemed to be Trustees of such Monies, Shares, or other Property, within the Meaning of an Act passed in the Eleventh Year of the Reign of Her present Majesty, Chapter Ninety-six, and intitled *An Act for better securing Trust Funds, and for the Relief of Trustees*, and of any Act amending the same, and may pay or transfer such Monies, Shares, or other Property into the Court of Chancery accordingly.

Remedy for Liquidators having in their Hands undistributed Assets of the Company.

*Alteration of Forms (Part III. of Principal Act).*

XXII. No Alteration made by the Board of Trade in the Table marked B. contained in the Schedule to the Principal Act shall affect any Company registered prior to the Date of such Alteration, or repeal as respects such Company any Portion of such Table, unless such Alteration is adopted by special Resolution.

Proviso as to Alterations in Table B.

*Repeal*

*Joint Stock Companies Act, 1857.**Repeal (Part V. of Principal Act).*

Repeal of  
Sect. 107. of  
the Principal  
Act.

XXIII. The 107th Section of the Principal Act shall be repealed, and in lieu thereof be it enacted, That,

(1.) An Act passed in the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and ten, and intituled *An Act for the Registration, Incorporation, and Regulation of Joint Stock Companies*; and

(2.) An Act passed in the Eleventh Year of the Reign of Her present Majesty, Chapter Seventy-eight, intituled *An Act to amend an Act for the Registration, Incorporation, and Regulation of Joint Stock Companies*; and

(3.) The Limited Liability Act, 1855,

shall be deemed to have been and still to remain unrepealed as to any Company completely registered which has not obtained Registration under the Principal Act, until such Time as such Company obtains Registration under the Joint Stock Companies Acts, 1856, 1857, but from and after such Time, and not before, shall be repealed as to such last-mentioned Company; and, subject as aforesaid, all the Acts mentioned in this Section shall be repealed.

*Costs by Limited Companies.*

Power to Judge  
to require from  
Company  
Security for  
Costs.

XXIV. Where a Limited Company is Plaintiff or Pursuer in any Action, Suit, or other legal Proceeding, any Judge having Jurisdiction in the Matter may, if it be proved to his Satisfaction that there is Reason to believe that if the Defendant be successful in his Defence the Assets of the Company will be insufficient to pay his Costs, require sufficient Security to be given for such Costs, and may stay all Proceedings until such Security be given.

*Temporary Provisions (Part V. of Principal Act).*

Provisions as  
to Companies  
completely re-  
gistered under  
7&8 Vict. c.110.

XXV. Where any Company completely registered under the said Act passed in the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and ten, has obtained Registration under the Principal Act after the Third of November One thousand eight hundred and fifty-six, but before the passing of this Act, such Registration shall be as effectual to all Intents as if it had taken place on or before the said Third Day of November One thousand eight hundred and fifty-six.

S.110. repealed.

XXVI. The One hundred and tenth Section of the Principal Act shall be repealed.

Time within  
which com-  
pletely regis-  
tered Com-  
panies to  
register.

XXVII. Every Company completely registered under the said Act of the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and ten, including any Company that has obtained a Certificate of Complete Registration under the Limited Liability Act, 1855, but excluding any Company formed for the Purpose of Insurance, shall, if it has not already registered under the Principal Act, register under the Joint Stock Companies Acts, 1856, 1857, on or before the Second Day of November One thousand eight hundred and fifty-seven, or incur such Penalty as is herein-after mentioned.

Penalty on  
Company not  
registering.

XXVIII. If any Company hereby required to register under the Joint Stock Companies Acts makes default in registering on or before the said Second Day of November One thousand eight hundred and fifty-seven, then, from and after such Day until the Day on which such Company is registered under the Joint Stock Companies Acts, 1856, 1857, the following Consequences shall ensue; (that is to say)

(1.) The Company shall be incapable of suing either at Law or in Equity, but shall not be incapable of being made a Defendant to a Suit either at Law or in Equity;

(2.) No Dividend shall be payable;

(3.) Each Director or Manager of the Company shall for each Day during which the Company is in default incur a Penalty of Five Pounds, and such Penalty may be recovered by any Person, and be applied by him to his own Use;

Nevertheless, such Default shall not render the Company so, being in default, illegal, nor subject it to any Penalty or Disability other than as specified in this Section.

Power for  
Companies  
to register  
at their  
Discretion.

XXIX. Every Company consisting of Seven or more Shareholders, having a Capital of fixed Amount, divided into Shares, also of fixed Amount, duly constituted by Law prior to the passing of this Act, and not being a Company hereby required to be registered, may at any Time hereafter, upon Compliance with the Provisions of the Joint Stock Companies Acts, 1856, 1857, register itself as a Company under such Acts, with or without Limited Liability; subject to this Proviso, that no Company shall be registered as a Limited Company unless either the Liability of the Shareholders is already limited to the Amount of the unpaid Calls on their Shares, or an Assent to its being so registered has been given by Three Fourths in Number and Value of such of its Shareholders as may have been present, personally or by Proxy, in Cases where Proxies are allowed by the Regulations of the Company at some General Meeting summoned for that Purpose.

Power for  
existing  
Company to  
register  
Amount of  
Stock instead  
of Shares.

XXX. Where an existing Company, authorized to register under the Joint Stock Companies Acts, 1856, 1857, has had the whole or any Portion of its Capital converted into Stock, such Company shall, as to the Capital so converted, instead of delivering to the Registrar the Statement of Capital and Shares required by the Principal Act, deliver to the Registrar a Statement of the Amount of Stock belonging to the Company, and the Names of the Persons who were Holders of such Stock, on some Day to be named in the Statement, not more than Six Days before the Day of Registration.

XXXI. The

*Joint Stock Companies Act, 1857.**Grand Juries (Ireland) Act (1836) Amendment.*

XXXI. The List of Shareholders required by Section One hundred and eleven of the Principal Act to be delivered to the Registrar need not be made up to the Day of the Registration of the Company, but may be made up to any Day not more than Six Days before such Day of Registration.

Provision as to s. 111. of Principal Act.

XXXII. No Fees shall be charged in respect of the Registration under the Joint Stock Companies Acts, 1856, 1857, of any Company existing at the Date of this Act, and required or authorized to be registered by the said Joint Stock Companies Acts or either of them, in Cases where such Company is not registered as a Limited Company, or where previously to its being registered as a Limited Company, the Liability of the Shareholders was limited by some other Act of Parliament or by Letters Patent.

Exemption of certain Companies from Payment of Fees.

XXXIII. The Hundred and thirteenth Section of the Principal Act shall be repealed; and in lieu thereof be enacted as follows: Upon Compliance with the Requisitions of the Joint Stock Companies Acts, 1856, 1857, respecting Registration, the Registrar of Joint Stock Companies shall certify under his Hand that the Company applying for Registration is incorporated as a Company under the Joint Stock Companies Acts, 1856, 1857, and in the Case of a Limited Company that it is limited, and thereupon such Company shall be incorporated accordingly; and all Provisions contained in any Act of Parliament, Deed of Settlement, Letters Patent, or other Instrument constituting or regulating any Company that has been registered under the Provisions of the said One hundred and thirteenth Section, or any Company that may hereafter be registered under this Section, shall be deemed to be Regulations of the Company, in the same Manner as if they were contained in a registered Memorandum of Association, and Articles of Association; and all the Provisions of the Joint Stock Companies Acts, 1856, 1857, shall apply to such Company, in the same Manner in all respects as if it had been originally incorporated under such Acts, subject to the Reservation in favour of Creditors contained in the Principal Act, and to the following Provisoes:

Grant of Certificate of Registration, and Effect thereof.

(1.) That Table B. shall not, unless adopted by special Resolution, apply to any such Company as is mentioned in this Section:

(2.) That no Company shall have Power to alter any Provision contained in any Act of Parliament relating to the Company:

(3.) That no Company shall have Power, without the Sanction of the Board of Trade, to alter any Provision contained in any Letters Patent relating to the Company:

(4.) That nothing herein contained shall authorize any Company to alter any such Provisions contained in any Deed of Settlement, Letters Patent, or other Instrument constituting or regulating the Company, as would, if such Company had originally been incorporated under the Joint Stock Companies Acts, 1856, 1857, have been contained in the Memorandum of Association, and are not authorized to be altered by such last-mentioned Acts:

But nothing herein contained shall derogate from any Power of altering its Constitution or Regulations, which may be vested in any existing Company by virtue of any such Act of Parliament, Deed of Settlement, Letters Patent, or other Instrument constituting or regulating the Company: Moreover the Repeal of the said One hundred and thirteenth Section of the Principal Act shall not affect any Right acquired under the Section so repealed.

## C. A. P. XV.

An Act to amend the Act of the Sixth and Seventh Years of King *William* the Fourth, Chapter One hundred and sixteen, for consolidating and amending the Laws relating to the Presentment of Public Money by Grand Juries in *Ireland*. [27th July 1857.]

WHEREAS by an Act passed in the Sixth and Seventh Years of the Reign of His Majesty King *William* the Fourth, Chapter One hundred and sixteen, intituled *An Act to consolidate and amend the Laws relating to the Presentment of Public Money by Grand Juries in Ireland*, great Loss and Inconvenience has arisen to the Public from the Want of proper Contractors to tender at adjourned Road Sessions for the Execution of Works previously sanctioned at the First Sessions: And whereas it is expedient in such Cases to make further Provision for the Repair, Maintenance, and Construction of such Public Works: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

6 & 7 W. 4. c. 116.

I. When any Application for the Repair, Maintenance, or Construction of any Public Work or Road shall have been approved of at Road Sessions, and duly advertised for Tenders in the Manner directed and provided for in the said recited Act, if no proper Contractor shall tender at the adjourned Sessions, or if no Proposal shall be made or accepted for such Work, the Grand Jury at the next Assizes shall have Power and Authority to present, for such Work of Repair, Maintenance, or Construction, or the Rebuilding of any Bridge or Gullet, any Sum of Money in such Case necessary, not exceeding the Amount approved of at Road Sessions, and to enter into any Contract for its Execution, or, if no sufficient Contractor can be obtained, to direct the County Surveyor to execute the same, anything in the said recited Act to the contrary notwithstanding: Provided also, that no more shall be expended thereon by or under the Direction of the said County Surveyor than the Amount approved of at Road Sessions.

When no Contract entered into for Works approved of at Road Sessions, Grand Jury may present for the same.

II. When

*Grand Juries (Ireland) Act (1836) Amendment. Turnpike Trusts Abolition (Ireland).*

Where Work is given in charge to County Surveyor, Treasurer to make Payments.

II. When any Work shall be given in charge to the County Surveyor for Execution by any Grand Jury under the Authority of the said recited Act or of this Act, the Treasurer of the County shall from Time to Time, in such Manner and under such Regulations as the Grand Jury may direct, out of any Monies in his Hands available for the general Purposes of the County, pay and advance such Sums to Contractors, Artificers, or Workmen as may be duly certified by such Surveyor, not exceeding the Sum presented for such Work as aforesaid, and such Monies so advanced shall be replaced by the Monies raised and levied under said Presentment: Provided nevertheless, that any Sums so expended by the said County Surveyor shall be duly accounted for on the Oath of the said County Surveyor at the next Assizes.

This and recited Act construed together.

III. This Act and the said recited Act shall be construed as One Act.

## C A P. XVI.

An Act to discontinue the taking of Toll on the Turnpike Roads now existing in *Ireland*, and to provide for the Maintenance of such Roads as public Roads, and for the Discharge of the Debts due thereon, and for other Purposes relating thereto. [27th July 1857.]

WHEREAS, under the Provisions of the Acts recited in the Schedule (A.) to this Act annexed, Trustees were appointed for the Management and Maintenance of the Roads therein mentioned, with Power to levy Tolls thereon: And whereas Her Majesty was, on the Twelfth Day of February One thousand eight hundred and fifty-six, pleased to issue a Commission under the Great Seal to Edward Clements Esquire, directing him to inquire and report on the Propriety of maintaining or abolishing all or any of the Turnpike Roads existing in *Ireland*, and the Condition of each of the said Roads, and the Receipt and Expenditure, and the Accounts of each Trust, and the Amount of Debts and Charges thereon, and the original Value and Market Value, in each of the last Ten Years, of the Debentures, and the Number of Debenture Holders, and the Mode of paying off the said Debentures which should appear to the said Commissioner most just and equitable, and the Proportion thereof which should be charged to the respective Counties or Baronies concerned: And whereas the said Commissioner has since made his Report to Her Majesty, and has therein reported in favour of abolishing the Turnpikes on the said Roads, and has recommended that the said Roads should be maintained as the other free Highways of the Counties in which they may be situated, and has offered Suggestions as to the Mode in which the said Turnpike Trusts should be abolished, and the Debentures and Debts due thereon should be valued, apportioned, and discharged: And whereas it is expedient that certain Recommendations of the said Commissioner should be carried into effect: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say,

Short Title.

I. This Act may be cited for all Purposes as "The Turnpikes Abolition Act (*Ireland*), 1857."

Interpretation of Terms.

II. In the Construction and for the Purposes of this Act (if not inconsistent with the Context or Subject Matter) the following Terms shall have the respective Meanings herein-after assigned to them; that is to say,

The Word "Person" shall include Corporation, whether sole or aggregate:

"The Lord Lieutenant" shall mean the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being:

"Rents" shall mean any Rents or Annuities secured upon or payable out of the Tolls levied under any of the Acts mentioned in the Schedule (A.) to this Act annexed:

"Rentholder" shall mean any Person entitled to any such Rents:

"The County Rates," or "Rates," shall in respect of the County of the City of *Limerick* mean the Rates of the Borough of *Limerick*:

"The Grand Jury" shall in respect of the County of the City of *Limerick* mean the Council of the Borough of *Limerick*:

"Mortgage" shall include Debenture and every Security for Money charged upon the Tolls levied under the Provisions of any of the Acts mentioned in the Schedule (A.) to this Act annexed:

"Mortgagee" shall mean any Person entitled to any such Security, and shall include "Debenture Holder":

"Trustees," as regards Turnpike Trusts, shall include Commissioners and Directors:

"County" shall include County of a City or County of a Town:

"Barony" shall include Half Barony:

"Officer" shall include Secretary, Treasurer, Clerk, Surveyor, and Toll Collector:

"Road" shall include Bridges and all other Works appertaining to the Road:

"Treasurer of the County" shall include the Secretary of the Grand Jury, as the Case may be.

Commissioner appointed for executing the Act.

III. It shall be lawful for the Lord Lieutenant, by Warrant under his Hand, to appoint any fit Person to be the Commissioner for carrying this Act into execution, and upon any Vacancy in the Office of such Commissioner to appoint some other fit Person to such Office; and the said Person so to be from Time to



*Turnpike Trusts Abolition (Ireland).*

to Time appointed shall be the Commissioner for executing this Act, and shall be styled "The Turnpikes Abolition Commissioner."

IV. All Certificates, Awards, or other Instruments made by or proceeding from the Commissioner in pursuance of this Act shall be sufficiently authenticated if under the Hand of the Commissioner, and the same may be in Writing or in Print, or partly in Writing and partly in Print; and all such Certificates, Awards, and other Instruments, or Copies thereof, purporting to be executed by the Commissioner, shall be Evidence that such Certificates, Awards, or other Instruments were duly made and executed, and that all the Requisitions of this Act in relation thereto were complied with, unless the contrary be shown.

Authentication of Documents.

V. All Certificates, Awards, and other Instruments made or executed pursuant to this Act by the Commissioner, and all Proceedings under this Act of such Commissioner, shall be binding and conclusive (except as in this Act otherwise provided) on all Parties thereto and to all Intents and Purposes whatsoever, and shall not be removed or removable by Certiorari or by any other Writ or Process into any of Her Majesty's Superior Courts at *Dublin*.

Proceedings, &c. of Commissioner to be binding, and not removable by Certiorari, &c.

VI. All Notices and other Documents by this Act directed to be delivered or given, except such as are to be given by Advertisement, may be sent by Post.

Notices may be sent by Post.

VII. It shall be lawful for the Lord Lieutenant to direct such Sum as he shall think fit, not exceeding Three hundred Pounds, to be paid to the Commissioner to be appointed under this Act, as a Remuneration for his Services in carrying this Act into execution, and the Remuneration of such Commissioner shall be provided and paid as Part of the Expenses of carrying this Act into execution; provided, that if such Commissioner should die, be removed, or vacate his Office before the making of a General Award as by this Act provided, then it shall be lawful for the Lord Lieutenant to direct that such Portion only as to the Lord Lieutenant shall seem just and reasonable of the Remuneration so originally directed to be paid to the Commissioner so dying, being removed, or vacating his Office, shall be paid in respect of the Services of such Commissioner.

Remuneration of Commissioner.

VIII. The Commissioner appointed under this Act shall, before he enters upon the Execution of his Office, make the following Declaration before One of the Justices of the Court of Queen's Bench or Common Pleas or One of the Barons of the Court of Exchequer in *Ireland*; that is to say,

Declaration to be made by Commissioner before acting.

"I, A.B. do solemnly declare, That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgment, fulfil all the Powers and Duties of the Commission under "The Turnpikes Abolition Act (Ireland), 1857."

And the Appointment of such Commissioner, with the Time when, and the Name of the Justice or Baron before whom he shall have made the said Declaration, shall be forthwith published in the *Dublin Gazette*.

IX. The Commissioner shall proceed, so soon as he conveniently can after the passing of this Act, to sit for the Execution thereof, and before proceeding to inquire into the Affairs of any Trust shall cause Notice to be given of the Day and Time at which he shall determine to hold any Sitting other than adjourned Sittings, and of the Purpose thereof, by Advertisement, to be inserted in some Newspaper or Newspapers circulating in each of the Counties in which may be situate the Turnpike Trusts in respect of which such Sitting may be intended to be held, Fourteen Days at least before the Time fixed for holding any such Sitting; and the Commissioner shall have Power to adjourn his Sittings from Time to Time and from Place to Place, as may be found necessary.

Commissioner to proceed to sit for Execution of Act, and to give Notice of Sittings.

Sittings may be adjourned.

X. The Commissioner shall make, so far as he shall deem necessary in order to the Execution of the several Powers and Duties hereby vested in him, full and diligent Inquiry into the Revenue and Debts (if any) of each of the several Turnpike Trusts to which the Acts of Parliament in Schedule (A.) to this Act annexed apply, and shall examine and ascertain the Amount and Nature of all Mortgages, Rents, and other Debts (if any) to which he shall consider each such Trust to be liable, and shall ascertain all Particulars relating to such Trust which he shall deem essential; and the Commissioner shall require to be produced, and shall examine and compare with the Registries thereof, all Mortgages or other Securities in respect of which any Claims upon the Tolls of such Turnpike Trusts, or any of them, shall be made; and in case it shall appear to the Commissioner, by the Books of such Trust or by any other Evidence satisfactory to the Commissioner, that any Person is a *bonâ fide* Mortgagee, Rentholder, or Creditor of such Trust, though the Mortgage or Security of such Person may have been lost, mislaid, or destroyed, the Commissioner shall include such Person among the Mortgagees, Rentholders, or Creditors of such Trust in respect thereof.

Commissioner to inquire into Debts, Conditions, &c. of Trusts.

When Securities lost, Commissioner may include Rentholders among Creditors.

XI. The Commissioner may, by Summons under his Hand, require the Attendance before him, at a Time and Place to be mentioned in such Summons, of any Trustee or Officer of any of the said Trusts, as well as of any other Person whom he may think fit to examine upon any Question or Matter connected with or relating to the Execution of this Act, and may examine upon Oath any such Trustee, Officer, or Person, and may require the Production of any Books, Accounts, Maps, Acts of Parliament, or other Documents which the Commissioner may consider to relate to any such Question or Matter: Provided always, that no Person shall be obliged by any such Summons to go or travel more than Sixty Miles from the Place of his usual Abode; and the Commissioner may allow to any Witness attending pursuant to any such Summons such Expenses as he may deem reasonable.

Power to summon Witnesses and to require Production of Documents.

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Penalty on giving false Evidence, refusing to give Evidence destroying Documents, &c.

XII. Every Person who, being examined under the Authority of this Act by the Commissioner, shall wilfully and corruptly give false Evidence, shall be deemed guilty of a Misdemeanor; and every Person who, being summoned as aforesaid, shall wilfully refuse or neglect to attend or to give Evidence, and every Person who shall wilfully alter, suppress, conceal, destroy, or refuse to produce any such Books, Accounts, Maps, Acts of Parliament, or other Documents as aforesaid, shall be liable for every such Offence to a Penalty not exceeding Ten Pounds, in the Discretion of the Justices before whom such Offender shall be convicted.

Record of Proceedings.

XIII. The Commissioner shall make a full and particular Record in Writing of such his Proceedings in the Execution of this Act as he shall deem essential.

Commissioner to ascertain Mortgages charged on each Trust.

XIV. So soon as the Commissioner shall have ascertained all such Particulars relating to any such Turnpike Trust as he shall deem essential, he shall proceed to estimate and determine the Sums to be payable in respect of the Mortgages to the Payment of which he shall consider such Trust to be liable, in the Manner next herein-after provided; that is to say, the Sums to be payable in respect of such Mortgages shall be the fair and actual Value (if any) of the Principal Sums secured by such Mortgages respectively, and of all Interest due on such Mortgages respectively, excluding nevertheless all such Interest as shall have been due and in arrear for more than Six Years previous to the Fifth Day of *April* next after the passing of this Act, which last-mentioned Interest the Commissioner shall in respect of the said Trust Roads deduct and disallow.

Commissioner to ascertain Rents payable by each Trust.

XV. The Commissioner shall in like Manner ascertain the Nature and Amount of all Rents charged upon and payable out of the Tolls of any such Trust, and all Rents reserved on Leases; and the Sums to be payable in respect of every such Rent shall be an Annuity of the same annual Amount as such Rent, and for the same Term as such Rent may have been made payable.

Debts so ascertained to be charged on Counties and Baronies.

XVI. The Sums and Annuities which the Commissioner shall so determine to be payable in respect of any such Turnpike Trust shall be charged upon the Counties and Baronies of the Counties in which the Roads comprised in such Trusts are locally situate, as next herein-after provided; that is to say, where the whole of the Roads comprised in any such Trust shall be locally situate in One County only, One Half of such Charges and Annuities shall be apportioned to the County and the other Half to the Barony, or between the Baronies thereof in which such Roads are situate, in proportion to the Length of such Roads in each such Barony; and where the Roads comprised in any such Trust shall be locally situate in more Counties than One, such Charges and Annuities shall be divided, first, between such Counties, by allotting specific Charges and Annuities to each such County as nearly in proportion to the Length of such Roads in each such County as the Number and Amount of such Charges and Annuities will admit, and the specific Charges and Annuities so allotted to each such County shall be then apportioned between such County and the Baronies thereof as herein-before provided with respect to Trusts locally situate in One County only; provided, that when in the Division between such Counties of the Charges and Annuities in respect of any particular Trust any greater Proportion of such Charges and Annuities shall have been allotted to any such County than in the Proportion of such Road therein, it shall be lawful for the Commissioner to take the same into account in dividing the Charges and Annuities in respect of any other of such Trusts, or in the apportioning of the Expenses of carrying this Act into execution, herein-after mentioned, so as to make the aggregate of Charges and Annuities upon each such County in respect of such Roads therein locally situate as nearly as possible in the Proportions herein-before provided; provided also, that when the Sum payable in respect of any specific Mortgage shall be of such Amount that the same cannot be properly allotted in the Manner aforesaid, then it shall be lawful for the Commissioner to divide the same rateably between Counties and Baronies, anything herein contained with regard to allotting specific Sums to each County or Barony to the contrary notwithstanding.

Award of Commissioner.

XVII. The Commissioner shall thereupon make, in the Case of each Turnpike Trust, a separate Award in Writing, and shall specify therein the Names of all such Persons as he shall have determined to be entitled to any Monies as Mortgagees or Creditors of such Trust, or to any Annuities, together with the Sums of Money or Annuities to which, in the Judgment of the Commissioner, the said Persons shall be respectively entitled, and in case of Mortgagees, whether the Sums of Money payable to such Mortgagees respectively shall be payable in One or more Instalments or otherwise, and shall also specify therein the Names of all such Persons as shall have claimed or who shall appear to be Creditors or Mortgagees or Rentholders of such Trust to whom the Commissioner shall have determined to award no Sum, and shall also specify therein the Apportionment which the Commissioner shall have made as aforesaid of the Sums of Money or Annuities payable in respect of such Trust by the Counties or Baronies in which such Trust Roads shall be situate, and the Commissioner shall forthwith deliver a Copy of his Award to the Clerk or other Officer of such Trust; and the said Clerk or other Officer shall, within Three Days from the Delivery of such Award, give Notice in Writing to the several Persons therein named of the Particulars of such Award regarding such Persons respectively.

Parties dissatisfied with Award may enter a Traverse.

XVIII. It shall be lawful for any Creditor of any Turnpike Trust by this Act abolished who shall be dissatisfied with the Award of the Commissioner, at the Assizes for the County in which the Roads or the greatest Part thereof comprised in such Trust shall be locally situate, held next after the Day he shall have received Notice in Writing from the Clerk or other Officer of such Trust of the Particulars of such Award, or where such Assizes are holden within less than Twenty-one Days after the Receipt

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of such Notice, then at the next subsequent Assizes, upon giving Ten Days Notice in Writing previously to such Assizes to the Commissioner of the Amount intended to be claimed, to have a Traverse for Damages entered in the Crown Book in respect of such Claim, and thereupon such Traverse shall be tried in like Manner, and like Proceedings shall be had in respect thereof, and such Traverse shall be subject to the like Provisions as far as the same can be applied, as in the Case of Traverses entered for Damages under the Acts for consolidating and amending the Laws relating to the Presentment of Public Monies by Grand Juries in *Ireland*: Provided always, that the Sum to be awarded or allowed as to the Costs, Charges, and Expenses of the Trial of every such Traverse shall in no Case exceed the Sum of Ten Pounds, and that no Party shall have any Remedy for the Purpose of impeaching the Amount ascertained by such Award other than by means of such Traverse: Provided also, that the Jury which shall try such Traverse shall be sworn a true Verdict to give, whether any and what Damages will be sustained by the Traverser, regard being had to the fair actual Value of the Principal Sums secured to such Creditor, or of any Interest claimed to be due thereon (as the Case may be); and the Entry of the Verdict of the Jury in case of each Traverse in the Crown Book shall be a final Decision and binding upon all Parties interested; and the Commissioner shall and he is hereby required, if the Verdict be in favour of the Traverser, to amend his General Award in conformity with such Verdict; and in case any Sum shall be awarded to the Traverser in respect of the Costs, Charges, and Expenses of the Trial of such Traverse, such Sum shall be added to the Amount specified to be due to such Creditor in such General Award; and any Costs, Charges, or Expenses incurred by the Commissioner, either for his personal Attendance or for Witnesses or otherwise in respect of such Traverse, shall be deemed and taken to be Expenses incurred by him in carrying this Act into execution.

XIX. Where any Monies or Annuities shall be due to any Infant, the Award may be made for the Payment of the Sum or Annuity therein specified to the Guardian of such Infant, or if there shall be no Guardian then to any Trustee for such Infant; and if any Monies or Annuities shall be due to a Lunatic or Idiot, then the Award may be made for such Payment to the Committee of such Lunatic or Idiot; and where any Monies or Annuities shall be due to any Person in trust for others, the Award may be made for such Payment to the Trustee, or in case of the Refusal to act or Incapacity of any such Trustee, or if for any other Cause it shall to the Commissioner appear expedient, then the Commissioner by his said Award, or by any Writing under his Hand, may appoint another Trustee for the Purpose of receiving such Payment.

Awards may be made for Payment to Representatives of Persons under Disabilities.

XX. All the Expenses of the Commissioner in carrying this Act into execution shall be paid as by this Act provided; and the Commissioner shall keep an Account of all Expenses incurred by him in carrying this Act into execution, and by his Award may certify the Amount thereof; and the Commissioner shall apportion the Amount of such Expenses so certified between the Counties and the Baronies of the Counties in which the said Turnpike Trusts are situate, as herein provided with respect to Charges for Roads locally situate in more than One County; and the said Awards of the Commissioner shall have the same Force and Effect as any other Awards made in pursuance of this Act; provided, that in dividing between Counties such Expenses the Commissioner may divide the same rateably and without allotting specific Sums, anything herein-before contained to the contrary notwithstanding; provided also, that the Expenses of the Commissioner, so certified, shall be the First Charge on all Monies applicable to such Purpose which shall come to the Hand of the Commissioner by virtue of this Act, in preference to all such Claims whatsoever.

The Cost of carrying Act into execution, how to be paid.

XXI. So soon as conveniently may be after the Amount of the Sums and Annuities payable to the several Mortgagees, Creditors, and Rentholders of the Trusts or any of them, to which the Acts in Schedule (A.) to this Act apply, shall have been ascertained, under this Act, so far as the Commissioner may be enabled to ascertain the same, and after the Commissioner shall have ascertained the Amount of the Expenses of carrying this Act into execution, and shall have made the several Awards by this Act directed, and in case of any Award which shall have been traversed, so soon after such Traverse shall have been determined, the Commissioner shall draw up a General Award, which shall specify the specific Sums and Annuities payable to the Mortgagees, Creditors, and Rentholders of the said Trusts allotted by the Commissioner to each County, and the Apportionment of each such specific Sum and Annuity between such County and the Baronies thereof, and in like Manner the Division and Apportionment made by the Commissioner in respect of the Expenses of carrying this Act into execution, and the Persons to whom the said Sums, Annuities, and Expenses shall be respectively payable; and as regards the specific Sums payable to the Mortgagees, the said Award shall specify whether the same shall be payable in One or more Instalments, or whether the Interest only on such specific Sums, at the Rate of Four Pounds *per Centum per Annum*, shall, for a certain Time mentioned therein, be so payable, and in such Case within what Period the Principal Sums payable to such Mortgagees shall be paid off; and as regards the said Annuities, the said Award shall specify the Terms or Periods during which they shall be respectively payable: Provided always, that the Sums payable in respect of the Expenses of carrying this Act into execution shall be payable in One Instalment, and not otherwise, and the said Award shall specify that such Sums shall be so payable; provided also, that in such General Award the Commissioner may make such Alterations in the Divisions and Apportionments made in his previous Awards under

Commissioner to make a General Award.

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this Act as he may deem necessary to render the aggregate of the Charges upon each County and the Baronies thereof as nearly as possible in the Proportion by this Act directed.

Award to be enrolled, &c.

XXII. Such General Award, when executed by the Commissioners, shall be enrolled in the Rolls Office of Her Majesty's Court of Chancery in Ireland within Three Months after the Execution thereof, and a Copy thereof shall be deposited with the Clerk of the Peace of each County in which, may be situate any of the said Trusts; and such Clerk of the Peace is hereby authorized and required to receive and deposit the same amongst the Records of the County; and such Award, when so executed and enrolled, shall be binding and conclusive upon all Persons whomsoever; and a Copy thereof, certified by the proper Officer of Her Majesty's Rolls Office, shall be Evidence that it was duly made, and that all the Requisitions of this Act in relation thereto were complied with.

Commissioner may make supplemental Awards.

XXIII. In case, after such General Award shall have been so made, any Claims shall be made in respect of Mortgages or Rents not included in such General Award, it shall be lawful for the Commissioner to entertain the same; and to make supplemental Awards in relation thereto; as hereinbefore provided with respect to the General Award under this Act; which supplemental Awards shall be considered Amendments of or Additions to such General Award; and shall be enrolled, and deposited with the Clerk of the Peace in like Manner, and the Creditors, Mortgagees, and Rentholders included in such supplemental Awards shall for the Purposes of this Act be considered as included in such General Award.

Grand Juries to present Sums and Annuities payable pursuant to this Act.

XXIV. The Sums, Annuities, and Expenses which the Commissioner shall have ascertained by the said General Award to be payable by any such County or any Barony thereof shall be payable by the Grand Jury of such County; and the Commissioner shall certify to the Secretary of such Grand Jury the Amount of such Sums of Money and Annuities, and the Manner by, and in which the same are to be payable, pursuant to this Act; and such Grand Jury is hereby empowered and required, without Application at Presentment Sessions, to make Presentment of the Principal Sums payable in respect of the said Mortgages or Debts, and the Sums payable in respect of the Expenses of carrying this Act into execution, or from Time to Time to make Presentment of Interest from the Fifth Day of April next after the passing of this Act, at the Rate of Four Pounds per Centum per Annum, upon the Sums payable in respect of the said Mortgages, as the Case may be, and of the Amount of the Gales from Time to Time due of such Annuities, to be raised off the County at large or any Barony thereof, pursuant to the said Certificate; and in default of such Presentment the Court at the Assizes shall order the Amount of such Principal, Interest, Gales of Annuity, or Expenses of carrying this Act into execution, as the Case may be, to be raised off such County or any Barony thereof, and such Order shall have the Force of a Presentment; and the Treasurer of such County shall insert the Amount of such Principal, Interest, Gales of Annuity, Expenses, or Debts, as the Case may be, in his Warrants, and the same shall be apportioned, raised, and levied as if the same had been duly presented, and when and so soon as the Amount of such Principal or Interest, Gales of Annuity, Expenses, or Debts shall be raised and received by the Treasurer of the County, such Treasurer shall immediately pay the same to the Persons entitled thereto.

Commissioner to give Mortgagees Certificate of Amount due.

XXV. So soon as the said General Award shall have been executed by the Commissioner, he shall cause to be prepared and shall deliver to every Mortgagee who shall not be entitled to receive the Sum payable to him in One or more Instalments, under the Provisions of this Act, and to every Rentholder entitled under the said General Award to any Monies or Annuities allotted to any particular County, a Mortgage or Security setting forth the Principal Sum secured by such Mortgage, and the Rate of Interest payable thereon or the Annuity to which such Rentholder may be entitled, as the Case may be, and the Counties to which the same have been respectively allotted; and such Mortgage may be in the Form in Schedule (B.) and such Annuity in the Form in Schedule (D.) to this Act annexed; Provided always, that no Mortgage or Security shall be given to any such Mortgagee or Rentholder, until he shall have delivered up to the said Commissioner every Mortgage or other Security in his Possession or Power whereby the Debt or Rent in respect of which such General Award was made may have been required.

Register to be kept.

XXVI. The Treasurer of the County shall keep a Register of all Mortgages and Securities under this Act affecting the County, and before he shall make any Payment on Foot thereof to the Parties entitled thereto he shall enter in such Register the Number and Date thereof, and the Sums or Annuity therein specified, and the Name and Description of the Party to whom the same is or are payable; and every such Register shall be open to public Inspection, during Office Hours, at the Office of such Treasurer, without Fee or Reward.

Register of Transfer.

XXVII. Any Mortgagee or Rentholder entitled to any Mortgage or Annuity under this Act may transfer his Estate and Interest therein to any other Person, by Deed duly stamped, truly stating his Name, the Date of his Mortgage or Security, the Name and Description of the Parties thereto, and the Consideration for such Transfers; and such Transfer of a Mortgage may be in the Form in Schedule (C.) and such Transfer of an Annuity in the Form in Schedule (E.) to this Act annexed, or to the like Effect; and the Treasurer of the County shall keep a Register of such Transfers; and all such Transfers shall previous to the Payment of any Sum on Foot of the Mortgage or Annuity therein expressed to be transferred be produced to the Treasurer of the County, and such Treasurer shall, without Fee or Reward, cause an Entry to be made in such Register of its Date, and of the Names and Descriptions of the Parties thereto,

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thereto, as stated in the Transfer; and upon any Transfer being so registered, the Transferee, his Heirs, Executors, Administrators, and Assigns, shall be entitled to the full Benefit of the Mortgage or Annuity so transferred, and every such Transferee may in like Manner transfer his Estate and Interest in any such Mortgage.

XXVIII. Payment to the Persons named in the said Certificates, Awards, Mortgages, or Securities respectively, their Heirs, Executors, Administrators, or Assigns respectively, or to the Guardian of any Infant, or to the Committee of any Idiot or Lunatic, shall be a valid and effectual Payment and Discharge of and in respect to the Monies and Annuities by the said Awards directed to be paid; and the Treasurer of the County may pay any such Monies and Annuities to the Persons whom it shall be made to appear to his Satisfaction are the Persons or Bodies beneficially or as Trustees entitled thereto, and notwithstanding any Error or Omission in the said Awards as to the Persons or the Names or Descriptions of the Persons entitled thereto.

Payments to Persons named in Certificates, &c. to be a Discharge.

XXIX. If any Trustee entitled to any Money so awarded shall refuse to accept the same, or if it shall appear to the Treasurer of the County that there is no Person to whom Payment thereof can be lawfully made, as herein before provided, it shall be lawful for the Treasurer to deposit the said Monies in the Bank of Ireland, in the Name and with the Privity of the Accountant General of the Court of Chancery in Ireland, to be placed to the Credit (under any Description which shall appear to the said Treasurer sufficient) of the Persons entitled thereto; and upon any such Deposit being made the Cashier of the Bank of Ireland shall give the said Treasurer a Receipt for such Money, and thereupon the said Treasurer shall be discharged from all further Responsibility or Duty in regard to the Money so deposited; and upon the Application by Petition of any Party making claim to such Money on any Part thereof, the said Court of Chancery may make such Order in relation thereto as to such Court shall seem fit.

Treasurer of County may deposit Sums awarded in the Court of Chancery.

XXX. Upon Payment pursuant to this Act of the Sums in the said Award mentioned, the Claims of all Persons in respect of the Sums so awarded, and of the Securities or Demands in respect of which Sums shall have been so awarded, shall be extinguished.

Claims to be extinguished.

XXXI. All Mortgages or Annuities granted under this Act shall be paid off or redeemed within five Years from the Fifth Day of April next after the passing of this Act, and it shall be lawful for any such Grand Jury to present such Sums as shall appear to be necessary for that Purpose, to be apportioned as between the County and the Baronies thereof, in the same Proportions as the Mortgages or Annuities to be paid off or redeemed shall have been apportioned; and the Amount of such Presentment shall be raised and levied as any other Monies to be presented, raised, and levied by such Grand Jury.

Grand Juries may present for Mortgages.

XXXII. In case any of the said Grand Juries should be desirous of raising the Amount necessary to purchase, pay off, or redeem the said Mortgages, Annuities, or any of them, by way of Loan from any Person willing to make Advances of Money for the Purpose, it shall thereupon be lawful for any such Grand Jury at any Assizes to present such Sum as shall be intended to be raised by Loan, in order to obtain such Advance, and to set forth in such Presentment that the said Sum shall be raised and levied by half-yearly Instalments of not less than Ten Pounds *per Centum per Annum*, and likewise to present a Sum sufficient to pay the annual Interest of the Sum so advanced, and of the Balance thereof from Time to Time remaining due, at a Rate not exceeding Six Pounds *per Centum per Annum*, and also to set forth in such Presentment the Proportions thereof, as directed by the said Certificate, to be raised on the County at large or upon any Barony thereof; and it shall be lawful for any such Grand Jury in every such Presentment to nominate and appoint a Committee of not less than Three or more than Five Persons to treat, agree, and contract for a Loan with any Person willing to make the same, on the Security of such Presentment, and otherwise to carry the same Presentment into effect; and every such Presentment may be in the Form in Schedule (F.) to this Act annexed.

Power to Grand Juries to borrow Money to pay off or redeem Mortgages.

XXXIII. It shall be lawful for the Committee so nominated and appointed, or any Three or more of them, to treat, agree with, and contract for a Loan with any Person willing to make the same on the Faith of such Presentment, and for the Rate of Interest, not exceeding the Limit aforesaid, to be paid in respect of such Loan; and the Terms of every such Contract shall be reduced to Writing on a certified Copy of such Presentment, and signed by the said Committee or any Three or more of them, and by the Person advancing such Money; and shall be delivered to such last-mentioned Person, and held by him as a Security for his Loan until the whole Amount thereof, with Interest, as therein set forth, shall be fully paid off and discharged.

Grand Jury may appoint Committee to treat, &c. for Loan.

Power to Committee to negotiate Loan.

XXXIV. The Loan shall be paid in to the Account and to the Credit of the Treasurer of the County, and accounted for by him in like Manner as any other Monies by him received for the Use of the County, and all Securities given by him shall extend to such Monies; and the Treasurer, as soon as the said Loan shall have been so paid in to his Credit as such Treasurer, shall pay and apply the same to, and amongst the Persons entitled to the Sums in respect of which such Loan shall have been made.

Loan to be paid to Treasurer.

XXXV. The Treasurer of the County shall, without further Authority or Presentment in that Behalf, issue his Warrant for or include in his general Warrant at each Assizes such Portion of the whole Sum presented by the Grand Jury as aforesaid, together with such Sum for Interest thereon as may be necessary for the Purpose of paying to the Person so advancing Money the Instalments and Interest thereon as aforesaid; and it shall not be lawful for the Grand Jury to restrain the issuing of any such Warrant; and the Sum inserted in such Warrant shall be raised and levied as other Monies directed by any Warrant of

Treasurer to insert in Warrants Instalments of Loan.

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of such Treasurer are by Law raised and levied; and such Treasurer shall pay the Person so advancing Money all such Monies as shall be received by him by virtue of the Presentment and Warrants aforesaid till the whole Loan, with the Interest thereon, shall be paid; Provided always, that all Monies in the Treasurer's Hands shall be applicable to pay the said Instalments of Principal and the Interest thereon, according to the Terms of any such Loan; and if it shall happen that any Money shall be raised by virtue of any such Presentment which shall not be required for the Purposes for which it shall have been so raised, the same shall be carried to the Credit of the County or Barony from which it shall have been raised.

Grand Juries may redeem Mortgages or Annuities.

XXXVI. So soon as the Amount of the Presentment so made for the Loan so contracted for the Purpose of purchasing, paying off, or redeeming any such Mortgages or Annuities, shall have been paid to or received by the Treasurer of the County, he shall apply the same in paying to such Mortgagees the Principal Sum due on Foot of their said Mortgages, or such less Sum as the said Mortgagees may be willing or shall have agreed to accept for their said Mortgages, or in redeeming the said Annuities upon such Terms as the said Annuitants may be willing to accept; Provided always, that it shall not be lawful to pay the said Annuitants in redemption of their said Annuities any greater Sum than at the Rate of One hundred Pounds for every Four Pounds of Annuity.

Redeemed Mortgages or Annuities to be cancelled.

XXXVII. When any such Mortgage or Annuity shall have been paid off or redeemed, the same shall be transferred by the Mortgagee or Annuitant to the Treasurer in the Manner herein provided, and the Deed of Transfer shall express that the same has been transferred to the said Treasurer, in trust for the County; and thereupon the said Mortgage or Annuity shall be extinguished, and the Security therefor shall be cancelled by the Treasurer, and delivered to the Clerk of the Peace, to be kept among the Records of the County; and the said Treasurer shall enter in the said Transfer Book a Memorandum that the said Security has been so cancelled and delivered.

Acts in Schedule (A.) repealed on and after 5th April 1858, and Roads declared to be public Roads.

XXXVIII. On and after the Fifth Day of April next after the passing of this Act, the several Acts set forth in Schedule (A.) to this Act annexed, or any other Act or Acts for amending or continuing the same, are hereby repealed, and from thenceforth the Trustees appointed by the said Acts shall be discharged from the Execution of the Trusts and Powers thereby vested in them; and the Collection and taking of Tolls upon the Roads in the said Acts comprised shall absolutely cease; and upon and from the said Fifth Day of April the said Roads shall be and become and the same are hereby declared to be public Roads of the Counties in which such Roads are respectively situate, and shall be maintained and kept in repair in like Manner and shall be subject to the like Provisions as other public Roads within the said several Counties.

Officers to account and deliver up Documents, &c.

XXXIX. The Officers employed under the said Acts hereby repealed shall, within Thirty Days after the said Fifth Day of April, make up, sign, and balance their Accounts up to the said Fifth Day of April, and shall lay the same before the Commissioner, who is hereby authorized to examine such Officers upon Oath as to the Truth of their Accounts, and to accept and receive any Balance that may be due by any such Officer; and every such Officer shall pay or deliver to the Commissioner, or to such Person as he shall direct and appoint to receive the same, all Monies, Balances, Securities, Vouchers, Receipts, Accounts, and other Documents, and also all Materials, Tools, Implements, and other Things, in his Possession or Control by virtue of his said Office; and if any such Officer shall neglect or refuse to render such Accounts, or to pay any such Balance, or to deliver to the Commissioner or the Person appointed by him as aforesaid any of the Documents or Things aforesaid in his Possession or Control by virtue of his said Office, such Officer shall for every such Offence be liable to a Penalty not exceeding Ten Pounds, in the Discretion of the Justices before whom such Offender shall be convicted.

Penalties, &c. how to be recovered.

XL. All Fines or Penalties inflicted or imposed by this Act may be sued for and recovered in a summary Way by the Order and Adjudication of any Justice or Justices of the Peace at Petty Sessions, under and subject to the several Provisions and Regulations relating to summary Jurisdiction contained in "The Petty Sessions (Ireland) Act, 1851," and shall be applied in the Manner by the said Act directed.

Property of Trusts to vest in Commissioner.

XLI. Upon and from the said Fifth Day of April, all Lands, Quarries, Tenements, and Hereditaments, and all Turnpikes, Toll Houses, Toll Bars, Toll Gates, Side Gates, Chains, Lamps, Lamp Posts, Monies, Choses in Action, and all other Property vested in or belonging to the Trustees of the several Roads for the Purposes of the Trust thereof, shall vest in the Commissioner for such Estate or Interest as the said Trustees shall have therein, and the said Trustees and their Officers; and all other Persons in possession thereof, shall surrender the same, and all the Title Deeds, Leases, Contracts, Instruments, or Things relating thereto, to the Commissioner, to be by him applied as by this Act directed.

Power to Justices at Petty Sessions to give Possession of Toll House, &c. to Commissioner.

XLII. If any Toll Collector or other Person refuse or neglect, after Twenty-four Hours Notice in Writing to that Effect, to deliver up to the Commissioner, or to any Person appointed by him for that Purpose, any Toll House or other Building or Property vested in the Commissioner under the Provisions of this Act, or any Matters or Things relating thereto, in the Possession or Custody of such Toll Collector or other Person, then, upon Application being made by the Commissioner to the Justice or Justices at Petty Sessions for the District within which such Offence shall be committed, it shall be lawful for such Justice or Justices to order any Constable, with proper Assistance, to enter upon such Toll House or other Building, and to remove any Person found therein, and to take possession thereof,

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or of any such Property, Matter, or Thing, and to deliver the same to the Commissioner or any Person appointed by him for that Purpose.

XLIII. The Commissioner shall, as soon as conveniently may be after the said Fifth Day of April, sell and dispose or authorize the Sale and Disposal of the Estate and Interest in such of the Lands or other Real Property of each of the said Turnpike Trusts so vested in him as shall not be required for the Purposes of the said Roads, and the Rights, Members, and Appurtenances thereof, and of such Personal Property as aforesaid, either by Public Auction or by Private Contract, and either in One Lot or in several Lots, as to him shall seem fit, to such Persons as shall be willing to become the Purchasers thereof or of any Part thereof; and the Commissioners shall have full Power and Authority to enter into all necessary Contracts for Sales, or to rescind or vary the same, and to give full and effectual Discharges for the Purchase Money thereof or any Part thereof, and to execute all necessary Conveyances for vesting the same in the Purchaser thereof or any Part thereof, for all the Estate or Interest therein which shall be vested in the Commissioner; and the Commissioner shall and he is hereby authorized and required to take down and remove all or any Turnpikes, Toll Houses, Toll Bars, Toll Gates, Side Gates, Chains, or other Things which shall encroach upon the Roads or any of them, and may, if he think fit, take down or remove all or any other Turnpikes, Toll Houses, Toll Bars, Toll Gates, Side Gates, Chains, or other Things, the Property of the said Turnpike Trusts, and may sell and dispose of the Materials thereof in manner aforesaid: Provided always, that before the Commissioner shall sell and dispose of or offer for Sale and Disposal any Piece of Ground not wanted for the Purposes of the Road, he shall offer the same to the Person whose Lands shall adjoin thereto, and if such Person shall thereupon refuse or shall not agree to purchase the same, such Land may be sold to any Person who may be willing to become the Purchaser thereof as aforesaid.

Trust Property to be sold.

XLIV. All Monies to arise from such Sales of the Property of any such Turnpike Trust, after deducting the necessary Expenses thereof, and all Monies to be received from the Trustees or Officers of any such Turnpike Trust, shall be applied by the Commissioner, in the first instance, in discharge of the Expenses of carrying this Act into execution; and the several Counties or the Baronies thereof wherein is situate the Turnpike Trust from which such Monies shall have arisen shall be entitled to Credit for the Amount of such Monies so applied, and the Commissioner shall allocate the same accordingly; and the Commissioner shall from Time to Time certify to the Treasurer of any such County the Sum to Credit for which such County or any Barony thereof shall be entitled, and thereupon it shall be lawful for such Grand Jury to deduct from any Presentment to be made and levied off any such County or Barony thereof, under the Provisions of this Act, the Amount to Credit for which such County or Barony shall be so certified to be entitled; and the Balance of all Monies so arising shall in like Manner be so allocated, and shall be paid to the Treasurers of the said Counties, and shall be by the said Treasurers applied in aid of the Presentments to be made under this Act in relation to such Trust

Application of Produce of Sales and Balances in Hands of Trustees.

SCHEDULES to which the foregoing Act refers:

SCHEDULE (A.)

Date and Chapter of Act.	Title of Act.
Local and Personal Acts.	
11 Geo. 4. and 1 Will. 4. c. 111.	An Act for improving and repairing the Road leading from Newcastle in the County of Limerick to the City of Limerick, and from thence to Charleville in the County of Cork.
1 & 2 Geo. 4. c. 38.	An Act for repairing the Road from the Town of Athy in the County of Kildare, through the Town of Castlecomer in the County of Kilkenny, to the City of Kilkenny, and from the Town of Castlecomer to the Town of Leighlin Bridge in the County of Carlow, and from the Town of Carlow to the said Town of Castlecomer.
5 & 6 Vict. c. 92.	An Act to amend an Act passed in the First and Second Years of the Reign of His Majesty King George the Fourth, for repairing the Road from the Town of Athy in the County of Kildare, through the Town of Castlecomer in the County of Kilkenny, to the City of Kilkenny, and from the Town of Castlecomer to the Town of Leighlin Bridge in the County of Carlow, and from the Town of Carlow to the said Town of Castlecomer, so far as relates to the Second Division of the said Road.
3 & 4 Will. 4. c. 112.	An Act for more effectually repairing several Roads in the Counties of Carlow, Kilkenny, and Tipperary, and also the Road from the Town of Clonmel through the County of Waterford to the Cross Roads of Knocklofty in the said County of Tipperary.
2 & 3 Will. 4. c. 59.	An Act for more effectually repairing the Road leading from Shankhill in the County of Kilkenny to the City of Waterford.

*Turnpike Trusts Abolition (Ireland).*

Date and Chapter of Act.	Title of Act.
<i>Local and Personal Acts.</i>	
11 Geo. 4. and 1 Will 4. c. 112.	An Act for repairing and maintaining the Roads from the Town of Dundalk in the County of Louth to the Towns of Castleblayney and Carrickmacross in the County of Monaghan.
11 & 12 Vict. c. 50.	An Act to amend an Act passed in the Eleventh Year of the Reign of His late Majesty King George the Fourth, intituled "An Act for repairing and maintaining the Roads from the Town of Dundalk in the County of Louth to the Towns of Castleblayney and Carrickmacross in the County of Monaghan."
1 & 2 Vict. c. 74.	An Act for more effectually repairing the Road from Dundalk to Dunleer in the County of Louth.
5 & 6 Vict. c. 76.	An Act to amend an Act of His late Majesty King George the Fourth, for repairing the Road from Dundalk in the County of Louth to Bannbridge in the County of Down, so far as relates to the Southern Division of the said Road.
6 & 7 Vict. c. 48.	An Act for repairing the Road from Dundalk in the County of Louth to Bannbridge in the County of Down, so far as relates to the Northern Division of the said Road.
5 & 6 Will. 4. c. 67.	An Act for more effectually repairing and improving the Road from Newry to Charlemont through the County of Armagh.
59 Geo. 3. c. 128.	An Act for amending and keeping in repair the Mail Coach Road leading from Banbridge in the County of Down to Belfast in the County of Antrim.
4 & 5 Will. 4. c. 74.	An Act for amending, varying the Tolls, and extending the Term of an Act of the Fifty-ninth Year of His late Majesty King George the Third, for amending and keeping in repair the Mail Coach Road leading from Banbridge in the County of Down to Belfast in the County of Antrim.
7 Will. 4. and 1 Vict. c. 42.	An Act for maintaining, repairing, and amending a Turnpike Road from Belfast to Lisburne, by Malone, and by the Falls, and Two Turnpike Roads leading from the Falls Road, by Dunrod and Castlerobin respectively, to Crumlin in the County of Antrim.
5 & 6 Will. 4. c. 2.	An Act for making, maintaining, and repairing a Turnpike Road from the Town of Belfast to the Town of Crumlin in the County of Antrim.
9 Geo. 4. c. 121.	An Act for repairing and maintaining a Turnpike Road from Belfast to Antrim, and from Belfast to the Copeland Water.

SCHEDULE (B.)

FORM OF MORTGAGE.

Mortgage No. . . . .

I, *A.B.*, the undersigned "Turnpikes Abolition Commissioner," acting in execution of the "Turnpikes Abolition Act (Ireland), 1857," do hereby certify, That the Sum of . . . . . Pounds, with Interest thereon from the . . . . . at the Rate of . . . . . Pounds per Centum per Annum till paid, has been ascertained by my . . . . . Award, made in pursuance of the said Act, to be payable in the Manner in said Award specified by the Grand Jury of the County of . . . . . to *C.D.*, his Executors, Administrators, and Assigns, in respect of certain Mortgages [or a certain Mortgage] in said Award specified; and I hereby direct that Interest at the Rate of . . . . . Pounds per Centum per Annum from the . . . . . the said Sum of . . . . . Pounds shall be paid by the Treasurer of the said County of . . . . . to the said *C.D.*, his Executors, Administrators, and Assigns, till the said Principal Sum shall have been paid. In witness whereof I, the said Commissioner, have hereunto set my Hand and Seal this . . . . . Day of . . . . . *A.B.* (s.)

SCHEDULE (C.)

FORM OF TRANSFER OF MORTGAGE.

I, *A.B.*, of . . . . . in consideration of the Sum of . . . . . Pounds paid to me by *C.D.*, of . . . . . do hereby transfer to the said *C.D.*, his Executors, Administrators, and Assigns, a certain Mortgage, Number . . . . . bearing Date the . . . . . Day of . . . . ., and made by the Turnpikes Abolition Commissioner for charging and securing the Sum of . . . . . Pounds and . . . . . Interest



Turnpike Trusts Abolition (Ireland).

Interest thereon from the at the Rate of Pounds per Centum per Annum, upon the County of [or upon the Barony or Baronies of the County of ] and all my Property, Right, and Interest in and to the Money thereby secured. In witness whereof I have hereunto set my Hand and Seal, this Day of A.B. (s.)

SCHEDULE (D.)

FORM OF SECURITY FOR ANNUITY

Annuity No.

I, A.B., the undersigned Turnpikes Abolition Commissioner, acting in execution of "The Turnpikes Abolition Act (Ireland), 1857," do hereby certify, That the annual Sum of Pounds has been ascertained by my Award, made in pursuance of the said Act, to be payable for of in the Manner in the said Award specified by the Grand Jury of the County of to C.D., his Heirs and Assigns; in respect of certain Rents in the said Award specified; and I hereby direct that the said annual Sum of Pounds shall be paid by the Treasurer of the said County of to the said C.D., his Heirs and Assigns, by Two even and equal half-yearly Payments on every Day of and Day of in every Year, the First Payment thereof to be made on the Day of after the Date hereof.

In witness whereof I have hereunto set my Hand and Seal, this Day of A.B. (s.)

SCHEDULE (E.)

FORM OF TRANSFER OF ANNUITY.

I, A.B., of in consideration of the Sum of paid to me by C.D. of do hereby transfer to the said C.D., his Heirs and Assigns, a certain Annuity of Pounds, the Certificate of which is Number and bears Date the Day of and was executed by the Turnpikes Abolition Commissioner for charging and securing the said Annuity of Pounds upon the County of [or upon the Barony or Baronies of the County of ] and all my Property, Right, and Interest in and to the Annuity thereby secured.

In witness whereof I have hereunto set my Hand and Seal, this Day of A.B. (s.)

SCHEDULE (F.)

County of to wit WHEREAS the Turnpikes Abolition Commissioner, acting in execution of the "Turnpikes Abolition Act, Ireland, 1857," has, by his Certificate bearing Date the Day of duly certified to the Grand Jury of the County of that the Sum of Pounds has, under the Provisions of the said Act, been apportioned upon the said County and the Baronies thereof [or upon the Barony or Baronies of the County of ] as in the said Certificate mentioned.

Now, we, the Grand Jury of the said County of duly assembled and sworn at the Assizes held at in and for the said County on the Day of pursuant to the Powers to us in that Behalf given by the "Turnpikes Abolition Act, Ireland, 1857," do present the Sum of Pounds, in order to enable us to borrow the said Sum from any Person willing to advance the same, and in order to repay the said Sum we do present that the said Sum do be raised and levied as follows:

by half-yearly Instalments of each, the first of said Instalments to be raised after the present Assizes, and the remaining Instalments after the next and each and every successive Assizes until the whole of the said Sum shall be raised and discharged; and further, in pursuance of the Powers in said Act contained, we do present the Sum of Pounds to be paid upon the to pay the annual Interest of the said Sum of Pounds, or of such Part of the same as shall from Time to Time remain due, at such Rate, not exceeding Pounds per Cent., as may be agreed on, and we present the said Sum of Pounds to be raised half-yearly in such Sums as may be from Time to Time required to satisfy the Interests of so much of the said Principal Sum as shall be and remain due after the Application of the Sums presented to be levied for its Satisfaction, One of such Sums or Instalments to be raised after the present and every future Assize, and the other after the next and every future Assizes in the next and each succeeding Year, until such Principal Sum shall have been paid as aforesaid.

And we nominate and appoint to treat and agree and contract for a Loan with any Person willing to make the same on the Security of this Presentment, and for the Rate of Interest which shall be paid on such Loan, and otherwise to carry this Presentment into effect.

Constabulary Force (Ireland).

C A P. XVII.

An Act to amend the Act of the Eleventh and Twelfth Years of Her Majesty, Chapter Seventy-two, so far as relates to the Distribution of the Constabulary Force in *Ireland*.

[27th July 1857.]

11 & 12 Vict. c. 72.

WHEREAS by an Act of the Eleventh and Twelfth Years of the Reign of Her Majesty, Chapter Seventy-two, Section Three, it is amongst other Matters provided, that the total Number of Officers and Men of the Constabulary Force in *Ireland*, chargeable as therein mentioned, shall be such as the Lord Lieutenant may from Time to Time consider to be required in each County, City, or Town, but not exceeding in any Year the Number specified in Schedule (A.) to the said Act annexed for each such County, City, or Town: And whereas it is expedient that the said Provision of the said recited Act should be amended, so far as relates to the Distribution of said Force, and that further Provision should be made for the Re-distribution of the said Force from Time to Time: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Schedule substituted, &c. As to Distribution of Officers of the Constabulary. Lord Lieutenant may vary Number of Constables, &c. every Five Years.

I. The Schedule to this Act annexed, and the Distribution of the said Constabulary Force therein provided, shall be substituted for the Schedule (A.) to the said Act annexed.

II. The Inspectors and Head Constables of the said Force included in the Schedule to this Act may be from Time to Time distributed amongst the said Counties, Cities, and Towns respectively, as to the Lord Lieutenant shall seem fit.

III. It shall be lawful for the Lord Lieutenant, with the Advice of Her Majesty's Privy Council in *Ireland*, at the End of Five Years from the passing of this Act, and also at the Termination of each succeeding Period of Five Years, to alter or vary the Number of Constables and Sub-Constables for each County, City, or Town specified in the Schedule to this Act, to such Number as the Lord Lieutenant, with such Advice as aforesaid, may consider to be required for each such County, City, or Town, but so that the total Number of Officers and Men wholly chargeable to the Consolidated Fund for all the Counties, Cities, and Towns in *Ireland* shall not exceed the total Number so chargeable for all such Counties, Cities, and Towns under the Provisions of the said recited Act.

Interpretation of Terms.

IV. In the Interpretation of this Act the Words "Lord Lieutenant" shall include any other Chief Governor or Governors of *Ireland*, and the Word "County" shall include Riding, and also County of a City and County of a Town.

SCHEDULE.

County Inspectors - - - - -	35	} For the whole of Ireland.
Sub-Inspectors - - - - -	262	
Head Constables - - - - -	375	

Counties and Ridings.	Constables and Sub-Constables.	Counties and Ridings.	Constables and Sub-Constables.
Antrim - - - - -	259	Londonderry - - - - -	120
Armagh - - - - -	175	Longford - - - - -	191
Carlow - - - - -	141	Louth - - - - -	189
Cavan - - - - -	300	Mayo - - - - -	349
Clare - - - - -	400	Meath - - - - -	284
Cork { East Riding - - - - -	462	Monaghan - - - - -	175
{ West Riding - - - - -	300	Queen's - - - - -	256
Donegal - - - - -	326	Roscommon - - - - -	347
Down - - - - -	274	Sligo - - - - -	201
Dublin - - - - -	231	Tipperary { North Riding - - - - -	320
Fermanagh - - - - -	181	{ South Riding - - - - -	464
Galway { East Riding - - - - -	335	Tyrone - - - - -	212
{ West Riding - - - - -	334	Waterford - - - - -	219
Kerry - - - - -	268	Westmeath - - - - -	282
Kildare - - - - -	220	Wexford - - - - -	270
Kilkenny - - - - -	360	Wicklow - - - - -	199
King's - - - - -	309		
Leitrim - - - - -	251	Total - - - - -	9,591
Limerick - - - - -	387		

<i>Constabulary Force (Ireland).</i>		<i>Bill Chamber (Scotland).</i>	
COUNTIES AND RIDINGS	- - - - -	Constables and Sub-Constables.	9,591
CITIES AND TOWNS—			
Carrickfergus	- - - - -		10
Cork	- - - - -		100
Drogheda	- - - - -		40
Galway	- - - - -		65
Kilkenny	- - - - -		50
Limerick	- - - - -		80
Waterford	- - - - -		70
	Total		10,006

C A P. XVIII.

An Act to regulate Procedure in the Bill Chamber in Scotland. [10th August 1857.]

WHEREAS under an Act of the First and Second Years of the Reign of Her Majesty, intituled *An Act to make certain Alterations in the Duties of the Lords Ordinary, and in the Establishment of Clerks and Officers of the Court of Session and Court of Commissioners for Teinds in Scotland, and to reduce the Fees payable in those Courts*, Two Clerks of the Bills were appointed, who have had the charge of the Bill Chamber Department, and the Office of One of the said Clerks has since become vacant by Death: And whereas it has been found in Practice that the Business of the Bill Chamber cannot be conveniently conducted in Two Departments under Two separate Clerks, and it is expedient that in future the Duties of the Office should be executed by One Clerk: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. The Office of One of the Clerks of the Bills in the Bill Chamber of the Court of Session in Scotland, now vacant, shall be abolished; and there shall in future be only One Clerk of the Bills, who shall be responsible for the reputed Solvency of Cautioners, and for consigned Money, and shall discharge in Person all the Duties attached to the Office, and the remaining Clerk of the Bills shall be the Clerk of the Bills under this Act. Office of One of the Two Clerks of the Bills abolished, &c.

II. It shall be lawful for Her Majesty, Her Heirs and Successors, to appoint an Assistant Clerk of the Bills, and Two Ordinary Clerks, to aid in the Performance of the Duties of the Office; and such Assistant Clerk shall act under the Orders of the Clerk of the Bills in the Performance of the Duties of the Office, and shall in the necessary Absence of the Clerk of the Bills subscribe and authenticate all such Writs and Documents as the Clerk of the Bills may, by any Law or Practice, subscribe or authenticate. Assistant Clerk and Ordinary Clerks to be appointed.

III. The Clerk of the Bills, and the Assistant and Ordinary Clerks, shall be paid wholly by Salary; and the Salary of the Clerk of the Bills shall be Five hundred Pounds *per Annum*, which shall include his Remuneration for the Discharge of the Duties imposed on him under the Bankrupt Acts, and also all Fees of Extracts and Bonds of Caution required by the Bill Chamber Procedure, or under such Acts, and shall be in lieu of all existing Salary, Allowances, Fees, and Emoluments whatsoever; and the Salary of the Assistant Clerk shall be Two hundred Pounds *per Annum*; and the Salaries of the Ordinary Clerks shall not exceed in all Two hundred Pounds *per Annum*, divisible in such Proportions as may be deemed proper by the Commissioners of Her Majesty's Treasury. Clerks to be paid wholly by Salaries.

IV. The Salaries paid to the Clerk of the Bills, and the Assistant Clerk and Ordinary Clerks in the Bill Chamber, and also the Expense of a suitable Office for conducting the Business of the Bill Chamber, and the necessary Expense of Printing and Stationery, and other Expenses of the Office, shall be defrayed out of the Monies to be voted by Parliament for that Purpose; and all Fees of every Description heretofore in use to be charged or collected in the Office of the Bill Chamber shall continue to be so charged and collected after this Act shall come into operation, by the Clerk of the Bills, and be by him duly accounted for and paid over to the Commissioners of Her Majesty's Treasury, or to such Person or Persons as they shall appoint. Salaries, &c. to be voted by Parliament. Fees to be accounted for and paid over to the Treasury.

V. All Monies which shall in future be deposited or consigned in the Bill Chamber shall be forthwith deposited by the Clerk of the Bills in One of the Banks in *Edinburgh* established or incorporated by Act of Parliament or Royal Charter, in an Account to be kept by him in his official Capacity; and a proper written Receipt or Acknowledgment shall always be granted by the said Clerk to any Party depositing or consigning any Money in his Hands, at the Time of such Deposit or Consignation; and a full and particular State and Account shall be kept in the Office of the Bill Chamber of all such Deposits and Consignations; and the Clerk of the Bills shall cause the Monies in such Bank Account to be annually accumulated by adding the accruing Interest to the Principal Sums. Clerk of the Bills to keep separate Accounts of consigned Monies.

VI. The Holders of Money at present consigned in Bank, or in the Hands of whatsoever Person or Persons, derived from Deposits or Consignations made in the Hands of any former Clerk or Clerks of the Bills, in his or their official Capacity, shall and they are hereby required to pay over the same, with all Interest accrued and to accrue thereon, to the Commissioners of Her Majesty's Treasury, or to such Person Monies consigned with former Clerks of the Bills to be paid Person

*Bill Chamber (Scotland).**Bankruptcy and Real Securities (Scotland).*

over to the  
Treasury.

Court of  
Session may  
make Acts of  
Sederunt.

Certain Acts,  
&c. repealed.

Commencement  
of Act.

Person or Persons as they shall appoint, who are hereby empowered and directed to require an Account thereof, and to call for and receive the same, and discharge the Holders thereof: Provided always, that every Person having any legal Claim to or Interest in the Monies so to be paid over shall have such and the like Claim and Interest therein, and such and the like Right to demand and to recover the same from the said Commissioners of Her Majesty's Treasury, after Payment thereof to the said Commissioners in Terms of this Act, as from the Person or Persons having Possession of such Monies at the Date of the passing of this Act.

VII. It shall be lawful for the Court of Session, and the said Court is hereby required, within Six Calendar Months after the passing of this Act, to make such Provision, by Act of Sederunt, as the said Court may deem necessary or expedient, for the Performance of the Business of the Office of the Clerk of the Bills in the said Court, and also to make, from Time to Time, by Act of Sederunt, such Alterations and further Provision for the same as the Court may deem fit: Provided always, that every such Act of Sederunt shall, within One Month after the Date thereof, be transmitted by the Lord President of the Court of Session to One of Her Majesty's Principal Secretaries of State, to the End that the same may be laid before both Houses of Parliament.

VIII. The recited Acts, and all Laws, Statutes, and Usages, shall be and the same are hereby repealed, in so far as necessary to give effect to this Act, but no further.

IX. This Act shall commence and take effect from and after the Expiration of Two Months from the passing hereof.

## C A P. XIX.

An Act to remove Doubts as to the Law of Bankruptcy and Real Securities in *Scotland*.

[10th August 1857.]

WHEREAS Doubts have arisen regarding the Construction of certain Clauses contained in an Act passed in the Nineteenth and Twentieth Years of the Reign of Her present Majesty, intituled *An Act to consolidate and amend the Laws relating to Bankruptcy in Scotland*, and in another Act of the same Year of Her Majesty, intituled *An Act to amend and re-enact certain Provisions of an Act of the Fifty-fourth Year of King George the Third, relating to Judicial Procedure and Securities for Debt in Scotland*, and it is expedient that such Doubts should be removed: 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:

19 & 20 Vict.  
c. 79.

19 & 20 Vict.  
c. 91.

Short Title.

As to Sequestration of deceased Debtor.

Notice of Remit by Sheriffs to be given in the Gazette.

As to Expense for Office of Trustee.

Oath, &c. to be produced for Second Dividend.

Procedure in reference to subsequent Dividends.

Abbreviate of Discharge of Bankrupt to be issued, &c. as in Sched. (A.)

As to the Application of 10 & 11 Vict. c. 50., and 17 & 18 Vict. c. 62., to certain Heritable Securities.

Application of 19 & 20 Vict. c. 79. s. 10.

Recited Acts to remain in force.

I. This Act may be cited as "*The Bankruptcy and Real Securities (Scotland) Act, 1857.*"

II. Sequestration in the Case of a deceased Debtor may be awarded by the Court of Session or by the Sheriff of the County in which the Debtor for the Year preceding his Death had resided or carried on Business.

III. In the event of Sequestration having been awarded by the Sheriffs of Two or more Counties, and of the later Sequestration or Sequestrations being remitted by the Sheriff or Sheriffs awarding them to the Sequestration first in Date, a Notice of such Remit shall be inserted in the Gazette Four Days after a Copy of the Deliverance of such Remit could be received in course of Post in *Edinburgh*.

IV. No Part of the Expense of any Competition for the Office of Trustee shall be paid out of the Estate, but all such Expense shall be paid by the unsuccessful Party to the successful Party.

V. Any Creditor, in order to be entitled to participate in a Second or any subsequent Dividend, shall produce his Oath and Grounds of Debt as directed by the first-recited Act, in reference to the First Dividend, at least Two Months before the Period fixed for Payment of such Second or subsequent Dividend.

VI. The Procedure by the first-recited Act prescribed in reference to a Second Dividend shall be applicable in reference to subsequent Dividends, so that a Dividend may be made on the First lawful Day after the Expiration of every Three Months from the Day of the Payment of the immediately preceding Dividend, until the whole Funds of the Bankrupt shall be divided.

VII. An Abbreviate of the Deliverance of Discharge of the Bankrupt, whether following on a Composition or not, shall be issued by the Clerk of the Bills or the Sheriff Clerk in the Form of the Schedule (A.) hereunto annexed, and the Abbreviate shall be recorded in the Register of Inhibitions, and the Register of Abbreviates of Adjudications at *Edinburgh*, and the Keepers of such Registers shall, if required, grant Certificates of such Registration in the Form annexed to the said Abbreviate.

VIII. Nothing contained in the Seventh Section of the last-recited Act shall be held to exclude the Application of the Provisions of an Act passed in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act to facilitate the Constitution and Transmission of Heritable Securities for Debt in Scotland*, and to render the same more effectual for the Recovery of Debts, or of an Act passed in the Seventeenth and Eighteenth Years of the Reign of Her present Majesty, intituled *An Act to extend the Benefits of Two Acts of Her Majesty relating to the Constitution, Transmission, and Extinction of Heritable Securities in Scotland*, to the Heritable Securities authorized to be granted by the said Seventh Section, but the said Provisions shall be held to apply thereto.

IX. The Tenth Section of the first herein-before recited Act shall be taken to apply to Actions and Exceptions as well in the ordinary Court of the Sheriff as in the Court of Session.

X. The recited Acts, excepting in so far as altered by this Act, shall be and remain in full Force and Effect, and shall be construed with this Act.

SCHE-

## Bankruptcy and Real Securities (Scotland).

## Commons Inclosure.

## SCHEDULE (A.)

## 1. Form of Abbreviate of the Deliverance of Discharge of Bankrupt.

Abbreviate of Deliverance discharging [Insert Name].  
 A.B. [insert the Bankrupt's Name and Designation] has been discharged of all Debts and Obligations contracted by him, or for which he was liable at the Date of the Sequestration of his Estates; [if upon Composition add as follows: "the said Sequestration declared at an End, and the said (Name) reinvested in his Estates on Composition of (insert the Amount)"], conform to Deliverance by [Lord Ordinary or Sheriff]. Dated the Day of One thousand eight hundred and and in Terms of "The Bankruptcy (Scotland) Act, 1856," and "The Bankruptcy and Real Securities (Scotland) Act, 1857."

C.D. (Bill Chamber Clerk

or

Sheriff Clerk of

[Place and Date.]

## 2. Form of Certificates of Registration of Abbreviate to be annexed to the Abbreviate.

This Abbreviate was presented by and recorded  
 on the Day of in the Register of Abbreviates of Adjudication at Edinburgh,  
 E.F. Keeper.

This Abbreviate was presented by and recorded  
 on the Day of in the Register of Inhibitions at Edinburgh.  
 G.H. Keeper.

## C A P. XX.

An Act to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners for *England and Wales*. [10th August 1857.]

WHEREAS the Inclosure Commissioners for *England and Wales* have, in pursuance of "The Acts for the Inclosure, Exchange, and Improvement of Land," issued their Provisional Orders for and concerning the proposed Inclosures mentioned in the Schedule to this Act, and the requisite Consents thereto have been given since the Date of their Twelfth Annual General Report: And whereas the said Commissioners have by a Special Report certified their Opinion that such proposed Inclosures would be expedient; but the same cannot be proceeded with without the previous Authority of Parliament: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. That the said several proposed Inclosures mentioned in the Schedule to this Act be proceeded with.  
 II. In citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use either the Expression "The Second Annual Inclosure Act, 1857," or "The Acts for the Inclosure, Exchange, and Improvement of Land."

Inclosures to  
 be continued.  
 Short Title.

## SCHEDULE to which this Act refers.

Inclosure.	County.	Date of Provisional Order.
Saint Lythans Down	Glamorgan	1st May 1856.
Yalberton Tor	Devon	6th January 1857.
Cuddington	Chester	12th February 1857.
Hartlington Moor	York	19th February 1857.
Great Musgrave	Westmoreland	5th February 1857.
Hillbeck	Westmoreland	5th February 1857.
Wolverton	Southampton	19th February 1857.
Rotherfield Greys and Rotherfield Peppard	Oxford	26th February 1857.
Callington	Cornwall	29th January 1857.
Parracombe	Devon	1st January 1857.
Little Hormead and Layston	Hertford	6th November 1856.
Kirk Hammerton	York	19th March 1857.
Grunty Fen	Cambridge	8th April 1857.
Coventry, No. 2.	Warwick	5th March 1857.
Bigmore Common and Pound Common	Oxford	7th May 1857.
Stokenchurch	Oxford	21st May 1857.
Hirwain Common	Glamorgan	4th June 1857.
Coedpenmain	Glamorgan	4th June 1857.

C A P.

*Militia Ballots Suspension.**Public Health Act (Aldershot).**Public Works (Ireland).*

## C A P. XXI.

An Act to suspend the making of Lists and the Ballots for the Militia of the United Kingdom. [10th August 1857.]

[This Act is the same, except as to Dates, as 19 & 20 Vict. c. 52.]

## C A P. XXII.

An Act to apply the Public Health Act, 1848, to the Parish of *Aldershot*, and to constitute a Local Board of Health therein. [10th August 1857.]

WHEREAS a Petition for the Application of the Public Health Act, 1848, to the Parish of *Aldershot* in the County of *Southampton*, duly signed, has been received by the General Board of Health: And whereas a Superintending Inspector has duly held a Preliminary Inquiry in the District: And whereas it is desirable that the Public Health Act, 1848, shall be applied to the Parish of *Aldershot* without Delay, and that the Local Board to be constituted therein shall consist partly of Persons elected by the Ratepayers of the Parish, and partly of Persons to be nominated by the Military Authorities: And whereas these Objects cannot be obtained without the Authority of Parliament: Now therefore 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, That—

I. The Public Health Act, 1848, shall apply to the Parish of *Aldershot*, and the said Parish shall be a District for the Purposes of the said Act, in the same Manner as if the Act had been applied in pursuance of the Powers vested in the General Board of Health, except in the Matters specially provided for in this Act.

II. The Local Board of Health for the said Parish shall consist of Twelve Persons, *videlicet*, Nine to be elected by the Ratepayers of the said Parish in the Manner provided by the Public Health Act, and Three to be nominated from Time to Time by Her Majesty's Principal Secretary of State for War for the Time being.

III. One Third of the elected Members of the said Board shall go out of Office on the Day next after the Expiration of a Year from the Day appointed in this Act for the First Election of the said Local Board, and so on annually.

IV. The Three Persons to be nominated by the Secretary of State for War shall hold Office during his Pleasure.

V. It shall be lawful for Her Majesty's Principal Secretary of State for War from Time to Time to fill up Vacancies arising among Persons so nominated.

VI. Every such elected Member of the Local Board shall, when elected and while he continues a Member of the said Local Board, be resident as in the Public Health Act, 1848, is required, and be possessed of Real and Personal Estate, or both, to the Amount of not less than Seven hundred Pounds, or shall be so resident and rated to the Relief of the Poor of the said Parish, or of some Township or Place of which some Part is within the said District, upon an annual Value of not less than Twenty Pounds.

VII. The First Election of the said Local Board shall be held within One Month of the passing of this Act: At the First Election of the said Local Board, Mr. *Hugh Sears*, of *Park House Farm, Aldershot*, shall perform the Duties which it may be requisite for him to perform in conducting the said First Election; and in case the said *Hugh Sears*, from Illness, or other sufficient Cause, shall be unable to discharge such Duties, or shall be absent or refuse to act, then Mr. *James Elstone*, of *Aldershot* aforesaid, shall perform such of the said Duties as then remain to be performed.

VIII. The Fourteen Days Notice of Qualification required by the Public Health Act, 1848, to be given by Owners of Property in order to entitle them to vote at the said First Election shall be given to the said *Hugh Sears*, at *Park House Farm, Aldershot*, or in case he shall refuse or be unable to receive the same, then to the said *James Elstone* at his Residence within the aforesaid Parish of *Aldershot*.

IX. In citing this Act in any other Act of Parliament, or in any Proceeding, Instrument, or Document whatsoever, it shall be sufficient to use the Words and Figures "The Public Health Supplemental Act for *Aldershot*, 1857."

## C A P. XXIII.

An Act to authorize the Commissioners of Public Works in *Ireland* to sell Mill Sites and Water Power, notwithstanding Final Award, in any Drainage or Navigation District.

[10th August 1857.]

WHEREAS an Act was passed in the Session of Parliament holden in the Fifth and Sixth Years of Her Majesty, intituled *An Act to promote the Drainage of Lands and Improvement of Navigation and Water Power in connexion with such Drainage* in *Ireland*, which Act was amended by an Act passed in the Session of Parliament holden in the Eighth and Ninth Years of Her Majesty, Chapter Sixty-nine, and an Act passed in the Session of Parliament holden in the Ninth and Tenth Years of Her Majesty, Chapter Four, and an Act passed in the Session of Parliament holden in the Tenth and Eleventh Years of Her Majesty, Chapter Seventy-nine, and by an Act passed in the Session holden in the Sixteenth

Provisions of 11 & 12 Vict. c. 63. to be applied to *Aldershot*.

Local Board to consist of Twelve Persons.

One Third to go out of Office annually.

Tenure of certain Members.

How Vacancies to be filled up.

Qualification of elected Members.

First Election.

To whom Notices of Qualification are to be given.

Short Title.

5 & 6 Vict. c. 51.

*Public Works (Ireland).*

Sixteenth and Seventeenth Years of Her Majesty, Chapter One hundred and thirty, and an Act passed in the Session of Parliament holden in the Eighteenth and Nineteenth Years of Her Majesty, Chapter One hundred and ten, and an Act passed in the Session holden in the Nineteenth and Twentieth Years of Her Majesty, Chapter Sixty-two: And whereas under and by virtue of the Provisions of the said firstly-recited Act the said Commissioners are empowered to make and acquire new Sites of Mills and Factories and Water Power, and Premises connected therewith, and to sell the same, with such Rights of Pre-emption to the Owners of the Estates to which the said Sites originally belonged, or to the Owners of the adjoining Estates, as are therein provided, and the Purchase Monies of such Sites and Premises are directed to be applied to such Purposes as are therein set forth: And whereas the said Commissioners, in execution of the Works authorized by the said Acts, have been enabled within certain Districts to make and acquire various new Sites for Mills and Factories upon Parcels of Ground duly taken by them for that Purpose, by virtue of the Powers and Provisions relating to the taking of Lands by the said Commissioners in the said Acts contained, or acquired in the Progress of such Works, and the same and the Water Powers connected therewith have become vested in the said Commissioners for the Purposes aforesaid, and the said Commissioners may hereafter become entitled in like Manner to various other such Sites: And whereas it is not expedient that the making of any Final Award by the said Commissioners, under the Provisions of the said Acts or any of them, should be delayed by reason of the Inability of such Commissioners to sell such Sites and Water Power in connexion therewith, for such Prices as may be adequate to the Value thereof: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. That in all Cases where, under and by virtue of the Provisions of the said Acts or any of them, any such Sites for Mills or Factories have been or shall be acquired by the said Commissioners in any District, either by the making of the same in the Progress of any Works, or by the taking of any Lands for that Purpose, the said Sites and all Water Powers connected therewith shall remain and continue vested in the said Commissioners, on trust to be sold, notwithstanding that such Commissioners may have made or may make any Final Award relating to the District wherein such Sites shall be situate, previously to any Sale by them of such Sites or Water Powers connected therewith as aforesaid.

All Mill Sites to continue vested in the Commissioners, notwithstanding Final Award.

II. It shall be lawful for the said Commissioners, at any Time within Five Years after the making of any such Final Award or Awards in any such District wherein such Sites are or shall be situate as aforesaid, or whether such Awards shall have been made before or after the passing of this Act, to sell and dispose of the said Site or Sites or Water Powers, or other Premises connected therewith, for such Price or Prices as to them shall seem reasonable, and the Proceeds of any such Sale shall be disposed of as herein-after mentioned: Provided always, that the said Commissioners before they shall sell or dispose of any of such Mill Sites or Water Powers as aforesaid shall first offer the same to the Person to whose Estate the same originally belonged (if any such Person there be), and then to the Person whose Estate shall adjoin thereto; and such Premises shall not be sold to any other Person at such Price as the Persons so entitled to a Preference shall be willing to give for the same, or at any less Price.

Power to sell such Mill Sites within Five Years after Final Award.

III. The Proceeds of the Sale of all such Sites, Water Powers, and Premises as shall be so sold after the making of any such Final Award as aforesaid shall by the said Commissioners be paid over to the Commissioners of Her Majesty's Treasury, to be applied by them to any or either of the Purposes after mentioned; that is to say, in reimbursing to the said Commissioners of Her Majesty's Treasury the Monies expended on the District in connexion with which such Sites shall have been acquired, in Cases where the Amount chargeable on such District shall have been reduced, pursuant to the Provisions of the Acts of the Sixteenth and Seventeenth of Her Majesty, Chapter One hundred and thirty, or Eighteenth and Nineteenth of Her Majesty, Chapter One hundred and ten; or in discharging an equivalent Amount of the Principal Monies chargeable on such District by virtue of any Final Award, in Cases where no such Reduction shall have been made; and in Cases where such Portion of the Monies so chargeable shall be so discharged as last aforesaid, the said Commissioners of Public Works shall make such rateable Reduction of the Portions of such Amount charged by such Award, or such Alteration with respect to the Duration or Amount of the Instalments payable under the same, as the said Commissioners of the Treasury shall think fit; and the said Commissioners of Public Works shall thereupon make a Supplemental Award in the Manner set forth in the said Act of the Sixteenth and Seventeenth of Her Majesty, Chapter One hundred and thirty, and to which Supplemental Award all the Provisions and Enactments of the said lastly-mentioned Act shall be taken to apply: Provided always, that in case any Proprietor shall, under the Provisions of the said Acts, have paid off the whole of the Principal Monies charged upon his or her Lands by any such Award, he or she shall be entitled to the Benefit of any Reduction so directed as aforesaid, and to be reimbursed accordingly.

Application of the Proceeds of Sale of Sites, Water Powers, &c.

IV. The several Acts mentioned in this Act and this Act shall be construed as One Act, and the several Words and Expressions to which an extended Signification is given in the said Acts or any of them shall have the like Signification in this Act, and (save when such Construction shall be inconsistent with the Context) the Expression "the Commissioners," when used in this Act, shall mean the Commissioners of Public Works in Ireland.

Acts recited and this Act to be construed as One.

*Turnpike Acts Continuance.*

## C A P. XXIV.

An Act to continue certain Turnpike Acts in *Great Britain*. [10th August 1857.]

WHEREAS it is expedient to continue for limited Times the Acts herein-after specified: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Acts expiring before the End of next Session continued to 1st Oct. 1858.

Acts in Schedule continued till Nov. 1, 1858. Short Title.

Extent of Act.

I. Every Act now in force for regulating, making, amending, or repairing any Turnpike Road in *Great Britain* which will expire on or before the End of the next Session of Parliament shall be continued until the First Day of *October* One thousand eight hundred and fifty-eight, and to the End of the then next Session of Parliament, except as herein-after mentioned.

II. The Acts mentioned in the Schedule to this Act annexed shall continue in force until the First Day of *November* One thousand eight hundred and fifty-eight, and no longer, unless Parliament shall in the meantime continue the same respectively.

III. In citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use the Expression "The Annual Turnpike Acts Continuance Act, 1857."

IV. This Act shall not apply to *Ireland*.

## SCHEDULE.

- 54 G. 3. c. xv. An Act for enlarging the Term and Powers of Two Acts of His present Majesty, for repairing the Road from the Warwick Road near Solihull to the Guide Post in Kenilworth, and from Stonebridge to meet the aforesaid Road at Balsall Common in the County of Warwick, so far as respects the said Road from Stonebridge to Balsall Common, and from thence to the said Town of Kenilworth.
- 54 G. 3. c. xlix. An Act to continue the Term and alter and enlarge the Powers of Three Acts of His present Majesty, for amending the Road from Besselsleigh through Wantage to Hungerford in the County of Berks, and other Roads in the said Acts mentioned, in the said County and in the County of Wilts.
- 54 G. 3. c. liv. An Act for making and maintaining a Road from Balderston to Burscough Bridge in Walton-in-le-Dale in the County Palatine of Lancaster.
- 55 G. 3. c. xiv. An Act for repairing the Road from Haslingden through New Church and Bacup to Todmorden, and for making and maintaining several Branches therefrom, all in the County Palatine of Lancaster.
- 55 G. 3. c. xix. An Act to continue the Term and alter and amend the Powers of Three Acts of His present Majesty, for repairing the Road from Lawton in the County of Chester to Burslem and Newcastle-under-Lyme in the County of Stafford, and other Roads therein mentioned; and also to make a new Road from Burslem aforesaid to Cobridge, and a Branch therefrom to Burslem Church.
- 55 G. 3. c. xxxviii. An Act to continue the Term and alter and enlarge the Powers of Two Acts of His present Majesty, for amending the Road from the Bottom of Galley Hill to the Cross in Clanfield in the County of Oxford.
- 59 G. 3. c. xxv. An Act for repairing the Road from Shelton's Lane in Bury in the County of Huntingdon to a House formerly called The Spread Eagle in the Hamlet of Stratton in the Parish of Biggleswade in the County of Bedford.
- 59 G. 3. c. xcix. An Act for continuing and amending Three Acts of His late and present Majesty, for repairing the Roads from Brown's Lane in Great Staughton in the County of Huntingdon to the Way Post near Wellingborough Bridge in the County of Northampton, and from the Pound in Kimbolton to the Way Post near Brington Bridge in the said County of Northampton.
- 1 G. 4. c. xiv. An Act for continuing the Term and altering and enlarging the Powers of an Act of His late Majesty's Reign for amending the Road leading out of the Highway from Wigan to Golborn and Warrington into the Road from Wigan to Ashton in Mackerfield in the County Palatine of Lancaster.
- 1 G. 4. c. xxxiii. An Act for amending, diverting, altering, straightening, improving, completing, and keeping in repair several Roads leading from the Market House in the Town of Ludlow and elsewhere in the County of Salop.
- 3 G. 4. c. xlix. An Act for more effectually repairing and improving the Roads leading from Bishop's 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.
- 3 G. 4. c. lxxvii. An Act for enlarging the Term and Powers of several Acts passed for repairing the Road from the Town of Guldeford to the Directing Post near the Town of Farnham in the County of Surrey.
- 3 G. 4. c. xevi. An Act for continuing the Term and enlarging the Powers of an Act of the Forty-first Year of His late Majesty King George the Third, for repairing the Road from the Town and Port of Dover to the Town and Port of Sandwich, and also the Road from the present Turnpike Road leading from Dover to Barham Downs, up Kersney Court Hill to the Parish of Whitfield, otherwise Beausfield, in the County of Kent.
- 4 G. 4. c. lxxxvi. An Act for repairing, widening, and maintaining the Road leading from Horsham in the County of Sussex, through Dorking and Leatherhead, to Epsom in the County of Surrey, and from Capel to Stone Street at Ockley in the said County of Surrey.

An



## Turnpike Acts Continuance.

## Oxford University.

An Act for more effectually repairing and improving the Roads from Sheet Bridge to Portsmouth, and from Petersfield to the Alton and Alresford Turnpike Road near Ropley, in the County of Southampton, and for making and maintaining a new Branch of Road to communicate therewith. 6 G. 4. c. lxxxvii.

An Act for more effectually amending and improving the Road from Bawtry Bridge in the County of Nottingham to Hainton in the County of Lincoln, and other Roads therein mentioned. 7 & 8 G. 4. c. lvii.

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. xxiii.

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. 9 G. 4. c. xlv.

## C A P. XXV.

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 St. Mary Winchester, and further to amend the said Act. [10th August 1857.]

WHEREAS an Act was passed in the Session holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter Eighty-one, to make further Provision for the good Government and Extension of the University of Oxford, of the Colleges therein, and of the College of St. Mary Winchester, and the said Act has been amended by an Act of the Session holden in the Nineteenth and Twentieth Years of Her Majesty, Chapter Thirty-one: And whereas by the first-recited Act it was provided that the Powers thereby conferred on the Commissioners for the Purposes of that Act should be in force until the First Day of January One thousand eight hundred and fifty-seven, and that it should be lawful for Her Majesty, if She should think fit, by and with the Advice of Her Privy Council, to continue the same until the First Day of January One thousand eight hundred and fifty-eight, and no longer: And whereas Her Majesty, by and with the Advice of Her Privy Council, has continued the said Powers until the First Day of January One thousand eight hundred and fifty-eight: And whereas it is expedient that the said Powers should be further continued, and that the said first-recited Act should be amended as herein-after mentioned: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. The Powers conferred on the Commissioners by the first-recited Act, as extended by the secondly-recited Act and this Act, shall continue until the First Day of July One thousand eight hundred and fifty-eight; and all Powers, which under the said recited Acts respectively might have been exercised by Colleges or other Bodies or Persons during the Continuance of the Powers of the Commissioners under the first-recited Act, shall continue and may be exercised until the said First Day of July One thousand eight hundred and fifty-eight. Powers of the Commissioners continued until 1st July 1858.

II. It shall be lawful for the Commissioners under the said Act of the Seventeenth and Eighteenth Years of Her Majesty to frame such Ordinance or Ordinances as may appear to them expedient for consolidating the Foundation of John Michel Esquire in the Queen's College in the said University with the Foundation of Robert de Eglesfield, commonly called the Old Foundation, in the said College, and for vesting the Endowments, Lands, Advowsons, and Real and Personal Property vested in the Visitors of the said Foundation of John Michel, or otherwise held for the Benefit of such Foundation, in the Provost and Scholars of the said Queen's College, and for placing the Foundation so consolidated under the Visitorship of the Lord Archbishop of York, the present Visitor of the Old Foundation of the said Queen's College, and for providing for the Discharge of the Duties of the Visitors of the Foundation of John Michel as towards the existing Fellows, Scholars, and Exhibitioners of that Foundation, and for establishing in respect of such consolidated Foundation, and the Emoluments, Property, and Income thereof, any such Regulations as under the said Act might be established in respect of a College of One Foundation and the Property and Income and College Emoluments thereof; such Ordinance or Ordinances, if sanctioned and confirmed as required in respect of the Ordinances framed by the Commissioners under Sections Twenty-eight and Twenty-nine of the same Act, shall take effect for the Purposes aforesaid in the same Manner as if it had been within the Powers vested in the Commissioners under the said Sections, and all the Provisions of the said Act and the Act amending the same applicable to Ordinances framed by the Commissioners under the said Act shall be applicable to such Ordinance or Ordinances as may be framed under the Powers of this Act. The Foundation of Mr. John Michel may be consolidated with the Old Foundation of Queen's College.

III. It shall be lawful for any College within the University from Time to Time, with Consent of the Visitor, to appropriate and apply any Property, or the Income of any Property, held by or in trust for the College, for the Purpose that the same, or the Income thereof, may be applied in purchasing Advowsons for the Benefit of the College, to the Augmentation of the Endowment of Livings in the Patronage of the College to such Amount as may be by Law allowed, or towards the building of fit and suitable Parsonage Houses on any Livings in the Patronage of the College, or to the Foundation or Augmentation of Scholarships or Exhibitions, or to other Purposes for the Advancement of Religion, Learning, and Education within the College; and in exercise of this Power the College may annex to any Living Power to Colleges with Consent of Visitor to apply Property held for Purchase of Advowsons for Benefit of Colleges, &c.

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in the Patronage of the College (by way of Augmentation of the Endowment of such Living) any Tithe Rentcharge which may be vested in the College, or any Portion thereof, in consideration of the Appropriation to other Purposes of the College of a Part of the Trust Property or Income, not exceeding the Amount which the Visitor shall adjudge to be an adequate Consideration for the Tithe Rentcharge so to be annexed; provided that this Power shall not extend to Property or Income applicable to the Purchase of Advowsons for the Benefit of Scholars or Exhibitioners on any particular Foundation within a College.

Certain Provisions of 8 & 9 Vict. c. 18. incorporated with this Act and 17 & 18 Vict. c. 81. so far as relates to certain Lands.

IV. The Lands Clauses Consolidation Act, 1845, except the Parts and Enactments of that Act with respect to the Purchase and taking of Lands otherwise than by Agreement, and with respect to the Recovery of Forfeitures, Penalties, and Costs, and with respect to Lands required by the Promoters of the Undertaking, but which shall not be wanted for the Purposes thereof, shall be incorporated with and form Part of this Act and of the "*Oxford University Act, 1854*," so far as relates to Land within One Mile and a Half of *Carfax* in the City of *Oxford* required for the Erection of any Buildings for the Extension of the Buildings of the said University or of any College or Hall therein, or for Purposes of Utility or Recreation relating to the said University or to any College or Hall therein, and as if the Corporate Name of the University or College, as the Case may be, had been inserted therein instead of the Expression "the Promoters of the Undertaking."

## C A P. XXVI.

An Act to provide for the Registration of Long Leases in *Scotland*, and Assignations thereof. [10th August 1857.]

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:

Long Leases, and Assignations thereof, registerable in Register of Sasines.

I. From and after the passing of this Act, it shall be lawful to record in the General Register of Sasines in *Scotland*, or in the particular Register of Sasines for the District in which the Lands and Heritages leased are situated, probative Leases, whether executed before or after the passing of this Act, for a Period of Thirty-one Years, and for any greater Number of Years that shall be stipulated, of Lands and Heritages in *Scotland* other than Lands and Heritages held by Burgage Tenure, and to record in the several Burgh Registers of Sasines probative Leases for the Period foresaid of Lands and Heritages within the Burgh for which such Register is kept, and held by Burgage Tenure, and to record respectively in the Register in which any such Lease as aforesaid shall have been registered the Assignations, and Assignations in Security of such Lease, and Translations thereof, all herein-after mentioned.

Recorded Leases effectual against singular Successors in the Lands let.

II. Leases registerable under this Act, and valid and binding as in a Question with the Granters thereof, which shall have been duly recorded, as herein provided, at or subsequent to the Date of Entry therein stipulated, shall, by virtue of such Registration, be effectual against any singular Successor in the Lands and Heritages thereby let, whose Inféftment is posterior in Date to the Date of such Registration: Provided always, that, except for the Purposes of this Act, it shall not be necessary to record any such Lease as aforesaid, but that all such Leases which would, under the existing Law prior to the passing of this Act, have been valid and effectual against any such singular Successor as aforesaid, shall, though not recorded, be valid and effectual against such singular Successor, as well as against the Granters of the said Leases.

Assignations of recorded Leases.

III. When any such Lease as aforesaid shall have been recorded as herein provided, it shall be lawful for the Party in Right of such Lease, and whose Right is recorded in Terms of this Act, but in accordance always with the Conditions and Stipulations of such Lease, and not otherwise, to assign the same, in whole or in part, by Assignation, in the Form as nearly as may be of the Schedule (A.) to this Act annexed; and the recording of such Assignation shall fully and effectually vest the Assignee with the Right of the Granter thereof in and to such Lease to the Extent assigned: Provided always, that such Assignation shall be without Prejudice to the Right of Hypothec, or other Rights of the Landlord.

Assignations in Security.

IV. It shall be lawful for the Party in Right of any such Lease, recorded as aforesaid, and whose Right thereto is recorded in Terms of this Act, but in accordance always with the Conditions and Stipulations of such Lease, and not otherwise, to assign the same, in whole or in part, in Security for the Payment of borrowed Money, or of Annuities, or of Provisions to Wives or Children, or in Security of Cash Credits or other legal Debt or Obligation, in the Form as near as may be of the Schedule (B.) to this Act annexed; and the recording of such Assignation in Security shall complete the Right thereunder; and such Assignation in Security so recorded shall constitute a Real Security over such Lease to the Extent assigned.

Where Party presenting for Registration not original Lessee or Assignée.

V. Where the Party in Right of any such Lease or Assignation in Security as aforesaid is not the original Lessee in such Lease, or the original Assignee in such Assignation in Security, he shall, before presenting such Lease or Assignation in Security for Registration, expedite an Instrument, under the Hand of a Notary Public, in the Form as nearly as may be of the Schedule (C.) to this Act annexed; and the Keeper of the Register, on such Notarial Instrument being produced to him, but not otherwise, shall thereupon record such Lease or Assignation in Security, together with the said Instrument.

VI. All

*Registration of Long Leases (Scotland).*

VI. All such Assignations in Security as aforesaid shall, when recorded, be transferable, in whole or in part, by Translation, in the Form as nearly as may be of the Schedule (D.) to this Act annexed; and the recording of such Translation shall fully and effectually vest the Party in whose Favour it was granted with the Right of the Granter thereof in such Assignation in Security to the Extent assigned; and the Creditor or Party in Right of such Assignation in Security, without Prejudice to the Exercise of any Power of Sale therein contained; shall be entitled, in default of Payment of the Capital Sum for which such Assignation in Security has been granted, or of a Term's Interest thereof, or of a Term's Annuity, for Six Months after such Capital Sum or Term's Interest or Annuity shall have fallen due, to apply to the Sheriff for a Warrant to enter on Possession of the Lands and Heritages leased; and the Sheriff, after Intimation to the Lessee for the Time being, and to the Landlord, shall, if he see Cause, grant such Warrant, which shall be a sufficient Title for such Creditor or Party to enter into Possession of such Lands and Heritages, and to uplift the Rents from any Sub-tenants therein, and to sub-let the same, as freely and to the like Effect as the Lessee might have done: Provided always, that no such Creditor or Party, unless and until he enter into Possession as aforesaid, shall be personally liable to the Landlord in any of the Obligations and Prestations of the Lease.

Translation of Assignations in Security.

Creditor's Entry to Possession in default of Payment.

VII. It shall be competent for the Heir of any Party who shall have died vested in Right of any such Lease or Assignation in Security, recorded as aforesaid, to make up his Title thereto by a Writ of Acknowledgment from the Proprietor infert in the Lands and Heritages leased by such Lease, or from the Party appearing on the Register as in absolute Right of such Lease of or over which such Assignation in Security has been granted, respectively, in the Form as nearly as may be of the Schedule (E.) to this Act annexed; and the recording of such Writ in the Register in which such Lease or Assignation in Security is registered shall complete the Title of such Heir to such Lease or Assignation in Security aforesaid: Provided always, that no Defect in the Title of the Proprietor or Party Granter of such Writ shall affect the Right of such Heir.

Heir may complete Title by Writ of Acknowledgment.

VIII. It shall be competent to the Heir who shall have been served by general or special Service, or to the General Donee of any Party who shall have died fully vested in Right of any such Lease or Assignation in Security, recorded as aforesaid, to expedite a Notarial Instrument in the Form as nearly as may be of the Schedule (F.) to this Act annexed; and the recording of such Instrument in the Register in which such Lease is recorded shall complete the Title of such Heir or Donee to such Lease or Assignation in Security.

Heir or Donee may complete Title by recording Notarial Instrument.

IX. Where any Assignation, Assignation in Security, or Translation granted in pursuance of this Act shall not have been registered as aforesaid in the Lifetime of the Grantee in such Writ respectively, it shall be competent to the Heir or General Donee of such Grantee to make up his Title by expediting an Instrument under the Hand of a Notary Public in the Form as nearly as may be of the Schedule (F.) to this Act annexed; and the Keeper of the Register, on such Notarial Instrument being presented to him, but not otherwise, shall thereupon record such Assignation, Assignation in Security, or Translation, together with the said Instrument.

Where Assignee has died without recording Assignation, Mode of making up Title.

X. When an Adjudication of any such Lease or Assignation in Security recorded as aforesaid shall have been obtained against the Party vested in the Right thereof respectively, or against the Heir of such Party, the recording of the Abbreviate of Adjudication in the Register in which the Lease is recorded shall complete the Right of the Adjudger to such Lease or Assignation in Security.

Adjudgers to complete Right by recording Abbreviate.

XI. It shall be lawful for the Trustee on the sequestrated Estate of any Party in Right of any such Lease or Assignation in Security as aforesaid to expedite a Notarial Instrument in the Form as nearly as may be of the Schedule (F.) to this Act annexed; and the recording of such Instrument in the Register in which such Lease is recorded shall complete the Right of such Trustee to such Lease or Assignation in Security.

Trustees on sequestrated Estate may be entered on Register.

XII. All such Leases executed after the passing of this Act, and all Assignations, Assignations in Security of any such Lease recorded as aforesaid, and Translations thereof, and all Adjudications of such Leases recorded as aforesaid, or Assignations in Security, shall in Competition be preferable according to their Dates of recording.

Preferences regulated by Date of recording Transfer.

XIII. On the Production to the Keeper of the Register of a Renunciation of any such Lease as aforesaid recorded therein, or of a Discharge of any such Assignation in Security as aforesaid therein recorded, by or on behalf of the Party appearing on the Register as in Right of such Lease or Assignation in Security, which Renunciation or Discharge may be in the Form of the Schedules (G.) and (H.) respectively to this Act annexed, and may be endorsed on such Lease or Assignation in Security, he shall forthwith duly record the same.

Renunciations and Discharges to be recorded.

XIV. On the Production to any such Keeper of an Extract of a Decree of Reduction of any such Lease, Assignation, Assignation in Security, Translation, Adjudication, Instrument, Discharge, or Renunciation recorded in the Register of which he is the Keeper, he shall forthwith duly record the same.

Entry of Decree of Reduction.

XV. Leases, Assignations, Assignations in Security, Translations, Adjudications, Instruments, Discharges, Renunciations, and other Writs, duly presented for Registration in pursuance of this Act, shall be forthwith shortly entered in the Minute Book of the Register in common Form, and shall, with all due Despatch, be fully registered in the Register Book, and thereafter re-delivered to the Parties, with

Mode of registering.

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Certificates of due Registration thereon, which shall be probative of such Registration, such Certificates specifying the Date of Presentation, and the Book and Folio in which the Ingrossment has been made, and being subscribed by the Keeper of the Register; and the Date of Entry in the Minute Book shall be held to be the Date of Registration; and Extracts of all such Writs registered in pursuance of this Act shall make faith in all Cases in like Manner as the Writs registered, except where the Writs so registered are offered to be improven.

Extracts to make faith as Writs registered.

Registration equivalent to Possession.

Leases, with Obligation to renew, registerable.

No Lease executed after Date of Act to be registerable where Name of Lands and Boundaries not given.

Extracts registerable where Leases recorded in certain Books prior to Act.

Schedules to be held to have Effect as declared by 10 & 11 Vict. c. 50.

Short Title.

XVI. The Registration of all such Leases, Assignations, Assignations in Security, Translations, Adjudications, Writs of Acknowledgment, and Notarial Instruments as aforesaid, in manner herein provided, shall complete the Right under the same respectively, to the Effect of establishing a Preference in virtue thereof, as effectually as if the Grantee, or Party in his Right, had entered into the actual Possession of the Subjects leased under such Writs respectively at the Date of Registration thereof.

XVII. Leases containing an Obligation upon the Granter to renew the same from Time to Time at fixed Periods, or upon the Termination of a Life or Lives, or otherwise, shall be deemed Leases within the Meaning of this Act, and registerable as such, provided such Leases shall by the Terms of such Obligation be renewable from Time to Time so as to endure for a Period of Thirty-one Years or upwards.

XVIII. No Lease of Lands and Heritages other than Subjects held by Burgage Tenure executed after the passing of this Act, unless where the same shall have been executed in Terms of an Obligation to renew contained in a Lease renewable as aforesaid, and of Date prior to this Act, shall be held to fall within the same, or to be registerable thereunder, unless the Name of the Lands of which the Subjects let consist or form a Part shall be set forth in such Lease; and no such Lease of such Lands and Heritages as aforesaid, except where the same consist of Mines or Minerals, shall be held to fall within this Act or to be registerable thereunder, unless the Extent of the Land let shall be set forth in such Lease, and shall not exceed Fifty Acres.

XIX. Where any such Lease as aforesaid registerable under this Act shall, before the passing thereof, have been recorded in the Books of Council and Session, or in the Books of any Sheriff or Burgh Court, the Production to the Keeper of the Register of an Extract of such Lease shall be a sufficient Warrant for him to record the same, and he shall thereupon duly record it, and the recording thereof shall be as valid and effectual as if the original Lease had been presented to him.

XX. The several Clauses in the Schedules to this Act annexed shall be held to import such and the like Meaning and to have such and the like Effect as is declared by the Act of the Tenth and Eleventh of Queen Victoria, Chapter Fifty, Sections Second and Third, to belong to the corresponding Clauses in the Schedule to the said recited Act annexed, and the Procedure thereby prescribed for a Sale under a Bond and Disposition in Security shall be applicable to a Sale of any such Lease as aforesaid under any such Assignment in Security as is herein-before mentioned.

XXI. This Act may be cited for all Purposes as "The Registration of Leases (Scotland) Act 1857."

## SCHEDULES.

## SCHEDULE (A.)

## FORM OF ASSIGNATION OF LEASE.

I, A.B., [*Designation*], in consideration of the Sum of \_\_\_\_\_ now paid to me, [*or otherwise, as the Case may be*], assign to C.D. [*Designation*] a Lease, dated \_\_\_\_\_, and recorded in the \_\_\_\_\_ Register of Sasines at \_\_\_\_\_, of Date \_\_\_\_\_, granted by E.F. [*Designation*] in my Favour [*or if not in Assigner's Favour, name and design Grantee*], of [*shortly mention Subjects*] in the Parish of \_\_\_\_\_ and County of \_\_\_\_\_ [*and (when the Assigner is not the Grantee in the Lease) my Title to which is recorded in the said Register of Date \_\_\_\_\_, [but (where the Lease is assigned in part only) in so far only as regards the following Portion of the Subjects leased; viz. (specify particularly the Portion),] with Entry as at (Term of Entry). And [where Sub-Lease] I assign the Rents from [Term]; and I grant Warrantice; and I bind myself to free and relieve the said C.D. of all Rents and Burdens due to the Landlord or others at and prior to the Term of Entry in respect of said Lease; and I consent to Registration for Preservation and Execution.*

[*Testing Clause in common Form.*]

## SCHEDULE (B.)

## FORM OF BOND AND ASSIGNATION IN SECURITY

I, A.B., [*Designation*] bind myself, my Heirs and Executors, without the Necessity of discussing them in their Order, to make Payment, at the Term of [*Date and Place of Payment*], to C.D. [*Designation*] or his Heirs, Executors, or Assignees, of the Sum of \_\_\_\_\_, being Money borrowed by me from him, [*or as a Provision to the said C.D., or of the yearly Annuity of \_\_\_\_\_ during his Lifetime, as the Case may be,*] with the Interest of the said Capital Sum at the Rate of \_\_\_\_\_ per Cent. per Annum, payable by equal Portions half-yearly at Whitsunday and Martinmas, beginning the First Payment at \_\_\_\_\_ And, in Security of the personal Obligation before written,

## Registration of Long Leases (Scotland).

written, I assign to the said C.D. and his foresaids, heritably but redeemably, as after mentioned, yet irredeemably in the event of a Sale by virtue hereof, a Lease of [shortly mention Subjects leased] in the Parish of \_\_\_\_\_ and County of \_\_\_\_\_, which Lease was granted by E.F., [Designation,] of Date \_\_\_\_\_, and recorded [insert Register, with Date of recording], and [where Cedent not the original Lessee] my Title to which is registered therein [Date of recording]; [but (where only a Portion of the Subjects are assigned) in so far only as regards the following Portion of the Subjects leased; viz. (specify particularly the Portion)]. And I assign the Rents; and I assign the Writs; and I grant Warrantice; and I reserve Power of Redemption; and I oblige myself and my foresaids for the Expenses of assigning and discharging this Security; and, on default of Payment, I grant Power of Sale; and I consent to Registration for Preservation and Execution.

[Testing Clause.]

## SCHEDULE (C.)

## FORMS OF NOTARIAL INSTRUMENTS IN FAVOUR OF A PARTY NOT THE ORIGINAL GRANTEE.

## No. 1.—Case of Lease.

BE it known, That by Lease, dated \_\_\_\_\_, A.B. [Designation] let to C.D. [Designation] that Piece of Ground [or as the Case may be, shortly describing the Property leased] in the Parish of \_\_\_\_\_ and County of \_\_\_\_\_, to which Lease E.F. [Designation] has made up Title by Service as eldest Son [or as the Case may be] and Heir of the said C.D., dated [insert Date of Service] before the [specify the Court before which the Heir has been served], and duly returned to Chancery, [or, as the Case may be, as General Disponee or Assignee of the said C.D. in virtue of (here mention the Writs or Decrets instructing the Right, with the Dates thereof, and, if recorded, the Register, and Date of recording)\*]: Wherefore this Instrument is taken by the said E.F. in the Hands of G.H. [Designation of Notary Public], in Terms of the Registration of Leases (Scotland) Act, 1857.

[Testing Clause.]

## No. 2.—Case of Assignment in Security.

BE it known, That by Bond and Assignment in Security of Date \_\_\_\_\_ C.D. [Designation] assigned to J.K. [Designation], in Security of a Sum of \_\_\_\_\_ [or as the Case may be], a Lease granted by A.B. [Designation] of [shortly describe the Subjects leased], in the Parish of \_\_\_\_\_ and County of \_\_\_\_\_, which Lease is dated \_\_\_\_\_, and recorded [Register, and Date of recording], to which Assignment in Security E.F. [Designation] has acquired Right as eldest Son [or as the Case may be] and Heir of the said J.K., &c. [as in Form No. 1.]

## SCHEDULE (D.)

## FORM OF TRANSLATION OF ASSIGNATION IN SECURITY.

I, A.B., [Designation,] in consideration of the Sum of \_\_\_\_\_ now paid to me [or as the Case may be], assign and transfer to C.D. [Designation] a Bond and Assignment in Security for the Principal Sum of \_\_\_\_\_ [or as the Case may be], granted by E.F. [Designation] in my Favour, [or, if not in Granter's Favour, name and design the Party in whose Favour granted,] dated \_\_\_\_\_ and recorded [Register, and Date of recording] of \_\_\_\_\_ and over a Lease granted by G.H. [Designation] of [shortly describe Subjects leased], in the Parish of \_\_\_\_\_, and County of \_\_\_\_\_, which Lease is dated \_\_\_\_\_, and is recorded in the said Register of Date \_\_\_\_\_ [and (if the Granter is not the Assignee in said Bond) my Title to which Bond and Assignment in Security is recorded in said Register (Date of recording)], [but (where the Translation is partial) only to the Extent of (insert Sum), and to the Effect of giving pari passu Preference to the said C.D. over the said Lease with me, my Heirs and Assigns, as regards the Remainder of the said Principal Sum and corresponding Interest], with the Interest from [Date].

[Testing Clause.]

## SCHEDULE (E.)

## FORMS OF WRITS OF ACKNOWLEDGMENT.

## No. 1.—Acknowledgment of Heir in Lease.

I, A.B., [Designation,] Proprietor infeft in the Lands of C.; by Infeftment recorded [Register and Date of recording,] acknowledge D.E., [Designation,] as [specify Relationship], and Heir of the deceased F.G., [Designation,] to be in Right of a Lease granted by H.J. [Designation] of [shortly mention Subjects] in the Parish of \_\_\_\_\_, and County of \_\_\_\_\_, being a Portion of the

\* Note.—If the Person in whose Favour the Instrument is taken is not the Heir or Disponee of the original Grantee, but of one who has acquired Right to the Lease or Assignment in Security, here specify shortly the Series of Titles by which the Predecessor acquired the Right.

## Registration of Long Leases (Scotland).

said Lands of C., which Lease is dated \_\_\_\_\_ and recorded [Register, and Date of recording], and [where the Deceased not the original Lessee] the Title of the said F.G. being recorded in the said Register, of Date \_\_\_\_\_

[Testing Clause.]

## No. 2.—Acknowledgment of Heir of Creditor in Assignment in Security.

I, A.B., [Designation,] being in Right of a Lease granted by C.D. [Designation] of [shortly specify Subjects] in the Parish of \_\_\_\_\_ and County of \_\_\_\_\_ which Lease is dated \_\_\_\_\_ and recorded [Register, and Date of recording], and [where Granter not the Lessee named in the Lease] my Title to which is recorded in said Register [Date of recording], acknowledge E.F. [Designation] as [specify Relationship], and Heir of the deceased G.H. [Designation], to be in Right of a Bond and Assignment in Security for the Sum of \_\_\_\_\_ [or as the Case may be] granted by I.K. [Designation] over said Lease, which Bond and Assignment in Security is dated \_\_\_\_\_ and recorded in the said Register on [Date], and [where the Deceased not the original Creditor] the Title of the said G.H. to which Bond and Assignment in Security is recorded in the said Register on [Date].

[Testing Clause.]

## SCHEDULE (F.)

## FORM OF NOTARIAL INSTRUMENT IN FAVOUR OF HEIR IN RECORDED LEASE OR ASSIGNATION IN SECURITY, OR OF TRUSTEE ON SEQUESTERED ESTATE.

## No. 1.—Case of Lease.

BE it known, That by Lease dated \_\_\_\_\_ A.B. [Designation] let to C.D. [Designation] that Piece of Ground [or as the Case may be, shortly describing the Property leased,] in the Parish of \_\_\_\_\_ and County of \_\_\_\_\_, which Lease is recorded [Register, and Date of recording], and to which E.F. [Designation] has made up Title by Service as [specify Relationship], and Heir of the said C.D., dated the [insert Date of Service], before the [specify the Court before which the Heir has been served], and duly returned to Chancery [or, as the Case may be, as General Disponee of the said C.D., or as Heir (or General Disponee) of L.M. in an Assignment by the said C.D. of Date \_\_\_\_\_, or as Trustee confirmed on the sequestered Estate of the said C.D., in virtue of (here mention the Writs or Decrees instructing the Rights, with the Dates thereof, and, if recorded, the Register, and Date of recording.)]. Whereupon this Instrument is taken by the said E.F., in the Hands of G.H. [Designation of Notary Public], in Terms of the "Registration of Leases (Scotland) Act, 1857."

[Testing Clause.]

## No. 2.—Case of Assignment in Security.

BE it known, That by Bond and Assignment in Security, of Date \_\_\_\_\_ C.D. [Designation] assigned to I.K. [Designation] in Security of a Sum of \_\_\_\_\_ [or as the Case may be,] a Lease granted by A.B. [Designation] of [shortly describe the Subjects leased] in the Parish of \_\_\_\_\_ and County of \_\_\_\_\_, dated \_\_\_\_\_, and recorded [Register, and Date of recording], to which Bond and Assignment in Security E.F. [Designation] has acquired Right as [specify Relationship], and Heir of the said I.K., &c. [as in Form No. 1.]

## SCHEDULE (G.)

## RENUNCIATION OF LEASE.

I, A.B., [Designation] renounce as from the Term of \_\_\_\_\_ in favour of C.D. [Designation] a Lease granted by the said C.D. [or as the Case may be] of [shortly set forth Subjects] in the Parish of \_\_\_\_\_ and County of \_\_\_\_\_, which Lease is dated \_\_\_\_\_ and recorded [Register, and Date of recording], and [where the Party renouncing not the original Lessee] my Title to which is recorded in the said Register on [Date].

[Testing Clause.]

## SCHEDULE (H.)

## FORM OF DISCHARGE OF BOND AND ASSIGNATION IN SECURITY.

I, A.B., [Designation,] in consideration of the Sum of \_\_\_\_\_ now paid to me by C.D. [Designation,] discharge a Bond and Assignment in Security for the Sum of \_\_\_\_\_, granted by the said C.D. in my Favour [or as the Case may be\*], and which is dated \_\_\_\_\_ and recorded in the [Register, and Date of recording]; and I declare to be disburdened thereof a Lease granted by E.F. [Designation] of [shortly mention Subjects leased] in the Parish of \_\_\_\_\_ and County of \_\_\_\_\_, which Lease is dated \_\_\_\_\_ and recorded [Register, and Date of recording].

[Testing Clause.]

\* Note.—If Granter not original Creditor, here state his Title, and Date of recording the same.

*Caledonian and Crinan Canals.*

## C A P. XXVII.

An Act to amend the Acts relating to the *Caledonian* and *Crinan* Canals, and to make further Provision for the Accommodation of the Traffic thereon. [10th August 1857.]

WHEREAS an Act was passed in the Eleventh and Twelfth Years of the Reign of Her present Majesty, intituled *An Act for incorporating the Commissioners of the Caledonian Canal, and for vesting the Crinan Canal in the said Commissioners*: And whereas the Number of Passengers and Cattle conveyed on the said Canals has very greatly increased, and it is necessary and expedient that additional Facilities and Accommodation should be afforded for landing and shipping Passengers and Cattle, by the Erection and Improvement of Piers and Jetties, and that further Provision should be made for the Regulation of the said Canals and of the Traffic thereon: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

11 & 12 Vict.  
c. 54.

I. The following Expressions in this Act shall have the Meanings hereby assigned to them; that is to say, the Expression "the Canals" shall mean and include the whole Navigations of the *Caledonian* Canal and the *Crinan* Canal; and the Expression "the Commissioners" shall mean the Commissioners of the *Caledonian* Canal incorporated by the recited Act.

Interpretation  
of Terms.

II. It shall be lawful for the Commissioners, out of the Rates by this Act authorized to be levied, or of any Moneys to be borrowed by them on the Security thereof, or of any other Funds at their Disposal, to defray the Expense of erecting, improving, and maintaining such Piers, Jetties, or Landing Places as they may think it expedient to erect or improve on Lands belonging to the Commissioners, or on or in connection with the Canals or either of them.

As to defraying the Expense of Piers and Jetties.

III. From and after the passing of this Act, it shall be lawful for the Commissioners to levy and receive, at every Pier, Jetty, or Landing Place erected or to be erected or improved on Lands belonging to the Commissioners, or on or in connection with the Canals respectively, such Rates on Passengers, Animals, Goods, and Carriages landed or shipped at such Pier, Jetty, or Landing Place as the Commissioners may from Time to Time deem expedient, not exceeding the Rates specified in the Schedule hereunto annexed.

Power to Commissioners to levy Rates at Piers and Jetties.

IV. It shall be lawful for the Commissioners from Time to Time to enter into Contracts and Agreements, on such Terms and Conditions as they shall think fit, with the Owners of any Lands through which the Canals pass, with respect to any Piers, Jetties, or Landing Places erected or to be erected by such Owners at their own Expense on or in connection with the Canals, and with respect to the Management and Maintenance of such Piers, Jetties, or Landing Places, and the levying and receiving of Rates thereat, not exceeding the Rates specified in the Schedule hereunto annexed.

Power to Commissioners to enter into Agreements for Erection of Piers and Jetties.

V. It shall be lawful for the Commissioners, with the Consent in Writing of the Commissioners of Her Majesty's Treasury for the Time being, to borrow such Sums of Money as the Commissioners shall think necessary, not exceeding Twenty thousand Pounds, on the Security of the Canals respectively, and the Tolls and Rates leviable under this Act and the several other Acts relating thereto, and to grant and execute Mortgages or Assignations of the Canals respectively, and of the said Tolls and Rates, in Security of the Payment of the Money so borrowed and the Interest thereon.

Power to borrow Money on Security of Tolls, &c.

VI. It shall be lawful for the Commissioners for the Issue of Loans for Public Works, acting in the Execution of the Act Fifth and Sixth of *Victoria*, Chapter Nine, and of any other Acts relating to the Public Works Loan Fund, with the Consent in Writing of the Commissioners of Her Majesty's Treasury for the Time being, to advance and lend to the Commissioners from Time to Time any Sums of Money not exceeding Twenty thousand Pounds, on the Security of the Canals respectively, and the Tolls and Rates leviable under this Act and the several other Acts relating thereto, and to accept and take from the Commissioners Mortgages or Assignations of the said Canals respectively, and of the said Tolls and Rates, in Security of the Payment of the Money so advanced and lent, and the Interest thereon: Provided, that the Moneys to be borrowed by the Commissioners under the Provisions of this Act from the said Commissioners for the Issue of Loans for Public Works, and from any other Person, Company, or Corporation, shall not in the whole exceed the Sum of Twenty thousand Pounds.

Power to Exchequer Loan Commissioners to lend Money to the Commissioners.

VII. All Moneys borrowed by the Commissioners under the Provisions of this Act shall be applied by them in erecting or improving Piers, Jetties, or Landing Places on Land belonging to them or on, or in connection with the Canals respectively, and in otherwise providing additional Accommodation for the Traffic thereon.

Application of Money borrowed.

VIII. All Rates levied and all Moneys borrowed under the Authority of this Act shall be applied and expended on or in connection with the Canal on which such Rates shall be levied and for which such Money shall be borrowed; and the Mortgages or Assignations to be granted by the Commissioners shall only extend to the Canal for which such Moneys shall be borrowed.

Application of Rates and Moneys borrowed.

IX. It shall be lawful for the Commissioners to provide Steam Tugs, Horses, and Machinery for towing Vessels in the Firths or Entrances and Channels leading to the Canals; and for towing or tracking Vessels on the Canals and inland Lakes, and to fix and levy Rates for and in respect of the Use of such Steam Tugs, Horses, and Machinery, or, if they shall think fit, the Commissioners may license and authorize the Owners and Masters of Steam Tugs, and the Owners and Drivers of Horses, to tow Vessels

Power to Commissioners to provide or license Steam Tugs and Horses for towing.

*Caledonian and Crinan Canals.*

in the said Firths and Channels, and to tow or track Vessels in the Canals and Lakes, at such Rates as may from Time to Time be fixed by the Commissioners, who shall make such Byelaws and Rules as they may deem expedient for the keeping and Use of such Steam Tugs; Horses, and Machinery, and the Regulation of the Owners, Masters, and Drivers or other Persons in charge of the same; and such Byelaws and Rules shall be published and enforced in the Manner provided by the Acts relating to the Canals.

For preserving, &c. Channels leading to Caledonian Canal.

X. It shall be lawful for the Commissioners to adopt all such Measures as may be necessary for preserving free from Obstruction the Channels leading to the *Caledonian* Canal within Three Miles from the several Entrances thereof, and from Time to Time to improve and deepen the said Channels by dredging or otherwise as they shall deem expedient.

Ballast not to be thrown into Channels.

XI. Every Person who shall throw or put any Ballast, Earth, Ashes, Stones, or Rubbish into any of the Channels leading to the *Caledonian* Canal within Three Miles of the several Entrances thereof shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Power to place Beacons and Buoys on the Caledonian Canal and Channels leading thereto.

XII. It shall be lawful for the Commissioners to erect Beacons and Seamarks and lay down Buoys for the Guidance of Vessels in or near to the Channels leading to the *Caledonian* Canal, within Three Miles of the Entrances thereof, and in or near to the inland Lakes forming Part of the Navigation of the said Canal: Provided, that no such Beacon or Seamark shall be erected in or near to the said Channels without the Sanction in Writing of the Commissioners of Northern Lights first had and obtained; and if any such Beacon or Seamark be erected with such Sanction as aforesaid, the same shall not be afterwards altered without the like Sanction; and every such Beacon or Seamark shall be from Time to Time discontinued or altered, as the said Commissioners of Northern Lights shall direct.

Penalty for injuring, &c., Beacons, &c.

XIII. Every Person who shall injure, displace, or remove any such Beacon, Seamark, or Buoy shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

For Recovery of Rates and Penalties.

XIV. The Rates and Penalties by this Act authorized to be levied and imposed shall be levied and recovered in the same Manner as Rates and Penalties leviable under the Acts relating to the Canals respectively; and all the Enactments and Provisions contained in the said Acts with respect to the levying and Recovery of the Tolls, Rates, and Dues thereby authorized to be levied, and the Penalties thereby imposed, shall be applicable to the Rates and Penalties by this Act authorized to be levied and imposed, in the same Manner and as fully and effectually as if such Enactments and Provisions had been herein repeated and re-enacted.

Saving Rights of Inverness Harbour Trustees.

XV. Nothing in this Act contained shall alter, prejudice, or affect Sections Fifty-four and Fifty-five of an Act passed in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act for deepening, enlarging, improving, and maintaining the Port and Harbour of Inverness, and the Navigation of the River Ness, and the Quays and Piers and other Works connected therewith, for regulating the Anchorage and Shore Dues of the said Port and Harbour, and for other Purposes relating thereto*, or any of the Powers, Rights, and Authorities conferred by the said Act on the Trustees acting under the same.

SCHEDULE referred to in this Act.

RATES to be levied at Piers, Jetties, or Landing Places.

	£	s.	d.
Each Passenger	0	0	2
Sheep, Lambs, Goats, or Swine, per Score, 6d., or if under 10, each	0	0	0½
Each Bull, Cow, Bullock, or Heifer	0	0	6
Ditto, under Two Years old	0	0	3
Each Calf	0	0	1
Each Horse	0	1	0
Each Horse under 13 Hands, and each Mule or Ass	0	0	6
Each Cart, empty	0	0	6
Each Cart, loaded	0	1	0
Each Gig or Two-wheeled Carriage	0	0	6
Each Four-wheeled Coach or Carriage	0	1	0
Each Parcel or Package carried by a Porter	0	0	1
Each Wheelbarrow with Luggage	0	0	2
Each Two-wheeled Barrow or Truck with Luggage	0	0	4
Bark, per Ton	0	1	0
Birch or Alder Staves, per 1,000	0	0	2
Coals, per Ton	0	0	2
Grain, Meal, or Flour, per Bag or Barrel	0	0	1
Guano, Bones, and other Manures, per Ton	0	0	6
Lime, per Boll	0	0	0½
Potatoes, per Cwt.	0	0	1
Salt, per Ton	0	0	2
Slates, Bricks, and Tiles, per 100, One Halfpenny, or per 1,000	0	0	3
Spars, Rails, Pit Props, &c., per 500 running Feet	0	0	2



*Caledonian and Crinan Canals. Land and Assessed Taxes, &c. (Scotland) Acts Amendment.*

	£	s.	d.
Stones and Iron, per Ton	0	0	1
Sugar, Herrings, Tar, or Butter, per Barrel	0	0	2
Timber, Planks, or Deals, per Load of 50 Feet	0	0	1
Wool, per Bag	0	0	2
Goods not otherwise enumerated, per Bag, Barrel, or Box	0	0	2

C A P. XXVIII.

An Act to amend the Laws relating to the Payment of the Land and Assessed Taxes and Property and Income Tax in *Scotland*. [10th August 1857.]

WHEREAS Duties on Inhabited Houses were granted by the Act passed in the Session of Parliament held in the Fourteenth and Fifteenth Years of the Reign of Her present Majesty *Victoria*, Chapter Thirty-six, and Duties of Assessed Taxes were granted by the Act passed in the Session of Parliament held in the Sixteenth and Seventeenth Years of Her said Majesty *Victoria*, Chapter Ninety, and other Acts; and it is provided by the said Acts that all Powers, Authorities, Rules, Regulations, Directions, Penalties, Clauses, Matters, and Things contained in or enacted by the Acts respectively then in force in relation to the Duties of Assessed Taxes should, in so far as not superseded by and consistent with the said Acts, be applicable and put in execution in reference to the said Duties: And whereas it is provided by the Act passed in the Session of Parliament held in the Forty-third Year of His late Majesty *George* the Third, Chapter One hundred and sixty-one, Section Twenty-four, that every Assessment in *Scotland* of the said Duties shall be paid by half-yearly Instalments on or before the Twenty-ninth Day of *September* and the Twenty-fifth Day of *March* in every Year; and it is further provided by the said Section of the said Act, that every Person charged to the said Duties shall, in case of his or her not paying the same upon the Day upon which he or she is thereby appointed to pay the same, or within Three Days thereafter, forfeit treble the Value and Extent of the Duties with which he or she stands charged, to be recovered as the said Duties may be recovered: And whereas by the Act passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of His late Majesty *William* the Fourth, Chapter Sixty-four, Section Thirteen, it is provided that the Land Tax in *Scotland* shall be recovered, levied, collected, and paid under the same Rules, Regulations, Provisions, and Penalties as the Assessed Taxes in *Scotland* now are or may hereafter be recovered, levied, collected, and paid: And whereas increased Rates of Duty were granted on Profits arising from Property, Professions, Trades, and Offices by the Acts passed in the Session of Parliament held in the Seventeenth and Eighteenth Years of the Reign of Her present Majesty *Victoria*, Chapter Twenty-four, and in the Session of Parliament held in the Eighteenth and Nineteenth Years of the Reign of Her said Majesty *Victoria*, Chapter Twenty; and it is provided by the said Acts that all Powers, Authorities, Rules, Regulations, Directions, Penalties, Clauses, Matters, and Things contained in or enacted by the several Acts in force with respect to the Duties granted by the Act passed in the Session of Parliament held in the Seventeenth and Eighteenth Years of the Reign of Her present Majesty *Victoria*, Chapter Thirty-four, should (so far as the same were or might be applicable consistently with the express Provisions of the said Acts) be applied and put in execution in reference to the said increased Rates of Duty: And whereas the Rates of Duty in respect of all Property, Profits, and Gains under and by virtue of the Acts now in force relating to the Income Tax for the Year commencing from the Fifth Day of *April* One thousand eight hundred and fifty-seven were reduced by the Act passed in the Twentieth Year of the Reign of Her present Majesty *Victoria*, Chapter Six: And whereas by the Act passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of Her said Majesty *Victoria*, Chapter Thirty-five, Section One hundred and seventy-six, it is provided, that in *Scotland* every Assessment of the said Duties shall be payable by Two half-yearly Instalments, *videlicet*, on or before the Twentieth Day of *September* for the first half-yearly Instalment, and on or before the Twentieth Day of *March* for the last half-yearly Instalment: And whereas in *Scotland* it has not been found convenient to collect the said Duties and Land Tax by Two half-yearly Instalments, nor has it been the Practice to recover the said Treble Duties: 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:

43 G. 3. c. 161. s. 24.

5 & 6 W. 4. c. 64. s. 13.

5 & 6 Vict. c. 35. s. 176.

I. That the said recited Provisions of the Acts passed in the Session of Parliament held in the Forty-third Year of His late Majesty *George* the Third, Chapter One hundred and sixty-one, Section Twenty-four, and in the Session of Parliament held in the Fifth and Sixth Years of the Reign of Her said Majesty *Victoria*, Chapter Thirty-five, Section One hundred and seventy-six, be repealed, and also all other Provisions in the said Acts, and in any other Acts, in so far as inconsistent with the Provisions herein-after made.

Recited Provisions repealed of 43 G. 3. c. 161. and 5 & 6 Vict. c. 35.

II. And it is hereby provided, That in *Scotland* the Duties on Inhabited Houses and the Duties of Assessed Taxes assessed for the Year from Twenty-fourth Day of *May* One thousand eight hundred and fifty-seven, and ending on the Twenty-fourth Day of *May* One thousand eight hundred and fifty-eight,

In *Scotland* the Inhabited House Duty, Assessed Taxes, Land

*Land and Assessed Taxes, &c. (Scotland) Acts Amendment. Christ Church (West Hartlepool).*

Tax, and Property and Income Tax payable every Year on or before 1st January.

and the Land Tax for the same Year, and the Duties on Profits arising from Property, Professions, Trades, and Offices assessed for the Year commencing from the Fifth Day of *April* One thousand eight hundred and fifty-seven, shall be payable on or before the First Day of *January* in the Year One thousand eight hundred and fifty-eight, and the said Duties and Land Tax in every Assessment for every subsequent Year shall be payable on or before the First Day of *January* in every Year.

## C A P. XXIX.

An Act to render valid certain Marriages in *Christ Church, West Hartlepool*, in the Parish of *Stranton* in the County of *Durham*. [10th August 1857.]

WHEREAS a Church at *West Hartlepool* in the Parish of *Stranton* in the County of *Durham* was erected and built in or before the Year One thousand eight hundred and fifty-four, and was in that Year duly consecrated for the Performance of Divine Service therein, under the Name of *Christ Church*, and on the Nineteenth Day of *April* One thousand eight hundred and fifty-four a District was, by Instrument under the Hand and Seal of the Bishop of *Durham*, expressed to be assigned to the said Church, in exercise of a supposed Authority for that Purpose in an Act of the Session holden in the First and Second Years of King *William* the Fourth, Chapter Thirty-eight: And whereas divers Marriages have been solemnized in the said Church, and Entries of the said Marriages so solemnized have been from Time to Time made in Register Books kept at the said Church: And whereas the sole Jurisdiction of the Bishop under the said Act of the First and Second Years of King *William* the Fourth, to assign a District to a new Church, having been determined by the Act of the Session holden in the Fourteenth and Fifteenth Years of Her Majesty, Chapter Ninety-seven, it is apprehended that the Marriages solemnized in the said Church may be deemed invalid: And whereas it is expedient, under the Circumstances aforesaid, to confirm such Marriages: 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:

Marriages solemnized in *Christ Church, West Hartlepool*, declared valid. Ministers having solemnized Marriages indemnified. Registers to be Evidence.

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

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

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

## C A P. XXX.

An Act for enabling the Commissioners of the Admiralty to purchase certain Lands in the Parish of *Chatham* in the County of *Kent*, and to stop up, divert, or alter certain Ways in the said Parish; and for other Purposes relating thereto. [10th August 1857.]

WHEREAS it is expedient, for the Purposes of the Public Service, that the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland* be authorized to purchase and hold additional Lands in the Parish of *Chatham* in the County of *Kent*, and from Time to Time to sell, exchange, dispose of, or demise such Lands as Occasion may require; and for the more convenient Occupation thereof that the Commissioners have Power to stop up, divert, or alter certain Ways in the same Parish: 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.

I. In citing this Act for any Purpose whatever it shall be sufficient to use the Expression "The *Chatham* Lands Purchase Act, 1857."

Incorporation of 8 & 9 Vict. c. 18.

II. The Lands Clauses Consolidation Act, 1845, save and except such Parts as and so far only as such Parts relate to Compensation for any Damage or Injury to or injuriously affecting any Lands by reason of the Execution of any Works, and also save and except Sections Fifteen, Sixteen, Seventeen, One hundred and twenty-seven, One hundred and twenty-eight, One hundred and twenty-nine, One hundred and thirty, One hundred and thirty-one, One hundred and thirty-two, One hundred and thirty-three, One hundred and thirty-four, One hundred and forty, One hundred and forty-eight, One hundred and fifty, and One hundred and fifty-one of the said Act, shall, so far as the same may be applicable to and is not inconsistent with or modified by this Act, be incorporated with and for all Intents and Purposes whatever form Part of this Act.

III. In

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- III. In the Construction of this Act, and of the Act herewith incorporated, so far as it relates to the Purposes of this Act, unless there be something in the Context repugnant to such Construction, Interpretation.  
 The Word "Ways" shall mean Turnpike Roads, Highways, Streets, Lanes, Occupation Roads or Ways, Bridleways, Footpaths, Causeways, Passages, and other Ways of every Kind whatsoever :  
 "The Lord High Admiral" shall mean the Lord High Admiral for the Time being of the United Kingdom of *Great Britain and Ireland* :  
 "The Commissioners" shall mean the Commissioners for the Time being for executing the Office of "The Lord High Admiral," when the Office of the Lord High Admiral shall be executed by Commissioners, and the Lord High Admiral for the Time being, whenever Her Majesty, Her Heirs or Successors, shall have appointed a Lord High Admiral :  
 "Special Act" in the Act herewith incorporated shall mean this Act :  
 The Expression "Promoters of the Undertaking" in the Act herewith incorporated shall mean "the Commissioners :"  
 The Word "Company" in the Act herewith incorporated shall mean "the Commissioners :"  
 The Word "Lands" shall include Lands, Messuages, Buildings, Tenements, and Hereditaments of every Description and of every Tenure, and all public and private Rights, Liberties, Appurtenances, Easements, and Privileges of every Description, in, over, upon, under, or through any Lands, Messuages, Tenements, or Hereditaments.
- IV. It shall be lawful for the Commissioners, subject to the Provisions of this Act, to purchase all or any of the Lands mentioned in the Schedule to this Act which they have not hitherto acquired, and that although the same Lands, or the Description or Boundaries thereof or of any Part thereof, or the Names of the Owners, Lessees, or Occupiers thereof respectively, or of any of them, may happen to be erroneously stated in or omitted from the said Schedule, in case it shall appear to and be certified by any Two Justices under their Hands that such erroneous Statement or Omission was not wilful. Commissioners may purchase Lands.
- V. All Lands mentioned in the said Schedule which have been purchased by the Commissioners, and which may be purchased or in any Manner acquired by the Commissioners under the Authority of this Act, shall be and become vested in the Commissioners for the Time being, and in their Successors in Office from Time to Time, to be held and enjoyed by the Commissioners for the Time being in succession, in trust for Her Majesty, Her Heirs and Successors, for the Public Service. Lands to be held in trust for Her Majesty.
- VI. It shall be lawful for the Commissioners, instead of the Bond mentioned in Sections Eighty-five and Eighty-seven of the Act incorporated herewith, to give to the Party who would otherwise be entitled to such Bond a written Undertaking under their Hands to do and perform all and singular the Matters and Things mentioned in the Condition to such Bond to be done and performed; and such Undertaking shall have the same Validity and Effect as the Bond mentioned in the same Sections. Commissioners may give Undertaking instead of Bond.
- VII. The Powers and Authorities by this Act given to the Commissioners relative to the Lands mentioned in the said Schedule shall, so far as the Commissioners may at any Time or Times deem expedient for effecting any of the Objects of this Act, be applicable as well to any of such Lands already purchased or taken, or agreed to be purchased or taken, as to such as shall hereafter be purchased or taken under the Provisions of this Act. Powers to apply to Purchases already made.
- VIII. All Notices which under this Act are to be given by the Commissioners may be given under the Hand of the Secretary of the Admiralty. Notices by Commissioners.
- IX. All Notices and other Proceedings which under this Act are to be given to or served on the Commissioners shall be served on the Secretary of the Admiralty, by being left at or transmitted through the Post to the Admiralty at *Whitehall*. Notices, &c. to the Commissioners.
- X. All Lands mentioned in the said Schedule which have been purchased by the Commissioners, and which may be purchased under the Authority of this Act which may be charged with the Land Tax, shall continue liable thereto, as they would have been had such Lands not been so purchased. Lands to continue liable to Land Tax.
- XI. It shall be lawful for the Commissioners, by Order in Writing under their Hands, to stop up, divert, or alter all or any of the Ways, Sewers, Drains, and Pipes on, near to, under, through, or over any of the Lands mentioned in the said Schedule, they the said Commissioners making, opening, or laying down another sufficient Way, Sewer, Drain, or Pipe, when requisite, in lieu of the One stopped up, diverted, or altered; and the Site and Soil of all such Ways, Sewers, Drains, and Pipes shall, on the same being so stopped up, diverted, or altered, be vested in the Commissioners, in manner herein-before provided with respect to Lands purchased by them. Commissioners may stop up and divert Ways, &c. Soil of Ways, &c. to vest in Commissioners.
- XII. Upon any such substituted Way, Sewer, or Pipe being completed, the Site and Soil thereof shall vest in the same Persons, for the same Estate and Interest only, as the Site and Soil of the Way, Sewer, Drain, or Pipe stopped up, diverted, or altered was vested in at the Time the same was so stopped up, diverted, or altered. In whom Soil of substituted Ways, &c. to vest.
- XIII. If it shall be deemed necessary to stop up, divert, or alter any Way under or through which any public Drain or Sewer, or Main Pipe for the Conveyance of Gas or Water, shall pass or be laid, the Commissioners, previously to any such Drain, Sewer, or Pipe being disturbed or injured, shall cause another

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another good and sufficient Drain or Sewer to be made, and other good and sufficient Pipe or Pipes for the Conveyance of Gas or Water, as the Case may be, to be laid down.

As to Repair of substituted Ways, &c.

XIV. Every Way, Drain, Sewer, and Pipe which shall be so substituted by the Commissioners shall be kept in repair and maintained by the Commissioners for Twelve Calendar Months from the Time when the same shall be opened or shall be begun to be used.

After Twelve Months, by Persons liable to repair the old Ways, &c. Commissioners may sell Lands.

XV. After the Expiration of such Twelve Calendar Months, every such substituted Way, Drain, Sewer, and Pipe shall be repaired and maintained by and at the Cost of the Persons who were previously liable to repair and maintain the Way, Drain, Sewer, or Pipe in lieu of which such substituted Way, Drain, Sewer, or Pipe shall have been made.

XVI. It shall be lawful for the Commissioners from Time to Time to sell, exchange, or in any Manner dispose of, or to demise or let, all or any of the said Lands hitherto purchased by the Commissioners, and which from Time to Time may be purchased, or acquired under the Authority of this Act; and it shall be lawful for the Commissioners to grant, convey, assign, or demise the same or any Part thereof accordingly, and for that Purpose to make and execute all such Conveyances and Assurances as they may deem necessary, and to do any other Act, Matter, or Thing in relation to such Lands as the Commissioners shall deem necessary.

Lands to vest in Commissioners.

XVII. All Lands acquired by the Commissioners on any such Exchange shall vest in the Commissioners upon the same Trusts, and with the like Powers in all respects, as are hereby declared as to Lands hereby authorized to be purchased.

Monies received on Sale to be paid to Paymaster General.

XVIII. The Monies to be produced by Sale or Exchange, or which may be paid by way of Premium, for any Lease of any Lands which shall be sold; let, exchanged, or conveyed, under the Provisions of this Act, shall be paid by the Purchaser or Lessee thereof, or the Person making any such Exchange, to Her Majesty's Paymaster General for the Time being; and the Receipt of the said Paymaster General for any such Monies (such Receipt to be endorsed on every such Conveyance, Assurance, or Lease as aforesaid), shall effectually discharge the Purchaser or Person by whom or on whose Account the same shall be paid.

Lands to vest free from prior Estates, &c.

XIX. Immediately from and after the Payment of any such Monies, and the Execution of any such Conveyance, Assurance, or Lease as aforesaid, by the Commissioners, the Purchaser or Lessee therein named shall stand seised or possessed of the Lands which shall be so purchased by and conveyed or leased to him freed and absolutely discharged of and from all prior Estates, Rights, Interests, Charges, Incumbrances, and Demands whatsoever which can or may be had, made, or set up in respect of such Lands by any Person whomsoever, by, from, under, or in trust for Her Majesty, Her Heirs and Successors, or on any Account whatsoever, save and except such Estates, Rights, Interests, Charges, Incumbrances, Claims, and Demands (if any) as in such Conveyance, Assurance, or Lease shall be excepted.

By whom Powers to be exercised.

XX. All the Powers, Authorities, and Duties hereby vested in or imposed on the Commissioners may be exercised and performed by any Two of them at any Time when the Office of the Lord High Admiral shall be executed by Commissioners, and at all other Times by the Lord High Admiral for the Time being.

Saving of Rights of Her Majesty.

XXI. Nothing herein contained shall defeat, abridge, or injuriously affect, in any Action, Suit, or other Proceedings, the legal Rights, Privileges, or Prerogatives of Her Majesty, Her Heirs and Successors; and in all such Actions, Suits, or other Proceedings commenced under or in pursuance of this Act, and in all Matters relating thereunto, it shall be lawful for the Commissioners to claim, exercise, and enjoy all the same Rights, Privileges, and Prerogatives which have been heretofore claimed, exercised, and enjoyed in any Actions, Suits, or other Proceedings whatsoever, in any Court of Law or Equity, by Her Majesty or Her Predecessors, in the same Manner as if the Subject Matter of the said Action, Suit, or other Proceeding were vested immediately in Her Majesty, Her Heirs or Successors, and as if Her Majesty, Her Heirs or Successors, were actually a Party to such Action, Suit, or other Proceeding.

Protection of Commissioners personally.

XXII. Nothing contained in this Act, and nothing done under or in pursuance thereof, shall extend to charge the Commissioners or any of them with the Payment of any Penalty or Penalties, or to charge, affect, or make liable the Person or Persons of the Commissioners or of any of them, or their Heirs, Executors, or Administrators, or their own proper Lands, Tenements, Goods, Chattels, or Property, in, under, or by reason of any Actions, Suits, Arbitrations, or other Proceedings whatsoever, at Law, in Equity, or otherwise, instituted, agreed, made, or taken under or in pursuance of this Act, nor shall the Commissioners or any of them be personally liable, nor shall the Property of the Commissioners or any of them be liable, to any legal Process or Execution in any such Actions, Suits, Arbitrations, or other Proceedings as aforesaid.

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## The SCHEDULE to the foregoing Act.

The Property herein-after described is bounded as follows ; that is to say, on the North by the present Royal Marine Barracks, on the West by the Gun Wharf belonging to the War Department, on the South by the Churchyard of St. Mary's Church there, and on the East by the Queen's Highway or Road leading from the Town of Chatham to Brompton in the County of Kent.

Parish, Township, Townland, or Extra-parochial Place.	Number on Parliamentary Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Parish of Chatham in the County of Kent.	1	A Messuage or Tenement and Dwelling House called the Navy and Army Hotel, Outbuildings, Yards, and Premises.	Elizabeth Mary Jenner, Hannah Jenner, Charles Jenner, Ann Jenner, William Jenner, Kentish Jenner, and Charles Kennington and Ellen his Wife.	Frederick Manser	Frederick Manser.
	2	Passage Way and Yard.	Harriet Best, the Reverend Sir Charles Hardinge, Clerk and Baronet, and Mawdistly Gausson Best, Elizabeth Mary Jenner, Hannah Jenner, Charles Jenner, Ann Jenner, William Jenner, Kentish Jenner, and Charles Kennington and Ellen his Wife.	James Grover, Edward Winch.	Walker Hill, William Harding, Henry Baker, Henry Jones, Neale Gorman, James Grover, and Charles Cheeseman Croft.
	3	A Messuage, Tenement, or Dwelling House, Shop, Warehouse, and Premises.	Elizabeth Mary Jenner, Hannah Jenner, Charles Jenner, Ann Jenner, William Jenner, Kentish Jenner, and Charles Kennington and Ellen his Wife.	James Grover -	James Grover and Charles Cheeseman Croft.
	4	Dwelling House, Yard, Garden, and Premises.	Harriet Best, the Reverend Sir Charles Hardinge, Clerk and Baronet, and Mawdistly Gausson Best.	Edward Winch -	Walker Hill, William Harding, Henry Baker, Henry Jones, and Neale Gorman.
	5	A Messuage, Tenement, or Dwelling House, Yard, Garden, and Premises, called the Queen's Head Public House.	Harriet Best, the Reverend Sir Charles Hardinge, Clerk and Baronet, and Mawdistly Gausson Best.	Edward Winch -	Rebecca Jell.
	6	Passage, Yard, and Outbuilding.	Harriet Best, the Reverend Sir Charles Hardinge, Clerk and Baronet, and Mawdistly Gausson Best.	Edward Winch -	Rebecca Jell, Walker Hill, William Harding, Henry Baker, Henry Jones, and Neale Gorman.
	7	Passage, Yard, and Well of Water.	Harriet Best, the Reverend Sir Charles Hardinge, Clerk and Baronet, and Mawdistly Gausson Best, James Hulkes, Charles William Beauclerk, and Penelope his Wife, Robert Henry Forman, Charles Gilbert Eversfield, Henry Blair Mayne, and Robert Gage.	Edward Winch, John Connell.	Rebecca Jell, Walker Hill, William Harding, Henry Baker, Henry Jones, Neale Gorman, John Connell, William Brigden, John Taylor, William Morrell, Edward Payne, Edward Mackay, John Miller, Benjamin Surrel, Robert Irving, Christopher Duffey, Walter Murdock, William Harrison, and Michael Hare.
	8	Dwelling House, Yard, Garden, and Premises.	James Hulkes, Charles William Beauclerk, and Penelope his Wife, Robert Henry Forman, Charles Gilbert Eversfield, Henry Blair Mayne, and Robert Gage.	John Connell -	Robert Irving, Christopher Duffey, Walter Murdock, William Harrison, and Michael Hare.

## Chatham Lands, &amp;c.

Parish, Township, Townland, or Extra-parochial Place.	Number on Parliamentary Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Parish of Chatham in the County of Kent (continued).	9	Dwelling House and Premises.	James Hulkes, Charles William Beauclerk and Penelope his Wife, Robert Henry Forman, Charles Gilbert Eversfield, Henry Blair Mayne, and Robert Gage.	John Connell	John Connell, John Miller, and Benjamin Surrel.
	10	Dwelling House and Premises.	James Hulkes, Charles William Beauclerk and Penelope his Wife, Robert Henry Forman, Charles Gilbert Eversfield, Henry Blair Mayne, and Robert Gage.	John Connell	Edward Payne and Edward Mackay.
	11	Lean-to Wash-house and Premises.	James Hulkes, Charles William Beauclerk and Penelope his Wife, Robert Henry Forman, Charles Gilbert Eversfield, Henry Blair Mayne, and Robert Gage.	John Connell	John Connell.
	12	Dwelling House and Premises.	James Hulkes, Charles William Beauclerk and Penelope his Wife, Robert Henry Forman, Charles Gilbert Eversfield, Henry Blair Mayne, and Robert Gage.	John Connell	John Taylor and William Mordell.
	13	Shed and Out-building.	James Hulkes, Charles William Beauclerk and Penelope his Wife, Robert Henry Forman, Charles Gilbert Eversfield, Henry Blair Mayne, and Robert Gage.	John Connell	John Connell.
	14	Dwelling House and Premises.	James Hulkes, Charles William Beauclerk and Penelope his Wife, Robert Henry Forman, Charles Gilbert Eversfield, Henry Blair Mayne, and Robert Gage.	John Connell	William Brigden.
	15	Passage or Entrance Way, Yard, and Outbuildings.	James Hulkes, Charles William Beauclerk and Penelope his Wife, Robert Henry Forman, Charles Gilbert Eversfield, Henry Blair Mayne, and Robert Gage.	John Connell	John Connell, William Brigden, John Taylor, William Mordell, Edward Payne, Edward Mackay, John Miller, Benjamin Surrel, Robert Irving, Christopher Duffey, Walter Murdock, William Harrison, and Michael Hare.
	16	Tenement or Stable	James Hulkes, Charles William Beauclerk and Penelope his Wife, Robert Henry Forman, Charles Gilbert Eversfield, Henry Blair Mayne, and Robert Gage.	John Connell	John Connell.
	17	Dwelling House used as a Beer Shop, called the Royal Marine, with a Shed, Yard, and Premises.	John Lock	Robert Hanbury, Sir Edward North Buxton, Baronet, Arthur Pryor, Robert Hanbury the younger, Thomas Fowell Buxton, and Charles Buxton.	Robert Bailey.

## Chatham Lands, &amp;c.

Parish, Township, Townland, or Extra-parochial Place.	Number on Parliamentary Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Parish of Chatham in the County of Kent (continued).	18	Dwelling House and Premises.	Humphrey Wickham	- - - -	Henry Wright and Miles Marney.
	19	Dwelling House and Premises.	Humphrey Wickham	- - - -	William Banks, James Palmer, and William Hogden.
	20	Covered Passage, Yard, Outbuildings, Passages, and Well of Water.	Humphrey Wickham	- - - -	Henry Wright, Miles Marney, William Banks, James Palmer, William Hogden, John Campbell, George Dyer, Joseph Kirkland, Henry Camp, James Kelby, John Kelly, Elizabeth Tennant, James O'Neil, Maria Money, Kate Morrison, Robert Clarke, Archibald Brown, Bridget Welsh, William Smith, John Sullivan, George Ellis, John Taylor, Thomas Allship, Patrick Ford, Michael O'Connor, David Hughes, and Frank Lynch.
	20b	Passage-way	Humphrey Wickham and Sarah Rimington.	- - - -	Henry Wright, Miles Marney, William Banks, James Palmer, William Hogden, John Campbell, George Dyer, Joseph Kirkland, Henry Camp, James Kelby, John Kelly, Elizabeth Tennant, James O'Neil, Maria Money, Kate Morrison, Robert Clarke, Archibald Brown, Bridget Welsh, William Smith, John Sullivan, George Ellis, John Taylor, Thomas Allship, Patrick Ford, Michael O'Connor, David Hughes, James Grant, Samuel Jacob, Thomas Rigby, Henry Pattison, Robert Howard, and Frank Lynch.
	21	Dwelling House, Yard, Garden, and Premises.	Humphrey Wickham	- - - -	John Campbell, George Dyer, and Joseph Kirkland.
	22	Stable and Premises.	Elizabeth Mary Jenner, Hannah Jenner, Charles Jenner, Ann Jenner, William Jenner, Kentish Jenner, and Charles Kennington and Ellen his Wife.	James Grover	James Grover.
	23	Coach-houses, Stables, Shed, Outbuildings, Yard, and Premises.	Elizabeth Mary Jenner, Hannah Jenner, Charles Jenner, Ann Jenner, William Jenner, Kentish Jenner, and Charles Kennington and Ellen his Wife.	Frederick Manser	Frederick Manser.
	24	A Messuage or Tenement used as a Public House, called the Red Lion, Fowl-house, Outbuildings, Yard, and Premises.	Elizabeth Mary Jenner, Hannah Jenner, Charles Jenner, Ann Jenner, William Jenner, Kentish Jenner, and Charles Kennington and Ellen his Wife.	John Swan	John Swan.

## Chatham Lands, &amp;c.

Parish, Township, Townland, or Extra-parochial Place.	Number on Parliamentary Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Parish of Chatham in the County of Kent (continued).	24 b	Open Yard	Elizabeth Mary Jenner, Hannah Jenner, Charles Jenner, Ann Jenner, William Jenner, Kentish Jenner, and Charles Kennington and Ellen his Wife.	John Swan and Frederick Manser.	John Swan and Frederick Manser.
	25	Dwelling House, Yard, and Premises.	Humphrey Wickham	- - - -	Henry Camp.
	26	Dwelling House and Premises.	Humphrey Wickham	- - - -	James Kelly and John Kelly.
	27	Dwelling House and Premises.	Humphrey Wickham	- - - -	Elizabeth Tennant, James O'Neil, Maria Money, and Kate Morrison.
	28	Passage, Yard, and Outbuilding.	Humphrey Wickham	- - - -	Elizabeth Tennant, James O'Neil, Maria Money, Kate Morrison, Henry Camp, James Kelby, and John Kelly.
	29	Dwelling House, Yard, Garden, Outbuilding, and Premises.	Samuel William Brooks	- - - -	Henry George Jennison, Andrew Fenner, Leonard Cornelius Scoones, John White, Robert Spence, and John Waylin.
	30	Dwelling House, Yard, and Premises.	Samuel William Brooks	Edward Goody	Edward Goody.
	31	Dwelling House, Yard, and Premises.	Samuel William Brooks	Edward Goody	William Carter, Martin Hughes, Charles Baker, Thomas Horton, John Megan, and Patrick Connell.
	32	Yard, Garden, Outbuildings, and Premises.	Samuel William Brooks	Edward Goody	Edward Goody, William Carter, Martin Hughes, Charles Baker, Thomas Horton, John Megan, and Patrick Connell.
	33	Covered Passage-way.	Samuel William Brooks and Sarah Rimington.	Edward Goody	Edward Goody, William Carter, Martin Hughes, Charles Baker, Thomas Horton, John Megan, Patrick Connell, Henry Pattison, Robert Howard, William Smith, James Gant, Samuel Jacob, and Thomas Rigby.
	34	Dwelling House, Out-building, Garden, and Premises.	Sarah Rimington	- - - -	James Gant, Samuel Jacob, and Thomas Rigby.
	35	Dwelling House, Out-building, Garden, and Premises.	Sarah Rimington	- - - -	Henry Pattison, Robert Howard, and William Smith.
	36	Passage, Yard, Well, and Premises.	Sarah Rimington	- - - -	James Gant, Samuel Jacob, Thomas Rigby, Henry Pattison, Robert Howard, and William Smith.
	37	Dwelling House and Premises.	Humphrey Wickham	- - - -	Robert Clark, Archibald Brown, and Bridget Welsh.
	38	Dwelling House and Premises.	Humphrey Wickham	- - - -	Frank Lynch.
	39	Dwelling House and Premises.	Humphrey Wickham	- - - -	George Ellis and John Taylor.
	40	Dwelling House and Premises.	Humphrey Wickham	- - - -	Thomas Allship.
41	Dwelling House and Premises.	Humphrey Wickham	- - - -	Patrick Ford, Michael O'Connor, and David Hughes.	



Chatham Lands, &c.

Inclosure Acts Amendment.

Parish, Township, Townland, or Extra-parochial Place.	Number on Parliamentary Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Parish of Chatham in the County of Kent <i>(continued)</i>	42	Dwelling House and Premises.	Humphrey Wickham	-	William Smith and John Sullivan.
	43	Road and Footpath	The Local Board of Health for Chatham, Thomas Hills their Clerk, Elizabeth Mary Jenner, Hannah Jenner, Charles Jenner, Ann Jenner, William Jenner, Kentish Jenner, Charles Kennington and Ellen his Wife, Harriet Best, the Reverend Sir Charles Hardinge, Clerk and Baronet, Mawdistly Gausson Best, James Hulkes, Charles William Beauclerk and Penelope his Wife, Robert Henry Forman, Charles Gilbert Eversfield, Henry Blair Mayne, Robert Gage, John Lock, Humphrey Wickham, Samuel William Brooks and Sarah Rimington.	Frederick Manser, Jamee Grover, Edward Winch, John Connell, Robert Hanbury, Sir Edward North Buxton, Baronet, Arthur Pryor, Robert Hanbury the younger, Thomas Fowell Buxton, Charles Buxton, John Swan, and Edward Gooddy.	Frederick Manser, James Grover, Charles Cheeseman Croft, Walker Hill, William Harding, Henry Baker, Henry Jones, Neale Gorman, Rebecca Jell, Robert Irving, Christopher Duffey, Walter Murdock, William Harrison, Michael Hare, John Connell, John Miller, Benjamin Surrel, Edward Payne, Edward Mackay, John Taylor, William Mordeil, William Brigden, Robert Bailey, Henry Wright, Miles Marney, William Banks, James Palmer, William Hogden, John Campbell, George Dyer, Joseph Kirkland, John Swan, Henry Camp, James Kelby, John Kelly, Elizabeth Tennant, James O'Neil, Maria Money, Kate Morrison, Henry George Jennison, Andrew Fenner, Leonard Cornelius Scoones, John White, Robert Spence, John Waylin, Edward Gooddy, William Carter, Martin Hughes, Charles Baker, Thomas Horton, John Megan, Patrick Connell, James Gant, Samuel Jacob, Thomas Rigby, Henry Pattison, Robert Howard, William Smith, Robert Clark, Archibald Brown, Bridget Welsh, Frank Lynch, William Smith, John Sullivan, George Ellis, John Taylor, Thomas Allship, Patrick Ford, Michael O'Connor, and David Hughes.

C A P. XXXI:

An Act to amend and explain the Inclosure Acts.

[10th August 1857.]

WHEREAS it is expedient that "The Acts for the Inclosure, Exchange, and Improvement of Land" should be further amended and extended: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. In any Case of Inclosure in which it shall appear to the Inclosure Commissioners of *England* and *Wales* to be unnecessary that all or any of the Allotments to be made under the Award of the Valuer acting in the Matter of such Inclosure should be fenced, it shall be lawful for the said Commissioners, by an Order under their Hands and Seal, if they shall see fit to dispense with the Erection of Boundary and other Fences, to direct that such Allotments or any of them shall be distinguished by Metes and Bounds: Provided nevertheless, that any Person interested in an Allotment may at any Time fence the same at his own Expense.

Fences may be dispensed with.

II. So long as any of such Allotments remain unfenced the same shall be subject to the Provisions of the said Acts relating to regulated Pastures, in such Manner as the Valuer, with the Approbation of the said

Allotments, until fenced, to be deemed a

*Inclosure Acts Amendment.*

regulated Pasture.

Notices, &c. may be sent by Post, or left at usual Place of Abode.

Exchanges of Land by Railway and other Companies.

Exchange of Lands in which Her Majesty is interested in reversion.

On an Exchange Inequality of Value may be compensated by a Rentcharge.

On a Partition Disproportion in Value of Allotments in Severalty may be compensated by a Rentcharge.

Deficiency in Value not to exceed One Eighth of the actual Value.

Rentcharge, &c. to be fixed by Inclosure Award, &c.

Indefeasible Title and Priority and Recovery of Rentcharges.

said Commissioners, shall by his Award direct; and the Owners thereof shall enjoy all such Rights of Common by reason of Vicinage as they were entitled to prior to the setting out of such Allotments.

III. Where by the said Acts Notice is required to be given to any designated Person, or any Claim is required to be delivered to the Valuer in the Matter of any Inclosure, such Notice may be given or Claim delivered either by sending it by the Post in a registered Letter, or by leaving it at the Office or usual Place of Abode of such Person or Valuer respectively.

IV. For the Purpose of removing all Doubts as to the Power of Companies incorporated by special Act of Parliament for the making and maintaining of any Railway, Canal, Docks, Harbour, Waterworks, or other Work, to exchange Land belonging to such Companies under the Provisions of the said Acts, be it declared and enacted, That every such Company shall be deemed to be a Person interested within the Meaning of "The Acts for the Inclosure, Exchange, and Improvement of Land," for the Purpose of exchanging Land belonging to the said Company, and that notwithstanding the Provisions in any Act of Parliament relating to such Company specially limiting the Purposes to which such Land belonging to the said Company shall be applicable.

V. In case any Person interested according to the Definition contained in the Sixteenth Section of the Act passed in the Session of Parliament held in the Eighth and Ninth Years of Her present Majesty, Chapter One hundred and eighteen; shall apply to the Inclosure Commissioners for an Order of Exchange of any Land in which Her Majesty, Her Heirs or Successors, have any Estate or Interest in right of the Crown, in reversion or remainder expectant upon the Determination of any Estate for Life or other larger Interest, it shall be lawful for the Inclosure Commissioners to make such Order of Exchange, if they shall so think fit, provided that the Consent of Her Majesty, Her Heirs or Successors, shall have been previously signified thereto by some Writing under the Hand of One of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues; and every such Order of Exchange which shall be made with such Consent shall be valid and effectual to all Intents and Purposes whatsoever, and shall be binding upon Her Majesty, Her Heirs and Successors, and a Duplicate thereof shall in every Case be deposited in the Office of Land Revenue Records and Inrolments: Provided always, that in case any such Order shall, previously to the passing of this Act, have been made upon the Application of any Person as above mentioned, with the said Consent previously signified as aforesaid, every such Order shall be as valid and effectual, and be in like Manner binding upon Her Majesty, Her Heirs and Successors, as if the said Consent had been given under the Provisions of this Act.

VI. Where the Value of any Land proposed to be exchanged under the Acts for the Inclosure, Exchange, and Improvement of Land, or any of them, exceeds the Value of the Land, Rights, Easements, or Hereditaments for which the same is proposed to be exchanged, the Difference in Value may be compensated by a perpetual Rentcharge of such Amount as in the Opinion of the Valuer or Commissioners (as the Case may require) will be just, to be charged upon the Land for the Excess in Value whereof the same is intended as an Equivalent, or upon such Part thereof as may appear to the Valuer or Commissioners (as the Case may require) to afford sufficient Security for such Rentcharge.

VII. Where any Land of which a Partition is proposed to be made under the said Acts or any of them cannot in the Opinion of the Valuer or Commissioners (as the Case may be) be conveniently allotted in Severalty in Parts or Shares of the like proportional Values as the undivided Parts or Shares in respect whereof the Partition is proposed to be made, the Difference in such proportional Values may be compensated by a perpetual Rentcharge of such Amount, or perpetual Rentcharges of such aggregate Amount, as in the Opinion of the Valuer or Commissioners (as the Case may require) will be just, to be charged on the Land or respective Lands for the Excess in Value whereof the same is or are intended as an Equivalent or Equivalents, or upon such Part or respective Parts of such Land or Lands as may appear to the Valuer or Commissioners (as the Case may require) to afford sufficient Security for such Rentcharge or Rentcharges respectively.

VIII. Provided always, That nothing herein contained shall extend to authorize any Exchange or Partition, or the Creation of any such Rentcharge as aforesaid, where in the Opinion of the Valuer or Commissioners (as the Case may be) the Deficiency in Value of any Land or other Hereditaments which would require to be compensated as aforesaid exceeds One Eighth Part of the actual Value thereof.

IX. The Amount of the Rentcharge or respective Amounts of the Rentcharges (as the Case may be) to be created under this Act, on any such Exchange or Partition as aforesaid, and the Land or Lands to be charged therewith, shall respectively be fixed and determined by the Inclosure Award or Order of Exchange or Partition (as the Case may require).

X. Every such Rentcharge shall be a valid and indefeasible Charge upon the Land charged therewith by the confirmed Inclosure Award or the confirmed Order of Exchange or Partition (as the Case may be), subject only to Tithe Rentcharges, Land Tax, local Rates and Taxes, Quit or Chief Rents incidental to Tenure, and Charges created or to be created under any Act authorizing Advances of public or private Money for Drainage or the Improvement of Lands, and prior to all other Charges whatsoever, and shall be recoverable in the same Manner as a Tithe Rentcharge charged under the Act of the Session holden in the Sixth and Seventh Years of King *William* the Fourth, Chapter Seventy-one, "for the Commutation of Tithes in *England and Wales*."

XI. Every

*Inclosure Acts Amendment.**Portland Harbour.*

XI. Every Rentcharge created under this Act shall be and enure to, for, and upon the same Uses, Trusts, Intents, and Purposes, and be subject to the same Conditions, Charges, and Incumbrances, as the Land or Hereditaments in respect of the Deficiency in Value whereof such Rentcharge is made payable will stand and be limited and subject to after the Confirmation of the Inclosure Award or the Order of Exchange or Partition (as the Case may be).

Rentcharge to go with the Land, &c.

XII. And whereas it is expedient to provide summary Means of preventing Nuisances in Town Greens and Village Greens, and on Land allotted and awarded upon any Inclosure under the said Acts as a Place for Exercise and Recreation: If any Person wilfully cause any Injury or Damage to any Fence of any such Town or Village Green or Land, or wilfully and without lawful Authority lead or drive any Cattle or Animal thereon, or wilfully lay any Manure, Soil, Ashes, or Rubbish or other Matter or Thing thereon, or do any other Act whatsoever to the Injury of such Town or Village Green or Land, or to the Interruption of the Use or Enjoyment thereof as a Place for Exercise and Recreation, such Person shall for every such Offence, upon a summary Conviction thereof before Two Justices, upon the Information of any Churchwarden or Overseer of the Parish in which such Town or Village Green or Land is situate, or of the Person in whom the Soil of such Town or Village Green or Land may be vested, forfeit and pay, in any of the Cases aforesaid, and for each and every such Offence, over and above the Damages occasioned thereby, any Sum not exceeding Forty Shillings; and it shall be lawful for any such Churchwarden or Overseer or other Person as aforesaid to sell and dispose of any such Manure, Soil, Ashes, and Rubbish, or other Matter or Thing as aforesaid; and the Proceeds arising from the Sale thereof, and every such Penalty as aforesaid, shall, as regards any such Town or Village Green not awarded under the said Acts or any of them to be used as a Place for Exercise and Recreation, be applied in aid of the Rates for the Repair of the public Highways in the Parish, and shall, as regards the Land so awarded, be applied by the Persons or Person in whom the Soil thereof may be vested in the due Maintenance of such Land as a Place for Exercise and Recreation; and if any Manure, Soil, Ashes, or Rubbish be not of sufficient Value to defray the Expense of removing the same, the Person who laid or deposited such Manure, Soil, Ashes, or Rubbish shall repay to such Churchwarden or Overseer or other Person as aforesaid the Money necessarily expended in the Removal thereof; and every such Penalty as aforesaid shall be recovered in manner provided by the Act of the Session holden in the Eleventh and Twelfth Years of Her Majesty, Chapter Forty-three; and the Amount of Damage occasioned by any such Offence as aforesaid shall, in case of Dispute, be determined by the Justices by whom the Offender is convicted; and the Payment of the Amount of such Damage, and the Repayments of the Money necessarily expended in the Removal of any Manure, Soil, Ashes, or Rubbish, shall be enforced in like Manner as any such Penalty.

Protecting from Nuisances Town and Village Greens and Allotments for Exercise and Recreation.

XIII. Where Instructions shall have been or shall hereafter be given under the Thirty-fourth Section of the Act of the Eighth and Ninth Years of the Reign of Her Majesty, Chapter One hundred and eighteen, for the Appropriation of any Allotment for the Site of a School, and such Instructions shall not set forth with sufficient Clearness for what Class of Children the School shall be provided, or to whom the Site shall be conveyed, or in what Manner and by whom the School shall be managed, visited, and inspected, the Inclosure Commissioners shall, upon the Requisition of any Five Persons if there be so many, or if not, a Majority of the Persons interested in the Land to be inclosed, call a further Meeting in order to resolve upon other or further Instructions; and if at such Meeting any other or further Instructions be agreed upon, the same, if sanctioned by the Commissioners, shall thenceforth be added to or substituted for, as the Case may require, all former Instructions relative to such School, and the Commissioners shall appoint (whenever needful) some Person to convey the Allotment for a School in pursuance of the Instructions last approved.

Power to Commissioners to review Instructions under 8 & 9 Vict. c. 118. s. 34. as to Appropriation of Allotments for Sites of Schools, &c.

XIV. This Act shall be taken to be a Part of the said Acts, and shall be construed therewith and be deemed to be included under any Reference to "The Acts for the Inclosure, Exchange, and Improvement of Land."

Act deemed Part of "Acts for Inclosure, &c. of Land."

## C A P. XXXII.

An Act for the better Supply of Water for the Use of Vessels resorting to the Harbour of Refuge at *Portland*, and for enabling the Commissioners of the Admiralty to supply such Water; for vesting in the said Commissioners certain Lands belonging to Her Majesty; and for other Purposes relating thereto. [10th August 1857.]

WHEREAS the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain and Ireland* (herein-after called "the Commissioners") have executed various Works at or near the East End of the Isle of *Portland* in the County of *Dorset* in and towards the Construction of a Breakwater and Harbour of Refuge there, and Vessels belonging to Her Majesty and others already resort to such Harbour: And whereas it is expedient that a better Supply of Water should be provided for the Use of such Vessels, and of certain Establishments, Works, and Places near to or connected with the said Harbour, and for that Purpose that the Commissioners should be empowered to purchase, and take and hold, construct and maintain, the Lands, Waterworks, Waters, Springs and Streams of Water, Pumps, Engines, Works, Buildings, pumping Apparatus, Reservoirs, Pipes, Cisterns, and Tanks herein-after mentioned: And whereas it is expedient and Her Majesty is graciously

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graciously pleased to consent that certain Lands belonging to Her Majesty in the said Isle of *Portland*, and containing about Five hundred and ninety Acres, should be vested in the Commissioners upon the Trusts and for the Purposes herein-after mentioned: And whereas a Plan of such Lands hath been prepared in Duplicate, and on such Plan the same Lands are described by the Colour Red, and such Plan having been signed by the Secretary of the Admiralty and the Honourable *Charles Alexander Gore*, a Commissioner of Her Majesty's Woods, Forests, and Land Revenues, One Part thereof hath been deposited at the Admiralty, and the other Part thereof hath been deposited at the Office of the Land Revenue Records and Inrolments: 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.

I. In citing this Act for any Purpose whatever it shall be sufficient to use the Expression "The *Portland Harbour Waterworks Act, 1857.*"

Incorporation of Acts.

II. The "Lands Clauses Consolidation Act, 1845," save and except the Sections Fifteen, Sixteen, Seventeen, One hundred and twenty-seven, One hundred and twenty-eight, One hundred and twenty-nine, One hundred and thirty, One hundred and thirty-one, One hundred and thirty-two, One hundred and thirty-three, One hundred and thirty-four, One hundred and forty, One hundred and forty-eight, One hundred and fifty, and One hundred and fifty-one of the said Act, and the "The Waterworks Clauses Act, 1847," save and except the Sections thereof with respect to the Construction of Works for the Accommodation of Lands adjoining the Waterworks, and the Sections thereof with respect to Mines, and the Sections thereof with respect to the breaking up of Streets for the Purpose of laying Pipes, and the Sections thereof with respect to the Supply of Water to be furnished by the Undertakers, and the Sections thereof with respect to the Communication Pipes to be laid by the Undertakers, and the Sections thereof with respect to the Communication Pipes to be laid by the Inhabitants, and the Sections thereof with respect to the Payment and Recovery of the Water Rates (saving as Part of this Act Section Seventy-four), and the Sections thereof with respect to the Amount of Profit to be received by the Undertakers when the Waterworks are carried on for their Benefit, and save and except Sections Eleven, Fifteen, Eighty-six, Ninety, Ninety-one, Ninety-two, and Ninety-three, shall, so far as the same may be applicable to and are not inconsistent with or modified by this Act, be incorporated with and for all Intents and Purposes whatever form Part of this Act.

Interpretation of Words and Phrases.

III. In the Construction of this Act and of the Acts herewith incorporated, so far as the same respectively relate to the Purposes of this Act, unless there be something in the Context repugnant to such Construction; "the *Portland Harbour*" shall mean the Harbour and Works constructed and to be constructed under the Provisions of an Act, Chapter Twenty-four, of the Acts passed in the Tenth Year of the Reign of Her present Majesty; "the Lord High Admiral" shall mean the Lord High Admiral for the Time being of the United Kingdom of *Great Britain and Ireland*; "the Commissioners" shall mean the Commissioners for the Time being for executing the Office of Lord High Admiral when the Office of Lord High Admiral shall be executed by Commissioners, and at all other Times "the Lord High Admiral for the Time being;" "Special Act" in the several Acts herewith incorporated shall mean this Act; "Lands" shall include Lands, Messuages, Buildings, Tenements, and Hereditaments of every Description and of every Tenure; and all public and private Rights, Liberties, Appurtenances, Easements, and Privileges of every Description in, over, upon, under, or through any Lands, Messuages, Tenements, or Hereditaments; the Words "the Promoters of the Undertaking," in the Lands Clauses Consolidation Act, 1845, and the Word "Company," in the same Act, shall respectively mean "the Commissioners;" "the Undertakers," in the Waterworks Clauses Act, 1847, shall mean "the Commissioners;" "the Undertaking," in the same Act, shall mean the Purposes of this Act, so far as the same relate to the obtaining and supplying of Water; and "Water Rate," in Section Seventy-four of the Waterworks Clauses Act, 1847, shall mean the Money agreed to be paid to the Commissioners by any Person for a Supply of Water.

Power to construct Works.

IV. And whereas Plans and Sections showing the Site, Line, and Levels of the proposed Waterworks, and also a Book of Reference containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of certain existing Waterworks, Buildings, Engines, Pumps and pumping Apparatus, Reservoirs, Pipes, Cisterns, and Tanks, and also of certain Lands, Water, Springs, and Streams, in or through or by means of which the proposed Waterworks are intended to be made or to pass, or which are required for the Purpose of the said proposed Waterworks, have been deposited with the Clerk of the Peace for the County of *Dorset*: Be it enacted, That it shall be lawful for the Commissioners, subject to the Provisions in this and the said incorporated Acts contained, to take and use the said existing Waterworks, Buildings, Engines, Pumps and pumping Apparatus, Reservoirs, Pipes, Cisterns, and Tanks, and also the said Lands, and Water, and Springs and Streams, and to lay down and make and from Time to Time maintain the said proposed Waterworks, with all necessary Reservoirs and other Works, in the Line, and in, through, and upon the Lands, Roads, Highways, Bridges, and Railways respectively delineated upon the said Plans and described in the said Book of Reference, and according to the Levels described on the said Sections, and to enter upon, take, and use, for the Purpose of laying down and maintaining, and to lay down and maintain, from Time to Time, a Main or other Pipe, and Mains or other Pipes, and other Apparatus, necessary for the Purposes of this Act, upon, along, across, or under

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under such of the Roads, Highways, Bridges, and Railways delineated on the said Plans and such of the Lands situate on either Side of any such Roads, Highways, Bridges, and Railways respectively, and comprised within the Limits of Deviation herein-after mentioned, as shall be required for the Purposes of the Undertaking, and to acquire and take any Easement, Liberty, Privilege, Power, or Authority in or over any of the same Lands, Roads, Highways, Bridges, and Railways respectively, and the Right of laying down and maintaining a Main or other Pipe, and Mains or other Pipes, upon, across, or under any Lands in the said Plans and Book of Reference mentioned, or upon, across, or under any such Roads, Highways, Bridges, and Railways, or Lands lying on either Side thereof, as the Commissioners may think fit.

V. In executing the said Works the Commissioners may deviate from the said deposited Plans to the Extent of the Limits of Deviation shown on the same Plans.

VI. It shall be lawful for the Commissioners to supply Water for the Purposes of the Vessels frequenting the said Harbour, and for any such other Purpose as they shall think fit, either gratuitously or for such Price or Sum, and upon such Terms and Conditions, as shall be agreed upon between the Commissioners and the Persons having such Supply of Water.

VII. It shall be lawful for the Commissioners, instead of the Bond mentioned in Sections Eighty-five and Eighty-seven of the Lands Clauses Consolidation Act, 1845, to give to the Party who would otherwise be entitled to such Bond a written Undertaking under their Hands to do and perform all and singular the Matters and Things mentioned in the Condition of such Bond to be done and performed, and such Undertaking shall have the same Validity and Effect as the Bond mentioned in the same Sections would have had.

VIII. The Powers and Authorities by this Act given to the Commissioners relative to the Lands mentioned and comprised in the said Plans and Book of Reference shall, so far as the Commissioners may at any Time or Times deem expedient for effecting any of the Objects of this Act, be applicable as well to any of such Lands already purchased or taken or agreed to be purchased or taken as to such as shall hereafter be purchased or taken under the Provisions of this Act.

IX. All Notices which under this Act are to be given by the Commissioners may be given under the Hand of the Secretary of the Admiralty.

X. All Notices and other Proceedings which under this Act are to be given to or served on the Commissioners shall be served on the Secretary of the Admiralty by being left at or transmitted through the Post to the Admiralty at *Whitehall*.

XI. The Lands in and adjacent to the Isle of *Portland* coloured Red on the Plan signed and deposited at the Admiralty, and at the Office of Land Revenue Records and Inrolments, and containing Five hundred and ninety Acres or thereabouts, shall immediately on the passing of this Act become and be vested in the Commissioners according to the Natures and Qualities thereof respectively, and to the Estates and Interests of Her Majesty therein respectively, and without its being necessary to have or take any Conveyance thereof.

XII. The Commissioners shall hold all Lands vested or purchased or taken, in or by them, under the Authority of this Act, in trust for Her Majesty, Her Heirs and Successors, for the Purposes of the *Portland Harbour* and other the Purposes of this Act.

XIII. It shall be lawful for the Commissioners from Time to Time to sell, exchange, or in any Manner dispose of, or to demise or let, all or any of the Lands from Time to Time purchased or taken under the Authority of this Act; and it shall be lawful for the Commissioners to grant, convey, assign, or demise the same or any Part thereof accordingly, and for that Purpose to make and execute all such Conveyances and Assurances as they may deem necessary, and to do any other Act, Matter, or Thing in relation to such Lands as the Commissioners shall deem necessary: Provided always, that no Part of the Lands coloured Red on the said Plan shall be sold or leased for any Term exceeding Five Years by the Commissioners, until after One Calendar Month's Notice in Writing under the Hand of their Secretary shall have been given to the Commissioners of Woods, Forests, and Land Revenues of the Intention of the Commissioners to sell or demise the same; and that in case any such Notice shall be given, it shall be lawful for the Commissioners of Woods, Forests, and Land Revenues, on behalf of Her Majesty, Her Heirs and Successors, from Time to Time to purchase the Lands described in any such Notice for such Sum of Money as, having regard to the Consideration received by Her Majesty for the Surrender of the Lands delineated on the said Plan mentioned in the Twelfth Section of this Act, in accordance with an Award of *James White Higgins* dated the Twenty-fifth Day of *January* One thousand eight hundred and fifty, and entered in the Office of the Commissioners of Woods, shall represent the proportionate Part of the Consideration so received which, in the Opinion of some competent Surveyor to be appointed by the Commissioners of Her Majesty's Treasury, may be applicable to the particular Lands described in any such Notice as aforesaid, if the Commissioners of Woods, Forests, and Land Revenues, or One of them, do, previously to the Expiration of such One Calendar Month's Notice, signify in Writing to the Commissioners that the Commissioners of Woods, Forests, and Land Revenues intend to purchase such particular Lands.

XIV. All Lands acquired by the Commissioners on any such Exchange shall vest in the Commissioners upon the same Trusts and with the like Powers in all respects as are hereby declared as to Lands hereby vested and authorized to be purchased or acquired.

Power to deviate.

Power to supply Water on Terms agreed upon.

Commissioners may give Undertaking instead of Bond.

Powers to apply to Purchases already made.

Notices by Commissioners. Notices to Commissioners.

Certain Lands to vest in Commissioners.

Commissioners to hold Lands in trust, &c.

Commissioners may sell Lands.

Lands obtained in Exchange to vest in Commissioners.

XV. The

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Monies received on Sale to be paid to Paymaster General.

XV. The Monies to be produced by Sale or Exchange, or which may be paid by way of Premium for any Lease, of any Lands which shall be sold, let, exchanged, or conveyed under the Provisions of this Act, shall be paid by the Purchaser or Lessee thereof, or the Person making any such Exchange, to Her Majesty's Paymaster General for the Time being; and the Receipt of the said Paymaster General for any such Monies (such Receipt to be endorsed on every such Conveyance, Assurance, or Lease as aforesaid,) shall effectually discharge the Purchaser or Person by whom or on whose Account the same shall be paid.

Lands to vest free from prior Estates.

XVI. Immediately from and after the Payment of any such Moneys, and the Execution of any such Conveyance, Assurance, or Lease as aforesaid, by the Commissioners, the Purchaser or Lessee therein named shall stand seised or possessed of the Lands which shall be so purchased by and conveyed or leased to him freed and absolutely discharged of and from all prior Estates, Rights, Interests, Charges, Incumbrances, and Demands whatsoever which can or may be had, made, or set up in respect of such Lands by any Person whomsoever, by, from, under, or in trust for Her Majesty, Her Heirs and Successors, or on any Account whatsoever, save and except such Estates, Rights, Interests, Charges, Incumbrances, Claims, and Demands (if any) as in such Conveyance, Assurance, or Lease shall be excepted.

Powers, how to be executed.

XVII. All the Powers, Authorities, and Duties hereby vested in or imposed on the Commissioners may be exercised and performed by any Two of them at any Time when the Office of Lord High Admiral shall be executed by Commissioners, and at all other Times by the Lord High Admiral for the Time being.

Saving all Rights of Her Majesty.

XVIII. Nothing herein contained shall prejudice or affect the Estate, Right, Title, or Interest of the Queen's Majesty in or to the Soil of *Portland Harbour*, other than so much thereof as forms the Sites of the Breakwaters which are by this Act vested in the Commissioners, or in or to any Lands of or to which Her Majesty is now seised or entitled, other than those coloured Red on the Plan so signed and deposited as aforesaid, and which are by this Act vested in the Commissioners; and nothing herein contained shall defeat, abridge, or injuriously affect, in any Action, Suit, or other Proceeding, the legal Rights, Privileges, or Prerogatives of Her Majesty, Her Heirs and Successors; and in all such Actions, Suits, or other Proceedings commenced under or in pursuance of this Act, and in all Matters relating thereunto, it shall be lawful for the Commissioners to claim, exercise, and enjoy all the same Rights, Privileges, and Prerogatives which have been heretofore claimed, exercised, and enjoyed in any Actions, Suits, or other Proceedings whatsoever in any Court of Law or Equity by Her Majesty or Her Predecessors, in the same Manner as if the Subject Matter of the said Suits or other Proceedings were vested immediately in Her Majesty, Her Heirs and Successors; and as if Her Majesty, Her Heirs or Successors, were actually a Party to such Actions, Suits, or other Proceedings.

Protection of Commissioners personally.

XIX. Nothing contained in this Act, and nothing done under or in pursuance thereof, shall extend to charge the Commissioners or any of them with the Payment of any Penalty or Penalties, or to charge, affect, or make liable the Person or Persons of the Commissioners or of any of them, or their Heirs, Executors, or Administrators, or their own proper Lands, Tenements, Goods, Chattels, or Property, in, under, or by reason of any Actions, Suits, Arbitrations, or other Proceedings whatsoever, at Law or in Equity, or otherwise instituted, agreed, made, or taken under or in pursuance of this Act, nor shall the Commissioners or any of them be personally liable, nor shall the Property of the Commissioners or any of them be liable, to any legal Process or Execution in, under, or by reason of any such Actions, Suits, Arbitrations, or other Proceedings as aforesaid.

## C A P. XXXIII.

An Act to regulate certain Proceedings in relation to the Election of Representative Peers for *Ireland*. [10th August 1857.]

40 G. 3. (I.)

WHEREAS by an Act passed by the Parliament of *Ireland* in the Fortieth Year of His Majesty King *George* the Third, intituled *An Act to regulate the Mode by which the Lords Spiritual and Temporal, and the Commons, to serve in the United Kingdom on the Part of Ireland, shall be summoned and returned to the said Parliament*, certain Provisions were made for regulating the Proceedings in relation to the Elections of Representative Peers for *Ireland*, and it is expedient to amend the same: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

As to Issue of Writs in future on Occasion of Seat of a Temporal Peer of *Ireland* being vacated.

I. On any Seat of the Twenty-eight Lords Temporal being hereafter vacated, the Writ to be issued, according to the Provisions of the said Act of the Parliament of *Ireland*, under the Great Seal of the United Kingdom, to the Chancellor, Keeper, or Commissioners of the Great Seal of *Ireland*, shall direct him or them to cause Writs to be issued by the Clerk of the Crown in *Ireland* to the Peers entitled to receive the same according to the Provisions of the said Act, and also to every Peer in respect to whose Right to vote at the Election of Representative Peers the House of Lords shall have directed a Certificate to be sent to the Clerk of the Crown in *Ireland*, stating that the Chancellor or Keeper of the Great Seal of the United Kingdom had reported to the House that the Right of such Peer to vote had been established to his Satisfaction, and that the House had ordered such Report to be sent to the said Clerk.

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Clerk of the Crown in *Ireland*; and all the Provisions of the said Act applicable to Temporal Peers receiving Writs under the same, and to the Writs issued to such Peers, shall be held to apply to Temporal Peers receiving Writs, and to the Writs issued under this Act.

II. Any Peer of *Ireland* who shall have taken and subscribed in the House of Lords the Oaths which are or shall be by Law required to be taken and subscribed by the Lords of the United Kingdom before they can sit and vote in the Parliament thereof may make Return to a Writ issued under this or the said Act, in the same Manner as a Representative Peer on the Part of *Ireland* who has taken and subscribed the said Oaths in the House of Lords is permitted to do under the said Act, and any Peer of *Ireland* receiving such Writ may take and subscribe the said Oaths in Her Majesty's High Court of Chancery in *England* as well as in *Ireland*, or in Her Majesty's Courts of Queen's Bench, Common Pleas, or Exchequer in *England* or *Ireland*, or in any Division of the Court of Session in *Scotland*, or before any Lord Ordinary of the said Court, or before the Lieutenant of any County in *Great Britain* or *Ireland*, or any Member of Her Majesty's Privy Council in *Great Britain* or *Ireland*, or any Judge of a County Court in *England*, or any Sheriff in *Scotland*, or any *British* Ambassador or Minister accredited to any Foreign Court, or the Secretary of any *British* Embassy or Mission, or the Governor, Lieutenant Governor, or Officer administering the Government of any of Her Majesty's Plantations, Colonies, or Possessions abroad, or any of Her Majesty's Judges residing therein, and the Registrar or other proper Officer of every such Court; and every Person above mentioned before whom the said Oaths shall be taken and subscribed shall certify the same, and sign such Certificate, which shall be transmitted by such Peer with the Return in the Manner prescribed in the said Act.

As to Returns  
to such Writs.

## C A P. XXXIV.

An Act to explain an Act for the Settlement of the Boundaries between the Provinces of *Canada* and *New Brunswick*. [10th August 1857.]

WHEREAS by an Act passed in the Fifteenth Year of the Reign of Her Majesty, intituled *An Act for the Settlement of the Boundaries of the Provinces of Canada and New Brunswick*, it is provided that *New Brunswick* shall be bounded as is mentioned in a certain Award made by *Stephen Lushington*, Judge of the Admiralty Court, and *Travers Twiss*, Doctor of Laws, which Award, as recited in the said Act, declares (among other things) that *New Brunswick* shall be bounded from the meridional Line therein described along the Forty-eighth Parallel of Latitude "to the *Mistouche* River, " and thence down the Centre of that Stream to the *Restigouche*, the Islands in the said River *Mistouche* " and *Restigouche* to the Mouth of the latter River at *Dalhousie* being given to *New Brunswick*:" And whereas certain Doubts have arisen respecting the true Meaning of the said Award in the Parts above recited: 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:

14 & 15 Vict.  
c. 63.

I. That the River named in the said Award the "*River Mistouche*" shall be taken to be the Stream which crosses the Forty-eighth Parallel of Latitude, and from thence flows into the *Restigouche*, and which Stream is otherwise called the "*Patapedia*."

"River Mis-  
touche" de-  
fined.

## C A P. XXXV.

An Act to amend an Act passed in the Fifteenth and Sixteenth Years of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act to amend the Laws concerning the Burial of the Dead in the Metropolis*, so far as relates to the City of *London* and the Liberties thereof. [10th August 1857.]

WHEREAS an Act was passed in the Session of Parliament holden in the Fifteenth and Sixteenth Years of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act to amend the Laws concerning the Burial of the Dead in the Metropolis*, containing Provisions for the Appointment of Burial Boards in the several Parishes in the Metropolis, and conferring on such Burial Boards various Powers and Authorities to be exercised in some Cases by the Board alone, and in other Cases by the Boards with the Approval of the Vestries of their respective Parishes: And whereas it was by the said Act enacted, that the Provisions therein contained for the Appointment of Burial Boards should not apply to any Parish within the Limits of the City of *London*, and the Liberties thereof, but it should be lawful for the Mayor, Aldermen, and Commons of the City of *London*, in Common Council assembled, if and when they should see fit so to do, to authorize and direct the Commissioners of Sewers of the City of *London* to exercise for the said City and Liberties all the Powers and Authorities vested in the Burial Boards under the said Act; and thereupon such Commissioners should have and exercise for and on behalf of the said City and Liberties all such Powers and Authorities as were thereby vested in the Burial Board for any Parish, or which might be exercised by such Board with the Approval of the Vestry: And whereas the Commissioners of Sewers of the City of *London* have been authorized by the said Mayor, Aldermen, and Commons, in Common Council assembled, to exer-

15 & 16 Vict.  
c. 85.

cise

*Burial of the Dead within the City and Liberties of London.*

‘ cise the Powers and Authorities vested in the Burial Boards under the said Act, and have provided  
 ‘ and constructed a large and spacious Cemetery in the Parish of *Little Ilford* in the County of *Essex* at  
 ‘ an Expense of Seventy-five thousand Pounds: And whereas there are more than One hundred Parishes  
 ‘ within the City of *London* and the Liberties thereof, and it has been found impracticable to obtain the  
 ‘ requisite Consents of all the Vestries of such Parishes to the uniform Exercise of such Powers or  
 ‘ Authorities by the said Commissioners: And whereas under the Provisions contained in the Thirty-  
 ‘ seventh Section of the said Act (by which Section Power is given to the Vestry of any Parish, with  
 ‘ Consent of the Bishop of the Diocese, to revise and vary the Fees payable to the Incumbent under the  
 ‘ Provisions of the said Act,) a Table of Fees to be paid to Incumbents upon Interments which shall  
 ‘ take place in the consecrated Portion of the said Cemetery at *Little Ilford* has been agreed to by the  
 ‘ major Part in Number of the Vestries of the Parishes within the City of *London* and the Liberties  
 ‘ thereof, which Table of Fees has been approved of by the Bishop of the Diocese and is contained in  
 ‘ the Schedule to this Act: And whereas it is expedient that the Table of Fees so agreed to should  
 ‘ be made to apply to the whole of the Parishes within the City of *London* and the Liberties  
 ‘ thereof, and that the said Act should be amended by making the Consent or Approval of the major  
 ‘ Part in Number of the Vestries of the several Parishes within the City of *London* and the Liberties  
 ‘ thereof sufficient to enable the Commissioners of Sewers of the City of *London* to exercise any Power  
 ‘ or Authority conferred upon them by the said Act, which requires for the Exercise thereof the  
 ‘ Approval or Consent of all the Vestries of such Parishes; and also that the said Act should be amended  
 ‘ in manner herein-after mentioned: And whereas the Purposes aforesaid cannot be effected without the  
 ‘ Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it  
 ‘ enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords  
 ‘ Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of  
 ‘ the same, as follows:

Fees in Sched-  
 ule to be Fees  
 payable to In-  
 cumbents.

I. The Fees enumerated in the Schedule to this Act shall be the Fees which the Incumbents of the Parishes within the City of *London* and the Liberties thereof shall be entitled to receive upon all Interments in the consecrated Portion of the said Cemetery at *Little Ilford*, whether of the Remains of Parishioners or Inhabitants of the said Parishes, or of any other Persons, and the same Fees shall be in satisfaction of all Claims on the Part of such Incumbents to Fees of every Description, whether in respect of Burial in Vaults or Graves, or of the Erection of Monuments, Gravestones, or Tablets, or of Monumental Inscriptions in the said Cemetery.

Approval of a  
 Majority of  
 Vestries in the  
 City of London  
 to be sufficient.

II. When and as often as the Consent or Approval of the Vestries of the several Parishes within the Limits of the City of *London* and the Liberties thereof is by the said recited Act required for the Purpose of enabling the Commissioners of Sewers of the City of *London* to exercise any Power or Authority given to or vested in them by the said Act, or to execute any Act, Deed, Matter, or Thing under the Authority of the said Act, or to confirm or render valid any Act, Deed, Matter, or Thing made or done, or agreed or proposed to be made or done, by the said Commissioners, then and in every Case the Consent or Approval of the major Part in Number of the Vestries of the several Parishes within the said City and Liberties shall be sufficient to enable the said Commissioners to exercise any such Power or Authority, or to do or execute any such Act, Deed, Matter, or Thing as aforesaid, and to confirm and render valid any Act, Deed, Matter, or Thing made or done, or agreed or proposed to be made or done, by them, and shall be as valid and effectual for all the Purposes of the said Act as if all the Vestries of the said Parishes within the City of *London* and the Liberties thereof had actually consented to or approved thereof, or had confirmed the same: Provided, that the Parishes united under the Provisions of the Act of the Twenty-second Year of *Charles* Second, Chapter Eleven, or united for Ecclesiastical Purposes by the Provisions of that, or any other Act or Acts, shall, for the Purposes of this Act and the said recited Act, be and be deemed One Parish.

Certain Sections  
 in recited Act  
 repealed as to  
 the City of  
 London.

III. The Provisions in the said recited Act contained with reference to Fees payable to Incumbents, Churchwardens, and others for parochial or other Purposes, and also with reference to the Powers given to Vestries of revising and varying, with the Consent of the Bishop, the Fees payable to Incumbents, Clerks, and Sextons, or of substituting fixed Payments in lieu thereof, which Provisions are comprised in the Thirty-second, Thirty-third, Thirty-fifth, Thirty-sixth, Thirty-seventh, and Fiftieth Sections of the said Act, shall not apply to Parishes situated within the City of *London* or the Liberties thereof.

Commissioners,  
 acting as Burial  
 Board, with  
 Approval of  
 Vestries, to  
 settle Fees pay-  
 able to Church-  
 warden, &c.

IV. It shall be lawful for the Commissioners of Sewers of the City of *London*, acting as Burial Board for the several Parishes within the City and the Liberties thereof, with the Approval of the major Part in Number of the Vestries of such Parishes, to settle and determine whether any and what Fees shall be payable to the Churchwardens or to the Clerk or Sexton of any Parish within the City of *London* or the Liberties thereof, or to any Trustees or other Persons for any parochial or other Purpose whatever, on any Interment, or for any Monument, Gravestone, Tablet, or Monumental Inscription in any Burial Ground already provided or which may hereafter be provided by the said Commissioners in pursuance of the Powers contained in the said Act, and such Fees (if any) as shall be so settled and determined shall be paid to the Commissioners, and shall be paid over by them to the Parties for the Time being entitled to receive the same.

V. All



County Court Judges (*Falconer and Yates's Salaries*).

V. All Fees payable under the Provisions of this Act to Incumbents of Parishes within the City of London and the Liberties thereof shall be paid by the Commissioners of Sewers of the City of London, by Quarterly Payments in each Year, to such Person or Persons as shall by such Incumbents, or the major Part of them, be appointed from Time to Time to receive the same, and such Fees shall be applied according to a Scheme to be agreed upon by such Incumbents, or the major Part of them, with the Consent of the Bishop of the Diocese.

Fees to be paid by the Commissioners.

VI. It shall be lawful for the said Commissioners, subject and without Prejudice to the Fees payable to Incumbents under the Provisions of this Act, and subject to the Approval required by the Seventh Section of the Act of Eighteenth and Nineteenth Victoria, Chapter One hundred and twenty-eight, to settle a Scale of Fees for the Burial in the Cemetery at *Little Ilford* aforesaid of Persons not residing within the City of London or the Liberties thereof, and from Time to Time to revise and vary the same.

Commissioners to settle Fees for Burial of Persons not residing in London.

VII. The Chaplain or Chaplains who for the Time being shall have been or shall hereafter be appointed under the Thirty-ninth Section of the said recited Act, by the Incumbents of the Parishes within the City of London and the Liberties thereof, for the Performance of Burials in the consecrated Part of the said Cemetery, shall conform to all such Regulations of the Commissioners of Sewers for the City of London as shall not interfere with the Performance of the Funeral Service according to the Order of the United Church of England and Ireland.

Chaplains of Cemetery to conform to Regulations of Commissioners.

VIII. In this Act and in the said recited Act, so far as the same applies to the City of London and the Liberties thereof, the Words "Parishioner" or "Inhabitant" shall mean a Person inhabiting a House or dying in One of the Parishes in the City of London or the Liberties thereof; and when such House shall be situated in more than One Parish, the Parish in which the greater Part of such House is situated shall be deemed to be the Parish of which the Person inhabiting the same is a Parishioner or Inhabitant.

Interpretation of Terms.

IX. All the Costs, Charges, and Expenses of obtaining and passing this Act shall be defrayed out of the Consolidated Rate authorized to be made by the "City of London Sewers Act, 1848."

Expenses of Act.

The SCHEDULE.

	£	s.	d.
For each Burial in a Catacomb in consecrated Ground	-	-	0 15 0
For each Burial in a Vault in ditto	-	-	0 10 0
For each Burial in a Brick Grave in ditto	-	-	0 7 6
For each Burial in a Private Grave in ditto	-	-	0 5 0
For each Burial in a Common Grave in ditto	-	-	0 2 6
For each Burial of a Pauper in ditto	-	-	0 1 0

C A P. XXXVI.

An Act to supply an Omission in a Schedule to the Act to amend the Acts relating to County Courts: [17th August 1857.]

WHEREAS by an Act passed in the Session holden in the Nineteenth and Twentieth Years of Her Majesty, Chapter One hundred and eight, to amend the Acts relating to County Courts, after reciting that the Commissioners of Her Majesty's Treasury had ordered that the Salaries of the Judges whose Names were mentioned in the Schedule marked (D.) annexed to the said Act should be fixed at the Amounts set opposite to their respective Names in such Schedule, it is provided, that the Judges mentioned in such Schedule should continue to receive the Salaries therein mentioned to be payable to them respectively so long as they should continue to be Judges of the County Courts: And whereas the Commissioners of Her Majesty's Treasury had ordered that *T. Falconer*, Esq., Judge of the County Courts holden at *Brecknock*, *Builth*, and other Places, and *J. St. John Yates*, Esq., Judge of the County Courts holden at *Congleton*, *Hyde*, and other Places, should respectively receive a Salary of One thousand five hundred Pounds; and the said *T. Falconer* and *J. St. John Yates* are mentioned in the said Schedule (D.), but no Amounts or Sums are set opposite to their respective Names in such Schedule: 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:

19 & 20 Vict. c. 108.

I. The said Act shall be read and take effect as from the Time when it came into operation in the same Manner as if in the said Schedule (D.) the Salary of One thousand five hundred Pounds had been mentioned to be payable to the said *T. Falconer*, Esq., and the Salary of One thousand five hundred Pounds had been mentioned to be payable to the said *J. St. John Yates*, Esq.; and it shall be lawful for the Commissioners of Her Majesty's Treasury to direct and cause to be paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* to the said *T. Falconer* and *J. St. John Yates* respectively such Sums as, with the Payments actually made to them respectively on account of their Salaries, will make up the Amount of such Salaries at the Rate aforesaid as from the Time when the said Act came into operation.

Recited Act to take effect as to Salaries of *T. Falconer* and *J. St. John Yates*, Esqs., when it came into operation.

*Superannuation Act Amendment.**General Board of Health Continuance.*

## C A P. XXXVII.

An Act to repeal the Twenty-seventh Section of the Superannuation Act, 1834.

[17th August 1857.]

4 & 5 W. 4.  
c. 24.

WHEREAS an Act was passed in the Fourth and Fifth Years of the Reign of His late Majesty, intituled *An Act to alter, amend, and consolidate the Laws for regulating the Pensions, Compensations, and Allowances to be made to Persons in respect of their having held Civil Offices in His Majesty's Service*: And whereas it is inexpedient to enforce the Provisions of the said Act so far as relates to the Abatement to be made under the Twenty-seventh Section of the said recited Act from the Salaries of those Civil Servants of the Crown who have taken Office since the Fourth Day of August One thousand eight hundred and twenty-nine: 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:

Sect. 27. of  
recited Act  
repealed.

I. The said Twenty-seventh Section of the said recited Act shall be and the same is hereby repealed from and after the Thirtieth Day of June One thousand eight hundred fifty-seven.

## C A P. XXXVIII.

An Act to continue the General Board of Health.

[17th August 1857.]

17 & 18 Vict.  
c. 95.

WHEREAS by the Act of the Session holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter Ninety-five, "to make better Provision for the Administration of the Laws relating to the Public Health," it was provided, that the General Board of Health should be continued only for One Year next after the Day of the passing of that Act, and thenceforth until the End of the then next Session of Parliament: And whereas by an Act of the Session holden in the Nineteenth and Twentieth Years of Her Majesty, Chapter Eighty-five, the said Board stands continued for One Year after the Day of the passing of that Act, and thenceforth until the End of the then next Session of Parliament: And whereas it is expedient that the said Board should be further continued: 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,)

19 & 20 Vict.  
c. 85.

Board of Health  
continued.

I. The said Board shall be continued until the First Day of September One thousand eight hundred and fifty-eight.

No Salary pay-  
able to Presi-  
dent if he hold  
Office of Profit.

II. If Her Majesty shall appoint to be President of the General Board of Health any Person who at the Time of such Appointment shall hold any Office of Profit under the Crown, the Person so appointed shall not receive any Salary in respect of such Office of President; and if at the Time of such Appointment he shall be a Member of the House of Commons he shall not by reason of such Appointment vacate his Seat in Parliament.

## C A P. XXXIX.

An Act to regulate the Admission of Attornies and Solicitors of Colonial Courts in Her Majesty's Superior Courts of Law and Equity in *England* in certain Cases.

[17th August 1857.]

WHEREAS in certain of Her Majesty's Colonies and Dependencies, including certain Parts of the Territories under the Government of the *East India* Company, the System of Jurisprudence is founded on or assimilated to that administered in *England*, and the Attornies and Solicitors of the Superior Courts of Law and Equity in *England* are admitted as Attornies and Solicitors in the Courts of Law and Equity of such Colonies and Dependencies, on Production of their Certificates of Admission in the *English* Courts aforesaid; and it is considered just and expedient to afford Facilities to the Attornies and Solicitors of the Superior Courts in certain Colonies and Dependencies for obtaining Admission in Her Majesty's Courts of Law and Equity in *England*: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. This Act may for all Purposes be cited as "The Colonial Attornies Relief Act."

When Act to  
come into ope-  
ration.

II. This Act shall not take effect in any One or more of Her Majesty's Colonies or Dependencies until Her Majesty has, by Order in Council, to be made as herein-after mentioned, directed the same to come into operation in respect to such Colony or Dependency.

Attornies and  
Solicitors of  
Colonial Courts  
to be admitted  
to Courts of  
Law and Equity  
in *England*.

III. All Persons who, being Subjects of the *British* Crown, have been or shall hereafter be duly admitted and enrolled as Attornies and Solicitors in the Superior Courts of Law and Equity in those of Her Majesty's Colonies or Dependencies where the System of Jurisprudence is founded on or assimilated to the Common Law and Principles of Equity as administered in *England*, and where full Service under Articles of Clerkship to an Attorney-at-Law for the Space of Five Years at the least, and an Examination to test the Qualification of Candidates, are or may be required previous to such Admission, save only in the Case of Persons previously admitted as Attornies or Solicitors in the Superior Courts of Law or Equity in *England*, such Colonies or Dependencies to be from Time to Time specified in and by Order in

*Attornies and Solicitors (Colonial Courts).*

in Council, as herein-after provided, shall and may be admitted and enrolled Attornies in all or any of the Courts of Queen's Bench, Common Pleas, and Exchequer, and other Courts in *England*, and Solicitors in the High Court of Chancery in *England*, subject as herein-after provided.

IV. No Person shall be deemed qualified to be admitted as Attorney or Solicitor, under the Provisions of this Act, unless he shall pass such Examination to test his Fitness and Capacity as herein-after provided, and shall produce at such Examination a Certificate from the presiding Judge of the Superior Court of Common Law in the Colony or Dependency where such Person shall have been duly admitted an Attorney and Solicitor, and stating the Amount of the Stamps which have been paid by such Person on his Articles of Clerkship and Admission to practise in such Colony, in the Form or to the Effect as contained in Schedule (A.) hereunto annexed, and shall further make Affidavit (in such Manner as shall be provided by Order or Regulation to be made by the Judges of the Superior Courts of Common Law, and the Master of the Rolls respectively, as herein-after provided,) that he is resident within the Jurisdiction of the said Superior Courts of Law and Equity in *England*, and that he has ceased, for the Space of Twelve Calendar Months at the least, to practise as Attorney or Solicitor in any Colonial Court of Law.

No Person to be deemed qualified unless he pass Examination, and produce Certificate from Judge of Court where he was admitted.

V. It shall be lawful for the Judges of the Courts of Queen's Bench and Common Pleas and Exchequer, or any Three or more of them; as and when any Person shall, under the Provisions of this Act, seek to be admitted as an Attorney, and not as a Solicitor also, and for the Master of the Rolls, as and when any Person shall seek as aforesaid to be admitted as a Solicitor, and not as an Attorney also, and for the said Judges or any Three or more of them, and the Master of the Rolls, jointly, when any Person shall seek as aforesaid to be admitted as an Attorney and Solicitor, and he and they are hereby authorized and required, at any Time before he and they shall admit or issue a Fiat for the Admission of any such Person as aforesaid, to examine and inquire by such Ways and Means as he or they shall think proper touching the Qualification and the Fitness or Capacity of such Person to act as an Attorney or Solicitor, or as an Attorney and Solicitor, and for that Purpose it shall be lawful for him or them, from Time to Time as Application for Admission as aforesaid shall be made, to appoint such Persons as Examiners, and to make such Orders and Regulations for conducting such Examination, as he or they shall think proper; and if by any such Examination any of the Judges of the said Courts of Common Law shall be satisfied that such Person is duly qualified and fit and competent to be admitted to act as an Attorney, then, and not otherwise, any one of the said Judges shall and he is hereby authorized and required to administer or cause to be administered to such Person the Oaths by Law required to be administered to Attornies in *England*, and after such Oaths taken to cause him to be admitted an Attorney of such Courts, which Admission shall be written on Parchment, and signed by such Judge, and shall be stamped with the Stamps after mentioned; and if by such Examination the Master of the Rolls shall be satisfied that such Person is duly qualified and fit and competent to be admitted to act as a Solicitor, then, and not otherwise, he is hereby authorized and required to administer or cause to be administered to such Person the Oaths by Law required to be taken, and to cause him to be admitted a Solicitor in the Court of Chancery; 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, and shall be stamped with the Stamps after mentioned.

Common Law and Equity Judges to appoint Examiners.

VI. The Admission of any Person as an Attorney or Solicitor under the Provisions of this Act shall be stamped with the Stamps by Law required to be impressed on the Admission of Attornies or Solicitors in *England* (as the Case may be), and the Admission first obtained shall be impressed with such further Stamp as shall, together with the Amount of Stamps paid on Articles of Clerkship and Admission in the Colony (to be ascertained as herein-after provided), be equal in Amount to the Sum by Law payable on Articles of Clerkship in *England*.

Stamp Duties on Admissions.

VII. Her Majesty may from Time to Time, by Order in Council, direct this Act to come into operation as to any One or more of Her Majesty's Colonies or Dependencies, and thereupon, but not otherwise, the Provisions of this Act shall apply to Persons duly admitted as Attornies and Solicitors in the Superior Courts of Law and Equity in such Colonies or Dependencies; but no such Order in Council shall be made in respect of any Colony, except upon Application made by the Governor or Person exercising the Functions of Governor of such Colony or Dependency, and until it shall be shown to the Satisfaction of Her Majesty's Principal Secretary of State for the Colonies that the System of Jurisprudence as administered in such Colony or Dependency, and the Qualification for Admission as an Attorney or Solicitor in the Superior Courts of Law and Equity in such Colony or Dependency, answer to and fulfil the Conditions specified in Section Three herein-before contained, and also that the Attornies or Solicitors of the Superior Courts of Law or Equity in *England* are admitted as Attornies and Solicitors in the Superior Courts of Law and Equity of such Colony or Dependency, on Production of their Certificates of Admission in the *English* Courts, without Service or Examination in the Colony or Dependency.

Power to Her Majesty, by Order in Council, to direct this Act to come into operation in any One or more Colony or Dependency.

## SCHEDULE (A.)

To all whom it may concern, I [*Name and Style of Judge*] do hereby certify, That [*Terms of Certificate of Admission granted to the Attorney in the Colony*], and that the said [*Attorney's Name*] is now duly enrolled as an Attorney-at-Law and Solicitor in this Colony, and entitled to practise as such:

*Attornies and Solicitors (Colonial Courts).**Illicit Distillation (Ireland).*

and further, that no Charge or Accusation has been established or is pending against the said [ ] in such his Professional Character or otherwise affecting his fair Fame and Repute. And I find that the Sum of £ . . . was paid on Articles of Clerkship when the said . . . was articled, and the Sum of £ . . . on the Certificate of Admission when he was admitted to practise as aforesaid. [To be signed and attested in the Manner usual in other Certificates granted by the Judge.]

## C A P. XL.

An Act to continue and amend an Act of the Seventeenth and Eighteenth Years of Her Majesty's Reign, Chapter Eighty-nine, and also the Laws for the Suppression and Prevention of Illicit Distillation in *Ireland*; and to constitute the Constabulary Force Officers of Customs for certain Purposes. [17th August 1857.]

17 & 18 Vict.  
c. 89.

WHEREAS an Act was passed in the Seventeenth and Eighteenth Years of Her Majesty's Reign, Chapter Eighty-nine, and it is expedient to amend the same, and also the Laws for the Suppression and Prevention of Illicit Distillation in *Ireland*: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Certain Sects.  
of 17 & 18 Vict.  
c. 89. and  
18 & 19 Vict.  
c. 103. repealed.

I. Sections Thirteen, Fourteen, and Seventeen of the said Act, and also Section Three of an Act passed in the Eighteenth and Nineteenth Years of Her Majesty's Reign, Chapter One hundred and three, shall be and the same are hereby repealed.

As to Disposal  
of Seizures  
made under  
recited Act and  
this Act.

II. All Seizures to be made under the Provisions of the said Act of the Seventeenth and Eighteenth Years of Her Majesty or of this Act by any Officer, Head or other Constable, shall (except in the Cases in this Clause herein-after provided for, and except also in Cases of Seizures made under the Customs Consolidation Act, 1853, herein-after referred to,) be destroyed or otherwise disposed of as the Inspector General of Constabulary shall direct in that Behalf: Provided always, that all Seizures which may be made under the Powers or Directions of the Sixth Section of the said Act of the Seventeenth and Eighteenth Years of Her Majesty, of Spirits *in transitu* or Process of Removal from Place to Place, where the same shall be sent or removed from or by any Licensed Distiller or Rectifier of or Dealer in, or Retailer of Spirits, shall be disposed of in such Manner as the Commissioners of Inland Revenue may direct or authorize in that Behalf.

Remains and  
Proceeds of  
Sales of Sei-  
zures to whom  
to be paid.

III. All Penalties to be recovered by Officers of Constabulary by virtue of the Powers conferred or to be conferred on them under the Authority of the said last-mentioned Act and of this Act, and also the Proceeds of the Sale of any Seizure to be made by them under the said Powers, where such Seizure may, at the Discretion of the Inspector General of Constabulary, be sold, shall, after deducting and paying thereout all reasonable Expenses, be handed over to the Commissioners of Inland Revenue, or to such Person as they shall appoint, for the Use of Her Majesty, anything contained in any former Act to the contrary notwithstanding.

Lord Lieuten-  
nant may ap-  
point Officers  
for the Pre-  
vention of Illi-  
cit Distillation.

IV. And for the Purpose of carrying into effect the Provisions of the several Acts for the Suppression and Prevention of Illicit Distillation in *Ireland*, it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* from Time to Time to appoint such and so many Officers as he or they shall consider necessary or proper in that Behalf, and also to revoke the Appointment of any such Officers; and all such Officers so to be appointed shall have, use, and exercise the same Powers and Duties, and shall be entitled to and receive the same Pay and Allowances, and be under and subject to the same Rules and Regulations, and liable to the same Deductions and Contributions with respect to Superannuation Allowances, Reward Fund, and otherwise, as Officers of the like Rank appointed under the several Acts relating to the Constabulary Force in *Ireland*: Provided always, that the Pay and Expenses of all such Officers as may be appointed in pursuance of this Act shall be paid out of Monies provided by Parliament applicable to such Expenses; and provided also, that nothing in this Act shall interfere with the Distribution of the existing Constabulary Force in reference to their present Duties in the respective Counties.

As to Pay and  
Expenses of  
Officer under  
this Act.

Officers of Con-  
stabulary to  
have the same  
Power as Offi-  
cers of Excise  
and Customs in  
relation to cer-  
tain Offences.

V. All Officers of the said Constabulary Force, appointed or to be appointed under any Act relating to the said Force, or under this Act, shall have, use, and exercise all the Powers and Authorities, and have and possess all the Privileges, granted to Officers of Excise in relation to any Offence committed or to be committed, or suspected to be committed, under or contrary to the Act passed in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, Chapter Fifty-five, intituled *An Act to consolidate and amend the Laws for suppressing the illicit making of Malt and Distillation of Spirits in Ireland*, or in relation to any Offence mentioned in the One hundred and thirty-eighth Section of the Act passed in the Sixth Year of the Reign of King *George* the Fourth, Chapter Eighty, which said last-mentioned Section is hereby extended to *Ireland*, and shall have, use, and exercise all the Powers and Authorities, and have and possess all the Privileges, which are or may be exercised, had, or possessed by any Officer of Customs under the "Customs Consolidation Act, 1853," or any other Act now in force or hereafter to be passed, in relation to the Customs, so far as relates to any Seizure, Detention,

*Illicit Distillation (Ireland).**Loan Societies.*

Detention, or Prosecution which may be made or had under any such Act or Acts, and shall be deemed and considered to be Officers of Customs for such Purposes; but such Officers of the Constabulary Force shall have, use, and exercise the Powers and Authorities conferred by this Act so long only as they shall be and continue Officers of such Constabulary Force.

VI. All Proceedings under the said Act of the First and Second Years of *William* the Fourth, and the said One hundred and thirty-eighth Section of the Act of the Sixth Year of *George* the Fourth, shall be conducted, and all Penalties and Costs under the same shall be sued for, levied, and recovered, as by the Petty Sessions (*Ireland*) Act, 1851, is directed and provided, anything in the said Acts or any of them to the contrary notwithstanding.

VII. And whereas the carrying into effect by the said Constabulary Force of the Provisions of the said Acts for the Suppression and Prevention of illicit Distillation in *Ireland* may eventually render unnecessary the Employment of the Force now known as the Revenue Police in *Ireland*, and will in the meantime enable the Commissioners of Inland Revenue to reduce the Numbers of the said last-mentioned Force, and it is proper to provide for the Compensation of Officers and Men of the said Revenue Police who may lose their Employment by the Discontinuance or Reduction of the said last-mentioned Force: Be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury to grant and allow to any Officer or other Person who may be deprived of his Employment in the said Revenue Police, by reason of any such Discontinuance or Reduction of the said Force as aforesaid, such Compensation, either by way of Pension or Gratuity, as the said last-mentioned Commissioners may think proper and reasonable in that Behalf, to be paid out of Monies provided by Parliament for that Purpose: Provided always, that if any such Officer or other Person of the said Revenue Police shall be appointed under the Powers of this Act to the said Constabulary Force, his previous Service in the said Revenue Police shall, for the Purpose of Superannuation Allowance and otherwise, be counted as Service in the said Constabulary Force; provided that a Sum of Money equal to the Rate of Two and a Half *per Cent.* on the aggregate Amount of the Pay of an Officer of the Constabulary Force for the Period of such Service in the said Revenue Police shall be paid on his Behalf to the Constabulary Superannuation and Reward Funds.

VIII. The Term "Officer" or "Officers" used in this Act with reference to the Constabulary Force in *Ireland* shall include Head or other Constable of the said Constabulary Force.

Proceedings to be conducted according to 14 & 15 Vict. c. 93.

Treasury may grant Compensation to Officers of Revenue Police deprived of their Employment by the Operation of this Act.

Interpretation of Terms.

## C A P. XLI.

An Act to revive and continue an Act to amend the Laws relating to Loan Societies.

[17th August 1857.]

WHEREAS an Act was passed in the Session holden in the Third and Fourth Years of Her Majesty, Chapter One hundred and ten, "to amend the Laws relating to Loan Societies," which Act was limited to continue until the Thirty-first Day of *December* One thousand eight hundred and forty-one, but has been continued by sundry Acts, and lastly by an Act of the Session holden in the Sixteenth and Seventeenth Years of Her Majesty, Chapter One hundred and nine, until the End of the last Session of Parliament: And whereas it is expedient that the said Act of the Third and Fourth Years of Her Majesty should be revived and continued for a limited Time, and that Societies established under the said Act should be enabled to wind up their Affairs after the Expiration of such 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:

I. The said Act of the Third and Fourth Years of Her Majesty shall continue in force until the First Day of *August* One thousand eight hundred and fifty-eight, and this Act shall be deemed and taken to have effect from the Expiration of the Time limited for the Continuance of the said Act hereby continued by the said Act of the Sixteenth and Seventeenth Years of Her Majesty, as fully and effectually, to all Intents and Purposes, as if this Act had actually passed before the Expiration of the Time so limited.

II. After the Termination of the Period limited by this Act for the Continuance of the said Act of the Third and Fourth Years of Her Majesty the Provisions of the said Act, and all Rules certified thereunder, shall, notwithstanding the Expiration of the said Act, remain and be in force as regards any Society theretofore established thereunder and then subsisting, and the Securities taken by such Society, until the Affairs of such Society shall be wound up, and the Assets thereof divided; save only that no new Loan shall be made by such Society under the Authority of the said Act after such Expiration.

III. The Expiration of the said Act of the Third and Fourth Years of Her Majesty shall not operate to revive any Part of the Act of the Fifth and Sixth Years of King *William* the Fourth, Chapter Twenty-three, repealed by the first-mentioned Act; but so much of the said Act of King *William* the Fourth as was thereby repealed shall continue repealed notwithstanding such Expiration.

3 & 4 Vict. c. 110.

3 & 4 Vict. c. 110. revived and continued.

3 & 4 Vict. c. 110. to remain in force as to existing Societies.

Repealed Provision of 5 & 6 W. 4. c. 23. not to be revived.

*Burial Grounds (Scotland) Act (1855) Amendment.*

## C A P. XLII.

An Act to amend "The Burial Grounds (*Scotland*) Act, 1855."

[17th August 1857.]

18 & 19 Vict.  
c. 68.S. 28. of recited  
Act repealed.Commissioners  
of Public  
Works may  
make Loans  
to Parochial  
Boards for the  
Purposes of  
Burial Ground  
(Scotland)  
Acts.

WHEREAS it is expedient to amend the Act passed in the Session of Parliament holden in the Eighteenth and Nineteenth Years of Her Majesty, Chapter Sixty-eight, intituled *An Act to amend the Laws concerning the Burial of the Dead 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:

I. The Twenty-eighth Section of the said Act is hereby repealed.

II. The Commissioners for carrying into execution an Act of the Session of Parliament holden in the Fourteenth and Fifteenth Years of Her Majesty, Chapter Twenty-three, "to authorize for a further Period the Advance of Money out of the Consolidated Fund, to a limited Amount, for carrying on "Public Works and Fisheries and Employment of the Poor," and the several Acts therein recited, mentioned, or referred to, and the Act or Acts subsequently passed for amending, continuing, or extending the same, may from Time to Time make to the Parochial Board of any Parish for the Purposes of the said Burial Ground (*Scotland*) Act, 1855, any Loan under the Provisions of the recited Act, or the several Acts therein recited or referred to, or subsequently passed for amending, continuing, or extending the same, upon Security of the Assessments authorized by the said Burial Grounds (*Scotland*) Act, 1855.

## A P. XLIII.

An Act to improve the Administration of the Law so far as respects summary Proceedings before Justices of the Peace. [17th August 1857.]

Interpretation  
of Terms.Justices on  
Application of  
a Party  
aggrieved to  
state a Case for  
the Opinion of  
Superior Court.Security and  
Notice to be  
given by the  
Appellant.Justices may  
refuse a Case  
wherethey  
think the  
Application  
frivolous.

WHEREAS it is expedient that Provision should be made for obtaining the Opinion of a Superior Court on Questions of Law which arise in the Exercise of Summary Jurisdiction by Justices of the Peace: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. In the Interpretation and for the Purposes of this Act, the following Words shall have the Meaning herein-after assigned to them; that is to say,

"Superior Courts of Law" shall for *England* mean the Supreme Courts of Law at *Westminster*, and for *Ireland* the Supreme Courts at Law at *Dublin*:

"Court of Queen's Bench" shall mean for *England* the Court of Queen's Bench at *Westminster*, and for *Ireland* the Court of Queen's Bench at *Dublin*.

II. After the Hearing and Determination by a Justice or Justices of the Peace of any Information or Complaint which he or they have Power to determine in a summary Way, by any Law now in force or hereafter to be made, either Party to the Proceeding before the said Justice or Justices may, if dissatisfied with the said Determination as being erroneous in point of Law, apply in Writing within Three Days after the same to the said Justice or Justices, to state and sign a Case setting forth the Facts and the Grounds of such Determination, for the Opinion thereon, of One of the Superior Courts of Law to be named by the Party applying; and such Party, herein-after called "the Appellant," shall within Three Days after receiving such Case, transmit the same to the Court named in his Application, first giving Notice in Writing of such Appeal, with a Copy of the Case so stated and signed, to the other Party to the Proceeding in which the Determination was given herein-after called the Respondent.

III. The Appellant, at the Time of making such Application, and before a Case shall be stated and delivered to him by the Justice or Justices, shall in every Instance enter into a Recognizance, before such Justice or Justices, or any One or more of them, or any other Justice exercising the same Jurisdiction, with or without Surety or Sureties, and in such Sum as to the Justice or Justices shall seem meet, conditioned to prosecute without Delay such Appeal, and to submit to the Judgment of the Superior Court, and pay such Costs as may be awarded by the same; and the Appellant shall at the same Time, and before he shall be entitled to have the Case delivered to him, pay to the Clerk to the said Justice or Justices his Fees for and in respect of the Case and Recognizances, and any other Fees to which such Clerk shall be entitled, which Fees, except such as are already provided for by Law, shall be according to the Schedule to this Act annexed marked (A), until the same shall be ascertained, appointed, and regulated in the Manner prescribed by the Statute Eleventh and Twelfth *Victoria*, Chapter Forty-three, Section Thirty; and the Appellant, if then in Custody, shall be liberated upon the Recognizance being further conditioned for his Appearance before the same Justice or Justices, or, if that is impracticable, before some other Justice or Justices exercising the same Jurisdiction who shall be then sitting, within Ten Days after the Judgment of the Superior Court shall have been given, to abide such Judgment, unless the Determination appealed against be reversed.

IV. If the Justice or Justices be of opinion that the Application is merely frivolous, but not otherwise, he or they may refuse to state a Case, and shall, on the Request of the Appellant, sign and deliver to him a Certificate of such Refusal; provided, that the Justice or Justices shall not refuse to state a Case where Application

*Summary Proceedings before Justices of the Peace.*

Application for that Purpose is made to them by or under the Direction of Her Majesty's Attorney General for *England* or *Ireland*, as the Case may be.

V. Where the Justice or Justices shall refuse to state a Case, as aforesaid, it shall be lawful for the Appellant to apply to the Court of Queen's Bench upon an Affidavit of the Facts for a Rule calling upon such Justice or Justices, and also upon the Respondent, to show Cause why such Case should not be stated; and the said Court may make the same absolute or discharge it, with or without Payment of Costs, as to the Court shall seem meet, and the Justice or Justices, upon being served with such Rule Absolute, shall state a Case accordingly, upon the Appellant entering into such Recognizance as is herein-before provided.

If Justices refuse, Court of Queen's Bench may order Case to be stated.

VI. The Court to which a Case is transmitted under this Act shall hear and determine the Question or Questions of Law arising thereon, and shall thereupon reverse, affirm, or amend the Determination in respect of which the Case has been stated, or remit the Matter to the Justice or Justices, with the Opinion of the Court thereon, or may make such other Order in relation to the Matter, and may make such Orders as to Costs, as to the Court may seem fit; and all such Orders shall be final and conclusive on all Parties: Provided always, that no Justice or Justices of the Peace who shall state and deliver a Case in pursuance of this Act shall be liable to any Costs in respect or by reason of such Appeal against his or their Determination.

Superior Court to determine Questions on the Case:

Its Decisions to be final.

VII. The Court for the Opinion of which a Case is stated shall have Power, if they think fit, to cause the Case to be sent back for Amendment, and thereupon the same shall be amended accordingly, and Judgment shall be delivered after it shall have been amended.

Case may be sent back for Amendment.

VIII. The Authority and Jurisdiction hereby vested in a Superior Court for the Opinion of which a Case is stated under this Act shall and may (subject to any Rules and Orders of such Court in relation thereto) be exercised by a Judge of such Court sitting in Chambers, and as well in Vacation as in Term Time.

Judge at Chambers may exercise Powers, &c.

IX. After the Decision of the Superior Court in relation to any Case stated for their Opinion under this Act, the Justice or Justices in relation to whose Determination the Case has been stated, or any other Justice or Justices of the Peace exercising the same Jurisdiction, shall have the same Authority to enforce any Conviction or Order, which may have been affirmed, amended, or made by such Superior Court, as the Justice or Justices who originally decided the Case would have had to enforce his or their Determination if the same had not been appealed against; and no Action or Proceeding whatsoever shall be commenced or had against the Justice or Justices for enforcing such Conviction or Order, by reason of any Defect in the same respectively.

After the Decision of Superior Court, Justice may issue Warrants.

X. No Writ of Certiorari or other Writ shall be required for the Removal of any Conviction, Order, or other Determination in relation to which a Case is stated under this Act, or otherwise, for obtaining the Judgment or Determination of the Superior Court on such Case under this Act.

No Certiorari under this Act.

XI. The Superior Courts of Law may from Time to Time, and as often as they shall see Occasion, make and alter Rules and Orders to regulate the Practice and Proceedings in reference to the Cases herein-before mentioned.

Superior Courts may make Rules.

XII. The Words "Justice or Justices" in this Act shall include a Magistrate of the Police Courts of the Metropolis and any Stipendiary Magistrate.

Meaning of "Justices."

XIII. In all Cases where the Conditions, or any of them, in the said Recognizance mentioned, shall not have been complied with, the Justice or Justices who shall have taken the same, or any other Justice or Justices, shall certify upon the Back of the Recognizance in what respect the Conditions thereof have not been observed, and transmit the same to the Clerk of the Peace of the County, Riding, Division, Liberty, City, Borough, or Place within which such Recognizance shall have been taken, to be proceeded upon in like Manner as other Recognizances forfeited at Quarter Sessions may now by Law be enforced, and such Certificate shall be deemed sufficient *prima facie* Evidence of the said Recognizance having been forfeited: Provided, that where any such Recognizances shall have been taken in *England* before a Magistrate of the Police Courts of the Metropolis, or by any Stipendiary Magistrate, all Sums of Money in which any Person or Persons shall be therein bound may, if the said Magistrate shall think fit, be levied, upon such Recognizance being forfeited, and on Nonpayment thereof, together with the Costs of the Proceedings to enforce such Payment, in the same Manner as a Police Magistrate of the Metropolis is now empowered to recover any Penalty, Forfeiture, or Sum of Money, by Section Forty-five of an Act passed in the Second and Third Years of the Reign of Her present Majesty, intituled *An Act for regulating the Police Courts in the Metropolis*, and that all and every the Provisions and Enactments contained in the said Section Forty-five shall extend to and be applicable to this Act, in as ample a Manner as if they had been herein enacted and made Part of the same.

Recognizances how to be enforced.

2 & 3 Vict. c. 71. s. 45.

XIV. Any Person who shall appeal under the Provisions of this Act against any Determination of a Justice or Justices of the Peace from which he is by Law entitled to appeal to the Quarter Sessions shall be taken to have abandoned such last-mentioned Right of Appeal, finally and conclusively, and to all Intents and Purposes.

No Appeal to Quarter Sessions.

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

Extent of Act.

SCHE-

Summary Proceedings before Justices of the Peace. Crown, &c. Suits. (Scotland).

SCHEDULE (A.)

FEEs to be taken by CLERKS to JUSTICES.

	s.	d.
For drawing Case and Copy, where the Case does not exceed Five Folios of Ninety Words each	10	0
Where the Case exceeds Five Folios, then for every additional Folio	1	0
For the Recognizance to be taken in pursuance of the Act	5	0
For every Enlargement or Renewal thereof	2	6
For Certificate of Refusal of Case	2	0

C A P. XLIV.

An Act to regulate the Institution of Suits at the Instance of the Crown and the Public Departments in the Courts of Scotland. [17th August 1857.]

WHEREAS Doubts are entertained as to the proper Instance to be employed in the Institution of Actions, Suits, and Proceedings in the Courts of Justice in Scotland on the Behalf of Her Majesty and of Public Departments: 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:

Crown Suits, &c. may be in Name of Lord Advocate; with Sanction of Department having Interest.

I. Every Action, Suit, or Proceeding to be instituted in Scotland on the Behalf of or against Her Majesty, Her Heirs and Successors, or in the Interest of the Crown, or on the Behalf of or against any Public Department, may be lawfully raised in the Name and at the Instance of or directed against Her Majesty's Advocate for the Time being as acting under this Act.

Persons prosecuted not entitled to object to the Instance.

II. Provided always, That before instituting or defending any such Action, Suit, or Proceeding Her Majesty's Advocate shall have the Authority of Her Majesty or of the Public Department respectively, on whose Behalf or against whom such Action, Suit, or Proceeding shall be instituted, to the Institution or Defence thereof.

Meaning of "Public Department."

III. Provided also, That it shall not be competent to any private Party in any Action, Suit, or Proceeding instituted as aforesaid to challenge or impugn the Instance of or the Title to defend such Action, Suit, or Proceeding, or the Right or Title of Her Majesty's Advocate to raise and prosecute or to defend the same, upon any Allegation that such Authority (as aforesaid) has not been granted, or that Evidence of such Authority is not produced.

Existing Actions, &c. not to be affected.

IV. The Expression "Public Department" shall include the Commissioners of Her Majesty's Treasury, the War Department, the Post Office, the Board of Inland Revenue, the Board of Customs, the Commissioners of Her Majesty's Woods and Forests, the Commissioners of Works and Public Buildings, the Committee of Her Majesty's Privy Council appointed for the Consideration of Matters relating to Trade and Foreign Plantations, and all the like Public Departments, Bodies, or Boards, and all and every Officer and Officers, Person and Persons acting on the Behalf or in the Interest of or entitled at the Date of the passing of this Act, to sue on the Behalf or in the Interest of any such Public Department.

Laws, &c. repealed to give Effect to Act.

V. Nothing in this Act contained shall affect the Instance or Defence of any Action, Suit, or Proceeding instituted or that may be instituted in conformity with the Law as existing at the Date of the passing of this Act; and no Action, Suit, or Proceeding raised or to be raised at the Instance of or against Her Majesty's Advocate for the Time being shall abate or be affected by any Change in the Person holding the Office of Her Majesty's Advocate.

VI. All Laws, Statutes, and Usages are hereby repealed, so far as necessary to give Effect to this Statute, but no further or otherwise.

C A P. XLV.

An Act to make further Provision for defining the Boundaries of certain Denominations of Land in Ireland for public Purposes. [17th August 1857.]

6 G. 4. c. 99. 17 & 18 Vict. c. 17.

WHEREAS an Act was passed in the Sixth Year of the Reign of King George the Fourth, Chapter Ninety-nine, to make Provision for defining the Boundaries of certain Denominations of Land in Ireland; and another Act was passed in the Seventeenth Year of the Reign of Her present Majesty, Chapter Seventeen, to provide for the Revision of such Boundaries; and whereas it is expedient to make further Provision for defining such Boundaries for the Purpose of the Revision of the Ordnance Survey, and for other public Purposes: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Boundary Surveyor may alter Boundary of Lands erroneously marked out, &c.

I. When the Boundary Surveyor for the Time being shall find that the Boundaries of any Land have been erroneously marked out, laid down, or described on the Ordnance Map of any County, he may make such Alteration therein as the Circumstances of the Case shall require; provided that the Application be made to him for such Alteration by the Owner or Owners or reputed Owners of such Land on each Side of the Boundary in question, accompanied by a Plan showing in detail the original Boundaries



*Boundaries of Land (Ireland). Land Tax Commissioners Names. Glebe Lands (Ireland).*

so erroneously marked out, and those which it is proposed and agreed upon by the said Owners to substitute for them.

II. Such Boundary Surveyor may define and mark out the Boundaries of any Land that has been reclaimed from the Sea, or a tidal River or Lake, and make of such Land a new Townland or Townlands, and such new Townland or Townlands shall be included in and form an integral Portion of the County, Barony, and Parish within which such Townland or Townlands are locally situate, or on which they abut or with which they have the greatest Length of common Boundary, as to such Boundary Surveyor shall seem fit: Provided always, that nothing herein contained shall in any Manner affect the Title of the Queen's Majesty, Her Heirs and Successors, or Assigns, or of other the Owner or Owners thereof, to any Land which has been or may hereafter be so reclaimed as aforesaid.

III. Such Boundary Surveyor may define and mark out the Boundaries of any Barony or Half Barony which shall have been divided by the Grand Jury of any County under the Provisions of an Act passed in the Sixth and Seventh Years of the Reign of King *William* the Fourth, Chapter One hundred and sixteen.

IV. Such Boundary Surveyor may define and mark out the Boundaries of any Parish which shall have been divided under the Provisions of an Act passed in the Third and Fourth Years of the Reign of King *William* the Fourth, Chapter Thirty-seven, and of any adjoining Parish to which any Lands separated from such first-mentioned Parish shall have been united.

V. The said recited Act of the Seventeenth Year of Her present Majesty's Reign, Chapter Seventeen, and this Act, shall be construed together as One Act; and all such Alterations of Boundaries hereby authorized to be made shall be subject to the Provisions of the said recited Act of the Seventeenth Year of Her Majesty's Reign with respect to Appeals to Quarter Sessions and the final Decision of the Lord Lieutenant.

## C A P. XLVI.

An Act to appoint additional Commissioners for executing the Acts for granting a Land Tax and other Rates and Taxes. [17th August 1857.]

WHEREAS an Act was passed in the Seventh and Eighth Years of the Reign of His Majesty King *George* the Fourth, Chapter Seventy-five: And whereas another Act was passed in the Ninth Year of the Reign of His said Majesty, Chapter Thirty-eight: And whereas another Act was passed in the Second and Third Years of His Majesty King *William* the Fourth, Chapter One hundred and twenty-seven: And whereas another Act was passed in the Third and Fourth Years of the Reign of His said Majesty, Chapter Ninety-five: And whereas another Act was passed in the Sixth and Seventh Years of His said Majesty, Chapter Eighty: And whereas another Act was passed in the First and Second Years of the Reign of Her present Majesty, Chapter Fifty-seven: And whereas another Act was passed in the Seventh and Eighth Years of Her present Majesty, Chapter Seventy-nine: And whereas another Act was passed in the Eleventh and Twelfth Years of Her present Majesty, Chapter Sixty-two: And whereas another Act was passed in the Sixteenth and Seventeenth Years of Her present Majesty, Chapter One hundred and eleven: And whereas it is expedient to appoint additional Persons to put in execution the several Acts for granting an Aid to Her Majesty by a Land Tax in *Great Britain*, and several other Acts for continuing or granting to Her Majesty Rates and Taxes: 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 the present Parliament assembled, and by the Authority of the same, as follows:

I. The several and respective Persons herein-after named shall and may, and are hereby empowered and authorized (being duly qualified) to put in execution the said Acts, and all the Clauses, Powers, Matters, and Things whatsoever therein contained, as Commissioners in and for the several and respective Counties, Shires, Stewartries, and Places of *Great Britain* herein-after severally and respectively mentioned and expressed, as fully and effectually as if they had been named with the other Commissioners in the said recited Act passed in the Seventh and Eighth Years of the Reign of His Majesty King *George* the Fourth: (that is to say,)

[Here follow the Names of the Commissioners for England, Wales, and Scotland.]

## C A P. XLVII.

An Act to enable Ecclesiastical Persons in *Ireland* to grant Building Leases of Glebe Lands in certain Cases. [17th August 1857.]

WHEREAS it would be for the public Advantage that Ecclesiastical Persons in *Ireland* should be empowered in certain Cases, to demise a Portion of their Glebe Lands for Building Purposes: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. In citing this Act for any Purpose it shall be sufficient to use the Expression "The Glebe Lands Leasing Powers (*Ireland*) Act, 1857."

Boundary Surveyor may define and mark out Boundaries of Land reclaimed from the Sea, &c.;

also of Baronies divided under 6 & 7 W. 4. c. 116.;

and of Parishes divided under 3 & 4 W. 4. c. 37.

17 & 18 Vict. c. 17. and this Act to be as One Act.

7 & 8 G. 4. c. 75.

9 G. 4. c. 38.

2 & 3 W. 4.

c. 127.

3 & 4 W. 4. c. 95.

6 & 7 W. 4. c. 80.

1 & 2 Vict. c. 57.

7 & 8 Vict. c. 79.

11 & 12 Vict.

c. 62.

16 & 17 Vict.

c. 111.

Appointment of additional Commissioners.

*Glebe Lands (Ireland).*

Interpretation  
of certain  
Terms.

II. In the Construction of this Act the Words " Lord Lieutenant " shall include any Chief Governor or Governors of *Ireland*; the Words " Successors in Estate " shall mean the Persons entitled for the Time being, after the Lessor, to the Receipt of the Rents of the Lands comprised in any Lease made under this Act; the Word " Lessee " shall include the personal Representative of any Lessee and his lawful Assigns; the Word " Lessor " shall include the Successors in Estate of any Lessor; the Words " Ecclesiastical Person " shall include Archbishops, Bishops, and all other Ecclesiastical Corporations, sole or aggregate; the Word " Town " shall mean any Borough or Town Corporate in *Ireland*, and any Town in which a Board of Municipal Commissioners shall have been elected under the Provisions of an Act of the Third and Fourth Years of the Reign of Her Majesty, Chapter One hundred and eight, or in which Town Commissioners shall have been appointed under the Provisions of an Act of the Ninth Year of King *George* the Fourth, Chapter Eighty-two, or an Act of the Seventeenth and Eighteenth Years of Her Majesty, Chapter One hundred and three, or any Act amending the same.

Ecclesiastical  
Persons may  
grant Build-  
ing Leases.

III. It shall be lawful for any Ecclesiastical Person in *Ireland* entitled to any Glebe Lands situate within the Limits of any City or Town in *Ireland*, or within Two Miles thereof, from Time to Time to make Leases of any Part of such Lands for building thereon, either together or in Parcels, for any Term of Years not exceeding Ninety-nine Years, to take effect in possession and not in reversion, or by way of future Interest, subject to the Provisions in this Act contained.

Best improved  
Rent to be re-  
served in  
Leases.

IV. The Rent reserved in any such Lease shall be the best improved yearly Rent that, at the Time of making such Lease, can be obtained or reasonably expected from a solvent Tenant, without taking any Fine or other Consideration of any Kind, and so that no such Lessee be made punishable for Waste: Provided always, that it shall be lawful to reserve a reduced Rent for the First Three Years of the Term.

Restrictions on  
Leasing Lands  
under this Act.

V. No such Lease shall include the Glebe House, Mansion House, or Place of Residence of any Ecclesiastical Person, or the Demesne, Lands, Garden, or Pleasure Grounds and Appurtenances belonging to or usually occupied therewith, or which may be necessary or convenient for actual Occupation with such Glebe House, Mansion House, or Place of Residence; and where there is no House or Place of Residence on such Glebe Lands, no such Lease shall include any Portion of the Glebe Lands that may be required or suitable for the Erection of a Glebe House or Place of Residence thereon, unless the Consent written on or annexed to such Lease shall specify that a sufficient Quantity of Land required and suitable for the Erection of a Glebe House or Place of Residence remains undemised in the Hands of such Ecclesiastical Person; and provided also, that no Lease made under this Act by any Archbishop shall be valid without the Consent of the Lord Lieutenant, or by any Bishop without the Consent of the Archbishop of his Province, or by any other Ecclesiastical Person without the Consent of the Archbishop of the Province, the Bishop of the Diocese, and of the Patron of such Benefice, and such Consents shall be testified by the Persons whose Consents are hereby required respectively being Parties to and signing and sealing such Leases, or signing a written Endorsement of such Consent thereon.

Surveyor to  
make Maps and  
Valuation and  
report as to  
Lease.

VI. Whenever any Lease is intended to be made under the Authority of this Act, a Map or Plan under actual Survey of the Lands proposed to be leased shall be made by a competent Land Surveyor, to be appointed by the Person desirous of making the Lease, showing the local Situation and Quantity of the Lands proposed to be leased, and of the Lands intended to be reserved; and such Surveyor shall also make a Valuation, on actual Survey, of the Lands proposed to be leased, and shall report what is the best yearly Rent which ought to be reserved on a Lease of such Lands, and shall also report upon all such other Matters connected with such intended Lease as he shall be directed to report upon; and the Map or Plan, Certificate, Valuation, and Report, shall be respectively signed by such Surveyor, and verified by his Declaration to be made before any Justice of the Peace: Provided always, that when there shall be any existing Map or Plan, made under actual Survey of the District, which shall include the Lands intended to be demised, a Copy of or Extract from such Map or Plan may be substituted for the Map or Plan herein-before directed to be made.

Map, &c. to be  
verified.

Existing Maps  
may be used.

As to Cove-  
nants to be  
contained in  
Leases made  
under this Act.

VII. Every Lease made under this Act shall contain a Covenant that the Tenant shall pay the Rent reserved, and all Taxes and Impositions whatsoever which shall be payable in respect of the Lands thereby demised, save the Landlord's Proportion of Poor's Rates, and also a Condition and Agreement on the Part of the Lessee to erect in a permanent and substantial Manner on the demised Premises Buildings of a Value to be specified therein, and to keep such Buildings during the Term in good and substantial Repair, and insured against Damage by Fire in Three Fourths at least of the Value thereof, and also that the Lessee will lay out the Money to be received on any such Insurance, and all such other Sums of Money as shall be necessary, in substantially reinstating such Buildings as shall be destroyed or damaged by Fire, and to give up peaceable Possession of the Lands so demised, with all Buildings, Fixtures, and Improvements therein, on the Determination of such Lease; and also every such Lease shall contain a Power of Re-entry, in case such Buildings shall not have been erected within Five Years from the Commencement of the said Lease: Provided also, that nothing herein contained shall be construed to preclude the Lessor in any such Lease from covenanting that the Lessee may take from off the demised Premises Brick, Earth, Stone, Lime, or other Materials for the Erection or Repair of the said Buildings, or the Construction or Repair of Drains connected therewith, or that he may use such Portion of the demised Premises as shall be limited in such Lease for the Purpose of laying out new Streets or Approaches to such Buildings, or for making any Drainage necessary for such Buildings.

VIII. The

*Glebe Lands (Ireland).**Industrial Schools.*

VIII. The Consent of the Lord Lieutenant, Archbishop, Bishop, and Patron, whose Consents are hereby made requisite to any Lease, testified in manner herein-before described, shall be conclusive Evidence that such Lease does not comprise any Lands which ought not to be leased under the Provisions of this Act, and that a proper Portion of the Glebe Land remains unleased, and that the Rent thereby reserved is the best and most improved Rent, and that the Conditions required by this Act have been duly observed.

Execution by Lord Lieutenant, &c. to be Evidence, &c.

IX. Whenever the Patron shall happen to be a Minor, Idiot, Lunatic, or Feme Covert, it shall be lawful for the Guardian, Committee of the Estate, or Husband (as the Case may be) of such Patron (but in the Case of a Feme Covert not being a Minor, Idiot, or Lunatic, with her Consent in Writing,) to execute the Instrument by which such Consent is to be testified in Testimony of the Consent of such Patron, and such Execution shall, for the Purposes of this Act, be deemed and taken to be an Execution by the Patron of the Benefice.

When Patron is under Incapacity or beyond Seas.

X. Whenever the Patronage shall be in the Crown, the Consent of the Crown shall be testified by the signing of such Consent by the Lord Lieutenant; and whenever the Patronage shall belong to any Dean and Chapter, or Collegiate or other Corporate Body having a Common Seal, the Consent of such Corporate Body shall be testified by the sealing of the Instrument by which such Consent is testified with the Common Seal of such Corporate Body.

As to Consent in certain Cases.

XI. The Person or Persons (if not more than Two), or the Majority of the Persons (if more than Two), or the Corporation who or which would for the Time being be entitled to the Turn or Right of Presentation to any Benefice if the same were then vacant, shall, for the Purposes of this Act, be considered to be the Patron thereof: Provided nevertheless, that in the Case of the Patronage being exercised alternately by different Patrons, the Person or Persons (if not more than Two), or the Majority of the Persons (if more than Two), or the Corporation, who or which would for the Time being be entitled to the Second Turn or Right of Presentation to any Benefice if the same were then vacant, shall, for the Purposes of this Act, jointly with the Person or Persons or Corporation entitled to the First Turn or Right of Presentation, be considered to be the Patron thereof.

Person who for the Time being would be entitled to present shall be considered the Patron.

XII. Every Lease made pursuant to the Provisions of this Act shall be by Indenture, and a Counterpart of every such Lease shall be executed by the Lessee thereof, and shall be valid and effectual to bind the Lessor and his Successors, provided that the same shall within Six Months from the Execution thereof by the Lessor be enrolled in the Rolls Office of the High Court of Chancery in *Ireland*, for which no greater Fee than Ten Shillings shall be chargeable.

Lease to be by Indenture.

XIII. This Act shall extend to *Ireland* only.

To extend to Ireland only.

## C. A. P. XLVIII.

An Act to make better Provision for the Care and Education of vagrant, destitute, and disorderly Children, and for the Extension of Industrial Schools. [17th August 1857.]

WHEREAS Industrial Schools for the better training of Vagrant Children have been and may be established in various Parts of *England*, and it is expedient that more extensive Use should be made of such Institutions, and that the Responsibility of Parents to provide for the proper Care of their Children should be enforced: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. This Act may be cited as the "Industrial Schools Act, 1857."

Short Title:

II. The following Words and Expressions shall have the Meanings hereby assigned to them respectively, unless there be something in the Subject or Context repugnant to such Construction:

Interpretation of Terms.

"Police" shall include every Policeman, Police Constable, Parish Constable, Tythingman, or Headborough:

"Justices" shall include any Two or more Justices of the Peace acting together, and also any Person who by the Act of the Eleventh and Twelfth Years of Her present Majesty, Chapter Forty-three, Sections Thirty-three and Thirty-four, is authorized to do alone whatsoever is authorized by that Act to be done by any Two or more Justices of the Peace:

"Child" shall include any Boy or Girl who in the Opinion of the Justices is above the Age of Seven and under the Age of Fourteen:

"Certified Industrial School" shall mean any School or Institution certified under this Act:

"Managers" shall include the Directors, Managers, or other Persons who shall have the Management or Control of any Certified Industrial School:

"Parent" shall include any Person legally liable to maintain a Child, and also any Person upon whom an Order for Affiliation has been made and not quashed:

"County" shall include any City, Borough, Riding, or Division of a County having a separate Commission of the Peace.

III. The Committee of Her Majesty's Privy Council on Education may, upon the Application of the Managers of any School in which Industrial Training is provided, and in which Children are fed as well as taught, direct such Person as they may appoint to examine and report to them upon its Condition and Regulations,

Committee of Council on Education may

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certify Industrial School under this Act, except, &c.

Inspector to report annually.

Certificate may be withdrawn.

Children taken into Custody for Vagrancy may be sent to School while Inquiries are made.

Justice may order Child to be discharged, or sent to a Certified Industrial School, or make Parent responsible.

Parent liable to Penalty for Neglect during Responsibility.

As to Computation of Time under 9 & 10 Vict. c. 66.

Parent may (under Conditions) have Child sent to a School which he approves.

Religious Denomination of Children to be entered in a Book, &c.

Authority for Detention of Child.

On Application of Parent, &c.,

Regulations, and, if satisfied therewith, may grant a Certificate under the Hand of the President of Her Majesty's Privy Council or of the Vice-President of the said Committee thereof, and thenceforth the School shall be a Certified Industrial School within the Meaning of this Act; provided always, that no School shall be certified both under this Act and under the Act of the Seventeenth and Eighteenth Victoria, Chapter Eighty-six.

IV. The said Committee shall direct a Report of the Condition and Regulations of every Certified Industrial School to be made to them at least once in each Year by such Person as they may appoint; and if upon his Report the Committee is dissatisfied with the Condition or Regulations of the School, they may withdraw their Certificate, and, upon Notice in Writing of such Withdrawal having been given to the Managers thereof, the School shall cease to be a Certified Industrial School from such Time as shall be specified in the Notice.

V. When any Child is taken into Custody on a Charge of Vagrancy under any Local or General Act, the Justices, on receiving satisfactory Proof in support of such Charge, may, if the Parent, or in case of an Orphan, if the Guardian or nearest adult Relative, of the Child cannot at once be found, and provided there be any Certified Industrial School, the Managers of which are willing to receive him, order the Child to be sent to such Industrial School for any Period not exceeding One Week, and shall direct due Inquiries to be made, and Notice (Form A.) to be given to the Parent or Guardian or nearest adult Relative of the Child, if any can be found, or to the Persons with whom the Child is or was last known to have been residing, of the Circumstances under which the Child has been taken into Custody, and that the Matter will be inquired into at the Time and Place mentioned in the Notice.

VI. At the Time and Place mentioned in the Notice, any Justices may make full Inquiry into the Matter, and may, if they shall think fit, order the Child to be discharged altogether, or if the Parent, (or where the Child is an Orphan, then the Guardian or nearest adult Relative,) be found, may, on Conviction of such Child on such Charge as aforesaid, deliver him up to his Parent, (or where the Child is an Orphan, to the Guardian or nearest adult Relative as aforesaid,) on his giving an Assurance in Writing (Form B.) that he will be responsible for the good Behaviour of the Child for any Period not exceeding Twelve Months, and in default of such Assurance being given may, by Writing under their Hands and Seals (Form C.), order the Child to be sent for such Period as they may think necessary for his Education and Training to any Certified Industrial School, the Managers of which are willing to receive him: Provided, however, if within the County where the Child was taken into Custody, or any adjoining County, there shall be any Certified Industrial School conducted on the Principles of the religious Persuasion to which the Parent of the Child in the Opinion of the Justices shall belong, and the Managers of such School shall be willing to receive him, such Child shall be sent to such last-mentioned School and not to any other.

VII. If the Child, after such Assurance as aforesaid being given, be brought up again on a similar Charge within the Period for which the Parent, or in case of an Orphan, the Guardian or nearest adult Relative, has become responsible for his good Behaviour, the Justices may inflict a Fine upon the Parent or Guardian or nearest adult Relative as aforesaid, not exceeding Forty Shillings, should it be proved, to the Satisfaction of the Justices, that the last-mentioned Act of Vagrancy has taken place through the Neglect of the Parent.

VIII. The Time during which any Child shall be lodged in any Certified Industrial School under this Act shall, for all the Purposes of the Act of the Ninth and Tenth Years of the Reign of Her present Majesty, Chapter Sixty-six, and of every Act incorporated therewith, be excluded in the Computation of the Time therein mentioned.

IX. If the Parent, or in case of an Orphan, if the Guardian or nearest adult Relative, objects to the Certified Industrial School to which the Child has been sent or ordered to be sent, and proposes some other Certified Industrial School, and proves that the Managers of it are willing to receive the Child, and, if on any other than Religious Ground, pays or finds good Security to pay any Expenses which may be incurred in consequence of his Objection, any Justice of the County where the Child was taken into Custody shall order (Form D.) the Child to be sent to the Certified Industrial School proposed by the Parent or Guardian or nearest adult Relative as aforesaid.

X. In every Industrial School a Book shall be kept by the Managers, to which Access shall be had at all reasonable Hours, in which the religious Denomination of the Child when admitted to the Industrial School shall be entered; and it shall be lawful, upon the Representation of the Parent, or in case of an Orphan, then of the Guardian or nearest adult Relative, of any Inmate placed in such Industrial School under the Provisions of this Act, for a Minister of the Religious Persuasion of the Inmate of such Industrial School, at certain fixed Hours of the Day, which shall be fixed by the Managers for the Purpose, to visit such Schools for the Purpose of affording Religious Assistance to such Inmate, and also for the Purpose of instructing such Inmate in the Principles of his Religion.

XI. A Duplicate of the Order under which any Child is in pursuance of this Act ordered to be sent to a Certified Industrial School shall be sent to the Managers thereof, and shall be a sufficient Warrant for the Detention of the Child.

XII. On the Application of the Parent, or in case of an Orphan, then of the Guardian or nearest adult Relative, or of the Managers, any Justices of the County in which the School is situate, or of the County where

*Industrial Schools.*

where such Parent resides, if satisfied that a suitable Employment in Life has been provided for the Child, or that there is otherwise sufficient Cause, may discharge (Form E.) the Child from the Certified Industrial School before the full Expiration of the Period for which he has been sent there, or may order his Removal from one Certified Industrial School to another (Form F.), or may order him to be discharged altogether.

Child may be discharged from School.

XIII. On good Security being at any Time found by the Parent or by any other Person, any Justices of the County in which the Certified Industrial School to which the Child has been sent is situate or of the County where such Parent resides, shall order (Form G.) the Child to be discharged therefrom; provided always, that the Security shall be in such Amount as the Justices determine, or may be rejected by them altogether, on its being proved to their Satisfaction that Security for the Child has at any Time and under any Circumstances been previously rejected or forfeited.

Child may be discharged on good Security being found.

XIV. No Person shall be detained in any Certified Industrial School under this Act beyond the Age of Fifteen Years against his Consent.

As to Detention of Children.

XV. Any Justices of the County in which the Certified Industrial School to which the Child has been sent is situate, or in which the Parent is residing, may, upon the Complaint of the Managers, summon the Parent, and examine into his Circumstances, and in their Discretion may order him (Form H.) to pay to such Managers, or to any Person authorized by them from Time to Time to receive it, a weekly Sum not exceeding Three Shillings, until the Child attains the Age of Fifteen Years or is lawfully discharged; and on default of Payment for the Space of Fourteen Days the like Proceedings may be taken for enforcing and recovering the same as are herein-after provided for the enforcing and recovering of any Penalty or Forfeiture imposed by this Act.

Parent may be summoned, and ordered to pay according to his Ability.

XVI. The Parent or the Managers may at any Time apply to any Justices of the County in which the Certified Industrial School is situate, or in which the Parent is residing, for an Order to diminish the Amount of the weekly Sum payable by the Parent, or to increase it to an Amount not exceeding Three Shillings *per Week*; and the Justices, on Proof that the Parent or the Managers have given to each other (as the Case may be) not less than One Week's Notice in Writing of the intended Application, and of the Time and Place of hearing the same, shall make full Inquiry into the Matter, and may diminish or increase the Amount of the weekly Sum payable by the Parent, as they think fit, or may release him from such Payment altogether (Forms I. and K.)

Parents Payment may be diminished or increased.

XVII. The Managers may, at their Discretion, permit any Child to sleep or lodge at the Dwelling of his Parent, or of any trustworthy and respectable Person, and may also, at their Discretion, revoke such Permission; provided always, that they shall continue to board and feed the Child in all respects as if he were lodging in the Certified Industrial School.

Managers may permit Children to sleep out of School.

XVIII. If any Child, whether lodging in the School or elsewhere, before attaining the Age of Fifteen Years, or being duly discharged, wilfully absconds from the School, or neglects his Attendance thereat, any Justice of the County in which the Certified Industrial School is situate, or in which the Child is retaken, may, by Writing under his Hand and Seal, order him to be sent back to the School, and to be detained there until he attains the Age of Fifteen Years, or for such shorter Period as the Justices think fit.

Children absconding, &c. may be sent back to School.

XIX. Any Person who directly or indirectly withdraws a Child from the Certified Industrial School to which he has been sent, or induces him to abscond therefrom, previous to his attaining the Age of Fifteen Years, or being duly discharged, or who knowingly conceals or harbours him, or in any way prevents his Return, shall for every such Offence be liable in a Penalty not exceeding Two Pounds, to be recovered by summary Proceedings before Two Justices in or near the Place where the Offence is committed, or where the Offender may at the Time being happen to be, in manner provided by the Act of the Session holden in the Eleventh and Twelfth Years of Her Majesty, Chapter Forty-three.

Penalties on Persons inducing Children to abscond, &c. or harbouring them.

XX. The leaving of any Summons or Notice or Order authorized to be issued or made by any Justices under this Act at the usual or last known Place of Abode of the Party to whom the same respectively is directed shall in every Case be deemed a good and sufficient Service thereof.

Service of Notices.

XXI. The Guardians of any Union or any Parish wherein the Relief to the Poor is administered by a Board of Guardians may, if they deem proper, with Consent of the Poor Law Board, contract with the Managers of any Certified Industrial School for the Maintenance and Education of any Pauper Child.

Guardians may contract with Managers.

XXII. Whenever it shall be necessary to prove that any Industrial School is duly certified or sanctioned under this Act, the Production of an attested Copy of the Certificate shall be sufficient Evidence thereof; and the Production of an original Duplicate of the Order under which any Child has been sent to or is detained in any Certified Industrial School under this Act, or a Copy of such Order with a Memorandum signed by the Manager or Superintendent, or Master or Matron of any such School, that the young Person named in such Order was duly received into and is at the signing thereof detained in such School, or has been otherwise disposed of according to Law, and the Production of an original Duplicate of any Order made upon the Parent under this Act, or a Copy thereof certified by the Clerk to the Justices making the same to be a correct Copy, shall in all Proceedings whatsoever be sufficient Evidence of the due making and signing of all or any of such Orders, Memorandum, and Certificate respectively, and of the sending, Detention, and Identity of the Child or Parent named in such Orders respectively, without Proof of the Signatures or official Characters of the Justices or other Persons appearing to have signed the same respectively.

What is sufficient Evidence as to Certificate of School, Identity of Child, and making of Orders.

XXIII. Whenever

*Industrial Schools.*

Committee of  
Education to  
give Notice of  
Certified  
Schools.

XXIII. Whenever the Committee of Her Majesty's Privy Council on Education shall at any Time grant a Certificate under this Act to any Industrial School, they shall within One Calendar Month cause a Notice thereof to be published in the *London Gazette*, and such Publication shall be a sufficient Evidence of the Fact of such Industrial School having been certified to justify any Justices to commit any Child thereto, subject to the Provisions of this Act; and whenever the Committee shall withdraw the Certificate granted to any Industrial School, they shall within One Calendar Month give Notice of such Withdrawal in the said Gazette.

Forms in  
Schedule may  
be used.

XXIV. The several Forms in the Schedule to this Act annexed, or any Forms to the like Effect, shall in all Cases be sufficient; provided always, that any Summons, Notice, or Order shall not be invalidated for Want of Form only.

Extent of Act.

XXV. This Act shall not extend to *Ireland* or *Scotland*.

## SCHEDULES.

(A.)

*Notice by Police to Parent, &c. of Child being in Custody, &c.*

To C.B. of the Parish of \_\_\_\_\_ in the County of \_\_\_\_\_

I HEREBY give you Notice, pursuant to Section 5 of the "Industrial Schools Act, 1857," that a Child named A.B., apparently about \_\_\_\_\_ Years of Age, the Son of [or who has been residing with] you the said C.B., has been taken into Custody for having been on the \_\_\_\_\_ Day of \_\_\_\_\_ in the Parish of \_\_\_\_\_ in the said County of \_\_\_\_\_ found [in the Words of the Local or General Act], and that the Matter will be inquired into on the \_\_\_\_\_ the \_\_\_\_\_ Day of \_\_\_\_\_ at \_\_\_\_\_ o'Clock in the Forenoon, at \_\_\_\_\_, before such Justices of the Peace for the said County as may then be there, who may make such Order on you the said C.B., to be dealt with according to the said Act, as they may think fit; the said A.B. is in the meantime detained in the \_\_\_\_\_ at \_\_\_\_\_ by the Order of a Justice of the Peace.

Dated this \_\_\_\_\_

Day of \_\_\_\_\_

185 \_\_\_\_\_

M.N. { Constable, Inspector, or Superintendent  
of Police of \_\_\_\_\_

(B.)

*Form of Assurance of Parent for good Behaviour of Child.*

WHEREAS a Child named A.B., the Son of C.D., has been proved a Vagrant; I C.D. hereby undertake to be responsible for the good Behaviour of the said Child for the Period of \_\_\_\_\_ Months from the Day of the Date thereof.

(C.)

*Order sending Child to Industrial School.*

to wit. } To the Constable of \_\_\_\_\_ and to the Managers of the \_\_\_\_\_ Certified  
Industrial School at \_\_\_\_\_

WHEREAS a certain Child named A.B., about \_\_\_\_\_ Years of Age, was this Day brought before us, Two of Her Majesty's Justices of the Peace for the County of \_\_\_\_\_, for that he, on the \_\_\_\_\_ Day of \_\_\_\_\_, at \_\_\_\_\_, was found in the Act of Vagrancy [or, as the Case may be in Section 5]: And whereas we have made full Inquiry into the Matter, pursuant to the "Industrial Schools Act, 1857," and no satisfactory Assurance has been given for the future proper Care and good Behaviour of the said Child: Now therefore we, the said Justices, do, pursuant to Section 6 of the said Act, order you, the said Constable, to take the said Child, and him safely convey to the \_\_\_\_\_ Certified Industrial School at \_\_\_\_\_ aforesaid, and there to deliver him, together with this Order; and we do hereby command you the said Managers (it appearing to us that you are willing to receive him therein) to receive the said Child into your Charge in the said School, and there to detain, educate, and train him for the Period of \_\_\_\_\_ from the Date hereof.

Given under our Hands and Seals this \_\_\_\_\_

Day of \_\_\_\_\_

at \_\_\_\_\_

in the \_\_\_\_\_

County aforesaid.

[Signatures and Seals of Justices.]

(D.)

*Second Order changing School.*

To the Managers of the \_\_\_\_\_ Certified Industrial School at \_\_\_\_\_ and to the Managers  
of the \_\_\_\_\_ Certified Industrial School at \_\_\_\_\_

WHEREAS a certain Child named A.B., about \_\_\_\_\_ Years of Age, was on the \_\_\_\_\_ Day of \_\_\_\_\_, by the Order of \_\_\_\_\_ Two of Her Majesty's Justices of the Peace for the County of \_\_\_\_\_, pursuant to the "Industrial Schools Act, 1857," taken to the \_\_\_\_\_ Certified Industrial School at \_\_\_\_\_, there to be detained for the Period of \_\_\_\_\_ from the said Day of \_\_\_\_\_, and he is now detained therein [if so]: And whereas C.B., according to the Provisions

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Provisions of the said Act entitled to object has objected to the said School, and has proposed the Certified Industrial School at \_\_\_\_\_, and proved to me the undersigned, One of Her Majesty's Justices of the Peace for the County of \_\_\_\_\_, where the Child was taken into Custody, that the Managers of the \_\_\_\_\_ Certified Industrial School at \_\_\_\_\_ are willing to receive the said Child, and the said C.D. has also complied with the other Conditions of Section 9 of the said Act: These are therefore, pursuant to Section 9 of the said Act, to order you the said Managers of the \_\_\_\_\_ Certified Industrial School at \_\_\_\_\_ to deliver up the said Child forthwith to the \_\_\_\_\_ Certified Industrial School at \_\_\_\_\_; and you the said Managers of the said last-mentioned School are hereby required to receive the said Child into your Charge in the said School, and there to detain, educate, and train him for the Period of \_\_\_\_\_ from the \_\_\_\_\_ Day of \_\_\_\_\_ Given under my Hand and Seal this \_\_\_\_\_ Day of \_\_\_\_\_, at \_\_\_\_\_ in the County aforesaid.

J.S. (L.S.)

(E.)

*Order for Discharge of Child on Employment being found for him.*

To the Managers of the \_\_\_\_\_ Certified Industrial School at \_\_\_\_\_  
 WHEREAS a certain Child named A.B., about \_\_\_\_\_ Years of Age, was on the \_\_\_\_\_ Day of \_\_\_\_\_, by the Order of \_\_\_\_\_ Two of Her Majesty's Justices of the Peace for the County of \_\_\_\_\_, made pursuant to the "Industrial Schools Act, 1857," taken to the \_\_\_\_\_ Certified Industrial School at \_\_\_\_\_, there to be detained for the Period of \_\_\_\_\_ from the said \_\_\_\_\_ Day of \_\_\_\_\_ and he is now detained therein:\* And whereas it appears to us, Two of Her Majesty's Justices of the Peace for the County of \_\_\_\_\_ in which the School is situate [or in which the Parent or Guardian or nearest adult Relative of the said Child resides], that suitable Employment in Life has been provided for the said Child [or there appears to us, &c. sufficient Cause for the Discharge of the said Child]: These are therefore, pursuant to Section 12 of the said Act, to command you, the said Managers, forthwith to discharge the said Child and to deliver him into the Charge of \_\_\_\_\_, who brings this Order.  
 Given under our Hands and Seals this \_\_\_\_\_ Day of \_\_\_\_\_, at \_\_\_\_\_ in the County aforesaid.

[Signatures and Seals of Justices.]

(F.)

*Order changing School on Assurance being given for future good Behaviour.*

To the Managers of the \_\_\_\_\_ Certified Industrial School at \_\_\_\_\_, and to the Managers of the \_\_\_\_\_ Certified Industrial School at \_\_\_\_\_  
 [Proceed to the Asterisk\* in the Form (E.), and then say]: And whereas it appears to us desirable that the said Child should be removed from the said \_\_\_\_\_ Certified Industrial School to the said \_\_\_\_\_ Certified Industrial School (the Managers of which said last-mentioned School being willing to receive the said Child therein): These are therefore, pursuant to Section 12 of the said Act, to order you the said Managers of the \_\_\_\_\_ Certified Industrial School at \_\_\_\_\_ to deliver up the said Child forthwith to the \_\_\_\_\_ Certified Industrial School, or to any Person authorized by them to receive the Child, at \_\_\_\_\_; and you the said Managers of the said last-mentioned School are hereby required to receive the said Child into your Charge in the said School, and there to detain, educate, and train him for the Period of \_\_\_\_\_ from the \_\_\_\_\_ Day of \_\_\_\_\_ Given under our Hands and Seals this \_\_\_\_\_ Day of \_\_\_\_\_, at \_\_\_\_\_ in the County aforesaid.

[Justices Signatures and Seals.]

(G.)

*Order for Discharge of Child on Security given for future good Behaviour.*

[Proceed to the Asterisk\* in the Form (E.), and then say]: And whereas good Security has been found before us, Two of Her Majesty's Justices of the Peace for the County of \_\_\_\_\_, in which the School is situate [or in which the Parent or Guardian or nearest adult Relative of the said Child resides], for the future good Behaviour of the said Child:\* These are therefore, pursuant to Section 13 of the said Act, to command you, the said Managers, forthwith to discharge the said Child, and to deliver him into the Charge of \_\_\_\_\_, who brings this Order.  
 Given under our Hands and Seals this \_\_\_\_\_ Day of \_\_\_\_\_, at \_\_\_\_\_ in the County aforesaid.

[Signatures and Seals of Justices.]

(H.)

*Order on Parent to pay weekly Sum to Managers of School.*

To C.B. of \_\_\_\_\_ in the County of \_\_\_\_\_, Carpenter:  
 Be it remembered, That on this \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord 185 \_\_\_\_\_ at \_\_\_\_\_ in the County of \_\_\_\_\_ a certain Complaint of E.F., One of the Managers of the \_\_\_\_\_ the

*Industrial Schools.**Banking*

the Certified Industrial School at \_\_\_\_\_, made under Section 14 of the "Industrial Schools Act, 1857," for that by a certain Order of Justices bearing Date the \_\_\_\_\_ Day of \_\_\_\_\_, a certain Child named *A.B.*, of the Age of \_\_\_\_\_ Years, was sent to and is now detained in the said Certified Industrial School pursuant to the said Act, and that the said Child is the Son of the said *C.B.* [or was, at the Time of his Removal to the said School, residing with the said *C.B.*], was duly heard by and before us, the undersigned, Two of Her Majesty's Justices of the Peace in and for the said County of \_\_\_\_\_, (wherein the said School is situate, or wherein the said *C.B.* is residing,) in the Presence and Hearing of the said *C.B.* [if so, or the said *C.B.* not appearing to the Summons duly issued and served in this Behalf]; and we, having duly examined into the Circumstances of the said *C.B.*, do, pursuant to Section 14 of the said Act, order the said *C.B.*, weekly and every Week from the \_\_\_\_\_ Day of \_\_\_\_\_, to pay to the Managers of the said Certified Industrial School, or to such Person as the said Managers may from Time to Time authorize to receive the same, the Sum of \_\_\_\_\_ Shillings for the Maintenance, Clothing, Education, Care, and Training of the said Child, until the said Child shall attain the Age of Fifteen Years, or shall be lawfully discharged from the said School.

Given under our Hands and Seals this \_\_\_\_\_ Day of \_\_\_\_\_, at \_\_\_\_\_ a the County aforesaid.

[Justices Signatures and Seals.]

(I.)

*Order diminishing or increasing weekly Payment by Parent.*

To *C.B.* of \_\_\_\_\_, and to the Managers of the \_\_\_\_\_ Certified Industrial School at \_\_\_\_\_

WHEREAS by a certain Order of [us, the undersigned, if so,] Two of Her Majesty's Justices of the Peace for the County of \_\_\_\_\_, made on the \_\_\_\_\_ Day of \_\_\_\_\_, pursuant to Section 14 of the "Industrial Schools Act, 1857," [we,] the said Justices, ordered that you, the said *C.B.*, should weekly and every Week pay to the Managers of the said School the Sum of \_\_\_\_\_ for the Maintenance, Clothing, Education, Care, and Training of a certain Child named *A.B.* (who is the Son of [or who had been residing with] you, the said *C.B.*) and who had been theretofore duly sent to and was then and now is detained in the said Certified Industrial School for the Period therein mentioned: \* Now therefore we, the said Justices, seeing cause to diminish [or increase] the Amount of the said weekly Payment, do order, pursuant to Section 15 of the said Act, that the said weekly Payment to be made by you the said *C.B.* to you the said Managers shall, from the \_\_\_\_\_ Day of \_\_\_\_\_ be the Sum of \_\_\_\_\_ per Week, and no more.

Given under our Hands and Seals this \_\_\_\_\_ Day of \_\_\_\_\_, at \_\_\_\_\_ in the County aforesaid.

[Justices Signatures and Seals.]

(K.)

*Order releasing Parent from Payment altogether.*

[Proceed as in Form (I.) to the Asterisk,\* and then say]: Now therefore we, the said Justices, seeing cause to release the said *C.B.* from the said weekly Payment altogether, do order, pursuant to Section 14 of the said Act, that you, the said *C.B.*, shall be released altogether from the Payment of the aforesaid weekly Sum to the said Managers from the \_\_\_\_\_ Day of \_\_\_\_\_

Given under our Hands and Seals this \_\_\_\_\_ Day of \_\_\_\_\_ at \_\_\_\_\_ in the County aforesaid.

C A P. XLIX.

An Act to amend the Law relating to Banking Companies.

[17th August 1857.]

WHEREAS it is expedient to amend the Law relating to Copartnerships and Companies carrying on the Business of Banking, and herein-after included under the Term Banking Companies: 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.*

- I. This Act may be cited for all Purposes as "The Joint Stock Banking Companies Act, 1857."  
 II. The Joint Stock Companies Acts, 1856, 1857, shall be deemed to be incorporated with and to form Part of this Act.

*Registration of existing Banking Companies.*

- III. The Second Section of the Joint Stock Companies Act, 1856, shall be repealed so far as relates to Persons associated together for the Purpose of Banking, subject to this Proviso, that no existing or future Banking Company shall be registered as a Limited Company.

IV. Every

Short Title.  
 Joint Stock  
 Companies  
 Acts incor-  
 porated.

Sect. 2. of  
 19 & 20 Vict.  
 c. 47. repealed.



*Banking.*

IV. Every Banking Company consisting of Seven or more Persons, and formed under the Acts following, or either of them, that is to say,

- (1.) An Act passed in the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and thirteen, and intituled *An Act to regulate Joint Stock Banks in England*,
- (2.) An Act passed in the Tenth Year of the Reign of Her present Majesty, Chapter Seventy-five, and intituled *An Act to regulate Joint Stock Banks in Scotland and Ireland*,

shall, on or before the First Day of *January* One thousand eight hundred and fifty-eight, register itself as a Company under this Act.

V. If any Banking Company hereby required to register under this Act makes default in registering on or before the said First Day of *January* One thousand eight hundred and fifty-eight, then, from and after such Day, until the Day on which such Company is registered under this Act, the following Consequences shall ensue; (that is to say,)

- (1.) The Company shall be incapable of suing either at Law or in Equity, but shall not be incapable of being made a Defendant to a Suit, either at Law or in Equity:
- (2.) No Dividend shall be payable to any Shareholder in such Company:
- (3.) Each Director or Manager of the Company shall for each Day during which the Company is in default incur a Penalty of Five Pounds, and such Penalty may be recovered by any Person, whether a Shareholder or not in the Company, and be applied by him to his own Use:

Nevertheless such Default shall not render the Company so being in default illegal, nor subject it to any Penalty or Disability, other than as specified in this Section.

VI. Any Banking Company consisting of Seven or more Persons, having a Capital of fixed Amount and divided into Shares also of fixed Amount, legally carrying on the Business of Banking previously to the passing of this Act, and not being a Company hereby required to be registered, may at any Time hereafter, with the Assent of a Majority of such of its Shareholders as may have been present in Person, or in Cases where Proxies are allowed by the Regulations of the Company, by Proxy, at some General Meeting summoned for the Purpose, register itself as a Company other than a Limited Company under this Act, and when so registered all such Provisions contained in any Act of Parliament, Letters Patent, or Deed of Settlement constituting or regulating the Company, as are inconsistent with the Joint Stock Companies Acts, 1856, 1857, or with this Act, shall no longer apply to the Company so registered; but such Registration shall not take away or affect any Powers previously enjoyed by such Company of Banking, issuing Notes payable on Demand, or of doing any other Thing.

VII. No Fees shall be payable in respect of the Registration under this Act of any Banking Company existing at the Time of the passing of this Act.

VIII. The Registration under this Act of any Banking Company existing at the Time of the passing of this Act, and hereby required or authorized to be registered, shall not affect or prejudice the Liability of such Company to have enforced against it or its Right to enforce any Debt or Obligation incurred, or any Contract entered into by, to, with, or on account of such Company, previously to such Registration, and all such Debts, Obligations, and Contracts shall be binding on the Company when so registered, and the other Parties thereto, to the same Extent as if such Registration had not taken place.

IX. Every Person who at or previously to the Date of the Registration under this Act of any Banking Company hereby required or authorized to be registered may have held Shares in such Company shall, in the event of the same being wound up by the Court or voluntarily, be liable to contribute to the Assets of the Company the same Amount that he would if this Act had not been passed have been liable to pay to the Company, or for or on account of any Debt of the Company in pursuance of any Action, Suit, Judgment, or other legal Proceeding that might, if this Act had not been passed, have been instituted or enforced against himself or the Company.

X. All such Actions, Suits, and other legal Proceedings as may at the Time of the Registration under this Act of any Company hereby required or authorized to be registered have been commenced by or against such Company or the Public Officer thereof may be continued in the same Manner as if such Registration had not taken place; nevertheless Execution shall not issue against the Effects of any individual Shareholder in or Member of such Company upon any Judgment, Decree, or Order obtained against such Company in any Action, Suit, or Proceeding so commenced as aforesaid; but, in the event of the Property and Effects of the Company being insufficient to satisfy such Judgment, Decree, or Order, an Order may be obtained for winding up the Company in manner directed by the Joint Stock Companies Acts, 1856, 1857.

*Winding up of the Banking Companies.*

XI. The following Acts, that is to say,

- (1.) The Act of the Eleventh Year of the Reign of Her present Majesty, Chapter forty-five,
- (2.) The Act of the Thirteenth Year of the Reign of Her present Majesty, Chapter One hundred and eight,
- (3.) The Act of the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and eleven,
- (4.) The Act of the Ninth Year of the Reign of Her present Majesty, Chapter Ninety-eight,

shall not apply to Companies registered under this Act or under the Acts incorporated herewith or either of them; and all Companies so registered shall be wound up in manner directed by the said incorporated Acts.

Banking Companies required to register under this Act.

Penalty on Neglect to register.

Banking Companies permitted to register under this Act.

Existing Companies not to pay Fees.

Registration under Act not to affect Obligations incurred previously to Registration.

Saving Liabilities of Persons holding Shares before Registration under Act.

Continuation of existing Actions and Suits.

Certain Acts not to apply to Companies registered under this Act or Acts incorporated herewith.

*Banking.**Repeal.*

7 & 8 Vict.  
c. 113. and  
9 & 10 Vict.  
c. 75. repealed.

XII. The above-mentioned Acts, that is to say,

The said Act, passed in the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and thirteen, and

The said Act passed in the Tenth Year of the Reign of Her present Majesty, Chapter Seventy-five, shall forthwith be repealed as respects any Banking Company to be formed hereafter, and shall, from and after such Time as any Company formed in pursuance of such Acts or either of them may have registered as a Company under this Act, but not before, be repealed as respects the Company so registered; and the Articles of Table B. in the Schedule annexed to the Joint Stock Companies Act, 1856, relating to "Shares," to "Transmission of Shares," and to "Forfeiture of Shares," and numbered from One to Nineteen, both inclusive, shall, from and after such Time as last aforesaid, but subject to the Power of Alteration conferred by the Joint Stock Companies Acts, 1856, 1857, be deemed to be Regulations of any Company formed in pursuance of the said Acts passed in the Eighth and Tenth Years of Her present Majesty; nevertheless such Repeal shall not affect any Penalty, Forfeiture, or other Punishment incurred or to be incurred in respect of any Offence against any Acts hereby repealed committed before such Repeal comes into operation; and notwithstanding anything contained in the said Act of the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and thirteen, or in any other Act, it shall be lawful for any Number of Persons, not exceeding Ten, to carry on in Partnership the Business of Banking in the same Manner and upon the same Conditions in all respects as any Company, if not more than Six Persons, could before the passing of this Act have carried on such Business.

*Formation of new Banking Companies.*

New Banking  
Companies.

XIII. Seven or more Persons associated for the Purpose of Banking may register themselves under this Act as a Company other than a Limited Company, subject to this Condition, that the Shares into which the Capital of the Company is divided shall not be of less Amount than One hundred Pounds each; but not more than Ten Persons shall after the passing of this Act, unless registered as a Company under this Act, form themselves into a Partnership for the Purpose of Banking, or if so formed carry on the Business of Banking.

*Examination of Affairs in Company.*

Appointment of  
Inspectors.

XIV. No Appointment of Inspectors to examine into the Affairs of any Banking Company shall be made by the Board of Trade, in pursuance of the Joint Stock Companies Act, 1856, except upon the Application of One Third at the least in Number and Value of the Shareholders in such Company.

*Nineteenth Section of Joint Stock Companies Act not to apply.*

19 & 20 Vict.  
c. 47, s. 19. not  
applicable to  
Scotland.

XV. The Nineteenth Section of the Joint Stock Companies Act, 1856, shall not apply to any Banking Company in *Scotland* registered under this Act.

*Transfer of Trust Property.*

Transfer of  
Trust Property  
to Company.

XVI. All such Estate or Interest in Real and Personal Property in *England* and *Ireland*, and in Property, Heritable and Moveable, in *Scotland*, and all such Deeds, Bonds, Obligations, and Rights as may belong to or be vested in any Person or Persons in trust for any Banking Company at the Date of its Registration under this Act, or in trust for any other Company at the Date of its Registration under the Joint Stock Companies Acts, 1856, 1857, shall immediately on Registration vest in such Banking or other Company; but no Merger shall take place of any Estates by reason of their uniting in the Company under this Section, without the express Consent of the Company, certified by some Instrument under their Common Seal.

*Banking Companies not registered as such.*

Liability of  
Banking Com-  
pany that is not  
registered as  
such.

XVII. If, through Inadvertence or otherwise, a Company that is in fact a Banking Company, has, previously to the passing of this Act, been registered as a Limited Company under the Joint Stock Companies Act, 1856, or if, through Inadvertence or otherwise, a Company that is in fact a Banking Company is hereafter registered under the said Joint Stock Companies Acts, 1856, 1857, as a Limited Company, any Company so registered shall not be illegal, nor shall the Registration thereof be invalid, but it shall be subject to the following Liabilities; that is to say,

- (1.) Any Creditor or Member of the Company may petition the Court to have it wound up, and the Fact of its being registered as a Limited Company shall of itself be a sufficient Circumstance on which an Order shall be made for winding up the same:
- (2.) In the event of such Company being wound up the Contributories shall, whether the Company is or not registered as a Limited Company, be liable to contribute to the Assets of the Company to an Amount sufficient to pay its Debts, and the Costs, Charges, and Expenses of winding up the same.

*Saving Clauses.*

Exemption of  
certain Bank-

XVIII. The Joint Stock Companies Acts, 1856, 1857, shall not apply to any Banking Company legally carrying on the Business of Banking previously to the passing of this Act, and not hereby required

## Banking.

## Municipal Corporations.

required to be registered, until such Time as such Company registers itself under this Act, in pursuance of the Power hereby given in that Behalf.

XIX. Nothing herein contained shall affect an Act passed in the Eighth Year of the Reign of Her present Majesty, and intituled *An Act to regulate the Issue of Bank Notes, and for giving to the Governor and Company of the Bank of England certain Privileges for a limited Period*, or an Act passed in the Ninth Year of the Reign of Her present Majesty, Chapter Thirty-eight, intituled *An Act to regulate the Issue of Bank Notes in Scotland*, or any other Act relating to the Issue or Circulation of Bank Note

ing Companies.  
&c.

Not to affect  
Provisions of  
7 & 8 Vict.  
c. 32. and  
8 & 9 Vict.  
c. 38.

## C A P. L.

An Act to amend the Acts concerning Municipal Corporations in *England*. [17th August 1857.]

WHEREAS by Section Seventy-five of the Act passed in the Session holden in the Fifth and Sixth Years of King *William the Fourth*, Chapter Seventy-six, "to provide for the Regulation of Municipal Corporations in *England and Wales*," it was provided, that the Trustees appointed under any Act of Parliament for paving, lighting, cleansing, watching, regulating, supplying with Water, and improving any Borough named in One of the Schedules (A.) and (B.) to the Act now in recital, or Part thereof, might if it should seem to them expedient transfer all the Powers vested in them as such Trustees by any such Act to the Body Corporate of such Borough, and the Body Corporate of such Borough should thenceforth be Trustee for executing by the Council of such Borough the several Powers and Provisions of any such Act of Parliament; provided always, that no such Transfer should be made of the Powers vested by virtue of the Acts mentioned in Schedule (E.) to the Act now in recital which relate to the Town of *Cambridge* without the Consent of the Chancellor, Masters, and Scholars of the University of *Cambridge*: And whereas Doubts have arisen as to the Construction of the said Section, and it is expedient to amend the same as herein-after provided: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

5 & 6 W. 4.  
c. 76.

I. The herein-before recited Enactment shall be repealed, save so far as relates to any Transfer made thereunder before the passing of this Act.

5 & 6 W. 4. c. 76.  
s. 75. repealed.

II. The Trustees appointed or acting by or under any Act of Parliament for paving, lighting, supplying with Water or Gas, or cleansing, watching, regulating, or improving, or for providing or maintaining a Cemetery or Market in or for any Borough named in One of the said Schedules to the said Act of the Fifth and Sixth of King *William the Fourth*, or to which a Charter of Incorporation has been since the passing of such Act or shall be hereafter granted under the Provisions of the said Act or otherwise, or any Part of any such Borough, and whether the Powers of such Trustees under any such Act do or do not extend beyond the Limits of such Borough, may, if it seem to them expedient, at a Meeting to be called for that Purpose, transfer to the Body Corporate of such Borough all the Rights, Powers, Estates, Property, and Liabilities of such Trustees under any such Act as aforesaid, and such Transfer shall be made in Writing under the Common Seal of the said Trustees if they be a Corporation, or, if not a Corporation, then by Deed executed by the Trustees or any Two of them acting by the Authority of and on behalf of all such Trustees; and upon any such Transfer being so made the Body Corporate to whom such Transfer is made shall become and be Trustee for executing by the Council of the Borough the several Powers and Provisions of any such Act as aforesaid, and all the Rights, Powers, Estates, and Property vested in the Trustees making such Transfer shall vest in such Body Corporate, and all the Liabilities and Obligations of the said Trustees shall stand transferred to and be borne by such Body Corporate, and the said Trustees shall be freed and discharged from all such Liabilities and Obligations, but nothing herein contained shall authorize any such Transfer in the Case of the Town of *Cambridge* without the Consent required by the said recited Enactment.

Powers, Property, and Liabilities of Trustees for paving, &c. may be, on the Grant of a Charter of Incorporation under 5 & 6 W. 4. c. 76., transferred to the Body Corporate of the Borough.

III. Provided always, That no such Transfer as aforesaid shall be made or take effect unless and until the Council of the Borough have resolved, at a Meeting of such Council holden and convened in manner required by the said Act of *William the Fourth*, to accept the same.

As to making  
of Transfers.

IV. Where under the herein-before recited Enactment the Trustees under any such Act of Parliament as therein mentioned have transferred to the Body Corporate of any Borough the Powers vested in such Trustees under such Act, and the Transfer so made purports to extend to the Estates and Property vested in such Trustees, and their Liabilities and Obligations on any of such Matters, the Transfer so made shall be deemed to have been authorized by the said Enactment.

Confirmation of certain Transfers under 5 & 6 W. 4. c. 76. s. 75.

V. Whereas by an Act passed in the Session of Parliament holden in the Third Year of the Reign of His late Majesty King *George the Fourth*, Chapter Forty-six, intituled *An Act for the more speedy Return and levying of Fines, Penalties, and Forfeitures, and Recognizances estreated*, certain Duties are imposed upon the Town Clerks of Cities, Boroughs, or Places in *England*: From and after the passing of this Act all Duties imposed upon Town Clerks by such Act shall be performed by the Clerks of the Peace for such Cities, Boroughs, and Places, where the Offices of Town Clerk and Clerk of the Peace are not united in the same Person; and such Clerks of the Peace are hereby required to make all

Duties of Town Clerks, &c. under 3 G. 4. c. 46. to be performed by Clerks of Peace.

*Municipal Corporations.**New Zealand Loan Guarantee.*

Returns, issue all Processes, and do and perform all other Acts which are imposed upon Town Clerks by the said recited Act.

In Boroughs consisting of more than One Parish, in case the Burgess Roll for any Parish not made out in any Year, previous Burgess Roll to continue in force for such Parish.

VI. Whereas by an Act passed in the Session holden in the Seventh Year of King *William* the Fourth and the First Year of Her Majesty, Chapter Seventy-eight, "to amend an Act for the Regulation of Municipal Corporations in *England* and *Wales*," it was enacted, that in every Borough in which by reason of any Neglect or Informality a new Burgess Roll of the said Borough shall not have been made in any Year within the Time directed by the said Act for the Regulation of Municipal Corporations, the Burgess Roll which was in force before the Time appointed for the Revision shall continue in force until such new Burgess Roll shall have been duly made: And whereas the said recited Enactment applies only to any Borough in which a new Burgess Roll shall not have been made as therein mentioned: And whereas it is expedient to provide as to any Borough consisting of more Parishes than One, wholly or in part within any Borough in which a new Burgess Roll shall have been made out, but in which the Burgess List or Lists of One or more of such Parishes wholly or in part within such Borough shall have been omitted? Be it enacted, That in every Borough consisting of more Parishes than One wholly or in part within such Borough in which by reason of any Neglect or Informality a Burgess List of any Parish or of Parts of any Parish within such Borough shall not have been made out in any Year, or in case such Burgess List shall not have been revised as required by the said Act for the Regulation of Municipal Corporations, so much of the Burgess Roll which was in force before the Time appointed for the Revision as contains the Names of the Burgesses entitled to vote in respect of Property within such Parish or Part of Parish shall continue in force, and be taken to be the List of Burgesses entitled to vote in respect of such Property until a Burgess List for such Parish or Part of Parish shall have been revised and become Part of the Burgess Roll.

Overseers of the Poor to make out Burgess Roll on or before First Day of September in every Year.

VII. Whereas by the Fifteenth Section of the Act to provide for the Regulation of Municipal Corporations in *England* and *Wales* it was enacted, that on the Fifth Day of *September* in every Year the Overseers of the Poor of every Parish wholly or in part within any Borough shall make out a List, to be called "the Burgess List," according to the Provisions therein contained, and shall deliver the same to the Town Clerk of the Borough on the said Fifth Day of *September* in every Year, and shall keep a true Copy of such Lists, to be perused without Payment of any Fee at all reasonable Hours between the Fifth and Fifteenth Days of *September* in every Year, and that the Town Clerk shall forthwith cause Copies of all Overseers Lists so delivered to him to be printed, and shall cause a Copy of all such Lists to be published as therein provided on every Day during the Week next preceding the Fifteenth Day of *September* in every Year: And whereas it has been found in populous Boroughs that the several Matters so required to be done by the Town Clerk cannot be duly carried into effect within the Time so specified in that Behalf: Be it enacted, That from and after the passing of this Act the Overseers of the Poor of every Parish wholly or in part within any Borough shall, on or before the First Day of *September* in every Year, instead of on the Fifth Day of *September*, make out a List to be called the Burgess List, according to the Provisions in the said recited Section contained, and shall, on or before the said First Day of *September* in every Year, instead of on the Fifth Day of *September*, deliver the same to the Town Clerk of the Borough, and shall keep a true Copy of such Lists, to be perused by any Person without Payment of any Fee at all reasonable Hours between the First and Fifteenth Days of *September* in every Year, instead of between the Fifth and Fifteenth Days of *September*.

Acts to be construed as One.

VIII. The said Act of King *William* the Fourth and this Act shall be construed together as One Act.

## C A P. LI.

An Act to guarantee a Loan for the Service of *New Zealand*.

[17th August 1857.]

WHEREAS by an Act of the General Assembly of *New Zealand* passed in the Twentieth Year of Her Majesty, intituled *An Act for raising a Loan of Five hundred thousand Pounds for the Public Service of the Colony of New Zealand*, it was enacted, that it should be lawful for Her Majesty, Her Heirs and Successors, to appoint One or more Person or Persons to be an Agent or Agents in *England* for the Purpose of raising and managing the Loan or Loans proposed to be raised under and by virtue of that Act, and that such Agent or Agents should have full Power and Authority to borrow and raise in *Great Britain*, by Bonds, Debentures, or otherwise, such Sums not exceeding in the whole the Sum of Five hundred thousand Pounds Sterling as the Lords Commissioners of Her Majesty's Treasury or any Three of them should, at the Request of the Governor or Officer administering the Government of the Colony of *New Zealand*, from Time to Time determine and direct; and that every Bond, Debenture, or other Security granted under that Act should bear Interest after a Rate not exceeding Four Pounds for every One hundred Pounds, by the Year, should be for such Sum and in such Form, should be signed on behalf of the said Colony, and should be transferable and negotiable in such Manner, as such Agent or Agents should prescribe, and that the Interest on every such Bond, Debenture, or other Security should be payable at such Times and Place in *London* as should be fixed and named for that Purpose in such Bond, Debenture, or other Security; and that all Sums of Money borrowed and raised under the Authority of that Act, and Interest thereon, should be made

*New Zealand Loan Guarantee.*

made a First Charge upon the General Revenue of the Colony of *New Zealand*; and that the Money to be borrowed under the Authority of the said Act should be applied, in such Manner as the Lords Commissioners of Her Majesty's Treasury or any Three of them should from Time to Time direct and appoint, to the several Purposes specified and set forth in the Schedule to that Act; and that the Principal Sums so to be borrowed and raised as aforesaid should be made payable and repaid at the Expiration of Thirty Years from the several Days on which they should respectively be borrowed and raised as aforesaid; and that for the Purpose of paying the said Interest and providing a Sinking Fund for the Liquidation of the Principal there should be paid yearly out of the General Revenue of the Colony, to such Persons as Her Majesty should appoint, such Sum as should be equal to Six *per Cent.* *per Annum* on the Total of the Principal from Time to Time borrowed, and after paying the Interest thereout as the same should from Time to Time become due the Balance thereof should be set apart as a Sinking Fund, and should be invested by such Person or Persons in the Purchase of such Securities as the Lords Commissioners of Her Majesty's Treasury or any Three of them should from Time to Time direct; and should be increased by Accumulation in the way of Compound Interest or otherwise; and for the Purposes of that Act the General Revenue of the Colony of *New Zealand* should be deemed and taken to include all the Revenue which should arise from Duties of Import and Export, from Post Office Receipts, and Supreme Court Fees, from the Disposal of Waste Lands of the Crown, and from all Taxes, Duties, Rates, and Imposts levied or to be levied by virtue of any Act of the General Assembly of *New Zealand*: And whereas it is expedient to guarantee as herein-after mentioned the Payment of the Sums to be borrowed under the said Act of the General Assembly of *New Zealand*, with Interest thereon not exceeding the Rate in the said Act limited: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. The Liquidation of all such Sums, not exceeding in the whole the Sum of Five hundred thousand Pounds, as shall be borrowed and raised in *Great Britain* under the said recited Act of the General Assembly of *New Zealand*, with the Approbation of the Commissioners of Her Majesty's Treasury, together with the Interest thereon not exceeding the yearly Rate of Four Pounds for One hundred Pounds, shall be guaranteed under this Act; and for giving Effect to such Guarantee it shall be lawful for the Commissioners of Her Majesty's Treasury to direct and cause to be issued and paid out of the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* such Sums as shall be required to make good any Deficiency which shall happen in the regular Payment, on the Part of *New Zealand*, of the Interest accruing due upon such Sums as shall be borrowed as aforesaid, or in the Liquidation of the Principal Sums when the same shall become payable.

Sums borrowed under recited Act of General Assembly of *New Zealand* not exceeding 500,000*l.* and Interest guaranteed under this Act.

II. All the Sums which shall be so issued and paid out of the said Consolidated Fund in respect of the Interest of the Sums borrowed as aforesaid, or the Liquidation of the Principal Sums, with Interest upon the Sums so issued after the yearly Rate of Five Pounds for One hundred Pounds, to be computed from the several Times of issuing the same, shall be charged upon the general Revenues of the Colony of *New Zealand*, including all the Revenue which is deemed to be included therein for the Purposes of the said recited Act of Assembly.

Advances out of Consolidated Fund to be charged on Revenues of *New Zealand*.

III. No Act passed by the Legislature of *New Zealand* in anywise discharging or varying the Security expressed to be given by the said recited Act of Assembly, upon the Revenue arising from the Duties of Import and Export, and from the Disposal of Waste Lands of the Crown, for the Repayment of the Sums of Money borrowed under such Act, and the Interest thereon, shall be valid, unless such Act contain a Clause suspending the Operation of the same until Her Majesty's Pleasure shall have been taken thereon, and the same shall have been confirmed by Her Majesty, with the Advice of Her Privy Council, and a Proclamation of such Confirmation having been given shall have been made by the Governor or Person administering the Government of the said Colony.

No Act of *New Zealand* varying Security valid unless confirmed by Her Majesty in Council.

IV. The Commissioners of Her Majesty's Treasury shall from Time to Time certify to One of Her Majesty's Principal Secretaries of State the Amount so paid from Time to Time on account of the Interest or Principal of the Sums borrowed as aforesaid; and such Certificate shall be communicated to the Governor or Person administering the Government of *New Zealand*, and shall be by him communicated to the General Assembly of the said Colony; and such Certificate shall be conclusive Evidence of the Amount so paid out of the Consolidated Fund of the said United Kingdom, and of the Time when the same was paid on account of the Interest or Principal of the Sums so borrowed.

Certificate of Amount paid out of Consolidated Fund to be sent to *New Zealand*.

V. The Commissioners of Her Majesty's Treasury shall cause to be prepared, and shall lay before both Houses of Parliament, within Fourteen Days next after the Beginning of every Session, an Account of all Sums from Time to Time issued out of the Consolidated Fund of the said United Kingdom by virtue of this Act towards making good any such Deficiency as aforesaid, and also an Account of all Sums repaid by or recovered from *New Zealand* by reason of such Advances, with the Interest paid or recovered thereon.

Accounts to be laid before Parliament.

*New Zealand Company's Claims.*

## C A P. LII.

An Act for discharging Claims of the *New Zealand Company* on the Proceeds of Sales of Waste Lands in *New Zealand*. [17th August 1857.]

10 & 11 Vict.  
c. 112.

WHEREAS by an Act of the Session of the Tenth and Eleventh Years of Her present Majesty, Chapter One hundred and twelve, intituled *An Act to promote Colonization in New Zealand, and to authorize a Loan to the New Zealand Company*, it was enacted (by Section Nineteen), that if the Directors of the *New Zealand Company* should give Notice to One of Her Majesty's Principal Secretaries of State within Three Calendar Months next after the Fifth Day of *April* One thousand eight hundred and fifty, by any Instrument under the Seal of the Company, that they were ready to surrender the Charters of the Company to Her Majesty, and all Claim and Title to the Lands granted or awarded to them in the Colony of *New Zealand*, all the Powers and Privileges of the Company, except such as should be necessary for enabling the Directors to receive the several Sums of Money therein-after mentioned and to distribute the same among the Shareholders and other Persons entitled thereunto, and for enabling the Directors to adjust and close the Affairs of the Company, should cease and determine, and all the Lands, Tenements, and Hereditaments of the Company in the Colony should thereupon revert to and become vested in Her Majesty, as Part of the Demesne Lands of the Crown in *New Zealand*, subject, nevertheless, to any Contracts which should be then subsisting in regard to any of the Lands, and upon the Condition of satisfying any Liabilities to which the Company might then be liable under their existing Engagements with reference to the Settlement at *Nelson*, or any Liabilities of the Company which during the Suspension of the Instructions therein referred to should have been contracted by them, with the Consent of the Special Commissioner provided for by the now-reciting Act, and all Claims of the Company to any further Grant of Land should cease; and also (by Section Twenty) that, upon the Reversion as aforesaid to Her Majesty of the Lands belonging to the Company, all Claim on behalf of Her Majesty, or of the Commissioners of Her Majesty's Treasury, in respect of either the Loan of One hundred thousand Pounds therein referred to, or the Loan authorized by the now-reciting Act, or of so much as should then remain due and unpaid, should be remitted to the Company, and there should be charged and paid to the Company, out of the Proceeds of all future Sales of the Demesne Lands of the Crown in *New Zealand*, after deducting the Outlays for Surveys and the Proportion of such Proceeds which was appropriated to the Purpose of Emigration, the Sum of Two hundred and sixty-eight thousand three hundred and seventy Pounds Fifteen Shillings, being after the Rate of Five Shillings for each Acre of the One million seventy-three thousand four hundred and eighty-three Acres to the Proportion of which the Company were then entitled, including therein Twenty-four thousand four hundred and ninety-one Acres and Half an Acre purchased by the Company within their own Settlements, and then held as their private Estate; with Interest after the yearly Rate of Three Pounds Ten Shillings in the Hundred Pounds upon that Sum, or so much thereof as should from Time to Time remain due and unpaid, to be computed from the Day of the Delivery of such Notice; and also (by Section Twenty-one) that the Receipt by Two of the Directors of the Company, authorized to give such Receipt by any Resolution under the Seal of the Company, should be a sufficient Acknowledgment of the Payment or Advance of any Moneys authorized by the now-reciting Act to be paid or advanced to the Company, and that neither the Special Commissioner nor the Commissioners of Her Majesty's Treasury should be bound to see to the due Application of the Moneys, otherwise than is in the now-reciting Act provided: And whereas the Notice provided for by Section Nineteen of the recited Act was duly delivered by the Directors of the Company on the Fourth Day of *July* One thousand eight hundred and fifty, and thereupon, under the Provisions of that Act, all the Lands, Tenements, and Hereditaments of the Company in the Colony reverted to and became vested in Her Majesty, as Part of the Demesne Lands of the Crown in *New Zealand*, subject, nevertheless, as by that Act is provided, as herein-before recited: And whereas by an Act of the Session of the Fifteenth and Sixteenth Years of Her present Majesty, Chapter Seventy-two, intituled *An Act to grant a Representative Constitution to the Colony of New Zealand*, it was enacted (by Section Sixty-two), that the Governor of *New Zealand* should pay out of the Revenue arising from the Disposal of Waste Lands of the Crown (among other Sums) such Sums as might become payable to the Company under the Provisions of the now-reciting Act in respect of the Sale or Alienation of Land; and (by Section Seventy-two) that all Lands wherein the Title of Natives should be extinguished, as therein-after mentioned, and all such other Lands as were described in the first-recited Act as Demesne Lands of the Crown, should be deemed and taken to be Waste Lands of the Crown, within the Meaning of the now-reciting Act; and (by Section Seventy-four), after reciting that under and by virtue of the first-recited Act and the recited Notice given by the Company in pursuance thereof, the Sum of Two hundred and sixty-eight thousand three hundred and seventy Pounds Fifteen Shillings, with Interest after the yearly Rate of Three Pounds Ten Shillings *per Centum* upon that Sum, or so much thereof as should from Time to Time remain unpaid, was charged upon and payable to the Company out of the Proceeds of the Sales of the Demesne Lands of the Crown in *New Zealand*, it was enacted, that in respect of all Sales or other Alienations of any Waste Lands of the Crown in *New Zealand* in Fee Simple, or for any less Estate or Interest (except as therein is excepted), there should be paid to the Company, towards the

15 & 16 Vict.  
c. 72.

Discharge

*New Zealand Company's Claims.**New Zealand Government Act Amendment.*

Discharge of the Principal Sum and Interest charged as aforesaid, in lieu of all and every other Claim of the Company in respect of that Sum, except where otherwise therein-after provided, so long as the same or any Part thereof respectively should remain unpaid, One Fourth Part of the Sum paid by the Purchaser in respect of every such Sale or Alienation: Provided always, that it should be lawful for the Company, by any Resolution of a Majority of the Proprietors of the Company, as therein expressed, to release all or any Part of the Lands from the Moneys or Payments charged thereon by the first-recited Act or the now-reciting Act, or any Part of such Moneys or Payments, either absolutely or upon any Terms or Conditions, as such Proprietors might think fit: And whereas divers Payments, amounting in the whole to One hundred and two thousand seven hundred and three Pounds, or thereabouts, have been made to the Company on account of the Sum so charged and the Interest thereon: And whereas the Company are willing to accept the immediate Payment of a Sum less than the Residue now unpaid of the Sum of Two hundred and sixty-eight thousand three hundred and seventy Pounds Fifteen Shillings, and the Interest thereon, in full Satisfaction and Discharge thereof, instead of waiting for the Payment of the whole Amount by Instalments and at uncertain Times; and it is expedient that Payment of a Sum, as by this Act provided, be made to them accordingly, and that the Sum so paid be distributed among the Shareholders of the Company: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. If, on or before the Fifth Day of *April* One thousand eight hundred and fifty-eight, there be paid in One Sum, or by Instalments to the *New Zealand* Company, on the Receipt authorized by the first-recited Act, for immediate Distribution, a Sum equal to the Balance on the Day of such Payment remaining unpaid of the Sum of Two hundred and sixty-eight thousand three hundred and seventy Pounds Fifteen Shillings, and the Interest thereon, less Sixty-eight thousand three hundred and seventy Pounds Fifteen Shillings, then, on that Payment being so made, it shall be in full Satisfaction and Discharge of all such Part as is then unpaid of the Sum of Two hundred and sixty-eight thousand three hundred and seventy Pounds Fifteen Shillings, and the Interest thereon, and of all and every Claim of the Company in respect of that Sum, and the Interest thereon, and the Sum so paid shall be forthwith distributed and paid by the Company to and among the several Shareholders of the Company and other Persons entitled thereunto; and the Payments to the Shareholders shall be in rateable Proportion to their respective Payments on Shares in the Capital of the Company, and shall be made to the several Persons who from Time to Time are registered in the Books of the Company as the Holders of Shares in the Capital of the Company: Provided, that where Two or more Persons are registered as the Holders of any Share, any Payment in respect of the Share may be made to the joint Holders thereof, or any One or more of them, and their or his Receipt shall be an effectual Discharge for the Money so paid: Provided also, that if and where any Shareholder is in Debt to the Company they may retain and apply any Money payable to him under this Act, or a sufficient Part thereof, in or towards Satisfaction of the Debt, and that whether the Debt be due from him alone or from him jointly with any other Person or Persons, and whether such Person or such Persons, or any of them, be a Shareholder or Shareholders, or not: Provided also, that where, after diligent Inquiry, the Person to whom any Money is payable under this Act, or his Address, is unknown to the Company, or he fails to accept it, or to apply to them for it, they may pay it into the High Court of Chancery, under any Act from Time to Time in force for the Relief of Trustees.

II. Provided always, That this Act, and everything therein contained, shall be subject and without Prejudice to all Claims and Demands whatsoever against Her Majesty, under and by virtue of Section Nineteen of the recited Act of the Session of the Tenth and Eleventh Years of Her present Majesty, Chapter One hundred and twelve.

III. This Act shall be in force throughout Her Majesty's Dominions.

IV. This Act may for all Purposes be cited as "*New Zealand* Company's Claims Act, 1857."

Payment of a Sum to the *New Zealand* Company to be in full of their Claim for Balance of 268,370*l.* 15*s.* and Interest.

Act not to prejudice Claims against Her Majesty.

Extent of Act. Short Title.

## C A P. LIII.

An Act to amend the Act for granting a Representative Constitution to the Colony of *New Zealand*.  
[17th August 1857.]

WHEREAS it is expedient that an Act passed in the Session holden in the Fifteenth and Sixteenth Years of Her Majesty, Chapter Seventy-two, to grant a Representative Constitution to the Colony of *New Zealand*, should be amended by repealing certain Clauses thereof, whereby certain Charges were imposed on the Territorial Revenue of the said Colony, for which Charges other Provision has been or is intended to be made, and making further and other Provision for enabling the General Assembly of *New Zealand* to alter the Enactments thereof: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. Sections Sixty-seven, Sixty-eight, Sixty-nine, and Seventy-four of the said Act of the Fifteenth and Sixteenth Years of Her Majesty, and so much of Section Sixty-two of the said Act as authorizes

15 & 16 Vict. c. 72.

Ss. 67, 68, 69, and 74, and and

*New Zealand Government Act Amendment.      Fraudulent Trustees, &c.*

Part of s. 62, of recited Act repealed.

Power to General Assembly of New Zealand to vary the Provisions of the recited Act, with the Exceptions herein named.

Commencement of Act.

Fraudulent disposal of Property by Trustees;

Fraudulent selling, &c. by Bankers, &c.;

and by Persons under Power of Attorney, Misdemeanors.

Bailees fraudulently converting Property, Larceny, Directors, &c. fraudulently appropriating Property; or keeping fraudulent Accounts;

or wilfully destroying Books, &c.;

or publishing fraudulent Statements,

and requires the Governor to pay out of the Revenue arising from the Disposal of Waste Lands of the Crown Sums on account of the Purchase of Land from aboriginal Natives, or the Release or Extinguishment of their Rights, and Sums payable to the *New Zealand Company*, are hereby repealed.

II. It shall be lawful for the said General Assembly of *New Zealand* by any Act or Acts from Time to Time to alter, suspend, or repeal all or any of the Provisions of the said Act, except such as are herein-after specified; namely,

So much of the said Act as repeals former Acts, Letters Patent, Instructions, and Orders in Council: The Provisions contained in Sections Three, Eighteen (save the Exception therein contained), Twenty-five, Twenty-eight, Twenty-nine, Thirty-two, Forty-four, Forty-six, Forty-seven, Fifty-three, Fifty-four, Fifty-six, Fifty-seven, Fifty-eight, Fifty-nine, Sixty-one, Sixty-four (save so much as charges the Civil List on the Revenues arising from the Disposal of Waste Lands of the Crown), Sixty-five, Seventy-one, Seventy-three, and Eighty of the said Act:

But no such Act of the General Assembly as aforesaid which shall alter, suspend, or repeal any of the Provisions contained in Section Nineteen of the said Act shall have any Force or Effect unless the same shall have been reserved for the Signification of Her Majesty's Pleasure thereon, and until the Governor of *New Zealand* shall have signified; as provided by the said Act, that Her Majesty has been pleased to assent to the same.

III. This Act shall be proclaimed in *New Zealand* by the Governor or Person administering the Government thereof within Six Weeks after a Copy of such Act shall have been received by such Governor, and shall take effect in *New Zealand* from the Day of such Proclamation; except that the Repeal of Section Seventy-four of the said recited Act, and of so much of Section Sixty-two as relates to Sums payable to the *New Zealand Company*, shall only take effect if on or before the Fifth Day of April One thousand eight hundred and fifty-eight Payment be made to the *New Zealand Company* of the Sums and in the Manner specified in the *New Zealand Company's Claims Act* passed during the present Session of Parliament.

C A P. LIV.

An Act to make better Provision for the Punishment of Frauds committed by Trustees, Bankers, and other Persons intrusted with Property. [17th August 1857.]

WHEREAS it is expedient to make better Provision for the Punishment of Frauds committed by Trustees, Bankers, and other Persons intrusted with Property: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. If any Person being a Trustee of any Property for the Benefit, either wholly or partially, of some other Person, or for any public or charitable Purpose, shall, with Intent to defraud, convert or appropriate the same or any Part thereof to or for his own Use or Purposes, or shall, with Intent aforesaid, otherwise dispose of or destroy such Property or any Part thereof, he shall be guilty of a Misdemeanor.

II. If any Person being a Banker, Merchant, Broker, Attorney, or Agent, and being intrusted for safe Custody with the Property of any other Person, shall, with Intent to defraud, sell, negotiate, transfer, pledge, or in any Manner convert or appropriate to or for his own Use such Property or any Part thereof, he shall be guilty of a Misdemeanor.

III. If any Person intrusted with any Power of Attorney for the Sale or Transfer of any Property shall fraudulently sell or transfer or otherwise convert such Property or any Part thereof to his own Use or Benefit, he shall be guilty of a Misdemeanor.

IV. If any Person, being a Bailee of any Property, shall fraudulently take or convert the same to his own Use, or the Use of any Person other than the Owner thereof, although he shall not break Bulk or otherwise determine the Bailment, he shall be guilty of Larceny.

V. If any Person, being a Director, Member, or Public Officer of any Body Corporate or Public Company, shall fraudulently take or apply, for his own Use, any of the Money or other Property of such Body Corporate or Public Company, he shall be guilty of a Misdemeanor.

VI. If any Person, being a Director, Public Officer, or Manager of any Body Corporate or Public Company, shall as such receive or possess himself of any of the Money or other Property of such Body Corporate or Public Company otherwise than in Payment of a just Debt or Demand, and shall, with Intent to defraud, omit to make or to cause or direct to be made a full and true Entry thereof in the Books and Accounts of such Body Corporate or Public Company, he shall be guilty of a Misdemeanor.

VII. If any Director, Manager, Public Officer, or Member of any Body Corporate or Public Company shall, with Intent to defraud, destroy, alter, mutilate, or falsify any of the Books, Papers, Writings, or Securities belonging to the Body Corporate or Public Company of which he is a Director or Manager, Public Officer or Member, or make or concur in the making of any false Entry, or any material Omission in any Book of Account or other Document, he shall be guilty of a Misdemeanor.

VIII. If any Director, Manager, or Public Officer of any Body Corporate or Public Company shall make, circulate, or publish, or concur in making, circulating, or publishing, any written Statement or Account which he shall know to be false in any material Particular, with Intent to deceive or defraud

any



*Fraudulent Trustees, &c.*

*Reformatory Schools.*

any Member, Shareholder, or Creditor of such Body Corporate or Public Company, or with Intent to induce any Person to become a Shareholder or Partner therein, or to intrust or advance any Money or Property to such Body Corporate or Public Company, or to enter into any Security for the Benefit thereof, he shall be guilty of a Misdemeanor.

guilty of Misdemeanor.

IX. If any Person shall receive any Chattel, Money, or valuable Security which shall have been so fraudulently disposed of as to render the Party disposing thereof guilty of a Misdemeanor under any of the Provisions of this Act, knowing the same to have been so fraudulently disposed of, he shall be guilty of a Misdemeanor, and may be indicted and convicted thereof, whether the Party guilty of the principal Misdemeanor shall or shall not have been previously convicted, or shall or shall not be amenable to Justice.

Receivers of Property fraudulently disposed of, knowing, &c. guilty of Misdemeanor.

X. Every Person found guilty of a Misdemeanor under this Act shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for the Term of Three Years, or to suffer such other Punishment, by Imprisonment for not more than Two Years with or without Hard Labour, or by Fine, as the Court shall award.

Punishment for a Misdemeanor under this Act.

XI. Nothing in this Act contained shall enable or entitle any Person to refuse to make a full and complete Discovery by Answer to any Bill in Equity, or to answer any Question or Interrogatory in any Civil Proceeding in any Court of Law or Equity, or in the Courts of Bankruptcy or Insolvency; but no Answer to any such Bill, Question, or Interrogatory shall be admissible in Evidence against such Person in any Proceeding under this Act.

No Person exempt from giving Evidence, &c.

XII. Nothing in this Act contained, nor any Proceeding, Conviction, or Judgment to be had or taken thereon against any Person under this Act, shall prevent, lessen, or impeach any Remedy at Law or in Equity which any Party aggrieved by any Offence against this Act might have had if this Act had not been passed; but no Conviction of any such Offender shall be received in Evidence in any Action at Law or Suit in Equity against him; and nothing in this Act contained shall affect or prejudice any Agreement entered into or Security given by any Trustee, having for its Object the Restoration or Repayment of any Trust Property misappropriated.

No Remedy at Law or in Equity shall be affected. Convictions not to be received in Evidence in Civil Suits.

XIII. No Proceeding or Prosecution for any Offence included in the First Section, but not included in any other Section of this Act, shall be commenced without the Sanction of Her Majesty's Attorney General, or, in case that Office be vacant, of Her Majesty's Solicitor General: Provided that where any Civil Proceeding shall have been taken against any Person to whom the Provisions of the said First Section, but not of any other Section of this Act, may apply, no Person who shall have taken such Civil Proceeding shall commence any Prosecution under this Act without the Sanction of the Court or Judge before whom such Civil Proceeding shall have been had or shall be pending.

No Prosecution shall be commenced without the Sanction of some Judge or the Attorney General.

XIV. If upon the Trial of any Person under this Act it shall appear that the Offence proved amounts to Larceny, he shall not by reason thereof be entitled to be acquitted of a Misdemeanor under this Act.

As to Cases which amount to Larceny.

XV. In every Prosecution for any Misdemeanor against this Act the Court before which any such Offence shall be prosecuted or tried may allow the Expenses of the Prosecution in all respects as in Cases of Felony.

Costs of Prosecutions.

XVI. No Misdemeanor against this Act shall be prosecuted or tried at any Court of General or Quarter Sessions of the Peace.

Misdemeanors not triable at Sessions.

XVII. The Word "Trustee" shall in this Act mean a Trustee on some express Trust created by some Deed, Will, or Instrument in Writing, and shall also include the Heir and Personal Representative of any such Trustee, and also all Executors and Administrators, Liquidators under the Joint Stock Companies Act, 1856, and all Assignees in Bankruptcy and Insolvency:

Interpretation of certain Terms.

The Word "Property" shall include every Description of Real and Personal Property, Goods, raw or other Materials, Money, Debts, and Legacies, and all Deeds and Instruments relating to or evidencing the Title or Right to any Property, or giving a Right to recover or receive any Money or Goods; and such Word Property shall also denote and include not only such Real and Personal Property as may have been the original Subject of a Trust, but also any Real or Personal Property into which the same may have been converted or exchanged, and the Proceeds thereof respectively, and anything acquired by such Proceeds.

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

Act not to extend to Scotland.

C A P. LV.

An Act to promote the Establishment and Extension of Reformatory Schools in *England*.

[25th August 1857.]

FOR promoting the Establishment and Extension of Reformatory Schools in *England*, be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. It shall be lawful for the Justices of the Peace of any County, in General or Quarter Sessions, or for the Council of any Borough having a separate Court of Sessions of the Peace, upon the Application

Power to Justices of a County or

*Reformatory Schools.*

Council of Borough Sessions to grant Money in aid of Reformatory Schools.

Notice of the proposed Grant to be given.

Money granted to be applied in Purchase of Site, in building, and for like permanent Objects.

No Money to be granted to Schools already established, unless certified under 17 & 18 Vict. c. 86. Plans to be approved by Secretary of State.

Justices or Council may contract with the Managers for the Reception of Offenders from their County or Borough.

Schools may be visited by Clergymen of Religious Persuasion of Offenders.

Monies granted under this Act, how to be raised

Contribution by Parents to the Maintenance of Offenders in a Reformatory School how to be enforced.

of the Directors or Managers of any Reformatory School for youthful Offenders already established, in whole or in part, by voluntary Contributions, or of the Promoters of a Reformatory School intended to be so established, to make an Order for the Payment of Money in aid of such Reformatory School, or of the Establishment thereof, subject to such Conditions as may be agreed upon between such Justices or Council and such Directors, Managers, or Promoters.

II. Not less than Two Months Notice shall be given by the Clerk of the Peace of such County, in some Newspaper or Newspapers commonly circulated in such County, of the Day on which any Motion for such Order under this Act is to be considered, and the Clerk of the Peace of the County shall give such Notice on the Requisition of any Five Justices acting for such County; and every Order by the Council of any Borough for the Payment of Money shall be made at a Special Meeting of such Council to be called for that Purpose, and Notice of such intended Resolution shall be given Two Months before the Meeting of the Council by Advertisement in some Newspaper or Newspapers generally circulating within the said Borough.

III. The Money ordered to be paid under this Act in aid of a Reformatory School shall be applicable to the following Purposes; *viz.*

Towards defraying the Expenses of purchasing the Site of a School on its First Establishment, or the Site of any Extension or new Establishment for the Purposes of a School already established, or the Expenses of building or fitting up a School on its First Establishment, or erecting, altering, or enlarging or fitting up any Buildings for the Extension or Improvement of a School already established; and the Justices or Council, as the Case may be, shall provide for the Application of such Money accordingly.

IV. Provided, That no Money shall be ordered to be paid under this Act in aid of any Reformatory School established at the Time of the Grant, unless the Institution has been certified by the Secretary of State under the Provisions of the Act of the Session holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter Eighty-six, to be useful and efficient for its Purpose, nor shall any Money be paid under any such Order in aid of any School which shall have been so certified in case such Certificate shall have been withdrawn; and in every Case where Money is ordered to be paid under this Act the Plan and Particulars of the School intended to be established or of the Extension or new Establishment for the Purposes of a School already established (as the Case may be) shall, before Payment of Money under the Order, be submitted to and approved of by One of Her Majesty's Principal Secretaries of State.

V. It shall be lawful for the Justices of the Peace of any County in General or Quarter Sessions (Notice having been given as herein provided in the Case of an Order for the Payment of Money), or for the Council of any Borough having a separate Court of Sessions of the Peace, at a Special Meeting of such Council called for the Purpose, to appoint and empower a Committee of such Justices or Council to enter into an Agreement with the Directors or Managers of any Reformatory School, certified as aforesaid for the Reception and keeping in such School from Time to Time of Offenders from such County or Borough sentenced to be detained in a Reformatory School; in consideration of such periodical Payments as may be agreed upon with such Managers or Directors; and such Justices or Council may direct the Payment of the Money which may from Time to Time become payable under such Agreement.

VI. In every Reformatory School aided by a Grant of Money under this Act, or in relation to which any such Agreement as last aforesaid shall have been entered into, it shall be lawful, upon the Representations of the Parent, or in case of an Orphan then of the Guardian or nearest adult Relative, of any Offender detained in any such School, for a Minister of the Religious Persuasion of such Offender, at certain fixed Hours of the Day, which shall be fixed by the Managers or Directors for the Purpose, to visit such School for the Purpose of affording Religious Assistance to such Offender, and also for the Purpose of instructing such Offender in the Principles of his Religion.

VII. All Monies ordered to be paid under this Act by any Justices or Council shall be raised and paid in the same Manner and subject to the same Conditions as Monies to be raised by the Justices or Council respectively for building, rebuilding, or enlarging any Gaol under their respective Management; and all Monies directed to be paid from Time to Time by any Justices or Council, in pursuance of any Agreement under this Act, shall be raised and paid in the same Manner as Monies to be raised for the ordinary current Expenditure of their several Gaols.

VIII. In every Case in which any juvenile Offender shall be sentenced to be detained in a Reformatory School under the said Act of the Seventeenth and Eighteenth Years of Her Majesty, or any of the Acts amending the same, by any Justices of the Peace in Petty Sessions or by any Stipendiary or Police Magistrate in *England* and *Wales*, such Justices or Magistrate, at the Time of passing such Sentence, or within Fourteen Days thereof, may issue a Summons calling upon the Parent or Step-Parent of such Offender to appear before them or him, and on the Hearing of such Summons, whether the Party summoned shall appear or not, may examine into the Ability of such Parent or Step-Parent to contribute to such Offender's Support and Maintenance, and may make an Order upon him or her for the Payment of such weekly Sum (not exceeding Five Shillings) as shall seem reasonable during the whole or any Part of the Detention of such Offender in such Reformatory School; and in every Case in which such Sentence of Detention shall be passed by any Court of Assize or Quarter Sessions in *England* and *Wales*,

*Reformatory Schools.*

*Wales*, such Court shall direct any Officer of the same to certify the said Sentence to the next Meeting of Justices in Petty Sessions for the District or Town from which such Offender shall have been committed (or to any Police or Stipendiary Magistrate of the said District, as the Case may be), and such Justices or Magistrate may proceed to summon the Parent or Step-Parent of such Offender, and to make an Order upon him or her in manner herein-before provided, as if the Sentence had been passed by themselves or himself in due Course of Law.

IX. In any Case wherein no such Order shall have been made as herein-before provided, it shall be lawful, at any Time during the Detention of such juvenile Offender, for any Two Justices of the Peace or any Police or Stipendiary Magistrate in *England* or *Wales* acting for the County or Borough or other Jurisdiction within which the Parent or Step-Parent of such Offender shall be residing, on the Complaint of any Person authorized by One of Her Majesty's Principal Secretaries of State to take Proceedings under the said Acts or any of them, to summon such Parent or Step-Parent before them, and to examine into his or her Ability, and to make such Order for a Sum not exceeding Five Shillings *per Week* to be paid by him or her as aforesaid.

Proceedings for enforcing Contribution may be taken at any Time during the Detention of the Offender.

X. Provided also, That it shall be lawful for any Two Justices of the Peace or for any Police or Stipendiary Magistrate in *England* or *Wales* from Time to Time, on the Representation of such Parent or Step-Parent, or any Person authorized by the Secretary of State to take Proceedings as aforesaid, at any Time while the First Order continues in force, to make further Inquiry into the Parent's or Step-Parent's Ability, and to remit or lessen the Amount of the weekly Payment that shall have been previously assessed upon him or her, or to increase the same, if they see Cause so to do, so that the Amount shall not in any Case exceed Five Shillings weekly.

Power to remit, reduce, or increase the weekly Payments, but not to exceed Five Shillings weekly.

XI. All such Payments shall be directed by the Order to be made to some Person to be appointed by One of Her Majesty's Principal Secretaries of State to receive such Payments within the Jurisdiction of the Court or Justices or Police or Stipendiary Magistrate making the Order, or to his Agent duly authorized in that Behalf, by him to be accounted for and paid over as the Commissioners of Her Majesty's Treasury may direct.

Payments how to be made.

XII. All the Provisions of the Act of the Session holden in the Eighteenth and Nineteenth Years of Her Majesty, Chapter Eighty-seven, which have Reference to the Case of Default being made in the Payment of any Sum of Money which may have become payable by any Parent or Step-Parent under an Order made by virtue of that Act, shall be applicable in every respect to every Case of Default in the Payment of any Sums directed to be paid by any Order made under and by virtue of the present Act; and so much of Section Two of the said Act of the Eighteenth and Nineteenth Years of Her Majesty as is inconsistent with the Provisions herein-before contained shall be repealed.

Provisions of 18 & 19 Vict. c. 87. in case of Default in Payment by Parents to be applicable to the Purposes of this Act.

XIII. Whereas it is expedient to make further Provision for the due Care and Protection of juvenile Offenders discharged from Reformatory Schools: It shall be lawful for the Managers of any Reformatory School, previous to making Application for the Discharge of any juvenile Offender committed to such School, to place such Offender on Trial with some Person, to be named in the Licence herein-after, most willing to receive and take charge of him, and to grant to such Offender a Licence under their Hands or the Hand of any One of them to reside with such Person for any Term not exceeding Thirty Days, unless sooner called upon by the said Managers to return to the said School, and to require such Offender to return to the said School at any Time during the same; and such Managers shall bring back such Offender to the said School at the Expiration of the said Term, provided that such Offender shall not have been previously discharged from the School by Order of the Secretary of State; and any Offender who shall abscond from such Person during such Term, or shall refuse to return to the Reformatory School at the End of such Term, or before the End of the Time, when so required, shall be held to have absconded from the School, and shall be liable to the Penalties in that Case made and provided: Provided always, that no such Offender shall be so placed out before the Expiration of One Half of the Term of Detention to which he was originally sentenced.

Provision for Care of juvenile Offenders when discharged from Reformatory Schools.

XIV. Any Person who, knowing any young Person to have been withdrawn or to have absconded from any such School or Institution as aforesaid, shall harbour or conceal or assist in concealing such young Person, or prevent him or her from returning to such School or Institution, shall be liable to the Penalty imposed by an Act of the Nineteenth and Twentieth Years of Her Majesty, Chapter One hundred and nine, on anyone wilfully withdrawing or inducing any young Person to abscond from any such School, to be recovered and applied in manner therein mentioned, and failing Payment thereof shall be liable to be imprisoned, as in the said Enactment mentioned.

Penalty for harbouring any young Person absconding from a Reformatory.

XV. In this Act the Word "County" shall mean and include every Riding, Part, or Division of a County, and every Liberty having a separate Commission of the Peace; and the Word "Borough" shall include every City or other Place mentioned in the Schedules to the Act of the Session holden in the Fifth and Sixth Years of King *William* the Fourth, Chapter Seventy-six, (to provide for the Regulation of Municipal Corporations in *England* and *Wales*,) or to which a Charter of Incorporation has since been granted.

Interpretation of Terms.

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

Act to extend only to *England*.

*Court of Session (Scotland).*

C. A. P. LVI.

An Act to regulate the Distribution of Business in the Court of Session in *Scotland*.

[25th August 1857.]

WHEREAS it is expedient that Provision should be made for the more convenient Distribution of the Business of the Court of Session, and for diminishing Arrears in that 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:

Power to Lord President to take Measures for promoting Despatch of Business.

I. It shall be lawful for the Lord President of the Court of Session, from Time to Time, as it shall appear to him to be necessary or expedient, with a view to promote the due Despatch of the Business of the Court, to transfer Causes from the one Division of the Court to the other, and from any one Lord Ordinary to any other Lord Ordinary, to such Extent as he shall judge to be necessary or expedient, for the Purpose of promoting Despatch and preventing Delay; and to enable the said Lord President to exercise such Power, it shall be lawful for him to requirè the Keepers of the Rolls of the respective Divisions, the Principal and Depute Clerks of Session, and the Clerks of the several Lords Ordinaries, or any of them, to transmit to him, from Time to Time as he shall direct, Lists of the whole Causes depending before such Divisions respectively and the several Lords Ordinaries, and also to attend upon him from Time to Time, and give such Information in regard to such Lists, and the State of the Business generally, as he may require.

Lord President may order Lists to be prepared of Causes transferred.

II. When the said Lord President shall at any Time judge it necessary to transfer Causes from the one Division to the other, or from any one Lord Ordinary to any other Lord Ordinary, under the Power hereby given, he shall require to be prepared a List or Lists of the Causes so transferred; and every such List shall have a Title specifying the Division from which, or the Lord Ordinary from whom, and also the Division to which; and the Lord Ordinary to whom, the Transference is made, and bearing that such Transference is made by the Lord President under the Authority of this Act; and every such List shall be dated and subscribed at the End thereof by the said Lord President, and shall be effectual to operate a Transference of the Causes therein contained in Terms of the Title thereof, and the Causes shall thereafter be held to depend before the Division to which or the Lord Ordinary to whom the Transference is made in the same Manner and to the same Effect in all respects as if such Causes had originally depended before such Division or Lord Ordinary; and it shall be sufficient that the Causes shall be entered in the said Lists in the same Manner in which Causes are in use to be entered in the Long Rolls of the Divisions or the Debate Rolls of the Lords Ordinaries: Provided always, that all Causes so transferred shall be taken from the Causes last enrolled in the Order of their Enrolment, unless from Connexion with any depending Action or other similar Reason, it may appear proper not to transfer any particular Cause.

Lists to be entered in Books of Sederunt, and published.

III. Every List of Causes transferred by the Lord President as aforesaid shall be entered in the Books of Sederunt, and shall be forthwith printed and published on the Walls of the Court, and shall also be published in the Minute Book.

Summary Petitions, &c. how disposed of.

IV. All Summary Petitions and Applications to the Lords of Council and Session which are not incident to Actions or Causes actually depending at the Time of presenting the same shall be brought before the junior Lord Ordinary officiating in the Outer House, who shall deal therewith and dispose thereof as to him shall seem just; and in particular all Petitions and Applications falling under any of the Descriptions following shall be so enrolled before and dealt with and disposed of by the junior Lord Ordinary, and shall not be taken in the first instance before either of the Two Divisions of the Court; *viz.*,

1. Petitions and Applications under any of the various Statutes now in force relative to Entails;
2. Petitions and Applications under any of the General Railway Acts, or under the Lands Clauses Consolidation (*Scotland*) Act, 1845, or under any Local or Personal Act;
3. Petitions and Applications relative to Money consigned under any Statute or Law, subject to the Order, Disposal, or Direction of the Court of Session;
4. Petitions and Applications for the Appointment of Judicial Factors, Factors loco tutoris or loco absentis, or Curators bonis, or by any such Factors or Curators for extraordinary or special Powers, or for Exoneration or Discharge;

12 & 13 Vict. c. 51.

5. All Petitions, Applications, and Reports under the Act of the Twelfth and Thirteenth *Victoria*, Chapter Fifty-one, intituled *An Act for the better Protection of the Property of Pupils, absent Persons, and Persons under Mental Incapacity, in Scotland*.

Lord Ordinary may consult professional Persons or Persons of Science or Skill.

V. The Lord Ordinary before whom any such Petition, Application, or Report shall be enrolled or brought shall have full Power to decide on and dispose of the same, after making such Investigation and requiring such Assistance from professional Persons, or Persons of Science or of Skill, as he shall judge proper, and his Judgment upon the Merits shall be subject to Review in manner herein-after provided; and the Judgment of the Lord Ordinary granting or refusing any such Petition or Application, or disposing of any such Report, unless the same shall be brought under Review in manner herein-after provided, shall be equally valid and effectual as a Judgment of either Division of the Court to the like

Effect,

*Court of Session (Scotland). Married Women's Reversionary Interest.*

Effect, according to the present Law and Practice; and all Laws and Statutes inconsistent herewith are hereby repealed to the Effect of rendering the Provisions of this Act operative and effectual: Provided always, that such Lord Ordinary may in special Cases, if he see Cause, report such Petition or Application to the Court, who may thereupon dispose of the same, or give such Instructions thereanent to the Lord Ordinary as they may deem proper.

VI. It shall not be competent to bring under Review of the Court any Interlocutor pronounced by the Lord Ordinary upon any such Petition, Application, or Report as aforesaid, with a view to Investigation and Inquiry merely; and which does not finally dispose thereof upon the Merits; but any Judgment pronounced by the Lord Ordinary on the Merits, unless where the same shall have been pronounced in Terms of Instructions by the Court on Report as herein-before mentioned, may be reclaimed against by any Party having lawful Interest to reclaim to the Court, provided that a Reclaiming Note shall be boxed within Eight Days, after which the Judgment of the Lord Ordinary, if not so reclaimed against, shall be final.

VII. It shall be lawful to the Parties to any Cause which shall be enrolled after the First Day of November next in the Rolls of either Division of the Court, by a joint Note presented to the Court, to move the Court of Consent to transfer such Cause from the Rolls of the Division in which it is enrolled to those of the other Division, and such Cause shall be so transferred accordingly.

VIII. When an Issue for the Trial of any Matter of Fact, upon Report of the Lord Ordinary, in Terms of the Act of the Thirteenth and Fourteenth Years of the Reign of Her Majesty, Chapter Thirty-six, shall have been adjusted by either Division of the Court, the Court shall remit the Cause to the Lord Ordinary to be farther proceeded in: Provided always, that it shall be competent to the Parties to give Notice of Trial in Terms of the existing Law and Practice applicable thereto.

IX. Provided always, That the ordinary Sittings of the Court, both Inner and Outer Houses, shall henceforward be as follows; namely, the Summer Session shall in each Year commence on the first lawful Day (*Monday* excepted) which shall happen next after the Eleventh Day of *May*, and shall end on the Twentieth Day of *July*, or, when that Day shall fall upon *Sunday* or *Monday*, on the *Saturday* immediately preceding; and the Winter Session shall in each Year commence on the first lawful Day (*Monday* excepted) which shall happen next after the Eleventh Day of *November*, and shall end on the Twentieth Day of *March*, or, when that Day shall fall upon a *Sunday* or *Monday*, on the *Saturday* immediately preceding; and it shall not be lawful for the said Court to make an Adjournment at the *Christmas* Recess for a longer Period than Fourteen Days, any Law, Statute, or Usage to the contrary notwithstanding.

X. The Lord Ordinary on the Bills during Vacation shall have the same Powers in regard to Petitions for the Appointment of Factors loco tutoris, Curators bonis, and Judicial Factors as are by this Act conferred in relation thereto on the Junior Lord Ordinary as aforesaid.

C A P. LVII.

An Act to enable Married Women to dispose of Reversionary Interests in Personal Estate.

[25th August 1857.]

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

I. After the Thirty-first Day of *December* One thousand eight hundred and fifty-seven, it shall be lawful for every Married Woman by Deed to dispose of every future or Reversionary Interest, whether vested or contingent, of such Married Woman, or her Husband in her Right, in any Personal Estate whatsoever to which she shall be entitled under any Instrument made after the said Thirty-first Day of *December* One thousand eight hundred and fifty-seven (except such a Settlement as after mentioned), and also to release or extinguish any Power which may be vested in or limited or reserved to her in regard to any such Personal Estate, as fully and effectually as she could do if she were a Feme Sole, and also to release and extinguish her Right or Equity to a Settlement out of any Personal Estate to which she, or her Husband in her Right, may be entitled in possession under any such Instrument as aforesaid, save and except that no such Disposition, Release, or Extinguishment shall be valid unless the Husband concur in the Deed by which the same shall be effected, nor unless the Deed be acknowledged by her as herein-after directed: Provided always, that nothing herein contained shall extend to any Reversionary Interest to which she shall become entitled by virtue of any Deed, Will, or Instrument by which she shall be restrained from alienating or affecting the same.

II. Every Deed to be executed in *England* or *Wales* by a Married Woman for any of the Purposes of this Act shall be acknowledged by her, and be otherwise perfected, in the Manner in and by the Act passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the Abolition of Fines and Recoveries, and for the Substitution of more simple Modes of Assurance*, prescribed for the Acknowledgment and perfecting of Deeds disposing of Interests of Married Women in Land; and every Deed to be executed in *Ireland* by a Married Woman for any of the Purposes of this Act shall be acknowledged by her and be otherwise perfected in the Manner in and

Review of the Lord Ordinary by Interlocutor on Merits only allowed.

Causes may be transferred from one Division to the other.

Court may remit Cause to the Lord Ordinary.

Sittings of the Court to be extended.

Lord Ordinary on Bills during Vacation may dispose of Petitions for Factors, &c.

Married Women may dispose of Reversionary Interests in Personal Estate, and release Powers over such Estate, and also their Rights to a Settlement out of such Estate in possession.

Deeds to be acknowledged by Married Women as required by 3 & 4 W. 4. c. 74. for disposing of Interests in, &c.

*Married Women's Reversionary Interest. Valuation of Lands (Scotland) Act Amendment.*

Land in England or Wales; in Ireland, as by 4 & 5 W. 4. c. 92.

Powers of Disposition given by this Act not to interfere with other Powers.

Act not to extend to certain Settlements.

Not to extend to Scotland.

by the Act passed in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the Abolition of Fines and Recoveries, and the Substitution of more simple Modes of Assurance*, in Ireland, prescribed for the Acknowledgment and perfecting of Deeds disposing of Interests of Married Women in Land; and all and singular the Clauses and Provisions in the said Acts concerning the Disposition of Lands by Married Women, including the Provisions for dispensing with the Concurrence of the Husbands of Married Women, in the Cases in the said Acts mentioned, shall extend and be applicable to such Interests in Personal Estate and to such Powers as may be disposed of; released, or extinguished by virtue of this Act, as fully and effectually as if such Interests or Powers were Interests in or Powers over Land.

III. Provided always, That the Powers of Disposition given to a Married Woman by this Act shall not interfere with any Power which independently of this Act may be vested in or limited or reserved to her, so as to prevent her from exercising such Power in any Case, except so far as by any Disposition made by her under this Act she may be prevented from so doing, in consequence of such Power having been suspended or extinguished by such Disposition.

IV. Provided always, That the Powers of Disposition hereby given to a Married Woman shall not enable her to dispose of any Interest in Personal Estate settled upon her by any Settlement or Agreement for a Settlement made on the Occasion of her Marriage.

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

## C A P. LVIII

An Act to amend the Act, Seventeenth and Eighteenth of *Victoria*, for the Valuation of Lands in *Scotland*.

[25th August 1857.]

17 & 18 Vict. c. 91.

WHEREAS an Act was passed in the Seventeenth and Eighteenth Years of Her Majesty's Reign, Chapter Ninety-one, for the Valuation of Lands and Heritages in *Scotland*, and it is expedient to amend the said Act as herein-after mentioned: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power to Commissioners of Supply and Magistrates to appoint Officers of Inland Revenue to be Assessors.

I. It shall be lawful for the Commissioners of Supply of each County and the Magistrates of each Burgh in *Scotland* respectively, if they shall think fit, to appoint the Officer or Officers of Inland Revenue having the Survey of the Income Tax and Assessed Taxes within such County or Burgh, to be the Assessors or Assessor for the Purpose of the said Act; and such Officer or Officers when so appointed, as long as such Appointments remain unrecalled, shall in all respects and for all the Purposes aforesaid stand in the Place of and shall have, use, exercise, and perform all the Powers and Duties of the Person or Persons whom the said Commissioners and Magistrates respectively are authorized to appoint for the like Purposes, under or by virtue of the Third Section of the said Act; and in such Case the Expense attending and making up of Valuation Rolls by such Officer or Officers shall be defrayed by the Commissioners of Inland Revenue, or as the Commissioners of Her Majesty's Treasury shall direct in that Behalf.

Persons charged may appeal.

Officer of Inland Revenue or Appellant, if dissatisfied with Decision of Commissioners or Magistrates, may demand a Case for the Opinion of the Judges.

II. All Persons entitled to appeal against Valuations made by the Assessors appointed under the said Act shall also be entitled to appeal, under and subject to the like Rules and Regulations, against the Valuations to be made by such Officer or Officers of Inland Revenue appointed as aforesaid under this Act; and if upon any such Appeal any Officer of Inland Revenue or the Person appealing shall apprehend the Determination of the said Commissioners or Magistrates hearing such Appeal to be contrary to the true Intent of the said Act, and shall then declare himself dissatisfied with such Determination, it shall be lawful for such Officer or Appellant respectively to require the said Commissioners or Magistrates to state specially and to sign the Case upon which the Question arose, together with the Determination thereupon, and to transmit such Case to the Commissioners of Inland Revenue, to the end that the same may be submitted to the Senior Lord Ordinary and the Lord Ordinary officiating in Exchequer Causes in the Court of Session, for their Opinion thereon; and such Judges to whom such Case may be submitted shall with all convenient Speed give and subscribe their Opinion thereon, and according to such Opinion the Valuation or Assessment which shall have been the Cause of the Appeal shall be altered or confirmed.

If Officers of Inland Revenue not appointed Assessors, Valuations not to be conclusive against Assessments

III. Provided always, That if in any County or Burgh the said Commissioners or Magistrates shall not appoint the Officers of Inland Revenue to be such Assessors as aforesaid, then no Valuation made under the said Act by any other Assessor or Assessors shall be conclusive against or for the Purpose of reducing, on Appeal or otherwise, any Assessment, Rate, or Charge under any Act of Parliament relating to the Duties of Excise, or the Land Tax or Assessed Taxes, or Income Tax, or any other Duties, Rates, or Taxes under the Care or Management of the Commissioners of Inland Revenue.

Town of Maxwelltown to be deemed Part of the Stewartry of Kirkcud-

IV. Whereas the Town of *Maxwelltown* is locally situated within the Stewartry of *Kirkcudbright*, but for certain Purposes has been included within the Parliamentary Boundaries of the Burgh of *Dumfries*, and Doubts have arisen whether the said Town of *Maxwelltown* lying within the said Parliamentary Boundaries is to be deemed for the Purposes of the said recited Act within the said Stewartry,

*Valuation of Lands (Scotland) Act Amendment. Parochial Schoolmasters (Scotland).*

Stewartry, and it is expedient that such Doubts should be removed? Be it therefore enacted, That for the Purposes of the said recited Act, and of levying, collecting, and enforcing all Assessments, Rates, and Taxes which the Commissioners of Supply of the said Stewartry are required or authorized to impose or levy, the said Town of *Maxwelltown* shall be deemed and taken to form Part of the said Stewartry, and the Owners and Occupiers of Lands and Heritages within the said Town shall be liable for and shall pay all Assessments, Rates, and Taxes imposed and levied as aforesaid within the Stewartry, any Law or Practice to the contrary notwithstanding: Provided always, that nothing herein contained shall affect, except as herein provided, any Rights, Privileges, or Immunities belonging to or claimed by the Owners and Occupiers of Lands and Heritages in the said Town of *Maxwelltown*, and this Section shall be held to extend to and include all those Portions of the Parishes of *Terregles* and *Troqueer* which are within the Parliamentary Boundaries of the Burgh of *Dumfries*.

bright for Purposes of recited Act.

## C A P. LIX.

An Act concerning the Parochial Schoolmasters in *Scotland*. [25th August 1857.]

WHEREAS an Act was passed in the Forty-third Year of the Reign of His Majesty *George the Third*, intituled *An Act for making better Provision for the Parochial Schoolmasters, and for making further Regulations for the better Government of the Parish Schools, in Scotland*, whereby Provision is made for ascertaining the Amount of the Schoolmasters Salaries according to the average Amount of the *Fiars Prices* of Oatmeal in the several Counties and Stewartries, and for re-ascertaining the Amount of such Salaries at the End of every Period of Twenty-five Years, according to the average Amount of the *Fiars Prices*, to be ascertained as aforesaid: And whereas the average Price of a Chalder of Oatmeal, according to such *Fiars Prices*, was, upon the Twenty-seventh Day of *November* One thousand eight hundred and twenty-eight, struck by the Barons of Exchequer at Seventeen Pounds Two Shillings and Twopence and One Farthing, and such Average expired, according to the said recited Act, as at the Term of *Martinmas* One thousand eight hundred and fifty-three: And whereas an Act was passed in the Seventeenth and Eighteenth Years of Her Majesty Queen *Victoria*, intituled *An Act to regulate the Salaries of the Parochial Schoolmasters of Scotland*, whereby it was provided that the Salaries of the said Schoolmasters should continue and be paid according to the said average Amount of the *Fiars Prices* of Oatmeal so struck in the Year One thousand eight hundred and twenty-eight, from the Term of *Martinmas* One thousand eight hundred and fifty-three till the Term of *Martinmas* One thousand eight hundred and fifty-five, both inclusive, as if such Average had not expired at the Term of *Martinmas* One thousand eight hundred and fifty-three, but had endured to the Term of *Martinmas* One thousand eight hundred and fifty-five: And whereas on the Expiration of the said last Period of Twenty-five Years the said Salaries, as regards many of the Counties in *Scotland*, have not been re-ascertained in Terms of the said first-recited Act: And whereas it is doubtful how far the Provisions thereof can be now enforced: 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:

43 G. 3. c. 54.

17 & 18 Vict. c. 98.

I. On or before the First Day of *July* One thousand eight hundred and fifty-nine, the Sheriff or Steward of every County or Stewartry shall take the necessary Steps to fix and determine the average *Fiars Prices* of a Chalder of Oatmeal within their respective Counties and Stewartries during the Period of Twenty-five Years next preceding, and including the Year and Crop One thousand eight hundred and fifty-eight, in Terms of the said first-recited Act; and the whole other Provisions thereof, and the Procedure therein directed, shall be observed in all respects; and the said Salaries to be so fixed shall commence and be payable from and after the Term of *Martinmas* One thousand eight hundred and fifty-nine: Provided that the Duties by the said first-recited Act imposed and the Powers conferred on the Lord Chief Baron and Barons of Exchequer shall be in all Time coming discharged and exercised by the Lord Ordinary in Exchequer Causes.

Sheriff or Steward to fix average *Fiars Prices* of a Chalder of Oatmeal.

II. The Salaries of the said Schoolmasters shall continue and be paid according to the said average Amount of the *Fiars Prices* of Oatmeal so struck in the Year One thousand eight hundred and twenty-eight, from the Term of *Martinmas* One thousand eight hundred and fifty-five (being the Term at which the said Provisions of the said second-recited Act ceased to regulate the said Salaries) till the said Term of *Martinmas* One thousand eight hundred and fifty-nine, and shall include the Proportion of Salary payable for the Half Year ending at the said last-named Term, in like Manner as if such Average had not expired at the Term of *Martinmas* One thousand eight hundred and fifty-three, but had endured to the Term of *Martinmas* One thousand eight hundred and fifty-nine, and the said Schoolmasters shall have all such Rights and Remedies in respect of such Salaries as they had prior to the said Term of *Martinmas* One thousand eight hundred and fifty-three.

Salaries of Schoolmasters to be paid according to average Amount of *Fiars Prices* of Oatmeal.

III. So far as not inconsistent with this Act, the said first-recited Act shall continue in full Force and Effect; provided, that the Rights conferred on the Schoolmasters by this Act shall not be diminished or affected by any Meetings or Resolutions of Heritors held or passed since the said Term of *Martinmas* One thousand eight hundred and fifty-three.

When not inconsistent with this Act, first-recited Act to continue in full Force and Effect.

C A P. Effect.

*Bankruptcy and Insolvency (Ireland).*

## C A P. LX.

An Act to consolidate and amend the Laws relating to Bankruptcy and Insolvency in *Ireland*.

[25th August 1857.]

WHEREAS it is expedient to amend and consolidate the Acts relating to Bankrupts and Insolvents in *Ireland*, to discontinue the Court of Bankruptcy and the Court for Relief of Insolvent Debtors in *Ireland*, and to constitute a new Court as herein-after provided: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same:

Existing Courts of Bankruptcy and Insolvency to be discontinued.

I. From and after the Commencement of this Act, the Court of the Commissioners of Bankruptcy in *Ireland* and the Court for Relief of Insolvent Debtors in *Ireland*, now existing under certain of the Acts mentioned in Schedule (A.) to this Act annexed, shall be respectively discontinued, and all the Powers, Authorities, and Jurisdictions of the said Courts respectively shall for the Purposes of all Proceedings now pending therein, be transferred to and continued and vested in the Court constituted under this Act.

Certain Acts and Parts of Acts repealed.

II. From and after the Commencement of this Act, the several Acts and Parts of Acts set forth in the Schedule (A.) to this Act annexed, to the Extent to which such Acts or Parts of Acts are by such Schedule expressed to be repealed, and every other Act or Acts, and such Parts of every other Act or Acts, as shall be inconsistent with this Act, shall be repealed, except so far as the said Acts or Parts of Acts, or any of them, whether mentioned or included in the said Schedule or not, repeal any former Act or Part of an Act, and except also so far as may be necessary for the Purpose of supporting and continuing any Proceedings taken or to be taken after the Commencement of this Act upon any Trading, Act of Bankruptcy, Petitioning Creditor's Debt, Commission, or other Proceeding in Bankruptcy before the Commencement of this Act, and except also so far as may be necessary for the supporting or continuing of any Proceedings taken before the Commencement of this Act in the Court for the Relief of Insolvent Debtors in *Ireland*, or to be taken after the Commencement of this Act on any Petition filed or Order made before the Commencement of this Act, and except as to the Recovery and Application of any Penalty for any Offence which shall have been committed before the Commencement of this Act: Provided always, that such Repeal shall not be construed to lessen or affect any Right to which any Person may, at the Time of such Repeal, be entitled to under the said Acts or Parts of Acts, or to lessen any Liability then existing thereunder.

Short Title.

Definition of Terms, &c.

III. This Act may be cited for all Purposes as "The *Irish* Bankrupt and Insolvent Act, 1857."

And with respect to the Definition and Explanation of Terms, be it enacted as follows:

IV. The Terms and Words herein-after enumerated, wheresoever occurring in this Act, shall be understood as herein-after defined or explained, unless it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Definition or Explanation; (that is to say.)

"Lord Chancellor" shall mean also and include the Lord Keeper and Lords Commissioners for the Custody of the Great Seal of *Ireland* for the Time being;

"The Court" shall mean Her Majesty's Court of Bankruptcy and Insolvency in *Ireland*, and shall mean also and include any Judge or Judges of Her Majesty's Court of Bankruptcy and Insolvency in *Ireland* constituting and acting as a Court under this Act;

"Annulling" shall mean also superseding;

"Month" shall mean a Calendar Month;

"Person" shall include Body Corporate and Joint Stock Company;

"Joint Stock Company" shall mean and include every Company and Body of Persons associated for any Banking or other Commercial or Trading Purposes in *Ireland*, and incorporated by Statute or Charter, or which derives any Immunity, Privilege, or Power under any Act of Parliament, or has been registered either provisionally or completely under any Act of Parliament, save as herein-after expressed, and all Commercial or Trading Companies, Associations, and Partnerships in *Ireland* the Capital or Profits of which is or are divided into Shares and transferable without the express Consent of all the Partners;

"Assignees" shall mean the Assignees of the Estate and Effects of the Bankrupt or Insolvent, and shall include the Official and Creditors Assignees;

"Oath" shall include Declaration or Affirmation;

"Bank of *Ireland*" shall include all Branches thereof;

"Petition of Bankruptcy" shall mean Petition for Adjudication of Bankruptcy;

"Plaintiff" shall include "Petitioner";

"Suit" shall include Action at Law and Suit in Equity or other Proceeding;

"Bankrupt" shall mean any Person who on any Petition of Bankruptcy shall have been adjudged by the Court to be a Bankrupt;

"Petition of Insolvency" shall include every Petition for the Benefit of this Act by an Insolvent, or by any Creditor against such Insolvent;

"Prisoner" shall mean any Person in actual Custody within the Walls of any Prison in *Ireland* for any Debt, Damages, Costs, Sum or Sums of Money, or for any Contempt by reason of Nonpayment of any Sum or Sums of Money or Costs;

"Gaoler"



*Bankruptcy and Insolvency (Ireland).*

"Gaoler" shall include the Keeper or Governor of any Gaol or Prison ;  
 "Insolvent" shall mean any Person who shall file a Petition for his Discharge as an Insolvent Debtor, or against whom a Creditor shall file a Petition of Insolvency pursuant to this Act ;  
 "Petitioning Creditor" shall mean the Creditor who files the Petition for Adjudication of Bankruptcy, or a Petition of Insolvency against an Insolvent ;  
 "Registrar" shall include the Chief Registrar ;  
 "Creditor" shall mean also any Two or more Persons being Partners, and incorporated and Joint Stock Companies ;  
 "Gazette" shall signify *Dublin Gazette* ;  
 "United Kingdom" shall mean the United Kingdom of *Great Britain and Ireland* ;

*Definition of Terms, &c.*

Words importing the Singular Number or the Masculine Gender only shall be understood to include several Matters as well as One Matter, and several Persons as well as One Person, and Bodies Corporate as well as Individuals, and Females as well as Males ; and Words importing the Plural Number shall be understood to apply to One Matter as well as more than One, and to One Person as well as more than One.

V. This Act, unless where otherwise specially provided, shall commence on the First Day of *November* One thousand eight hundred and fifty-seven. *Commencement of Act.*

VI. After the Commencement of this Act, no Commission of Bankrupt shall be issued, but all Proceedings in Bankruptcy, and Proceedings for Arrangement between Debtors and Creditors, may be taken, according to the Provisions of this Act. *Procedure to obtain Adjudication, &c. to be under this Act.*

VII. All Commissions and Proceedings in Bankruptcy, and Proceedings for such Arrangement, depending at the Commencement of this Act in the Court of the Commissioners of Bankruptcy in *Ireland*, or over which that Court might then exercise Jurisdiction ; and all Petitions, Orders, Matters, and Proceedings depending in the said Court for the Relief of Insolvent Debts at the Commencement of this Act, or over which that Court might then exercise Jurisdiction, shall be respectively carried on and prosecuted in the Court constituted under this Act, and for the Purposes aforesaid the Court shall have all the Power, Jurisdiction, and Authority now possessed by the Commissioners of Bankruptcy or by the Court for the Relief of Insolvent Debtors in *Ireland* : And nothing in this Act contained shall render invalid any Commission, Petition, Order, Matter, or Proceeding depending at the Commencement of this Act in the said Court of the Commissioners of Bankruptcy, or in the said Court for Relief of Insolvent Debtors, or the Prosecution of the same in the Court now constituted under this Act, or affect or prejudice any Right or Remedy which any Person may have or be entitled to, or lessen any Liability which any Person may be under or subject to by virtue thereof. *Proceedings in Courts discontinued by this Act to be carried on in new Court.*

VIII. Wherever in any Act of Parliament or otherwise Mention shall have been made of any Commission of Bankrupt, it shall be construed with reference to the Proceedings under a Petition of Bankruptcy as if such Commission had been actually issued at the Time of filing such Petition. *Construction of former Acts, &c. as to Word "Commission."*

IX. When any limited Time from or after any Date or Event is appointed or allowed for doing any Act or taking any Proceeding, the Computation of such limited Time is not to include the Day of such Date, or of the happening of such Event, but is to commence at the Beginning of the next following Day, and the Act or Proceeding is to be done or taken at the latest on the last Day of such limited Time according to such Computation. *Computation of Time.*

X. When the Time for doing an Act or taking a Proceeding expires on a *Sunday, Christmas Day, Good Friday, Monday or Tuesday in Easter Week*, or a Day appointed for a Public Fast or Thanksgiving, such Act or Proceeding is, as far as regards the Time of taking or doing the same, to be held to be duly done or taken, if done or taken on the following Day. *Term expiring on Sunday, &c. extended to following Day.*

XI. The present Commissioners of Bankrupt in *Ireland* shall be Judges for the Purposes of this Act, as if they had been appointed thereunder, and they and their Successors in Office shall form a Court, to be called "The Court of Bankruptcy and Insolvency." *Constitution of the Court, &c.*

XII. The said Court of Bankruptcy and Insolvency shall consist of Two Judges : Upon a Vacancy in the said Office of Judge it shall be lawful for Her Majesty, Her Heirs and Successors, by Letters Patent under the Great Seal of *Ireland*, to appoint any Person, being a Barrister-at-Law in *Ireland* of not less than Ten Years standing, to fill such Vacancy ; and every such Judge shall hold his Office during good Behaviour, notwithstanding the Demise of Her Majesty (whom God long preserve), or any of Her Heirs and Successors, but subject to Removal by Her Majesty, Her Heirs and Successors, upon an Address from both Houses of Parliament. *Court of Bankruptcy and Insolvency. Appointment of Judges.*

XIII. Every Judge to be so appointed shall, before he shall be capable of acting in the Execution of his Office, take an Oath in the Presence of the Lord Chancellor to the Effect following ; (that is to say,) ' I A.B. do swear, That I will faithfully, honestly, and impartially execute the several Powers and Trusts reposed in me as a Judge in Bankruptcy and Insolvency, and that without Favour or Affection, Prejudice or Malice. So help me GOD.' *The Oath of Office.*

XIV. No such Judge shall during his Continuance in such Office be capable of being elected a Member of the House of Commons. *Judges not to be elected Members of the House of Commons.*

XV. There shall be paid to each such Judge the yearly Sum of Two thousand Pounds, and such Salaries shall be payable quarterly, on the usual quarterly Days, free of all Deductions save Income Tax ; *Salary.*

*Bankruptcy and Insolvency (Ireland).*

Constitution of  
the Court, &c.

Matters pending  
in discontinued  
Courts trans-  
ferred to new  
Court.

Offices of old  
Court abolished,  
and Records, &c.  
to be transferred  
to new Court.

Court to make  
General Orders  
for Transfer of  
Proceedings, &c.

The Court to be  
a Court of Law  
and Equity, &c.

Each Judge shall  
form the Court.

Power to Judges  
to make General  
Orders;

to be approved by  
the Lord Chan-  
cellor.

Sittings of the  
Court.

Appointment  
and Payment of  
Substitute for  
Judge or Regis-  
trar prevented  
from attending.

and if any Judge shall die, resign, or be removed, a proportionate Part of his Salary shall be paid for the Time he executed the Office.

XVI. All Matters which, on the said First Day of *November* One thousand eight hundred and fifty-seven, shall be pending in either of the said Courts hereby discontinued, with all the Proceedings therein, shall be by force of this Act transferred to the said Court of Bankruptcy and Insolvency in *Ireland*, there to be carried on, prosecuted, or dealt with and decided according to the Practice of the Court, in the same Manner in every respect as if such Matters had been originally commenced in the said Court.

XVII. On the said First Day of *November* One thousand eight hundred and fifty-seven the Offices of the said Commissioners of the Courts hereby discontinued shall be abolished; and all Petitions, Affidavits, and other Proceedings of the said Courts, and all Minute and Account Books and all other Books and Documents relating to the Proceedings of the said Courts respectively, or lodged in the said Courts, shall on the said First Day of *November* One thousand eight hundred and fifty-seven, or as soon after as conveniently may be, be delivered by the several Officers of the said Courts having Custody of the same to such Person or Persons as shall be appointed by the Court to receive and take charge of the same, and from and after such Delivery the said Petitions, Affidavits, Books, and other Proceedings shall be deemed to belong to the said Court hereby constituted.

XVIII. The Court shall, as soon as conveniently may be after the passing of this Act, from Time to Time make General Orders as by this Act directed for carrying the Purposes of this Act into complete Effect in all Things relating to the Transfer of Matters, Proceedings, Documents, and Property from the Courts hereby discontinued, and in particular for the auditing of Assignees Accounts, and for arranging and distributing the Balances in the Hands of Assignees or to their Credit with the Bank of *Ireland*, or in the Bank of *Ireland* with the Privity of the Chief Clerk of the Court for the Relief of Insolvent Debtors, and for the carrying on and winding-up the Matters so transferred.

XIX. The Court shall, for the Purposes of this Act, be a Court of Law and Equity and a Court of Record; all Records and Proceedings in Bankruptcy existing at the Commencement of this Act, in the said Court of the Commissioners of Bankruptcy, or in the Custody of the Secretary of Bankrupts, and Clerk of Inrolments in Bankruptcy, and all Records and Proceedings of the said Court for the Relief of Insolvent Debtors, shall be kept as Records and Proceedings in the Office of the Court, or in such Place as the Judges of the Court by any General Order shall direct.

XX. Each Judge acting for the Time being shall singly and simultaneously, or otherwise, as Occasion may require, be and form the Court for every Purpose under this Act, or in execution of any Duty which may hereafter be imposed on the Court, except where otherwise in this Act specially provided; and every Act of any One Judge in the Absence of the other shall be as valid as if done by both, save only that it shall not be lawful for any One Judge, without the Consent of the other, to rescind any Order made by the other when sitting alone.

XXI. The Judges of the Court shall, on or before the Second Day of *November* One thousand eight hundred and fifty-seven, and from Time to Time thereafter, make such General Orders as they may think fit for the better carrying of the several Purposes of this Act into execution, and especially for the Regulation of the Practice and Procedure in Matters of Bankruptcy and Arrangement or Insolvency, and for the Choice of the Creditor's Assignees, and the Admission or Proof of Debts, and the Audit of the Assignees Accounts, and the Times and Mode of making and paying Dividends, the Examination of Witnesses and taking of Evidence, the Inspection of Records and Proceedings of the Court, and obtaining Copies thereof, and for the Regulation of the Duties of the several Officers of the Court, and the Fees, Costs, Charges, and Allowances, as well of Solicitors and of Messengers as also of Auctioneers, Appraisers, Brokers, Valuers, and Accountants, employed by Assignees, Messengers, or Bankrupts, or Insolvents, and for the Taxation thereof respectively, and generally for regulating the Practice of the Court, and the Times, Modes, and Forms of Motions and Proceedings in Bankruptcy and Insolvency, and may from Time to Time alter or revoke such Orders, anything in this Act to the contrary notwithstanding; but no such General Orders shall be of any Force or Effect until approved of by the Lord Chancellor: Provided also, that nothing herein contained shall be construed to restrain the Authority or limit the Jurisdiction of the said Court or the Judges thereof to make Rules or Orders or otherwise to regulate and dispose of the Business therein.

XXII. The Court shall sit for the Despatch of Business daily throughout the Year, when the Business of the Court shall require it (*Sunday, Christmas Day, Good Friday, Monday, and Tuesday in Easter Week*, and Days appointed for Public Fast and Thanksgiving excepted); provided that during the whole or any Part of the Time appointed for Vacations in the several Offices of the High Court of Chancery in *Ireland* the Judges of the Court shall have full Power and Authority to regulate the Sittings of the Court in such Manner as shall appear fit and necessary for the due Administration of Justice.

XXIII. If, during the Time in which the Court shall sit for the Despatch of Business, any Judge, Registrar, or Chief Clerk be prevented by Sickness, or other reasonable Cause, to be allowed by the Lord Chancellor, from attending, then and in every such Case the Lord Chancellor may appoint a Person (being in the Case of a Judge a Barrister-at-Law of not less than Ten Years standing) to perform the Duties of such Judge, Registrar, or Chief Clerk during such Absence; and every such Person so appointed

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to perform the Duty of such Judge, Registrar, or Chief Clerk as aforesaid shall during the Continuance of such Deputation or Appointment have all and every the Rights, Powers, and Authorities and be subject to all the Duties of such Judge, Registrar, or Chief Clerk, under this Act, and shall be paid a Sum equal to the Salary of such Judge or Registrar or Chief Clerk, for and during the Period of his Service, to be deducted from the Salary of the Person in whose Absence he shall so act.

*Constitution of the Court, &c.*

XXIV. The Court shall have original Jurisdiction, Superintendence, and Control in all Matters of Bankruptcy and Insolvency, and shall have Authority to take such Order and Direction with the Body of each Bankrupt and Insolvent, and also with the Estate and Effects of each Bankrupt and Insolvent, as herein-after expressed, and also shall hear, determine, and make Order in any Matter of Bankruptcy or Insolvency whatever, so far as the Assignees are concerned, relating to the Estate and Effects of the Bankrupt or Insolvent, or of any Estate or Effects taken and claimed by the Assignees for the Benefit of the Creditors, or relating to any Acts done or sought to be done by the Assignees in their Character of Assignees, and also in any Matter of Bankruptcy or Insolvency whatever as between the Assignees and any Creditor or other Person appearing and submitting to the Jurisdiction of the Court, and also in any Application for a Certificate of Conformity, and in any other Matter where the Court by virtue of this Act has Jurisdiction, save and except as may be by this Act otherwise specially provided.

*Jurisdiction.*

*Jurisdiction of Court.*

XXV. The Court shall have the Power of fining in a summary Way, or suspending or removing, any of the Officers of the Court who shall be guilty of any Negligence or other Misconduct whatsoever, to be expressed in the Order of the Court, except where the Removal of the said Officers is otherwise regulated by this Act.

*Power to Court to fine, suspend, or remove Officer in certain Cases*

XXVI. All lawful Orders of the Court may be enforced by Process sued out of the said Court in the same Manner as if the said Orders were Orders of the Court of Chancery in *Ireland*.

*Enforcement of Orders.*

XXVII. The Court shall from Time to Time settle the Forms of Writs to be used in the said Court for the Enforcement of its Orders, and may also from Time to Time alter the same. The Court in framing such Forms shall adhere as nearly as Circumstances may admit to the Forms of Writ used to enforce Decrees or Orders of the Court of Chancery, and such Forms when approved of by the Lord Chancellor shall be used and adopted in the Court. The Writs to be issued out of the Court shall be returnable therein, and be enforced in the same Manner as Writs issued out of the Court of Chancery.

*Court to settle Forms of Writs*

XXVIII. The Court may from Time to Time alter or vary the Forms given in the several Schedules to this Act, or any of such Forms, or substitute new Forms in lieu thereof, and generally may settle and check the several Forms to be used in proceeding under this Act.

*Forms.*

XXIX. Every Order or Decision of the Court shall be subject to Appeal to the Court of Appeal in Chancery, except as herein-after is provided; but such Appeal must be entered within Thirty Days from the Date of the Decision or Order, or such further Time as the Court shall by special Leave allow, and be thereafter duly prosecuted, otherwise the Decision or Order shall be final; and every Appeal shall be subject to such Regulation in regard to Deposit of Costs as shall be directed by any General Order to be made in pursuance of this Act; and on hearing of each Petition of Appeal the only Evidence to be relied on or admissible shall be such as was given before the Court; but the Appeal Court, if it shall think fit, may receive such Evidence or direct or make any such Inquiry thereon as to it shall seem fit, or may order the Court to re-hear the Case, on such further Evidence as it may be in, the Power of either Party to produce.

*Power of Appeal to the Court of Appeal in Chancery.*

XXX. No Appeal shall lie from any Order of the Court on any Petition in Insolvency that the Prisoner should file his Schedule or be brought up to be dealt with according to the Provisions of this Act, or from any Order dismissing the Petition in Insolvency, or for the Remand or Discharge of any Insolvent, or any Order for the Appointment or Removal of Creditors Assignees, or from any Order on any Question relating only to the Practice of the Court.

*No Appeal from certain Orders of the Court.*

XXXI. The Court shall have exclusive Jurisdiction in Bankruptcy over all Traders residing or carrying on Business exclusively in *Ireland*.

*Exclusive Jurisdiction over Traders.*

XXXII. The Court of Appeal sitting on Appeal in Bankruptcy and Insolvency shall be a Court of Record, and shall have all the Powers incident thereto, and may adjourn any Sitting from Time to Time, and for such Time as may be requisite, and shall have the like Power of summoning and compelling Attendance, and of Examination, and of enforcing Obedience to Examination, and to any Order duly made, and of requiring and compelling the Production of Books and Documents, and shall have the like Power of Commitment as is by this Act given to the Court of Bankruptcy and Insolvency.

*The Court of Appeal sitting in Bankruptcy to be a Court of Record, &c.*

XXXIII. The Court of Appeal may direct any Question of Fact arising on such Appeal to be decided by a Jury in the Form provided in lieu of a feigned Issue by an Act passed in the Parliament holden in the Eighth and Ninth Years of the Reign of Her Majesty, Chapter One hundred and nine, or in such other Form as the Court of Appeal shall direct, and a new Trial may be moved for in the Court out of which the Writ of Summons shall have been issued.

*Court of Appeal may direct Question of Fact to be decided by a Jury.*

*Power to move for new Trial.*

XXXIV. All Orders of the said Court of Appeal on Proceedings under this Act, save Orders relating to the final Examination or the Certificate of Conformity of any Bankrupt; dismissing any Petition for Adjudication or Arrangement, granting Protection to any Trader, or any Question of Practice only, shall be subject to Appeal to the House of Lords, in like Manner and subject to the same Conditions as any other Appeals from the Orders of said Court.

*Power of Appeal to the House of Lords.*

*Bankruptcy and Insolvency (Ireland).**Jurisdiction.*

As to Sealing  
and Signature of  
Warrants.  
Records, Pro-  
ceedings, &c. to  
be sealed.

XXXV. Every Warrant issued by the Court shall be under the Seal of the Court and the Hand of a Judge, and every Summons shall be under the Seal of the Court and under the Hand of a Judge, or of One of the Registrars.

As to Procedure  
and Practice of  
Court.

XXXVI. The Court shall cause to be sealed with the Seal of the Court all such Records, Proceedings, Documents, and Copies of the same as are by this Act expressly required to be so sealed, and such other Records, Proceedings, Documents, and Copies of the same as the Court shall at any Time direct. No Fee shall be receivable by any Judge, Registrar, or Officer of the Court, save such Fees for Copies as are herein-after expressly allowed.

*Officers of the  
Court.*

As to Appoint-  
ment of Officers.  
Secretary of  
Bankrupts to be  
Chief Registrar.

XXXVII. The Procedure and Practice hitherto observed in the Court of Bankruptcy and in the Court for the Relief of Insolvent Debtors in *Ireland* shall continue to be observed in the Court of Bankruptcy and Insolvency, except where the same are inconsistent with the Provisions of this Act, or any General Order made in pursuance thereof.

XXXVIII. The Officers of the Court shall be the Chief Registrar, the Chief Clerk in Insolvency, Two Assistant Registrars, a Deputy Assistant to the Chief Registrar, Two Official Assignees, the Messengers, and the Clerks of the Court, to be appointed as herein-after mentioned.

XXXIX. The present Lord Chancellor's Secretary of Bankrupts shall be the First Chief Registrar under this Act, and, in addition to his present Duties, shall attend the Court, and assist the Court in the Transaction of its administrative Business, and in the taking of undisputed Proofs of Debt, and shall tax such Costs and discharge such Duties generally as the Court shall by any General Order direct.

Salary of Chief  
Registrar.

XL. In lieu of the Fees and Emoluments now payable to the Lord Chancellor's Secretary of Bankrupts, a Salary not exceeding Six hundred Pounds *per Annum* shall be paid to the said Chief Registrar and his Successors; and it shall be lawful for the Commissioners of the Treasury, on the Recommendation of the Lord Chancellor, from Time to Time to order that such Salary shall be increased, provided that the same shall in no Case exceed Eight hundred Pounds.

As to Appoint-  
ment of Success-  
ors to Chief  
Registrar and  
Assistant Regis-  
trars.

XLI. The Successors to the Chief Registrar and Assistant Registrars shall from Time to Time be appointed by the Lord Chancellor, as a Vacancy shall arise. The Chief Registrar, Assistant Registrars, and their Successors shall continue in Office during good Behaviour, and shall not be removed, except by Writing under the Hand of the Lord Chancellor, for sufficient Cause therein specified, or by Writing under the Hands of the Judges of the said Court and of the Lord Chancellor without any Cause being therein specified.

As to Appoint-  
ment and Salary  
of Assistant  
Registrars.

XLII. There shall be Two Assistant Registrars of the Court, and it shall be lawful for the Lord Chancellor to direct that a Salary not exceeding Four hundred Pounds *per Annum* be paid to each Assistant Registrar. The present Registrars of the Court of Bankruptcy in *Ireland* shall be the First Assistant Registrars of the Court, and shall have the like Powers and Salaries, and be subject to the like Control, in all respects, as if they had been appointed under the Provisions of this Act.

*Chief Clerk in  
Insolvency.*

Duties and Salary  
of Chief Clerk in  
Insolvency.

XLIII. The present acting Registrar of the Court for Relief of Insolvent Debtors shall be the First Chief Clerk in Insolvency under this Act. The Chief Clerk in Insolvency shall have all the Powers hitherto enjoyed, and shall in Matters of Insolvency perform all the Duties hitherto performed by the Chief Clerk in the Court for the Relief of Insolvent Debtors in *Ireland*, except where the same are inconsistent with the Provisions of this Act, or any General Orders made under the Authority of this Act, and shall also attend the Court and perform such other Duties as the Court shall by any General Order direct. The Salary of said Chief Clerk shall be Five hundred Pounds *per Annum*. It shall be lawful for the Commissioners of the Treasury, on the Recommendation of the Lord Chancellor, from Time to Time to order that such Salary shall be increased, but so as that the same shall in no event exceed Six hundred and fifty Pounds.

Appointment and  
Salary of Deputy  
Assistant to Chief  
Registrar.

XLIV. The present Clerk in the Office of the Lord Chancellor's Secretary of Bankrupts shall be the Deputy Assistant to the Chief Registrar. It shall be lawful for the Lord Chancellor to direct that a Salary not exceeding Two hundred Pounds *per Annum* be paid to the Deputy Assistant and his Successors.

Appointment  
and Salary of  
Clerk in Town  
and Country De-  
partments.

XLV. The present First Clerk in the Country Department of the Court for the Relief of Insolvent Debtors shall be the First Clerk in the Town and Country Departments in Insolvency under this Act, and, in addition to his present Duties, shall discharge such other Duties as the Court shall by any General Order direct. It shall be lawful for the Lord Chancellor to direct that a Salary not exceeding Three hundred and fifty Pounds *per Annum* be paid to the said Clerk in the Town and Country Departments and his Successors.

Appointment  
and Salaries of  
other Clerks.

XLVI. In addition to the before-named Officers of the Court, it shall be lawful for the Court, with the Approbation of the Lord Chancellor, to appoint as many Clerks or Assistants, not exceeding Three, and at such Salaries as the Court shall, with the like Approbation and Consent, order; such Salaries, however, not in any Case to exceed, collectively, the annual Sum of Four hundred Pounds.

Appointment of  
Successors to  
Chief Clerks, &c.;  
and not to be re-  
moved but by Or-  
der of Court, &c.

XLVII. The Successors to the Chief Clerk, Deputy Assistant Registrars, and Clerks shall, from Time to Time as Vacancies occur, be appointed by the Court, with the Approbation of the Lord Chancellor. The Chief Clerk, Assistant Registrars, Deputy Assistant Registrars, and Clerks, and their Successors respectively, shall hold Office during good Behaviour, shall discharge such Duties as the Court shall by General Order from Time to Time direct, and shall not be removed except by Order of the Court for

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for sufficient Cause therein specified, or by Writing under the Hand of the Lord Chancellor and Judges of the Court without any Cause being therein specified.

XLVIII. Upon the happening of any Vacancy in any of the Offices under this Act, save the Office of Judge of the Court, if it shall appear to the Lord Chancellor that it would be unnecessary or inexpedient to continue such Office, it shall be lawful for the Lord Chancellor, by any Order under his Hand, so to declare and direct, and thereupon such Office shall cease and determine.

XLIX. The Court may, when it shall seem expedient, direct the Chief or other Registrar or Chief Clerk to act in the Prosecution of any Bankruptcy or Insolvency, for Proof of Debts, or for the Examination of Persons or Witnesses on Oath in *Dublin* or elsewhere; and the Travelling Expenses of such Registrar or Chief Clerk, and of any Clerk or other Officer attending him, incurred in so acting, shall be settled by the Court, and be paid out of the Funds of the Estate or Estates in which such Examination shall take place, or Proof of Debt be received; and such Registrar or Chief Clerk so acting shall have all Power vested in the Court for Proof of Debts and Examination of Persons or Witnesses, except the Power of Commitment: Provided always, that all Depositions and Examinations of Persons and Witnesses so taken shall be reduced to Writing, and shall, together with a Record of all Acts done by him, be annexed to and form Part of the Proceedings.

L. The Chief Registrar shall provide a Seal, on which shall be engraven the Style of the Court; and every such Seal shall be kept by the Chief Registrar in trust for the Purposes of the Court; and such Seal shall be the Seal of the Court.

LI. It shall be the Duty of the Registrars and Chief Clerk to tax all such Bills of Fees, Costs, Charges, and Disbursements as may be referred to them or any of them for Taxation; but such Taxation shall be subject to Review by the Court.

LII. All Bills of Charges, Fees, and Disbursements of any Auctioneer, Appraiser, Broker, Valuer, or Accountant, employed by any Assignee or Messenger, for Business done under such Employment, shall be settled by the Registrars or Chief Clerk, subject to Review by the Court; and the Amount of the Bills so settled, and no more, shall be paid to or recoverable by such Auctioneer, Appraiser, Broker, Valuer, or Accountant.

LIII. After the Commencement of this Act, the Duties of the Person by an Act passed in the Parliament of *Ireland* in the Eleventh and Twelfth Years of the Reign of King *George* the Third, intituled *An Act to prevent Frauds committed by Bankrupts*, directed to be appointed by the Lord Chancellor, and to have the Custody of all Matters relating to Commissions of Bankrupt, and known as the Clerk of Enrolments in Bankruptcy in *Ireland*, shall be transferred to the Chief Registrar; and all Records, Proceedings, Books, Papers, and Documents in the Possession of the said Clerk of Enrolments in the Place appointed by the Lord Chancellor for the Custody of the Matters aforesaid, shall be removed to the Office of the Court, and shall be there kept as Records of the Court of Bankruptcy and Insolvency; and the said Chief Registrar shall enter of Record all Matters and Proceedings in Bankruptcy and Insolvency under this Act, or any Order to be made in pursuance hereof, directed to be entered of Record, or such Portions thereof in lieu of the whole as the Court shall by any Order direct.

LIV. It shall be lawful for the Chief Registrar to enter of Record any Proceeding in Bankruptcy or Insolvency by this Act directed to be so entered, upon the Application of or on behalf of any Person interested therein, without special Order; and any Judge shall have full Power, upon Application made to him for that Purpose, to direct any Commission of Bankrupt heretofore issued, and the Depositions and Proceedings had and taken under the same, and all Matters and Proceedings heretofore had in the Court for the Relief of Insolvent Debtors in *Ireland*, or such Part or Parts thereof as he shall think fit, to be entered of Record.

LV. The present Official Assignees in Bankruptcy shall continue to be Official Assignees for the Purposes of this Act, and shall have all the Powers and Privileges, and shall be subject to the like Control, as if they had been appointed under this Act.

LVI. All the Estate and Effects of Insolvent Debtors now vested in the Provisional Assignee of the Court for Relief of Insolvent Debtors in *Ireland* shall vest in the Official Assignees appointed under this Act.

LVII. It shall be lawful for the Court to direct that the Official Assignees shall be joined and act with the existing Creditors Assignees in any Matter of Insolvency or Bankruptcy pending at the Commencement of this Act, and to direct the existing Assignees to pay and deliver over to the Official Assignees all Monies, Securities, Books, Property, and Effects, in their Possession as such Assignees, and that all the Estate and Effects in such Insolvency shall vest in the Official Assignees jointly with the Creditors Assignees.

LVIII. It shall be lawful for the Lord Chancellor at any Time to remove any Official Assignee from his Office.

LIX. Upon any Vacancy in the Office of Official Assignee, it shall be lawful for the Lord Chancellor from Time to Time to appoint a proper Person, being a Merchant, Broker, or Accountant, to act as Official Assignee for the Purposes of this Act; and such Official Assignee shall give such Security, and be subject to such Rules, and act in such Manner, and perform such Duties, as may from Time to Time be directed by any General Order.

*Jurisdiction.*

Power to Lord Chancellor to discontinue Offices on Vacancies.

*Registrars.*

Court may direct Registrar to take Proof of Debts, &c.

Seal to be provided.

Registrars and Chief Clerk to tax Bills of Costs, &c.;

and settle Bills of Auctioneers, Appraisers, Valuers, and Accountants.

Office of Clerk of Enrolments in Bankruptcy appointed under 11 & 12 G. 3. (I.) abolished, and Duties transferred to Chief Registrar, who shall keep Records, &c.

Chief Registrar to enter Proceedings.

*Official Assignees.*

Present Official Assignees to be continued.

Estates of Insolvents now vested in Provisional Assignee to vest in Official Assignees.

Official Assignees to act with Creditors Assignees.

Official Assignee removable.

Appointment of Official Assignees; who shall give Security.

LX. The

*Bankruptcy and Insolvency (Ireland).**Official Assignees.**Duties of Official Assignees.**Money, &c. to be paid by Assignees into the Bank of Ireland.**Messengers to follow Instructions of Official Assignee.**Official Assignee to act as sole Assignee till Creditors choose Assignees, &c.**Not to interfere in Appointment, &c. of Solicitor, &c.**Official Assignee not personally liable for Acts done in execution of his Duty.**If Official Assignee made Defendant in certain Cases, Court may set aside Proceedings.**Remuneration to Official Assignee**Returns to Parliament by Official Assignees;**to be certified by Chief Registrar.**Messengers.**As to Appointment and Salaries of Two Messengers.**Power to appoint Assistant Messengers.**Duties of Messengers. Travelling Expenses, &c. how paid.**Messengers not to act as Agents.**Oath to be taken by Messengers before acting.*

LX. The Official Assignees for the Time being and their Successors when appointed shall be Assignees of each Bankrupt's and Insolvent's Estate and Effects, and act with the Assignee (if any) chosen by the Creditors; but the Real and Personal Estate and Effects of every Bankrupt and Insolvent, and the Income and Proceeds thereof, shall be possessed and received by the Official Assignees alone, save where it shall be otherwise directed by the Court.

LXI. All Stock in the Public Funds or of any Public Company, and all Monies, Exchequer Bills, India Bonds, or other Public Securities, and all Bills, Notes, and other negotiable Instruments belonging to the Bankrupt's or Insolvent's Estate, shall be forthwith transferred, delivered, and paid by such Official Assignees into the Bank of Ireland, and shall from Time to Time be kept there to the Credit of the Official Assignees and of the Creditors Assignee, or (if any) subject to such Order and Regulation for the keeping of the Account of the said Monies and other Effects, and for the Payment, Delivery, and Investment of the same, as the Court shall direct: Provided always, that the Court may by Order sanction the Official Assignees retaining in their Hands, out of the Monies so received by them as aforesaid, a Sum not exceeding at any One Time Five hundred Pounds in respect of all the Estates vested in them.

LXII. The Messengers shall follow the Instructions of the Official Assignees, subject to the Directions and Control of the Court, with respect to the taking and Keeping Possession of the Bankrupt's and Insolvent's Estate or Effects.

LXIII. Until Assignees shall be chosen by the Creditors, the Official Assignees shall to all Intents and Purposes whatsoever be the Assignees of every Bankrupt's and Insolvent's Estate and Effects, and, if the Court shall so order, may sell or otherwise dispose of any Property which from its Nature or for any other Reason the Court shall think ought to be disposed of without Delay.

LXIV. After Assignees have been chosen by the Creditors, the Official Assignees shall not interfere with the Creditors Assignees in the Appointment or Removal of a Solicitor or Attorney.

LXV. No Official Assignee shall be personally liable by reason of any of the Matters upon which an Adjudication of Bankruptcy shall have been grounded being insufficient to support such Adjudication, or in respect of his Receipt in his official Capacity of any Money or negotiable Instruments, provided he shall not have dealt with the same otherwise than as directed by the Court, or required by this Act, or by any Order made in pursuance of this Act.

LXVI. If an Official Assignee is made a Defendant in any Action in respect of such Money or negotiable Instruments, a Judge of the Court in which the Action is brought may, upon an Affidavit of Facts, stay or set aside the Proceedings in such Action so far as the Official Assignee is concerned, and make such Order as to Costs as to the Judge shall seem meet.

LXVII. The Court may order to be paid out of any Bankrupt's or Insolvent's Estate to the Official Assignee, as a Remuneration for his Services, such Per-centage on the Amount realized as shall upon Consideration of the Circumstances of each Case appear to be just and reasonable.

LXVIII. On or before the First Day of *March* in every Year, if Parliament be then sitting, or if not within Fourteen Days from the Commencement of the then next Session of Parliament, there shall be laid before Parliament a Return by the Official Assignees in the Form contained in Schedule (B.) to this Act annexed, showing the Particulars in such Form mentioned, in respect of every Estate under their Charge, and which shall not have been finally wound up on the Thirty-first Day of *December* in the preceding Year; and such Return shall be certified by the Chief Registrar, and shall be subject to such further Regulation, as to the Form of the same or otherwise, as the Judges of the Court may from Time to Time think fit to make.

LXIX. There shall be Two Messengers of the Court, who shall be appointed from Time to Time by Warrant under the Hand of the Judges of the Court, and shall continue in Office at the Pleasure of the Judges of the Court; and it shall be lawful for the Lord Chancellor to direct, with reference both to the present and any future Messengers, that a Salary not exceeding Two hundred and fifty Pounds *per Annum* be paid to each Messenger in lieu of all Fees.

LXX. It shall be lawful for the Court to appoint by Warrant as aforesaid Assistant Messengers of the Court in special Cases: The Duties of the Messengers shall be such and they shall give such Security as the Court shall by any General Order from Time to Time direct: It shall be lawful for the Court by any General or Special Order to direct from Time to Time how and by whom, or out of what Fund under the Control of the Court, and according to what Scale, the travelling and other Expenses of the Messengers incurred in performing such Duties shall be paid.

LXXI. If any present or future Messenger shall act as Agent in any Bankruptcy or Insolvency, or stipulate for or obtain, directly or indirectly, out of or from any Bankrupt's or Insolvent's Estate, or any Person engaged therein, any Remuneration for his Services except as provided for by this Act, he shall for ever thereafter be incapable of holding the Office of Messenger; and every Messenger shall, before he shall be capable of acting in the Execution of his Office, take before the Commissioner the following Oath; (that is to say,)

I *A.B.* do swear, That I will faithfully, impartially, and honestly execute the several Orders which I shall receive from the Court of Bankruptcy and Insolvency in any Matter in which I am or shall hereafter be appointed to act as Messenger; and that I will not knowingly suppress or conceal the Truth,

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‘ Truth, or suggest or practise any Falsehood in respect to any Thing relating to any Bankruptcy or Insolvency, or any of the Proceedings thereunder. So help me GOD.’

*Messengers.*

LXXII. It shall be lawful for any Messenger of the Court and his Assistants, acting under Warrant of the Court, to break open any House, Chamber, Shop, Warehouse, Door, Trunk, or Chest of any Bankrupt or Insolvent where such Bankrupt or Insolvent or any of his Property shall be reputed to be, and seize upon the Body or Property of such Bankrupt and Insolvent; and if the Bankrupt or Insolvent be in Prison or in Custody it shall be lawful for the Messenger and his Assistants to seize any Property of the Bankrupt or Insolvent (save the Articles excepted in this Act and his necessary Wearing Apparel) in the Custody or Possession of such Bankrupt or Insolvent, or of any other Person, in any Prison or Place where such Bankrupt or Insolvent is in Custody.

Messenger may break open the Bankrupt's or Insolvent's Doors, &c. and seize upon his Body or Property.

LXXIII. It shall be lawful for the Messenger and his Assistants, acting under Warrant of the Court, to break open any House, Chamber, Shop, Warehouse, Door, Trunk, or Chest of the Bankrupt or Insolvent in *England* where such Bankrupt or Insolvent or any of his Property shall be reputed to be, and to seize upon the Body or Property of such Bankrupt or Insolvent, and also to execute within *England* such Search Warrant as herein-before mentioned; provided such Warrant and Search Warrant respectively shall have been verified upon Oath before and backed or endorsed by any Justice of the Peace in *England*, who is hereby required within his Jurisdiction to back or endorse the same.

Execution of Warrant in *England*.

LXXIV. It shall be lawful for the Messenger and his Assistants, acting under Warrant of the Court, to break open any House, Chamber, Shop, Warehouse, Door, Trunk, or Chest of the Bankrupt or Insolvent in *Scotland*, where such Bankrupt or Insolvent or any of his Property shall be reputed to be, or to seize upon the Body or Property of such Bankrupt or Insolvent, and also to execute within *Scotland* such Search Warrant as herein-before mentioned; provided such Warrant and Search Warrant respectively shall have been verified upon Oath, and backed or endorsed by any Judge Ordinary or Justice of the Peace in *Scotland*, who are hereby required within their respective Jurisdictions to back or endorse the same.

Execution of Warrant in *Scotland*.

LXXV. Such Warrant so endorsed shall be sufficient Authority to the Messenger or his Assistant bringing such Warrant, and to all Officers of the Law in *England* and *Scotland*, to execute the same within the County, City, or Burgh wherein it is so endorsed, and in virtue thereof to break open the House, Chamber, Shop, Warehouse, Door, Trunk, or Chest of such Bankrupt or Insolvent, and to seize upon the Body or Property of such Bankrupt or Insolvent, to be dealt with according to Law.

Authority of Messenger in *England* and *Scotland*.

LXXVI. The Court may order to be paid to any Messenger, in addition to his Salary, out of the Bankrupt's or Insolvent's Estate, a Per-centage not to exceed Two and a Half *per Cent.* on the Amount realized from the Goods and Chattels seized by such Messenger.

Remuneration to Messengers. Exemptions and Disqualifications of Officers, &c.

LXXVII. The Registrars, the Chief Clerk, the Official Assignees, the Officers, and the Messengers of the Court shall be exempted from serving any Parochial Office or on any Jury or Inquest.

Not to serve on Juries, &c.

LXXVIII. No present or future Judge or Officer of the Court shall while in Office practise as a Barrister; and the Registrars, Official Assignees, and all other Officers appointed or to be appointed under this Act, except the Judges of the Court, shall from and after the passing of this Act be considered to be Officers of the Court of Chancery in *Ireland*, and subject and liable to the like Incapacity of acting as Attornies or Solicitors, and to the same Liabilities and Penalties as to Removal from Office for Misconduct, and as regards the exacting or taking any Fee or Sum of Money not allowed by Law, and generally in all respects as any Officer of the said Court is or may be by Law liable or subject to.

No Judge, &c. to practise as a Barrister, &c. Registrars, &c. to be deemed Officers of the Court of Chancery.

LXXIX. The Salaries and Compensations made payable under this Act to the Judges, Registrars, Chief Clerk, Officers, and Messengers shall be paid quarterly, free and clear from all Taxes and Deductions whatsoever, except the Tax on Income, on the usual quarterly Days, out of the Bankruptcy Fee Fund Account, and if that should prove deficient out of the Suitors Fee Fund of the Court of Chancery, and in the event of both Funds proving insufficient the Balance to be paid out of such Funds as Parliament shall from Time to Time provide for the Purpose; and if any Person holding either of the said Offices shall die, resign, or be removed from the same, the Executor or Administrator of the Person so dying, or the Person so resigning or being removed, shall be entitled to receive a proportionable Part of his Salary for the Time that such Person shall have executed his Office since the last Payment.

*Salaries, &c.*

Salaries of Registrars and Messengers to be paid out of Funds provided by Parliament.

LXXX. All Compensations and Annuities which shall have been ordered to be paid, and continue payable, under the Ninth Section of the Statute Sixth and Seventh *William* the Fourth, Chapter Fourteen, shall be charged upon and paid to the Persons entitled thereto out of the Bankruptcy Fee Fund Account, and shall be paid and payable to such Persons free from all Taxes, except the Tax on Income, and for such Term and in such Manner as may have already been ordered under the said Act.

Compensations and Annuities under 6 & 7 W. 4 c. 14. continued.

LXXXI. Her Majesty may grant unto any Person executing the Office of Judge of the Court in pursuance of this Act an Annuity not exceeding Two Thirds of his Salary as such Judge, to commence immediately after the Period when the Person to whom such Annuity shall be granted shall resign the said Office of Judge, and to continue from thenceforth during the natural Life of the Person to whom the same shall be granted; and such Annuity shall be paid quarterly, free from all Taxes and Deductions whatsoever except Income Tax, by equal Portions, on the same quarterly Days as the Salary of such Judge was payable; and the First quarterly Payment, or a proportionate Part thereof, to be computed

Power to Her Majesty to grant Retiring Pensions to Judges.

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from the Time of the Resignation of the said Office, shall be made on each of the same Days as shall happen next after the Resignation of the said Office; and the Executors and Administrators of the Person to whom the same Annuity shall be granted as aforesaid shall be paid such proportionate Part of the said Annuity as shall accrue from the Commencement or the last quarterly Payment thereof, as the Case may be, to the Day of his Death; provided, that it shall be lawful for Her Majesty to limit the Duration of Payment of such Annuity or any Part thereof to such Periods of Time during the natural Life of such Person in which he shall not exercise any Office of Profit under Her Majesty, so that such Annuity, together with the Salary and Profits of such other Office, shall together not exceed in the whole the Salary to which such Person was entitled as Judge of the Court; provided also, that no Annuity granted to any Person having executed the Office of Judge under this Act shall be valid unless such Person shall have continued in the said Office, or in the said Office and the Office of Commissioner of the said Court of Bankruptcy, for the Period of Fifteen Years, or shall be afflicted with some permanent Infirmary, disabling him from the due Execution of his Office, which shall be distinctly recited in the Grant; and provided also, that if the Judges by this Act appointed to be the First Judges of the Court, or either of them, shall resign Office within Seven Years after the passing of this Act, the retiring Annuity of such Judge shall be estimated on his present Salary of One thousand five hundred Pounds *per Annum*, and not on the increased Salary given by this Act.

As to Retiring Allowance to present Commissioner of Insolvent Court in Ireland.

LXXXII. The present Commissioner of the Court for Relief of Insolvent Debtors in *Ireland* shall be entitled to receive during his Life, by way of retiring Pension, an annual Sum equivalent to the Amount of his Salary, payable out of the same Funds and in the same Manner as his present Salary; provided that in case the said Commissioner should hereafter be appointed to any Office, the Amount of the Salary which he shall receive in respect of such Office shall be deducted from the Amount of the retiring Pension which he is entitled to receive under this Act.

Compensation to Clerk of Enrolments and other Officers whose Emoluments are affected by this Act.

LXXXIII. The present Clerk of Enrolments in Bankruptcy, and any other Officer of the Court of Chancery and the Chief Clerk and other Officers of the Court for the Relief of Insolvent Debtors in *Ireland*, whose Office or the Emoluments thereof may be affected by the Operation of this Act, and who shall not be appointed to an Office of equal Value under this Act, and the late Assistant Messenger of the Court of Bankruptcy, shall be entitled to make a Claim for Compensation to the Commissioners of Her Majesty's Treasury within Six Months after the passing of this Act; and the said Commissioners shall, in such Manner as they shall think fit, inquire into the Nature and Tenure of the said Offices, and what were the lawful Salary, Fees, Profits, and Emoluments in respect of which such Compensation should be allowed; and the said Commissioners shall award such Compensation as they shall think just and adequate; and such Compensation shall be payable out of such Funds as Parliament shall provide for the Purpose, and shall be paid at such Times as the Commissioners shall by any Order or Orders from Time to Time direct: Provided always, that any such Officer who shall have held Office under the Court for the Period of Thirty Years next preceding the passing of this Act shall be awarded Compensation equal to the full Amount of the Salary of which he shall have been deprived.

Sum not exceeding 400l. per Annum to be subject to Orders of Lord Chancellor for incidental Expenses.

LXXXIV. A Sum not exceeding Four hundred Pounds *per Annum*, out of Bankruptcy or Suitors Fee Funds, and, in case of Deficiency, out of such Funds as Parliament shall provide for the Purpose, shall be subject to all such Orders as shall from Time to Time be made by the Lord Chancellor for Payments thereout in respect of the Salaries of any additional Clerks in the Office, Court Keeper, and Tipstaff, or for Stationery, Coals, and Candles for the Use of the Court, Rent of the Buildings, incidental Expenses, and in respect of all Expenses incurred in carrying this Act into effect: All Accounts for Stationery and other incidental Expenses of the Court or the Offices thereof shall be audited and allowed by One of the Judges before any Order for Payment shall be obtained.

Place for holding the Court, &c.

Sittings, &c. to be held in Buildings at Four Courts, subject to Order of the Court.

LXXXV. Until more suitable Accommodation shall be provided, all Sittings of the Court in *Dublin*, and all Meetings of Creditors convened by public Advertisement under this Act, shall (unless the Court shall otherwise direct) be held in the Buildings at the *Four Courts* now used by the Commissioners of Bankruptcy; and the Court may, if deemed expedient, use for its Sittings, and for any other of its Purposes, the Court House and Buildings situate on *Lower Ormond Quay* in the City of *Dublin*, and known as the Insolvent Debtors Court.

Court may alter Place of Sitting. Name of Court.

LXXXVI. It shall be lawful for the Court, with the Consent of the Lord Chancellor, to fix and appoint any other Place for the Sittings of the Court: The Place in which the Sittings of the Court shall from Time to Time be held may be called the Court of Bankruptcy and Insolvency.

Power to employ Shorthand Writer.

LXXXVII. In order to facilitate the Discharge of the Business of the Court in taking the Evidence of Parties examined *vidæ voce*, the Court may from Time to Time, when it shall appear necessary, direct the Employment of a Shorthand Writer, and by any General or Special Order define his Duties and the Amount of his Remuneration.

Shorthand Writer to take the following Oath before acting.

LXXXVIII. Before such Shorthand Writer shall act in the Performance of the Duties imposed on him, he shall take an Oath in the Presence of One of the Judges of the Court to the Effect following; (that is to say.)

I (A.B.) do swear, That I will faithfully and truly take down the Evidence to be given by Persons to be examined in the Matter of \_\_\_\_\_, and will deliver true and faithful Transcripts thereof as the Court shall direct.

LXXXIX. Such



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LXXXIX. Such Shorthand Writer shall be paid such Remuneration out of the Estate as the Court shall order, and shall furnish Copies of the Evidence to the Parties entitled thereto, on Payment of such Fees as the Court shall by any General or Special Order direct.

Remuneration to Shorthand Writer.

XC. All Alum Makers, Apothecaries, Auctioneers, Bankers, Bleachers, Brokers, Brick Makers, Builders, Calenderers, Carpenters, Carriers, Cattle or Sheep Salesmen, Coach Proprietors, Cowkeepers, Dyers, Fullers, Keepers of Inns, Taverns, Hotels, or Coffee Houses, Limeburners, Livery Stable Keepers, Market Gardeners, Millers, Packers, Printers, Shipowners, Shipwrights, Victuallers, Warehousemen, Wharfingers, Persons using the Trade or Profession of a Scrivener receiving other Men's Monies or Estates into their Trust or Custody, Persons insuring Ships or their Freight or other Matters against Perils of the Sea, and all Persons using the Trade of Merchandise by way of bargaining, Exchange, bartering, Commission, Consignment, or otherwise, in gross or by retail, and all Persons who either for themselves or as Agents or Factors for others seek their Living by buying and selling, or by buying and letting for Hire, or by the Workmanship of Goods or Commodities, shall be deemed Traders liable to become bankrupt; provided, that no Farmer, Grazier, common Labourer, or Workmen for Hire, Receiver General of the Taxes, or Member of or Subscriber to any incorporated Commercial or Trading Company established by or under Charter or Act of Parliament, shall be deemed as such a Trader liable to become bankrupt.

Persons liable to become bankrupt.

Enumeration of the Traders liable to become bankrupt.

What Persons not to be deemed such Traders.

XCI. If any such Trader having Privilege of Parliament shall commit any Act of Bankruptcy he may be dealt with under this Act in like Manner as any other Trader, but such Person shall not be subject to be arrested or imprisoned during the Time of such Privilege, except in Cases made Felonies or Misdemeanors by this Act.

Traders having Privilege of Parliament.

XCII. If any such Trader shall depart this Realm, or being out of this Realm shall remain abroad, or shall depart from his Dwelling House or otherwise absent himself, or begin to keep his House, or suffer himself to be arrested or taken in Execution for any Debt not due, or yield himself to Prison, or suffer himself to be outlawed, or procure himself to be arrested or taken in Execution, or his Goods, Money, or Chattels to be attached, sequestered, or taken in Execution, or make or cause to be made, either within this Realm or elsewhere, any fraudulent Grant or Conveyance of any of his Lands, Tenements, Goods, or Chattels, or make or cause to be made any fraudulent Surrender of any of his Copyhold Lands or Tenements wheresoever situate, or make or cause to be made any fraudulent Gift, Delivery, or Transfer of any of his Goods or Chattels, every such Trader doing, suffering, procuring, executing, permitting, making, or causing to be made any of the Acts, Deeds, or Matters aforesaid, with Intent to defeat or delay his Creditors, shall be deemed to have thereby committed an Act of Bankruptcy.

Acts of Bankruptcy.

Departing the Realm, absenting, beginning to keep House, yielding to Prison, fraudulent Outlawry, Arrest, Attachment, Execution, Conveyance, Surrender, Gift, Delivery, or Transfer;

XCIII. If any such Trader shall execute any Conveyance or Assignment by Deed of all his Estate and Effects to a Trustee or Trustees for the Benefit of all the Creditors of such Trader, the Execution of such Deed shall not be deemed an Act of Bankruptcy unless a Petition of Bankruptcy be filed within Three Months from the Execution thereof, provided such Deed shall be executed by every such Trustee within Fifteen Days after the Execution thereof by the Trader, and the Execution by the Trader and by every such Trustee be attested by an Attorney or Solicitor, and Notice thereof be given within One Month after the Execution thereof by such Trader, in case such Trader reside in *Dublin* or within Forty Miles thereof, in the "*Dublin Gazette*," and also in Two *Dublin* daily Newspapers, and in case such Trader does not reside within Forty Miles of *Dublin*, then in the "*Dublin Gazette*" and in One *Dublin* daily Newspaper and One Provincial Newspaper published near to such Trader's Residence, and such Notice shall contain the Date and Execution of such Deed, and the Name and Place of Abode respectively of every such Trustee and Attorney or Solicitor.

Conveyance of a Trader's Property not an Act of Bankruptcy unless a Petition for Adjudication be filed within Three Months;

XCIV. Any Provision in any such Conveyance or Assignment for any Allowance to the Trader executing the same, not exceeding the Amount to which such Trader would be entitled in Bankruptcy, shall not prevent such Conveyance or Assignment given being considered as a Conveyance or Assignment of all such Trader's Estate or Effects within the Meaning of this Section.

As to any Provision on such Conveyance for Allowance to Trader;

XCV. If any such Trader, having been arrested or committed to Prison for Debt, or on any Attachment for Nonpayment of Money, shall, upon such or any other Arrest or Commitment for Debt or Nonpayment of Money, or upon any Detention for Debt, lie in Prison for Twenty-one Days, or, having been arrested or committed to Prison for any other Cause, shall lie in Prison for Twenty-one Days after any Detainer for Debt lodged against him and not discharged, every such Trader shall thereby be deemed to have committed an Act of Bankruptcy; or if any such Trader, having been arrested, committed, or detained for Debt, shall escape out of Prison or Custody, every such Trader shall be deemed to have thereby committed an Act of Bankruptcy from the Time of such Arrest, Commitment, or Detention.

Lying in Prison and escaping out of Prison;

XCVI. If any such Trader shall file in the Office of the Court a Declaration in Writing, in the Form contained in Schedule (C.) to this Act annexed, or to the like Effect, or in such other Form as the Court may by any General Order fix and direct, signed by such Trader, and attested by an Attorney or Solicitor, that he is unable to meet his Engagements, every such Trader shall be deemed thereby to have committed an Act of Bankruptcy at the Time of filing such Declaration, provided a Petition of Bankruptcy shall be filed and prosecuted by or against such Trader within Two Months from the filing of such Declaration.

Filing a Declaration of Insolvency;

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Bankruptcy.*

Compounding  
with Petitioning  
Creditor;

XCVII. If any such Trader, after the filing of any Petition of Bankruptcy against him, shall pay Money to the Petitioning Creditor, or give or deliver to such Petitioning Creditor any Satisfaction or Security for his Debt or for any Part thereof, whereby such Petitioning Creditor may receive more in the Pound in respect of his Debt than the other Creditors, such Payment, Gift, Delivery, Satisfaction, or Security shall be an Act of Bankruptcy; and if Adjudication of Bankruptcy shall have been made under such Petition, the Court may either declare such Adjudication to be valid, and direct the same to be proceeded in, or may order it to be annulled, and a Petition or new Petition for Adjudication may be filed, and such Petition or new Petition may be supported either by Proof of such last-mentioned or any other Act of Bankruptcy.

Trader not pay-  
ing, securing, or  
compounding for  
a Judgment Debt  
upon which the  
Plaintiff might  
sue out Execu-  
tion within Four-  
teen Days after  
Notice requiring  
Payment;

Trader disobey-  
ing Order of a  
Court of Equity,  
&c. for Payment  
of Money after  
Service of per-  
emptory Order  
for Payment on  
a certain Day;

XCVIII. If any Plaintiff shall recover Judgment in any Action for the Recovery of any Debt or Money Demand in any of Her Majesty's Superior Courts against any such Trader, and shall be in a Situation to sue out Execution upon such Judgment, and there be nothing due from such Plaintiff by way of Set-off against such Judgment, and such Trader shall not, within Fourteen Days after Notice in Writing personally served upon such Trader, requiring immediate Payment of such Judgment Debt, pay, secure, or compound for the same to the Satisfaction of such Plaintiff, every such Trader shall be deemed to have committed an Act of Bankruptcy on the Fifteenth Day after Service of such Notice.

XCIX. If any Decree or Order shall be pronounced in any Cause depending in any Court of Equity, or any Order shall be made in any Matter of Bankruptcy or Lunacy against any such Trader, ordering such Trader to pay any Sum of Money, and such Trader shall disobey such Decree or Order, the same having been duly served upon him, the Person entitled to receive such Sum under such Decree or Order, or interested in enforcing the Payment thereof pursuant thereto, may apply to the Court by which the same shall have been pronounced to fix a peremptory Day for the Payment of such Money, which shall accordingly be fixed by an Order for that Purpose; and if such Trader, being personally served with such last-mentioned Order Fourteen Days before the Day therein appointed for Payment of such Money, shall neglect to pay the same, every such Trader shall be deemed to have committed an Act of Bankruptcy on the Day next after the Day so appointed for Payment of such Money.

Filing Petition  
of Insolvency in  
England, Scot-  
land, or Ireland;

C. If any such Trader shall apply to the Court by Petition for his Discharge as an Insolvent Debtor, or to any Court for the Relief of Insolvent Debtors in *England* or *Scotland*, the filing of such Petition shall be an Act of Bankruptcy, if within Two Months a Petition of Bankruptcy shall be filed and prosecuted against or by such Trader.

Filing Petition  
in Insolvent  
Debtors Court in  
India;

CI. The filing by any such Trader of a Petition under an Act passed in the Eleventh Year of the Reign of Her present Majesty, intituled *An Act to consolidate and amend the Laws relating to Insolvent Debtors in India*, and the Adjudication of an Act of Insolvency under that Act, shall for the Purposes of this Act be conclusive Evidence of an Act of Bankruptcy committed by such Trader at the Time of filing such Petition, or of filing the Petition on which the Adjudication of an Act of Insolvency shall be made; and any Creditor or Creditors of such Trader, whose Debt or Debts shall be of sufficient Amount to enable him or them to petition for Adjudication of Bankruptcy under this Act, may at any Time within Two Months after Notice of the Insolvency shall have been given in the "*London Gazette*," as directed by the said Act for amending the Laws relating to Insolvent Debtors in *India*, petition for Adjudication of Bankruptcy under this Act against such Trader, under which all such Proceedings may be taken as are authorized by this Act, subject to such Exceptions and Provisions as are contained in the last-mentioned Act in this Behalf.

Filing Petition  
for Arrangement  
between a Trader  
Debtor and his  
Creditors;

CII. The filing of a Petition by any such Trader for an Arrangement between him and his Creditors, under the Superintendence of the Court, according to the Provisions of this Act, shall be conclusive Evidence of an Act of Bankruptcy committed at the Time of filing such Petition, provided a Petition for Adjudication shall be filed against or by him within Two Months after the Petition for Arrangement shall have been dismissed; but no Adjudication shall be made on such Act of Bankruptcy unless such Petition for Arrangement shall have been dismissed.

Trader having  
Privilege of Par-  
liament not pay-  
ing or com-  
pounding to the  
Satisfaction of  
the Creditor, and  
entering Appear-  
ance to Action  
within One  
Month.

CIII. In case any such Trader has Privilege of Parliament, any Creditor or Creditors of such Trader to an Amount requisite to support a Petition for Adjudication may file an Affidavit in any of the Superior Courts of Record in *Dublin* that such Debt is justly due, and that such Debtor is, according to the Belief of the Party swearing, such Trader, and may sue out of the same Court a Writ of Summons in the Form contained in Schedule (D.) to this Act annexed, or to the like Effect, against such Trader, and serve him with a Copy of such Summons; and if such Trader shall not within Twenty-one Days after personal Service of the Summons, either pay, secure, or compound for such Debt to the Satisfaction of such Creditor or Creditors, or enter into a Bond for such Amount, and with such sufficient Sureties as any Judge of the Court issuing the Summons shall approve of, to pay such Sum and Costs as shall be recovered in such Action, such Trader shall be deemed to have committed an Act of Bankruptcy from the Time of the Service of such Summons.

Manner of  
making a Debtor  
a Bankrupt by  
Affidavit of Debt,  
and giving  
Notice that  
Affidavit has  
been filed, &c.

CIV. If any Creditor of any such Trader to an Amount requisite to support a Petition for Adjudication shall file in the Court an Affidavit that such Debt is justly due, and shall cause him to be served personally with a Copy of such Affidavit, and with a Notice in Writing stating that such Affidavit hath been filed, pursuant to this Act, and requiring immediate Payment of such Debt; and if such Trader shall not within Fourteen Days after personal Service of such Affidavit and Notice, or within such further

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further Time as the Court shall order, pay such Debt, or secure or compound for the same to the Satisfaction of such Creditor, or enter into a Bond in such Sum and with Two such sufficient Sureties as shall be approved of by the Court, or by any Master Extraordinary of the Court of Chancery, to pay such Sum as shall be recovered in any Action which shall have been brought or shall thereafter be brought for the Recovery of the same, together with such Costs as shall be given in the same, or to render himself to Custody according to the Practice of the Court in which such Action shall have been or may be brought, or within such Time and in such Manner as the said Court or any Judge thereof shall direct, after Judgment shall have been recovered in such Action, then and in any such Case such Trader shall be deemed to have committed an Act of Bankruptcy on the Fifteenth Day after Service of such Affidavit and Notice, provided a Petition of Bankruptcy shall be filed against or by such Trader within Two Months from the filing of such Affidavit, but not otherwise.

CV. If any Creditor of any such Trader shall file an Affidavit in the Office of the Court, in the Form specified in Schedule (E.) hereunto annexed, or to the like Effect, of the Truth of his Debt, and of the Debtor, as he verily believes, being such Trader, and of the Delivery to such Trader personally, or to some adult Inmate at his usual or last known Place of Abode or Business, of an Account in Writing of the Particulars of his Demand, with a Notice thereunder requiring immediate Payment thereof, in the Form specified in Schedule (F.) annexed to this Act, or to the like Effect, it shall be lawful for the Court to issue a Summons, in the Form contained in Schedule (G.) annexed, or to the like Effect, to this Act, calling upon such Trader to appear before the Court, and stating in such Summons, the Purpose for which such Trader is called upon to appear as herein-after provided.

CVI. If the Demand of the Creditor appear by such Affidavit to be due from Two or more Persons as Partners, the Affidavit of the Delivery of such Account and Notice to any One of the Partners personally, or to some adult Inmate, at his usual or last known Place of Abode or Business, and also at the Place of Business of the Firm, shall be sufficient to authorize the Court to issue such Summons against any other of such Partners, as well as against the Partner served personally with such Account and Notice.

CVII. On the Appearance of any such Trader so summoned, the Court may require him to state whether or not he admits the Demand of the Creditor, or any and what Part thereof; and if such Trader shall admit such Demand or any Part thereof, the Court may reduce such Admission into Writing, in the Form contained in Schedule (H.) annexed to this Act, or to the like Effect, and such Admission so reduced into Writing such Trader is hereby required to sign, and being so signed the same shall thereupon be filed in the Bankrupt Office; and the Court may examine such Trader as to whether he has a good Defence on the Merits to the whole or Part of such Demand, and after such Examination may, if it think fit, allow such Trader to make a Deposition upon Oath, in Writing under his Hand, to be filed in such Office, in the Form contained in Schedule (I.) annexed to this Act, or to the like Effect, that he verily believes he has a good Defence upon the Merits to such Demand, or to some and what Part thereof, and in such Case the Court may at the same Time require such Trader to enter into a Bond, according to the Form contained in the Schedule (J.), or to the like Effect, to this Act annexed, in such Sum, and with Two sufficient Sureties, as the Court shall approve of, to pay such Amount and Costs as shall be recovered in any Action brought for the Recovery of such Demand or any Part thereof.

CVIII. If any such Trader so summoned shall not come before the Court at the Time appointed (having no lawful Impediment proved to the Satisfaction of the Court, and allowed), or if any such Trader upon his Appearance to such Summons, or at any Enlargement or Adjournment thereof, shall refuse to admit such Demand, and shall not make a Deposition in the Form aforesaid that he believes he has a good Defence upon the Merits to such Demand or some Part thereof, and (if required by the Court so to do) enter into such Bond as last aforesaid, then and in either of the said Cases, if such Trader shall not within Seven Days after personal Service of such Summons, or within such enlarged Time as may be granted to him in that Behalf, pay, secure, or compound for such Demand to the Satisfaction of such Creditor, or enter into a Bond in such Sum, and with Two sufficient Sureties, as such Court shall approve of, to pay such Sum and Costs as shall be recovered in any Action brought for the Recovery of the same, every such Trader shall be deemed to have committed an Act of Bankruptcy on the Eighth Day after Service of such Summons, provided a Petition of Bankruptcy shall be filed against or by such Trader within Two Months from the filing of such Affidavit.

CIX. If any such Trader so summoned as aforesaid shall, upon his Appearance, sign and file an Admission of the whole or any Portion of such Demand, and shall not within Seven Days next after the filing of such Admission pay or tender to such Creditor the Amount of such Demand, or such Portion thereof so admitted, or secure or compound for the same to the Satisfaction of the Creditor, every such Trader shall be deemed to have committed an Act of Bankruptcy on the Eighth Day after the filing of such Admission, provided a Petition of Bankruptcy shall be filed against or by such Trader within Two Months from the filing of such Affidavit.

CX. If any such Trader so summoned as aforesaid who shall upon his Appearance sign an Admission for Part only of such Demand in the Form aforesaid, shall not make a Deposition in the Form aforesaid that he believes he has a good Defence on the Merits to the Residue of such Demand, and, if required by the Court so to do, enter into such Bond as aforesaid to pay such Sum and Costs as shall be recovered in any Action for the Recovery of such Residue, then and in such Case, if such Trader shall not within

If Trader shall not, within Fourteen Days, satisfy Creditor, he shall be deemed to have committed an Act of Bankruptcy.

Acts of Bankruptcy by Non-payment after Summons.

Creditor making Affidavit of Debt, &c., Court may summon the Trader.

Delivery of Notice, &c. in case of Partnership.

Manner of proceeding upon the Appearance of the Trader.

Trader not attending Summons, or refusing to admit the Demand, &c., and not paying or compounding within a certain Time, or giving Bond for Payment of the same, if recovered in Action, &c. with Costs, to be an Act of Bankruptcy.

Trader signing Admission, and not paying, securing, or compounding within a certain Time, an Act of Bankruptcy.

Trader admitting Part only of a Demand, &c., and not paying, &c. the Sum admitted, and as to Residue not

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paying the same, &c., or giving Bond to pay the same, if recovered in an Action, with Costs, an Act of Bankruptcy.

Seven Days after personal Service of such Summons or Notice, or within such enlarged Time as shall be granted to him in that Behalf, pay, secure, or compound for such Residue to the Satisfaction of such Creditor, or enter into a Bond in such Sum, and with Two sufficient Sureties, as the Court shall approve of, to pay such Sum and Costs as shall be recovered in any Action brought for the Recovery of such Residue, every such Trader shall be deemed to have committed an Act of Bankruptcy on the Eighth Day after Service of such Summons, provided a Petition of Bankruptcy shall be filed against or by such Trader within Two Months after the filing of such Affidavit.

What shall be deemed a Refusal to admit Debt.

CXI. If any such Trader so summoned as aforesaid shall upon his Appearance refuse to sign the Admission in that Behalf required, whatever may be the Nature of his Statement, or whether he makes any Statement or not, it shall be deemed for the Purposes of this Act that every such Trader thereby refuses to admit such Demand: Provided always, that it shall be lawful for the Court, upon reasonable Cause shown, to enlarge the Time for calling upon such Trader to state whether or not he admits such Demand or any Part thereof, and for entering into such Bond, or for any of such Matters, for such Time as the Court shall think fit.

Court may enlarge the Time for Admission of entering into Bond, &c.

Admission of Debt, signed elsewhere than in Court, if attested by Trader's Attorney, to have the same Force as an Admission signed in Court.

CXII. An Admission of any Debt made after such Summons, and signed by any such Trader elsewhere than before the Court, may be filed in the Office of the Court, and shall be of the same Force and Effect as an Admission signed by such Trader on his Appearance in Court; and such Admission may be in the Form contained in Schedule (K.) to this Act annexed or to the like Effect; and provided, that there be present some Attorney of One of Her Majesty's Superior Courts of Law on behalf of such Trader, expressly named by him, and attending at his Request, to inform him of the Effect of such Admission, before the same is signed by such Trader; and provided also, that such Attorney do subscribe his Name thereto as a Witness to the due Execution thereof, and in such Attestation declare himself to be Attorney for the said Trader, and state therein that he subscribes as such Attorney.

Court may award Costs to the Creditor or to the Trader.

CXIII. Where any such Trader shall be summoned to appear before the Court, every such Creditor or Trader shall have such Costs as the Court in its Discretion shall think fit, or the Court may direct the Costs of either Party of and incident to such Affidavit and Summons to abide the Event of any Action which shall have been brought or shall thereafter be brought for the Recovery of such Demand or any Part thereof, and in such Case such Costs shall be Costs in the Cause, and recovered under the Judgment and Execution in such Action, or the Court may make such Order in relation to such Costs as to the Court shall seem fit and just; provided, that no Costs shall be allowed under this Section to any Creditor who adopts the Proceedings provided for by this Act, and proceeds by Action at Common Law for the same Debt simultaneously.

Notice of Acts of Bankruptcy to Agents of Corporate Bodies, &c.

CXIV. If any Secretary, Public Officer, or other accredited Agent of any Body Corporate or public Company shall have had Notice of any Act of Bankruptcy, such Body Corporate or Company shall be deemed to have had such Notice.

No Person liable upon Act of Bankruptcy committed more than Six Months before Petition, &c.

CXV. No Person shall be liable to be declared a Bankrupt by reason of any Act of Bankruptcy committed more than Six Months prior to the filing of the Petition of Bankruptcy; and no Adjudication of Bankruptcy shall be deemed invalid by reason of any Act of Bankruptcy prior to the Debt of the Petitioning Creditor.

Procedure in Bankruptcy.

Proceedings in Bankruptcy to originate by Petition to the Court of Bankruptcy without Commission, &c.

CXVI. Proceedings to obtain Adjudication of Bankruptcy shall be by Petition (such Petition, if presented by a Creditor, being in the Form specified in the Schedule (L.) to this Act annexed, or to the like Effect, and the Truth thereof verified by the Affidavit of the Petitioner, in the Form specified in the Schedule (M.) to this Act annexed, or to the like Effect, and if presented by a Trader, being in the Form specified in the Schedule (N.) to this Act annexed, or to the like Effect, and the Truth thereof verified by the Affidavit of such Trader, in the Form specified in the Schedule (M.) to this Act annexed, or to the like Effect); and every such Petition shall be filed and prosecuted as directed by this Act; and from and after the filing of such Petition the Court shall have full Power and Authority to take such Order and Direction with the Body of the Bankrupt as mentioned in this Act, as also with all his Lands, Tenements, and Hereditaments, both within this Realm and abroad, as well Copy or Customaryhold as Freehold, which he shall have in his own Right before he became bankrupt, as also with all such Interest in any such Lands, Tenements, and Hereditaments as such Bankrupt may lawfully depart withal, and with all his Money, Fees, Offices, Annuities, Goods, Chattels, Wares, Merchandise, Rights, Credits, Effects, and Debts, wheresoever they may be found or known, and to make or order Sale thereof in manner herein mentioned, or otherwise order the same for Satisfaction and Payment of the Creditors of the Bankrupt.

Amount of Petitioning Creditor's Debt.

CXVII. The Amount of the Debt of Creditors petitioning for Adjudication of Bankruptcy shall be as follows; (that is to say,)

The Debt of a single Creditor shall amount to Fifty Pounds or upwards:

The Debt of Two Creditors shall amount to Seventy Pounds or upwards:

The Debt of Three or more Creditors shall amount to One hundred Pounds or upwards:

Debt may be payable at a future Time, although Security given.

Every Person who has given Credit to any Trader upon valuable Consideration for any Sum payable at a certain Time, which Time shall not have arrived when such Trader committed an Act of Bankruptcy, may so petition or join in petitioning whether he shall have had any Security in Writing for such Sum or not.

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CXVIII. A Petition of Bankruptcy against any Person by any Copartnership duly authorized to sue in the Name of its Public Officer may be filed by such Public Officer as the nominal Petitioner on behalf of such Copartnership.

CXIX. A Petition of Bankruptcy against any Trader by any Body Corporate, or incorporated or Joint Stock or public Company, may be verified by the Affidavit of its Secretary, Public Officer, or other Agent duly authorized on that Behalf.

CXX. Any such Trader may petition for Adjudication of Bankruptcy against himself.

CXXI. If the Petitioning Creditor shall not proceed and obtain an Adjudication within Five Days after his Petition shall have been filed, or within such extended Time as shall be allowed by the Court, the Court may, at any Time within Seven Days then next following, upon the Application of any other Creditor to the Amount required to constitute a Petitioning Creditor, proceed to adjudicate on such Petition, upon the Proof of the Debt of such Creditor, and of the other Requisites to support such Petition (except the Debt of the Petitioning Creditor); but if neither the Petitioner nor any other Creditor shall within such Seven Days, or within such extended Time as may be granted by the Court for that Purpose, apply to the Court to proceed to Adjudication, such Petition shall be forthwith dismissed.

CXXII. Any Creditor whose Debt is sufficient to entitle him to petition for Adjudication of Bankruptcy against all the Partners of any Firm, may petition for such Adjudication against One or more Partners of such Firm, and every such Petition shall be valid although it does not include all the Partners of the Firm; and in every Petition for Adjudication against Two or more Persons the Court may dismiss the same as to One or more of such Persons, and the Validity of such Petition shall not be thereby affected as to any Person as to whom such Petition is not ordered to be dismissed, nor shall any such Person's Certificate be thereby affected.

CXXIII. After a Petition of Bankruptcy filed against or by One or more Member or Members of a Firm, and upon any Petition or Petitions of Bankruptcy against or by any other Member or Members of such Firm, or against the whole Firm, all the Estate, Real and Personal, of such Bankrupt or Bankrupts, shall vest in the Official Assignees and the Creditors Assignee (if any) under the First Petition; and thereafter all separate Proceedings under such subsequent Petition or Petitions shall, without affecting the Validity of the First Petition, be annexed to and form Part of the First Petition.

CXXIV. Whenever any Petition of Bankruptcy shall have been filed against any Person, and it shall be proved to the Satisfaction of the Court that there is probable Cause for believing that such Person has quitted or is about to quit *Ireland*, or has removed or is about to remove or conceal any of his Goods or Chattels, with Intent to defraud his Creditors, unless he be forthwith apprehended, it shall be lawful for the Court to issue a Warrant directed to a Messenger of the Court and his Assistants, or to such Person or Persons as the Court shall think fit, whereby such Messenger and his Assistants, or other Person or Persons, shall have Authority to arrest and commit to such Prison as the Court shall think fit, the Person against whom such Petition shall have been filed, and also to seize his Books, Papers, Monies, Securities for Monies, Goods and Chattels, wheresoever he or they may be found, and him and them safely keep until such Person shall be discharged by the Court: Provided always, that any Person arrested upon any such Warrant, or whose Books, Papers, Monies, Securities for Monies, Goods or Chattels, have been seized under any such Warrant, may apply to the Court for an Order on the Petitioning Creditor to show Cause why the Person arrested should not be discharged out of Custody, or why his Books, Papers, Monies, Securities for Monies, Goods, and Chattels should not be delivered up to him, and it shall be lawful for such Court to make absolute or discharge such Order.

CXXV. If in any Case it shall be proved to the Satisfaction of the Court that any Bankrupt is keeping out of the Way, and cannot be personally served with a Summons, and that due Pains have been taken to effect such personal Service, or that there is probable Cause for believing that he is about to quit *Ireland*, or to remove or conceal any of his Goods or Chattels, unless he be forthwith apprehended, it shall be lawful for such Court by Warrant to authorize and direct any Person or Persons it shall think fit to arrest such Bankrupt, and bring him before the Court to be examined, in like Manner as if he appeared upon a Summons.

CXXVI. The Court, before Adjudication, may summon before it any Person whom such Court shall believe capable of giving any Information concerning the Trading of or any Act of Bankruptcy committed by the Person against whom any Petition of Bankruptcy has been filed, and may require any Person so summoned to produce any Books, Papers, Deeds, and Writings and other Documents in his Custody, Possession, or Power, which may appear to the Court to be necessary to establish such Trading or Act of Bankruptcy; and it shall be lawful for the Court to examine any such Person upon Oath, by Word of Mouth or Interrogatories in Writing, concerning such Trading and Act of Bankruptcy.

CXXVII. The Court, under a Petition filed by a Creditor, shall, upon Proof of the Petitioning Creditor's Debt, and of the Trading and Act of Bankruptcy of the Person against whom such Petition is filed, adjudge such Trader bankrupt, or if, in case of the Failure of the Petitioning Creditor to proceed and obtain Adjudication within Five Days after his Petition shall have been filed, or within such extended Time as may be allowed by the Court, another Creditor shall apply for Adjudication upon such Petition, then upon such Application, and Proof of such Creditor's Debt, and of the Trading and Act of Bankruptcy of the Person against whom such Petition is filed, the Court shall adjudge such Trader

Petition for Adjudication may be made by Public Officer of Copartnerships. Verification of Petition of Bankruptcy.

Petition by Trader himself. If Adjudication be not obtained within Five Days after Petition, any other Creditor may proceed on it.

Petitions may be presented against One or more Partners, and Petitions against Two or more Persons may be dismissed as to One or more without affecting the rest.

Proceedings in Cases of a Second Petition against One or more Members of a Firm.

In case Trader against whom a Petition has been filed be about to quit *Ireland*, or to remove or conceal his Goods, with Intent to defraud Creditors, he may be arrested, and his Goods seized;

Trader so arrested may apply to the Court for his Discharge forthwith.

If Bankrupt be keeping out of the Way, or be about to quit *Ireland*, &c., Court may issue Warrant for his Arrest.

Court may, before Adjudication, summon Witnesses to prove Trading and Act of Bankruptcy.

Court to make Adjudication, &c. upon certain Proofs.

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Trader bankrupt; and under a Petition filed by a Trader, the Court, upon the Application of such Trader, and upon Proof of the Trading, shall adjudge such Trader bankrupt; and any such Petition not effectually prosecuted to an Adjudication within Fourteen clear Days after its Date shall be dismissed, unless the Court shall enlarge the Time for proceeding thereunder.

As to cases where Petitioning Creditor's Debt insufficient.

CXXXVIII. If after Adjudication the Debt of the Petitioning Creditor shall be found by the Court to be insufficient to support such Adjudication, it shall be lawful for the Court, upon the Application of any other Creditor, having proved any Debt sufficient to support an Adjudication, to order the Petition of Bankruptcy to be proceeded in, and it shall by such Order be deemed valid.

Bankrupt to have Notice before Advertisement of Adjudication, and to be allowed Three Days or such Time not exceeding Seven Days, as the Court shall think fit, to show Cause against Adjudication.

CXXXIX. Before Notice of any Adjudication of Bankruptcy on any Creditor's Petition shall be given in the "*Dublin Gazette*," a Duplicate of such Adjudication shall be served on the Person adjudged bankrupt, personally, or by leaving the same at the usual or last known Place of Abode or Place of Business of such Person; and such Person shall be allowed Three Days, or such extended Time, not exceeding Seven Days in the whole, as the Court shall think fit, from the Service of such Duplicate, to show Cause to the Court against the Validity of such Adjudication; and if such Person shall within such Time show to the Satisfaction of the Court that the Petitioning Creditor's Debt, Trading, and Act of Bankruptcy upon which such Adjudication has been grounded, or any or either of such Matters, are insufficient to support such Adjudication, and if no other Creditor's Debt, Trading, and Act of Bankruptcy sufficient to support such Adjudication shall be proved to the Satisfaction of the Court, the Court shall thereupon order such Adjudication to be annulled, and the same shall be annulled accordingly; but if at the Expiration of the said Time no Cause shall have been shown to the Satisfaction of the Court for the annulling of such Adjudication, the Court shall forthwith cause Notice of such Adjudication to be given in the "*Dublin Gazette*." Provided always, that nothing herein contained shall be construed to prevent the immediate Seizure of the Goods of the Bankrupt upon the Adjudication of Bankruptcy.

Court to appoint Sittings for Bankrupt to surrender and conform.

CXXX. The Court shall in every such Notice of Adjudication, and in every Notice of Adjudication on the Petition of any such Trader, appoint Two public Sittings of the Court for the Bankrupt to surrender and conform, the last of which Sittings shall be on a Day not less than Twenty Days and not exceeding Forty Days from such Advertisement, and shall be the Day limited for such Surrender: Provided always, that the Court shall have Power from Time to Time to enlarge the Time for the Bankrupt surrendering himself for such Time as the Court shall think fit.

As to advertising Adjudication before Expiration of Time for showing Cause.

CXXXI. If any Person so adjudged bankrupt shall, before the Expiration of the Time allowed for showing Cause, surrender himself, and give his Consent to such Adjudication being advertised, the Court shall forthwith cause the Notice of Adjudication to be advertised, and appoint the Sittings for the Bankrupt to surrender and conform.

Bankrupt to deliver up his Books of Account, &c. to the Official Assignee, upon Oath;

CXXXII. Immediately after the Insertion of the Notice of Adjudication in the Gazette, or if the Bankrupt, before the Expiration of the Time allowed for showing Cause against the Adjudication, surrender himself, and give Consent to such Insertion, then immediately after such Surrender the Bankrupt shall (if thereunto required by the Official Assignee) deliver up to the Official Assignee, upon Oath to be made before the Court or any Registrar thereof, or before a Master Ordinary or Extraordinary in Chancery, or Justice of the Peace, all Books of Account, Papers, and Writings relating to his Estate in his Custody or Power, and discover such as are in the Custody or Power of any other Person; and every Bankrupt not in Prison or Custody shall at all Times after such Surrender attend the Assignees, upon every reasonable Notice in Writing for that Purpose given by them to him, or left at his usual or last known Place of Abode, and shall assist such Assignees in making out the Accounts of his Estate; and such Bankrupt, after he shall have surrendered, may, at all seasonable Times before the Expiration of such Time as shall be allowed to him to finish his Examination, inspect his Books, Papers, and Writings in the Presence of his Assignees, or any Person appointed by them, and bring with him each Time any Two Persons to assist him; and every such Bankrupt, after he shall have obtained his Certificate, shall, upon Demand in Writing given to him or left at his usual or last known Place of Abode, attend the Assignees, to settle any Accounts between his Estate and any Debtor to or Creditor thereof, or attend any Court of Record to give Evidence touching the same, or do any Act necessary for getting in or protecting the said Estate, for which Attendance he shall be paid by the Official Assignee out of his Estate such Sum as the Court shall direct.

to attend Assignees;

to be at liberty to inspect Books, &c.;

and after Allowance of Certificate, to attend Assignees in settling Accounts. Allowance for Attendance.

If Bankrupt be not in Prison or Custody, to be free from Arrest in coming to surrender, &c., and if in Prison may be brought up by Warrant to be examined, &c., and if in Prison for Debt the Court may, except in certain Cases, order his Release, absolutely or conditionally.

CXXXIII. If the Bankrupt be not in Prison or in Custody at the Date of the Adjudication, he shall be free from Arrest or Imprisonment by any Creditor in coming to surrender, and after such Surrender during the Time by this Act limited for such Surrender, and for such further Time as shall be allowed him for finishing his Examination, and for such Time after finishing his Examination until his Certificate be allowed, as the Court shall from Time to Time think fit to appoint; and whenever any Bankrupt is in Custody under any Process, Attachment, Execution, Commitment, or Sentence, the Court may, by Warrant directed to the Person in whose Custody he is confined, cause him to be brought before it at any Sitting; either public or private, and if he be desirous to surrender he shall be so brought up, and the Expense thereof shall be paid out of his Estate, and such Person shall be indemnified by the Warrant of the Court for bringing up such Bankrupt; and where any Person who has been adjudged bankrupt, and has surrendered, and obtained his Protection from Arrest, is in Prison or in Custody for Debt at the

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Time of his obtaining such Protection, the Court may, except in the Cases next herein-after mentioned, order his immediate Release, either absolutely or upon such Conditions as it shall think fit: Provided always, that the Court shall not order such Release where it shall appear that he is in Custody for any Debt contracted by Fraud or Breach of Trust, or by reason of any Prosecution against him whereby he had been convicted of any Offence, or for any Debt contracted by reason of any Judgment in any Proceeding for Breach of the Revenue Laws, or in any Action for Breach of Promise of Marriage, Seduction, Criminal Conversation, Libel, Slander, Assault, Battery, malicious Arrest, malicious Trespass, maliciously suing out a Commission of Bankrupt, or maliciously filing or prosecuting a Petition for Adjudication in Bankruptcy: Provided also, that such Release shall in nowise affect any Rights of the Creditor at whose Suit the Bankrupt may be in Custody against the Bankrupt, except the Right of detaining him in Custody whilst protected from Imprisonment by Order of the Court.

CXXXIV. If any Bankrupt shall be arrested for Debt in coming to surrender, or shall, after his Surrender, and while protected by Order of the Court, be so arrested, he shall on producing such Protection to the Officer who shall arrest him, and giving such Officer a Copy thereof, be immediately discharged; and if any Officer shall detain any such Bankrupt after he shall have shown such Protection to him, except for so long as shall be necessary for obtaining a Copy of the same, such Officer shall forfeit to such Bankrupt, for his own Use, the Sum of Five Pounds for every Day he shall detain such Bankrupt, to be recovered by Action of Debt in any of Her Majesty's Superior Courts of Record in *Dublin*, in the Name of such Bankrupt, with full Costs of Suit.

CXXXV. The Petitioning Creditor shall, at his own Costs, file his Petition, and prosecute the same, until the Choice of Assignees by the Creditors; and the Court shall, at or after the Sitting for such Choice, make Order for the Payment of such Costs out of the Estate of the Bankrupt in course of Priority to be settled by any General Order to be made in pursuance of this Act.

CXXXVI. No Petition of Bankruptcy shall be dismissed, nor any Adjudication reversed, by reason only that the Petition or Act of Bankruptcy has been concerted or agreed upon between the Bankrupt, his Solicitor or Agent, or any of them, and any Creditor or other Person.

CXXXVII. If any Bankrupt shall die after Adjudication the Court may proceed in the Bankruptcy as if such Bankrupt were living.

CXXXVIII. The Bankrupt shall prepare such Balance Sheet and Accounts, and in such Form as the Court shall direct, and shall subscribe such Balance Sheet and Accounts, and file the same in the Bankrupt Office, and deliver a Copy thereof to the Official Assignee, Ten Days at least before the Day appointed for the last Examination, or the Adjournment Day thereof; and such Balance Sheet and Accounts may before such last Examination be amended from Time to Time as Occasion shall require and such Court shall direct; and the Bankrupt shall make Oath of the Truth of such Balance Sheet and Accounts, whenever he shall be duly required by the Court so to do; and the Court may, on the Application of the Assignees or of the Bankrupt, make such Allowance out of the Estate of the Bankrupt for the Preparation of such Balance Sheet and Accounts, and to such Person, as the Court shall think fit, in any Case in which it shall be made to appear to the Satisfaction of the Court, from the Nature of the Accounts or other good Cause, that the Bankrupt required Assistance in that Behalf.

CXXXIX. If any Bankrupt apprehended by any Warrant of the Court shall, within the Time allowed for him to surrender, submit to be examined, and in all things conform, he shall have the same Benefit as if he had voluntarily surrendered.

CXL. It shall be lawful for the Court, at the Time appointed for the last Examination of the Bankrupt, or at any Enlargement or Adjournment thereof, to adjourn such Examination *sine die*.

CXLI. It shall be lawful for the Court, at the Time appointed for the last Examination of the Bankrupt, or any Enlargement or Adjournment thereof, whether the Examination shall be passed or not, to order that the Bankrupt shall be free from Arrest or Imprisonment for such Time (if any) as such Court shall from Time to Time think fit to appoint.

CXLII. Whenever any Bankrupt is in Custody the Court may appoint a Person to attend him from Time to Time, and produce to him his Books, Papers, and Writings, in order that he may prepare his Balance Sheet, and show the Particulars of his Estate and Effects, previous to his last Examination.

CXLIII. Forthwith after the Bankrupt shall have passed his last Examination, if no Prosecution shall have been directed by the Court, nor any Charge of Fraud have been entered on the Proceedings, nor any Objection to the signing of the Certificate be entered in the Court, the Certificate of Conformity shall be prepared by the Chief Registrar, and signed by the Court, and Notice of the Allowance of such Certificate shall be advertised in the "*Dublin Gazette*" in such Manner as may be directed by any General Order; but if any Objection to the granting of the Certificate be made before or at the last Examination, then the Court shall appoint a public Sitting for the Allowance of the Certificate (whereof Twenty-one Days Notice shall be given in the "*Dublin Gazette*"), and at such Sitting or any Adjournment thereof the Assignees, or any of the Creditors of such Bankrupt, may be heard against the Allowance of such Certificate; and the Court, having regard to the Conformity of the Bankrupt to the Law of Bankruptcy, and to his Conduct as a Trader before as well as after his Bankruptcy, and whether the Allowance of such Certificate be opposed by any Creditor or not, shall judge of any Objection against allowing

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If arrested, to be discharged on producing Protection.

Penalty on Detention.

Petitioning Creditor to proceed at his own Costs until Choice of Assignees.

Petition, &c. not to be invalid by reason only of Concert.

Court may proceed on Death of Bankrupt.

*Last Examination.*

The Bankrupt to prepare and file a Balance Sheet and Accounts, &c.

As to Bankrupt apprehended by Warrant, &c.

Court may adjourn last Examination *sine die*.

Protection of Bankrupt from Arrest.

Appointment of Person to attend Bankrupt in Custody, &c.

*Certificate of Conformity.*

Mode of obtaining Certificate of Conformity.

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Form of Certificate.

Notice of Allowance.

Effect of Certificate.

Security to induce Creditor to forbear Opposition to Certificate void.

Bankrupt not liable upon any Promise to pay Debt discharged by Certificate.

Bankrupt having obtained his Certificate free from Arrest.

Certificate to be Evidence of the Bankruptcy and Proceedings, and Bankrupt in Execution may be discharged.

*Composition after Bankruptcy.*

If after Adjudication Three Fifths in Number and Value of Creditors accept Composition, the same shall bind the rest.

Mode of voting in deciding upon such Composition.

*Bankruptcy of Joint Stock Companies.*

As to Joint Stock Companies committing Act of Bankruptcy.

allowing such Certificate, and either find the Bankrupt entitled thereto, and allow the same, or suspend the Allowance thereof for any Period not exceeding Three Years:

CXLIV. The Certificate of Conformity shall be in Writing under the Seal of the Court and the Hand of One of the Judges of the Court, and shall certify that the Bankrupt has made a full Discovery of his Estate and Effects, and in all things conformed, and that, so far as the Court can judge, there does not appear any Reason to question the Truth or Fulness of such Discovery, and shall be in the Form contained in Schedule (O.) to this Act annexed, or to the like Effect; and Notice of the Allowance of such Certificate shall be advertised in the "*Dublin Gazette*" in such Manner as may be directed by any General Order to be made in pursuance of this Act.

CXLV. The Certificate of Conformity shall, subject to the Provisions herein contained, discharge the Bankrupt from all Debts due by him at the Date of the filing of the Petition of Bankruptcy, and from all Claims and Demands provable under the Bankruptcy: Provided always, that no such Certificate shall release or discharge any Person who was a Partner with such Bankrupt or was jointly bound or had made any joint Contract with such Bankrupt.

CXLVI. Any Contract or Security made or given by any Bankrupt or other Person unto or in trust for any Creditor, for securing the Payment of any Money due by such Bankrupt at his Bankruptcy as a Consideration or with Intent to persuade such Creditor to forbear opposing, or to consent to the Allowance of the Bankrupt's Certificate, shall be void, and the Money thereby secured or agreed to be paid shall not be recoverable.

CXLVII. No Bankrupt after his Certificate shall have been allowed shall be liable to pay or satisfy any Debt, Claim, or Demand from which he shall have been discharged by virtue of such Certificate, or any Part of such Debt, Claim, or Demand, upon any Contract, Promise, or Agreement made after the filing of the Petition of Bankruptcy; and the Money thereby secured or agreed to be paid shall not be recoverable.

CXLVIII. Any Bankrupt who shall, after his Certificate shall have been allowed, be arrested or have any Action brought against him for any Debt, Claim, or Demand provable under his Bankruptcy, shall be discharged, and may plead in general that the Cause of Action accrued before he became bankrupt, and may give this Act and the special Matter in Evidence; and such Bankrupt's Certificate shall be sufficient Evidence of the Trading; Bankruptcy, Petition for Adjudication, and other Proceedings precedent to the obtaining such Certificate; and if any such Bankrupt shall be taken in Execution or detained in Prison for such Debt, Claim, or Demand, it shall be lawful for any Judge of the Court wherein Judgment has been so obtained, on such Bankrupt producing his Certificate, to order any Officer who shall have such Bankrupt in Custody by virtue of such Execution to discharge such Bankrupt, without exacting any Fee, and such Officer shall be hereby indemnified for so doing.

CXLIX. Any Bankrupt, at any Time after Adjudication, may call a Meeting of his Creditors (whereof and of the Purport whereof Ten Days Notice shall be given in the "*Dublin Gazette*"); and if the Bankrupt or his Friends shall make an Offer of Composition, and Three Fifths in Number and Value of the Creditors assembled at such Meeting, or represented at such Meeting by an Agent authorized in Writing, shall agree to accept the same, another Meeting for the Purpose of deciding upon such Offer shall be appointed to be holden, whereof such Notice shall be given as aforesaid, and Notice of the Meeting, and of the Composition to be offered, shall also be delivered to each Creditor, or left at his Place of Business or last or usual Place of Abode, or transmitted to him by Post, Ten Days before such Second Meeting; and if at such Second Meeting Three Fifths in Number and Value of the Creditors then present or represented by an Agent authorized in Writing shall also agree to accept such Offer, the Court may, upon such Acceptance being testified in Writing, and upon Payment of such Sum as the Court shall direct, annul the Adjudication of Bankruptcy; and every Creditor of such Bankrupt shall be bound to accept of such Composition.

CL. In deciding upon the Offer of Composition, no Creditor whose Debt is below Twenty Pounds shall be reckoned in Number, but the Debt due to such Creditor shall be computed in Value; and every Creditor to the Amount of Fifty Pounds and upwards, residing out of *Ireland*, shall be served personally, or in such other Form as the Court shall direct, with a Copy of the Notice of the Meeting to decide upon such Offer as aforesaid, and of the Purpose for which the same is called, so long before such Meeting as that he may have Time to vote thereat; and if any Creditor shall agree to accept any Gratuity or higher Composition for assenting to such Offer, he shall forfeit the Debt due to him, together with such Gratuity or Composition; and the Bankrupt shall (if thereto required) make Oath before the Court that there has been no such Transaction between him, or any Person with his Privity, and any of the Creditors, and that he has not used any undue Means or Influence with any of them to attain such Assent.

CLI. If any Joint Stock Company within the Meaning of this Act shall commit any Act which by this Act is to be deemed an Act of Bankruptcy on the Part of any such Company, a Petition of Bankruptcy may be filed against such Company, upon the Petition of any Creditor or Creditors of such Company (whether a Member or Members of such Company or not) to such Amount as is requisite to support a Petition of Bankruptcy; and the Judges of the Court may proceed thereon in like Manner as against other Bankrupts, subject always to the Provisions herein-after made.

CLII. The



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CLII. The Bankruptcy of any such Company, in its associated Capacity, shall not be construed to be the Bankruptcy of any Member of such Company in his individual Capacity.

CLIII. If any such Company shall, by virtue of a Resolution to be duly passed in that Behalf by the Directors of such Company, file or cause to be filed in the Court, a Declaration in Writing, in the Form specified in the Schedule (C.) No. 2. hereunto annexed, that the said Company is unable to meet its Engagements, such Declaration being under the Common Seal of such Company, and if such Company have no Common Seal, then signed by the Chairman of the Board of Directors who was present at the passing of such Resolution, and in either Case such Declaration being attested by the Attorney or Solicitor of the said Company for the Time being, every such Company shall be deemed thereby to have committed an Act of Bankruptcy at the Time of filing such Declaration, provided a Petition of Bankruptcy shall be filed against such Company within Two Calendar Months from the filing of such Declaration.

CLIV. If any Plaintiff shall recover Judgment in any Action for the Recovery of any Debt or Money Demand in any of Her Majesty's Courts of Record, against any such Company, and shall be in a Situation to sue out Execution upon such Judgment, and there be nothing due from such Plaintiff which may be set off against such Judgment, and such Company shall not, within Fourteen Days after Notice in Writing served upon the said Company, requiring immediate Payment of such Judgment Debt, pay, secure, or compound for the same to the Satisfaction of such Plaintiff, such Company shall be deemed to have committed an Act of Bankruptcy on the Fifteenth Day after Service of such Notice.

CLV. If any Decree or Order shall be pronounced in any Court of Equity, or any Order shall be made in any Matter of Bankruptcy or Lunacy against any such Company, ordering any Sum of Money to be paid by such Company, and such Company shall disobey such Decree or Order, the Person entitled to receive such Sum under such Decree or Order, or interested in enforcing the Payment thereof, may apply to the Court by which the same shall have been pronounced to fix a peremptory Day for the Payment of such Money, which shall accordingly be fixed by an Order for that Purpose; and if such Company, being served with such last-mentioned Order Fourteen Days before the Day therein appointed for Payment of such Money, shall neglect to pay the same, such Company shall be deemed to have committed an Act of Bankruptcy on the Day so appointed for the Payment of such Money.

CLVI. If any Creditor of any such Company to such an Amount as is requisite to support a Petition for Adjudication shall file an Affidavit in the Court that such Debt or Debts is or are justly due to him or them respectively from the said Company, and shall cause such Company to be served with a Copy of such Affidavit, and with a Notice in Writing, stating that such Affidavit hath been filed pursuant to this Act, and requiring immediate Payment of such Debt, and if such Company shall not, within Twenty-one Days after such Service, pay, secure, or compound for such Debt or Debts to the Satisfaction of such Creditor or Creditors, or enter into a Bond with Two such sufficient Securities as shall be approved of by the Court or by any Master Extraordinary of the Court of Chancery to pay such Sum as shall be recovered in any Suit for the Recovery of the said Debt, every such Company shall be deemed to have committed an Act of Bankruptcy on the Twenty-second Day of the Service of such Notice and Affidavit.

CLVII. It shall be lawful for the Assignees of the Estate and Effects of any such Company to maintain any Suit against any Person (whether a Member of such Company or not), to recover any Debt or Demand on behalf of the said Company against such Person, and for any Person to prove or claim against such Company such Debt or Demand as may be due to him or them (whether a Member of such Company or not) on the Balance of Accounts between him and the said Company.

CLVIII. No Claim or Demand which any Member of any such Company may have in respect of his Share of the Capital or Joint Stock thereof, or of any Dividends, Interests, Profits, or Bonus payable or apportionable in respect of such Share, shall be capable of being set off against any Demand which the Assignees of such Company may have against such Member on account of any other Matter or Thing whatsoever, but all Proceedings in respect of such Matter or Thing may be carried on as if no Claim or Demand existed in respect of such Capital or Joint Stock, or of any Dividends, Interests, Profits, or Bonus payable or apportionable in respect thereof.

CLIX. The Court may at any Time after the Advertisement of the Bankruptcy of any such Company or Body in the *Dublin Gazette* order that the Persons who were at the Date of such Petition Directors of such Company, or such of them as the Court shall think fit, or if there be no Directors then that such Members of the Company as the Court shall think fit, shall prepare such Balance Sheet and Accounts, and in such Form as the Court shall direct, and shall subscribe such Balance Sheet and Accounts, and file the same, and deliver a Copy thereof to the Assignee Ten Days at least before the last Examination; and such Balance Sheet and Accounts, before such last Examination, may be amended from Time to Time as Occasion shall require and the Court shall direct; and such Persons shall make Oath of the Truth of such Balance Sheet and Accounts whenever they shall be duly required so to do; and the Court may from Time to Time make such Allowance out of the Estate of such Company for the Preparation of such Balance Sheet and Accounts, and to such Person or Persons as the Court shall think fit.

CLX. Every such Person ordered to prepare such Balance Sheet and Accounts shall be under the like Obligation to surrender and to sign and subscribe such Surrender, and to submit to be examined before the Court from Time to Time upon Oath, and to make a full and true Discovery of the Estate and Effects

Bankruptcy of Company not that of Individuals.

Declaration of Insolvency in pursuance of a Resolution of the Directors, &c., and filed in the Office of the Court, to be an Act of Bankruptcy.

Company not paying, securing, or compounding for a Judgment Debt, within Fourteen Days after Notice, an Act of Bankruptcy.

Company disobeying Order of any Court of Equity, &c. for Payment of Money after Service of Order for Payment on a peremptory Day fixed, an Act of Bankruptcy.

Creditor filing an Affidavit of Debt in the Court, if the Company do not within 21 Days pay, secure, or compound to the Satisfaction of the Creditor, an Act of Bankruptcy.

Assignees of the Estate of a Company may maintain Action to recover a Debt, &c.

Member's Share not to be set off against a Demand which the Assignees of the Estate and Effects of a Company may have against such Member.

The Court may order the Directors of a Company adjudged bankrupt, &c. to prepare, verify, and file a Balance Sheet and Accounts.

Persons ordered by the Court to prepare the Balance Sheet to be under the like

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Obligation to surrender at the last Examination, and to submit to be examined, &c., and to incur such Danger or Penalty for not conforming, &c. as is now provided against a Bankrupt.

Persons ordered to prepare the Balance Sheet to have the same Freedom from Arrest, &c. as a Bankrupt.

As to Costs where Person summoned was a Member of Company.

Penalty on Persons wilfully concealing the Estate of the Company.

The Court, after Adjudication, may order any Treasurer, &c. to deliver to Official Assignee, or to Bank of Ireland, all Monies, &c. in his Custody.

The Court may give Directions for winding up the Affairs of the Company.

Power of Court to make Calls.

Court may stay Prosecution of Actions.

The Court shall inquire into the Cause of the Failure of Company, and shall transmit a Copy of the Balance Sheet to the Board of Trade, and certify the Cause of the Failure, and any special Circumstances.

When Court shall have certified the Cause of the Failure of any such Company, Her Majesty may revoke any Privileges granted to the Company.

of such Company, and shall incur such Danger or Penalty for not surrendering, or for not signing or subscribing such Surrender, or for not coming before the Court, or for refusing to be sworn and examined, or for not fully answering to the Satisfaction of the Court, or for refusing to sign or subscribe his Examination, or for not delivering up at the last Examination all such Part of the Estate of such Company, and all Books, Papers, and Writings relating thereunto, as shall be in his Possession, Custody, or Power, or for removing, concealing, or embezzling any Part of such Estate to the Value of Ten Pounds or upwards, or any Books of Account, Papers, or Writings relating thereto, with Intent to defraud the Creditors of such Company, as is provided as to a Bankrupt for not conforming to the like Requisitions for the Discovery of and in relation to the Estate and Effects of such Bankrupt.

CLXI. Every such Person so ordered to prepare such Balance Sheet and Accounts shall have such Freedom from Arrest and Imprisonment in coming to surrender, and such Discharge if arrested in coming to surrender, as a Bankrupt may have under a Petition of Bankruptcy against him; and such Person or Persons, if in Prison, may be brought before such Court by Warrant in like Manner as such Bankrupt now may.

CLXII. Where any Person who, at or before the Date of a Petition of Bankruptcy filed against any such Company, was a Member of such Company, shall be summoned to attend before the Court every such Person shall have such Costs and Charges (if any) as the Court shall think fit.

CLXIII. If any Person who, at or before the Date of the Petition against any such Company, was a Member of such Company, but not being a Person so ordered as aforesaid to prepare such Balance Sheet and Accounts, or if any other Person, shall wilfully conceal any Real or Personal Estate of any such Company, and shall not within Thirty Days after the Advertisement of the Adjudication against such Company discover such Estate to the Court, or to the Assignees, every such Person shall forfeit the Sum of One hundred Pounds, and double the Value of the Estate so concealed.

CLXIV. After the Adjudication of Bankruptcy shall have been advertised, it shall be lawful for the Court to order any Treasurer or other Officer, or any Attorney or Solicitor or other Agent of the Company adjudged bankrupt, to pay and deliver over to the Assignees, or to the Bank of Ireland or any of the Branches thereof, all Monies or Securities for Money in his Custody, Possession, or Power as such Officer or Agent, and which he is not by Law entitled to retain as against the Bankrupt or Bankrupts, or his or their Assignees.

CLXV. It shall be lawful for the Court to make all such Orders and give all such Directions as shall be necessary for the final winding-up and settling the Affairs of such Company, and to compel a just Contribution from all the Members of such Company towards the full Payment of all the Debts and Liabilities of such Company, and of the Costs of winding up and finally settling the Affairs of such Company, and for that Purpose to take all such Accounts and make all such Inquiries as shall be required; and the Court may order Payment to the Assignees of the several and respective Sums of Money which shall be found necessary and proper to be paid in or towards Satisfaction of the Debts which by the Proceedings in Bankruptcy shall have been found to be due to the Creditors of such Company, and all Persons having Claims and Demands thereon, and also in satisfaction of Costs, and may order the Assignees to apply such Sums of Money in satisfaction of such Debts, Claims, and Demands, and Costs.

CLXVI. It shall be lawful for the Court at any Time after Adjudication, and from Time to Time, to make Calls on all or any of the Members or Contributories of the Company for Payment of all or any Sums the Court may deem necessary to satisfy the Debts of the Company and the Costs of winding it up.

CLXVII. It shall be lawful for the Court at any Time after the Adjudication of Bankruptcy shall have been advertised, by its Order, to stay the Prosecution of any Action, Suit, or other Proceeding, or the issuing of any Execution, in respect of any Debt or Demand, proveable under the Petition against the Property or Person of any Member or former Member of such Company, either absolutely or on such Terms and Conditions as to the Court shall seem fit.

CLXVIII. Previous to passing the last Examination under a Petition against any such Company it shall be the Duty of the Court to inquire into the Cause of the Failure of such Company; and after the passing of such last Examination, or after the Time allowed by the Court for that Purpose shall have elapsed, the Court shall cause a Copy of the Balance Sheet filed in the Court to be transmitted to the Committee of Privy Council for Trade, and the Court shall at the same Time certify in Writing to the said Committee what, in the Opinion of the Court, was the Cause of the Failure of such Company, and state any special Circumstances relating to the Formation or Management of the Affairs of such Company, which to the Court shall seem expedient and material, and shall cause to be annexed to such Certificate a Copy of the Examination of any Person or Persons taken under such Petition, and which the Court shall deem material, relating to the Formation or Management of the Affairs of such Company or Body.

CLXIX. After the Court shall have certified to the said Committee the Cause of the Failure of any such Company, it shall and may be lawful for Her Majesty, Her Heirs and Successors, upon the Recommendation of the said Committee, by any Instrument in Writing under Her or their Great Seal of Ireland, to signify Her or their Pleasure for revoking and making void, and thereby to revoke and make void, all the Powers, Privileges, and Advantages at any Time by any Charter or Letters Patent or Act of Parliament granted to such Company, and to determine the same, and thereupon the said Powers, Privileges, and Advantages shall accordingly be revoked, and the same Company shall be determined, without

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without any Inquisition, Scire facias, or any Matter or Thing to make void or determine the same, anything in such Charter or Letters Patent or Act of Parliament contained to the contrary notwithstanding.

CLXX. After the Court shall have certified to the said Committee the Cause of the Failure of any such Company, the said Committee may, whenever it shall think fit, cause all the Papers relating to such Failure, and to the Formation and Management of such Company, and to the Conduct of any of the Directors or other Officers of the said Company therein, or to any or either of such Matters, to be laid before Her Majesty's Attorney General for *Ireland*, who shall direct whether any and what Proceedings shall be taken thereupon against any Person who was a Director or other Officer of such Company, or any other Person.

CLXXI. Until the Determination of such Company by Her Majesty, Her Heirs or Successors, such Company, and the Persons who were Officers thereof at the Time of such Determination, shall respectively be considered as subsisting, and as continuing such Officers as aforesaid, for all the Purposes for which the same was originally constituted, and that, notwithstanding such Determination as aforesaid, the same shall be considered as subsisting and continuing respectively so long and so far as may be necessary for the winding up of the Concerns of such Company.

CLXXII. Notwithstanding the Determination of any Company, by any other Means than as last aforesaid, such Company, and the Persons who were Officers thereof at the Time of such Determination, shall respectively be considered as subsisting and as continuing such Officers as aforesaid, for all the Purposes of this Act, so long and so far as any Matters relating to such Company shall remain unsettled.

CLXXIII. In all Cases in which a Joint Stock Company shall carry on Business in *Ireland* and elsewhere, if the Head Office of the Company shall be or shall have last been in *Ireland*, such Company shall be deemed an *Irish* Company within and subject to the Provisions of this Act.

CLXXIV. Service of any Order, Summons, Notice, or other Document on any Joint Stock Company, under the Provisions of this Act, may be made by delivering the same to the Chief Clerk or Secretary of the Company, or any Director of the Company personally, or by leaving the same at the Head Office of the Company with any Officer or Servant of the Company, or in such other Manner as the Court shall by any Special Order direct.

CLXXV. The Court shall in every Case of a Petition for Adjudication against a Joint Stock Company have and exercise the same Powers, Authority, and Jurisdiction in all respects as in the Case of any Petition for Adjudication against a Trader.

CLXXVI. Any Call made by the Court under this Act upon a Member or Contributory of a Joint Stock Company shall have the like Effect upon the Persons and Property of such Member or Contributory, and be enforced in the same Manner as an Order or Decree of the Court of Chancery.

CLXXVII. The Provisions of this Act which relate to the Bankruptcy of Joint Stock Companies shall not apply to any Company registered under the Joint Stock Companies Act, 1856, or any Act amending the same.

CLXXVIII. From and after the Time appointed for the Commencement of this Act, it shall be lawful for any Debtor who shall be a Prisoner within the Meaning of this Act to apply by Petition to the Court for his Discharge from such Custody; and in such Petition shall be stated whether such Prisoner has been previously bankrupt or insolvent, the Time and Place of the First Arrest of such Prisoner, the Cause or Causes wherein he shall then be detained, and the Time of his Commitment to the Prison where he shall then be confined, and also the Name or Names of the Person or Persons at whose Suit such Prisoner shall at the Time of presenting such Petition be detained in Custody, and the Amount of the Debt or Debts, Sum or Sums of Money, and of such Costs as aforesaid, so far as the Amount of such Costs is ascertained, for which he shall be so detained, and such other Matters as the Court may by any General Order direct; and such Prisoner shall in such Petition state that he is willing that all his Real and Personal Estate and Effects shall be vested in the Official Assignees, and shall pray to be discharged from Custody, and to have future Liberty of his Person against the Demands of his Creditors; which Petition shall be subscribed by the said Prisoner, and shall forthwith be filed in the Court.

CLXXIX. Every such Prisoner shall, within Seven Days from the Time of filing such Petition, unless the Court shall extend such Period, deliver unto the Court a Schedule, containing a full and fair Description of such Prisoner, as to his Name, Trade, and Profession, together with his last usual Place of Abode, and the Place or Places where he has resided during the Time when his Debts were contracted, and also a full and true Description of all Debts due or growing due from such Prisoner at the Time of filing such Petition, and of all and every Person and Persons to whom such Prisoner shall be indebted, or who, to his Knowledge or Belief, shall claim to be his Creditors, together with the Nature and Amount of such Debts and Claims respectively, distinguishing such as shall be admitted from such as shall be disputed, and also a full, true, and perfect Account of all the Estate and Effects of such Prisoner, Real and Personal, in possession, reversion, remainder, or expectancy, and also of all Places of Profit or Advantage held by such Prisoner, and also of all Pensions or Allowances of the said Prisoner, in possession or reversion, or held by any other Person or Persons for or on behalf of the said Prisoner, or of and from which the said Prisoner derives or may derive any Manner of Benefit or Advantage, and also of all Rights and Powers of any Nature and Kind whatsoever which such Prisoner, or any other Person or Persons in trust for such Prisoner, or for his Use, Benefit, or Advantage in any

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The Board may cause the Papers to be laid before the Attorney General to direct any Proceedings thereon.

Until Determination of Company by the Crown, it shall be considered as subsisting, &c.

Company to be considered as subsisting so long as any Matters remain unsettled.

When Company to be deemed an Irish Company.

Service of Order, &c. on Company.

Jurisdiction of Court against Joint Stock Companies.

Call to have Effect of Decree in Chancery.

Act not to apply to Companies registered under 19 & 20 Vict. c. 47.

*Procedure in Insolvency.*

Persons imprisoned for Debt may apply to the Court for Discharge.

What shall be stated in the Petition.

Petition to be signed and filed.

Schedule to be filed.

Contents of Schedule.

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Manner whatsoever, shall be possessed of or interested in or entitled unto, or which such Prisoner, or any other Person or Persons in trust for him or for his Benefit, may dispose of, charge, or exercise for the Benefit or Advantage of such Prisoner, together with a full, true, and perfect Account of all the Debts then due or growing due to such Prisoner, or to any Person or Persons in trust for him or for his Benefit or Advantage, either solely, or jointly with any Person or Persons, and the Names and Places of Abode of the several Persons from whom such Debts shall be due or growing due, and of the Witnesses who can prove such Debts; and also a full and true Description and Valuation of the Wearing Apparel, and other Necessaries, not exceeding in Value in the whole Twenty Pounds, which such Prisoner is authorized to except, and such other Particulars as the Court may by any General or Special Order direct.

*General and Special Balance Sheets to be filed.*

CLXXX. Such Prisoner shall with his Schedule file a General Balance Sheet of his Receipts and Expenditure from the Date of the earliest Debt in his Schedule up to the Time of filing his Schedule; such Prisoner shall also deliver to the Court a Special Balance Sheet of so much of the Receipts and Expenditures of such Prisoner as shall be at any Time required by the said Court.

*Form of Petition, Schedule, and Balance Sheets.*

CLXXXI. The said Petition, Schedule, and Balance Sheets may be in the Forms in Schedule (P.) to this Act annexed, or to the like Effect, or in such other Form as the Court may direct, and shall be respectively verified on Oath.

*As to Insolvent neglecting to file his Schedule.*

CLXXXII. If any Insolvent shall neglect to file his Schedule within the Time limited by this Act, the Court may commit him to any Prison until he shall file such Schedule.

*Detaining Creditors of Prisoners may apply by Petition to the Court to vest Debtors Estates in the Official Assignee.*

CLXXXIII. If any Prisoner within the Meaning of this Act shall not, within Twenty-one Days next after he shall be committed to or detained in Custody, make Satisfaction to the Person or Persons at whose Suit such Prisoner shall have been so committed or detained for the Debt, Damages, Costs, Sum or Sums of Money, for which such Prisoner shall be so committed or detained, it shall be lawful for any such Person or Persons to apply by Petition in a summary Way to the Court, praying that all the Real and Personal Estate and Effects of such Prisoner may be vested in the Official Assignees according to the Provisions of this Act.

*Form of Creditor's Petition.*

CLXXXIV. Such Petition shall be signed by the Party or Parties so applying or by his Attorney; and in such Petition shall be stated the Time and Place of the Commitment or Charge in Execution of such Prisoner at the Suit of the Party or Parties so applying, and the Amount of the Debt or Sum of Money for which such Prisoner shall have been so committed or detained; and such Petition shall be supported by such Evidence, by Affidavit or otherwise, of the Truth of the Matters therein stated, as the Court shall require; and the said Court shall and may require such Prisoner to file his Schedule, and shall and may cause such Prisoner to be brought up to be dealt with according to this Act; and all Things to be done thereupon or preparatory thereto as in other Cases according to this Act; and such Creditor's Petition may be in the Form in Schedule (Q.) to this Act annexed, or to the like Effect.

*Dismissal of Petition.*

CLXXXV. Any Petition of Insolvency may be dismissed by the Court, on such Terms as to Costs, or otherwise, as the Court may think fit.

*Power to the Court to direct Prisoner to be discharged on his finding Sureties to attend at the Time and Place of Hearing.*

CLXXXVI. At any Time after a Petition of Insolvency and Schedule have been filed, it shall be lawful for the Court, if the Court shall think fit to do so, and on such Notice to the Creditors of such Insolvent as the Court shall deem proper, to direct such Insolvent to be discharged out of Custody on his finding Two sufficient Sureties to enter into a Recognizance to the Official Assignee of the Court, in such Sum as the Court shall think fit, with a Condition that such Insolvent shall duly appear at the Time and Place fixed or which shall thereafter be fixed for the Hearing of the Petition of such Insolvent, and on every adjourned Hearing, and shall abide by the final Judgment of the Court, and on such other Terms (if any) as the Court shall think fit to impose, and to issue a Warrant directed to the Gaoler or Person in whose Custody such Insolvent shall be ordering the Discharge of such Insolvent.

*After such Discharge Insolvent to be free from Arrest until Hearing.*

CLXXXVII. After such Discharge the Insolvent shall be free from Arrest or Imprisonment by any Creditor whose Debt shall be specified in the Schedule filed by such Insolvent as herein-before mentioned, until the Time appointed for the Hearing of such Insolvent, and for such further Time (if any) as the Court shall from Time to Time appoint.

*Insolvent not to be discharged until he delivers up all Property.*

CLXXXVIII. No such Insolvent shall be so discharged until it shall appear to the Court that all the Chattel Property of such Insolvent has been delivered up to the Assignee, with all Books, Deeds, and Papers in his Possession, Power, or Procurement relating to his Estate or Effects.

*In case Insolvent shall not duly appear, Recognizance to be forfeited, &c.*

CLXXXIX. In case any Insolvent so discharged out of Custody shall not duly appear at the Time and Place fixed for the Hearing or any adjourned Hearing (not being prevented by Illness or other lawful Impediment to be allowed of by the Court), the Recognizance so entered into shall be forfeited, and the Court may make an Order on such Sureties to pay to the Official Assignees the Amount of such Recognizance, and Execution may thereon issue forthwith, and the Amount so recovered shall be applied for the Benefit of the Creditors of such Insolvent, in like Manner as if the same were Part of his Estate and Effects; and the Court may also issue a Warrant, authorizing any Person or Persons, to be therein named, to apprehend and arrest such Insolvent, and deliver him into the Custody of the Gaoler or Person in whose Custody such Prisoner was at the Time when he was so discharged as aforesaid; and such Gaoler or Person is hereby required to receive such Prisoner again into his Custody, and all Detainers which were in force against him at the Time of such Discharge, or which shall have since been duly lodged against

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against him, shall thereupon be deemed to be in force: Provided also, that any Insolvent so discharged out of Custody as aforesaid shall, on his appearing before the Court, be deemed and considered, for all the Purposes of this Act, in the Custody in which he was at the Time he was so discharged.

CXC. The Court may from Time to Time empower so many fit and proper Persons as shall appear necessary in every Assize Town to take and receive such Recognizances of Sureties and in such Form as the Court may direct and require; and for the taking of every such Recognizance the Persons so empowered shall be entitled to demand and receive the Sum of Two Shillings and Sixpence.

CXCI. It shall be lawful for any Person whose usual Place of Residence shall be elsewhere than in the County of *Dublin* or the County of the City of *Dublin*, to appear before a Person duly empowered in manner aforesaid, and there to enter into such Recognizance for the due Appearance of such Insolvent, according to such Forms and in such Terms and Manner as shall or may be prescribed by any General Order of the Court, which said Recognizances so taken as aforesaid shall be transmitted and filed in the Court, with an Affidavit of the due taking of the said Recognizances by some credible Person present at the taking thereof, and shall be of the like Force and Effect as if the same were taken before the Court.

CXCII. The Court shall make such General Orders, regulating the Amount and the taking of such Recognizances, as to the Court shall seem meet.

CXCIII. As soon as such Sureties shall have justified, and such Recognizance as herein-before mentioned shall have been filed, the Court shall thereupon issue a Warrant for the Discharge of such Insolvent from Custody as herein-before provided.

CXCIV. Although such Prisoner be declared bankrupt or be an uncertificated Bankrupt at the Time of filing the Petition of Insolvency, the Court shall and may cause such Prisoner to be brought up to be dealt with as an Insolvent according to this Act, and all Things to be done thereupon or preparatory thereto as in other Cases according to this Act.

CXCV. No Prisoner shall after the filing of a Petition of Insolvency be discharged out of Custody as to any Suit, for any Debt, Sum of Money, Damages, or Claim with respect to which an Adjudication can under the Provisions of this Act be made, by or by virtue of any Supersedeas, Judgment of Nonpros., or Judgment as in the Case of a Nonsuit, for Want of the Plaintiff or Plaintiffs in such Action, Suit, Nonsuit, or Process proceeding therein.

CXCVI. The Court shall, forthwith after such Schedule shall have been filed, appoint a Time, not later than Four Months, for such Prisoner to be brought up to be dealt with according to the Provisions of this Act; and where such Prisoner shall be in any Gaol within the County of *Dublin* or the County of the City of *Dublin*, the Court shall order such Prisoner to be brought before the Court.

CXCVII. If any Prisoner in Custody in any Gaol in *Ireland*, situated elsewhere than within the County of *Dublin* or the County of the City of *Dublin*, or any Creditor of such Prisoner, shall petition the Court under this Act, or if any such Prisoner or Creditor shall have so petitioned prior to the passing of this Act, and such Petition shall not have been heard, or if the same shall have been heard, and the Consideration thereof shall have been adjourned, the Court may make an Order referring such Petition or Hearing to the Assistant Barrister within whose Jurisdiction such Prisoner was in Custody at the Time of the filing of the Petition, and shall transmit such Petition and Schedule to the Clerk of the Peace for Hearing accordingly, and shall appoint a Time and Place at any Court of Quarter Sessions held within the Jurisdiction of such Assistant Barrister for such Prisoner to be brought up before such Assistant Barrister.

CXCVIII. Any Assistant Barrister to whom any such Petition shall be so referred shall have and possess the same Power and Authority with respect to every such Petition, and shall make all such Orders, give all such Directions, and do all such Matters and Things requisite for the discharging or remanding of such Prisoner, and otherwise respecting such Prisoner, his Schedule, Creditors, and Assignees, as the Court might make, give, or do in the Matters of Petitions heard before such Court under this Act, and, if he shall deem fit, shall be at liberty to adjourn the Hearing from One Session to another, and to extend the Order for the Protection of the said Insolvent from Arrest during such Adjournment.

CXCIX. Every such Petition and Schedule, and all Judgments, Rules, Orders, Directions, and Proceedings thereon by such Assistant Barrister, shall be forthwith or as soon as conveniently may be after such Hearing or Adjournment thereof, as the Case may be, returned by the Clerk of the Peace to the Court, certified by such Assistant Barrister and Clerk of the Peace respectively to be a Record of the Court, and to be kept as such among the Records thereof, and the Clerk of the Peace is hereby required to return the same accordingly.

CC. The Court shall have Power to issue its Warrant or Order, directed to the Governor, Keeper, or Gaoler of any Gaol wherein the Insolvent shall be in Custody, directing him to bring the Insolvent before such Assistant Barrister on the Day appointed for the Hearing of such Petition, or at any Adjournment thereof; and every such Governor, Keeper, or Gaoler shall obey such Warrant.

CCI. The Expense of conveying such Prisoner to any such Quarter Sessions Town, where the Gaol in which such Prisoner shall be confined shall not be situated in such Quarter Sessions Town, or of conveying such Prisoner (when necessary) from such Quarter Sessions Town to the said Gaol, not exceeding Threepence *per* Mile, shall be paid to the Keeper, Gaoler, or other Officer who shall bring such Prisoner

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Court may empower Persons in the Assize Towns to receive Recognizances.

Persons residing out of Dublin may enter into Recognizances.

Court to regulate the Amount of Recognizances.

Warrant to discharge Insolvent on Completion of Recognizance.

Notwithstanding Bankruptcy, the Court shall proceed as in other Cases.

Prisoner not to be discharged for Want of Plaintiff proceeding in his Action.

Court to appoint Time for Prisoner to be brought up.

Jurisdiction of the Court over Insolvent Debtors in Custody elsewhere than in County or City of Dublin transferred to the Assistant Barristers.

Assistant Barrister to whom the Petition as to Insolvents is referred to have the same Powers as the Court for discharging or remanding the Insolvent, &c.

Petition, &c. to be returned by the Clerk of the Peace to the Court.

Order for bringing the Insolvent before the Assistant Barrister.

The Expense of his Removal to be paid out of the Estate of Insolvent, or (on Failure of such

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Estate) then by Grand Jury Presentment.

to or from any such Quarter Sessions Town, in obedience to any Rule or Order of the Court, out of the Estate and Effects of such Prisoner, if the same shall be sufficient to pay such Expense, and if not, then such Expense shall be paid by the Treasurer of the County, County of a City, or County of a Town in the Gaol of which such Prisoner shall be imprisoned, as the same shall be directed or ordered by such Assistant Barrister before whom such Prisoner shall be brought, and the Grand Jury of such County, County of a City, or County of a Town is hereby empowered and required to present the Amount thereof at the Assizes next ensuing the Day mentioned in such Rule or Order, to be levied off such County, County of a City, or County of a Town.

Court to have Jurisdiction before and pending an Adjournment.

CCII. Nothing herein contained shall extend or be construed to deprive the Court of the Power of discharging such Prisoner upon Recognizance of Sureties for the due Appearance of such Prisoner at the Time and Place appointed, or which shall thereafter be appointed, for the Hearing of such Prisoner before such Assistant Barrister as aforesaid, or of the Power of doing, prior to such Hearing before such Assistant Barrister, or pending the Adjournment of such Hearing, any Matter or Thing relative to such Prisoner, his Petition and Schedule, Estate and Effects, Creditors or Assignees.

Jurisdiction of Assistant Barrister to cease after Discharge or Remand.

CCIII. After the Discharge or Remand of such Prisoner by such Assistant Barrister as aforesaid the Jurisdiction of such Assistant Barrister shall cease, save as to any Re-hearing of such Petition pursuant to any Order that may be made by the Court; and all Things necessary to be thereafter done in the Matter of the Petition and Schedule of such Prisoner, his Estate and Effects, Creditors or Assignees, shall be done by the Court.

Clerk of Peace to transmit Returns of Quarter Session Days.

CCIV. Every Clerk of the Peace shall transmit to the Office of the Court in *Dublin* a Return of the several Days for holding the Quarter Sessions in and for each County, forthwith upon the Appointment of the same by the Assistant Barrister of each County.

Order of detaining Creditor for Discharge of Insolvent to be void at Option of Insolvent.

CCV. After the filing of the Petition of Insolvency, and previous to the final Adjudication, any Order of Discharge given by a detaining Creditor of any Insolvent shall be void, if such Insolvent shall, on the same being notified to him, forthwith signify to the Gaoler in that Behalf his Desire that such Order of Discharge shall be so void.

Notice to be given to Creditors, and advertised.

CCVI. The Court shall cause Notice of the filing of every such Petition and Schedule, and of the Time and Place appointed for such Prisoner to be brought up, to be given, by such Means as the said Court shall direct, to the Creditor or Creditors at whose Suit any such Prisoner shall be detained in Custody, and to the other Creditors named in the Schedule of such Prisoner, and resident within the United Kingdom, and whose Debt shall amount to the Sum of Five Pounds, and shall cause such Notice to be inserted in the "*Dublin Gazette*," and also, if the Court shall think fit, in the *Edinburgh* and *London Gazettes*, or either of them, and also in such other Newspaper or Newspapers as the Court shall direct.

At the Hearing, the Schedule to be examined.

CCVII. Upon such Prisoner being brought up as aforesaid, the Court shall examine into his Schedule, upon the Oath of such Prisoner and of such Parties and other Witnesses as the Court shall think fit; and in case such Notice as the Court shall direct shall have been given by any Creditor of his Intention to oppose such Prisoner's Discharge, it shall be lawful both for the said Creditor and any other of the Creditors of such Prisoner to oppose such Prisoner's Discharge, and for that Purpose to examine such Prisoner and such Witnesses as the Court shall think fit touching the Matters contained in such Schedule, and such other Matters as the said Court shall deem fit and proper to inquire into.

Hearing may be adjourned.

CCVIII. If the Court shall entertain any Doubt touching any Matter alleged against such Prisoner at such Hearing, to prevent his or her Discharge, or otherwise touching the Schedule or the Examination of such Prisoner, or in case such Prisoner shall refuse to be sworn, or shall not answer upon Oath to the Satisfaction of the Court, it shall be lawful for the Court to adjourn the Hearing and Examination of such Prisoner to some future Sitting of the Court, or to adjourn the same *sine die*.

Court may order Prisoner to be again brought up.

CCIX. When any such Hearing shall have been adjourned *sine die* the Court may, upon the Application of such Prisoner or any Creditor, to be made within such Time as the Court shall direct, order the said Prisoner to be again brought up for Hearing, and such Notice thereof shall be given as the Court shall direct.

Affidavits may be received in opposition to Prisoner's Discharge in certain Cases.

CCX. The Court may receive as Evidence on the Hearing Affidavits of any Persons not resident within the County of *Dublin* or County of the City of *Dublin*, and also permit Interrogatories to be filed for the Examination or Cross-examination of any Person making or joining in such Affidavits, and to adjourn the Hearing until such Interrogatories shall be fully answered; and where any Prisoner shall be brought before any Assistant Barrister, pursuant to this Act, it shall be lawful for such Assistant Barrister to receive as Evidence on the Hearing the Affidavits of any Persons not resident within the County where such Prisoner shall be brought up, and also to permit Interrogatories to be filed for the Examination or Cross-examination of any Person making or joining in such Affidavits, and to adjourn the Hearing of such Prisoner until such Interrogatories shall be fully answered.

Official Assignees to examine Schedule, Balance Sheets, &c.

CCXI. The Official Assignees shall when directed by the Court investigate the Accounts of every Insolvent, and examine into the Truth of his Schedule and Balance Sheets, and report thereon to the Court.

Court may order Prisoner to be discharged, and entitled to the Benefit of Act.

CCXII. It shall be lawful for the Court, at such Hearing or adjourned Hearing, to adjudge and order that such Prisoner shall be discharged from Custody, and entitled to the Benefit of this Act, (at such Time as to the Court, in pursuance of the Provisions herein-after contained in that Behalf, shall think fit.)

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fit,) as to the several Debts and Sums of Money due or claimed to be due at the Time of filing the Petition from such Prisoner to the several Persons named in his Schedule as Creditors, or claiming to be Creditors for the same respectively, or for which such Persons shall have given Credit to such Prisoner before the Time of filing the Petition, and which were not then payable, and as to the future Claims of any Surety or Bail for such Prisoner named in his or her Schedule as a contingent Creditor, and as to the Claims of all other Persons, not known to such Prisoner at the Time of such Adjudication, who may be Indorsees or Holders of any negotiable Security set forth in his Schedule.

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CCXIII. Where no Cause, shall appear to the contrary, it shall be lawful for the Court to adjudge that such Prisoner shall be so discharged and so entitled as aforesaid forthwith, or so soon as such Prisoner shall have been in Custody at the Suit of One or more of his Creditors for such Period or Periods, not exceeding Six Months in the whole, as the Court shall direct.

Court may order Discharge, &c. to be forthwith, or not later than Six Months from the filing of Petition.

CCXIV. When the Court shall adjudge any Insolvent, a Trader within the Meaning of this Act, to be discharged, if it shall appear to the Satisfaction of the Court that such Insolvent hath not been guilty of any Fraud on any of his Creditors, or committed any Offence against this Act, or contracted any of his Debts by means of any false Representation, Deceit, or Contrivance, and if the Court shall be satisfied with the Conduct of such Prisoner, and that he hath made a full and true Disclosure of his Estate and Effects, it shall be lawful for the Court (if it shall so think fit) to declare by its Order that such Discharge shall also absolutely free the future acquired Property and Effects of such Insolvent, and such Discharge shall take effect accordingly, and be in such special Form as the Court shall direct, and be termed "an absolute Discharge."

Court may grant a special Discharge to Trader, so as to release his future Effects.

CCXV. The Discharge of any Prisoner shall extend to all Process for any Contempt of any Court, for Nonpayment of Money or of Costs or Expenses, and also to all Costs which such Prisoner would be liable to pay in consequence or by reason of such Contempt, or on purging the same; and every such Discharge as to any Debt or Damages shall extend also to all Costs incurred by the Creditor before the filing of such Prisoner's Schedule, in any Suit brought by such Creditor against such Prisoner for the Recovery of the same; and as to such Costs the Creditor shall be entitled to the Benefit of all the Provisions made for Creditors by this Act.

Discharge shall extend to Process for Contempt in Nonpayment of Money, and to Costs incurred by Creditor.

CCXVI. The Discharge of any such Prisoner shall extend to any Sum or Sums of Money payable by way of Annuity or otherwise, at any future Time or Times, by virtue of any Bond, Covenant, or other Security.

Discharge shall extend to Sums payable by way of Annuity, &c.

CCXVII. Nothing in this Act contained shall prevent any Mortgage, Charge, or Lien upon any Estate of such Prisoner or any Part thereof, made prior to the Commencement of the Imprisonment of such Prisoner, from taking place upon the Lands, Tenements, or Hereditaments, or Personal Estate and Effects comprised in or charged or affected by such Mortgage, Charge, or Lien respectively.

Not to prevent Mortgages, &c. on Lands, made prior to filing Petition, from taking effect.

CCXVIII. Whenever any Creditor opposing any such Prisoner's Discharge shall prove to the Satisfaction of the Court that such Prisoner has done any Act for which he may be liable to Remand, the Court may adjudge the taxed Costs of such Opposition to be paid to such opposing Creditor out of the Estate and Effects of such Prisoner, before any Dividend; and in case it shall appear to the said Court that the Opposition of any Creditor to any such Prisoner's Discharge was frivolous and vexatious, it shall be lawful for the Court to award such Costs to such Prisoner as shall appear to be just and reasonable, to be paid by the Creditor making such Opposition.

Court may order Costs to be paid to opposing Creditors out of the Estate.

Where Opposition frivolous, Costs may be awarded to Prisoner.

CCXIX. Where any such Adjudication shall have been made, the Court shall also issue a Warrant to the Gaoler accordingly, ordering the Discharge of such Prisoner from Custody as to the Detainers under which he shall then be confined, or which shall be lodged against him before he shall be out of Custody, the same being for Debts in respect of which such Adjudication shall have been made; and that every such Adjudication shall take effect as from the Day on which it was made; and that every such Adjudication, and Certificate thereof, and Order thereupon, may be made without specifying therein any such Debt or Debts, or Sum or Sums of Money, or Claims as aforesaid, or naming therein any such Creditor or Creditors: Provided nevertheless, that in all Cases the Detainer or Detainers with respect to which any such Prisoner shall have been adjudged to be discharged out of Custody shall be specified in the Warrant of the Court.

Court to make Order, pursuant to Adjudication, and issue Warrants to Gaoler.

Specification of Debts, &c. not necessary in Adjudication.

CCXX. In case it shall appear to the Court that any Insolvent has fraudulently, with Intent to conceal the State of his Affairs or to defeat the Objects of this Act, destroyed or mutilated, or wilfully prevented or purposely withheld the Production of any Books, Papers, or Writings relating to his Affairs, or kept or cause to be kept false Books or made false Entries in or withheld Entries from, or wilfully altered or falsified any such Books, Papers, or Writings, or that any Insolvent has fraudulently, with Intent of diminishing the Sum to be divided among his Creditors, or of giving any undue Preference to any of the said Creditors, discharged or concealed any Debt due to or from any such Insolvent, or parted or made away with, charged, mortgaged, or concealed any Part of his Property, either before or after the Commencement of his or her Imprisonment, then it shall be lawful for the Court to adjudge that the Insolvent shall be discharged, and entitled to the Benefit of this Act, as soon as he shall have been in Custody at the Suit of some One or more of his Creditors for such Period or Periods, not exceeding Two Years from the Time of filing the Petition, as the Court shall direct.

In certain Cases Discharge of Insolvent to be at any Period not later than Two Years.

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In other Cases, the Discharge of Insolvent to be at any Period not later than Two Years.

CCXXI. In case it shall appear to the Court that any Insolvent shall have contracted any of his Debts fraudulently, or by means of a Breach of Trust, or of false Pretences, or without having had any reasonable or probable Expectation at the Time when contracted of paying the same, or shall have fraudulently or by means of false Pretences obtained the Forbearance of any of his Debts, or shall have put any of his Creditors to any unnecessary Expense by any vexatious or frivolous Defence or Delay to any Suit for recovering any Debt or Sum of Money due from such Prisoner, or shall be indebted for Damages recovered in any Action for Criminal Conversation, or for Seduction, or for Breach of Promise of Marriage, or for a malicious Prosecution, or for a Libel, or for Slander, or in any other Action for a malicious Injury, or in any Action of Tort or Trespass, where it shall appear to the Satisfaction of the Court that the Injury complained of was malicious, then it shall be lawful for the Court to adjudge that the Insolvent shall be discharged forthwith, except as to such Debt or Debts, Sum or Sums of Money, or Damages as above mentioned, and as to such Debt or Debts, Sum or Sums of Money, or Damages, to adjudge that the Insolvent shall be so discharged so soon as he shall have been in Custody at the Suit of the Person or Persons who shall be Creditor or Creditors for the same respectively for a Period or Periods not exceeding Two Years from the Time of filing the Petition.

Adjudication may be conditional in certain Cases.

CCXXII. Where it shall appear to the Court that certain Matters ought to be performed by or on behalf of such Prisoner before he is entitled to be actually discharged from Custody, but that nevertheless it is expedient not to adjourn the Hearing absolutely, it shall be lawful for the Court to pronounce an Adjudication, without issuing any Order and Warrant pursuant thereto, and that such Adjudication may be directed to be conditional on the Performance of such Matters as aforesaid, and that on the Nonperformance thereof the Hearing of such Case shall stand adjourned according to the Direction made in that Behalf.

Where Adjudication & Discharge at a future Period, the Prisoner may be detained or arrested, &c. till that Period arrives.

CCXXIII. Where the Court shall adjudge that any Prisoner shall be so discharged at some future Period, and shall make an Order of Remand to that Effect, such Prisoner shall be subject and liable to be detained in Prison under and by virtue of such Order, at the Suit of any One or more of his or her Creditors, with respect to whom it shall have been so adjudged and ordered, until such Period shall have arrived; and the Gaoler of the Prison to which such Prisoner shall be so remanded shall and is hereby required to detain and keep such Prisoner in his Custody until such Period shall have arrived, for doing which the Order of Remand shall be his sufficient Warrant: Provided always, that it shall be lawful for any such Creditor, at any Time before such Period shall have arrived, to authorize and empower such Gaoler to discharge such Prisoner from Custody at the Suit of such Creditor, in the same Manner and by the same Means as such Creditor might have done if such Prisoner had been arrested and detained or charged in Custody at the Suit of such Creditor under any Civil Process at his Suit.

Court may order detaining Creditor to pay Prisoner a Sum not exceeding Four Shillings a Week.

CCXXIV. Where any such Prisoner shall, upon any such Adjudication, be liable to further Imprisonment at the Suit of his Creditors or any of them, it shall be lawful at any Time for the Court, on the Application of such Prisoner, to order the Creditor at whose Suit he shall be so imprisoned to pay such Prisoner such Sum or Sums of Money, not exceeding the Rate of Four Shillings by the Week in the whole, in such Manner as the said Court shall direct; and that on Failure of Payment thereof the Court shall order such Prisoner to be forthwith discharged from Custody at the Suit of such Creditor.

If Insolvent becomes able to pay his Debts, Court may make Order on him to pay, &c.

CCXXV. If at any Time it shall appear to the Satisfaction of the Court that any Insolvent who hath not obtained an absolute Discharge is of Ability to pay the Debts from which he has been so discharged, or any Part thereof, it shall be lawful for the Court from Time to Time, on the Application of any Assignee or Creditor, to order that the Insolvent shall pay to the Assignees such Sum or Sums of Money as to the Court shall seem proper, until the whole of said Debts shall be satisfied.

If Insolvent dies having sufficient Assets, Court may make Order to pay.

CCXXVI. If such Insolvent who hath not obtained an absolute Discharge shall have died leaving Assets sufficient to pay the Debts from which he was so discharged, or any Part thereof, it shall be lawful for the Court, on the Application of any Assignee or Creditor, to order that such Sum of Money, not exceeding an Amount sufficient to satisfy the said Debts, shall be paid to the Assignees out of the Assets of such Insolvent, and the Sum mentioned in such Order shall thereupon become a Debt due to the Assignees out of the Assets of such Insolvent, and shall be paid to them accordingly; and the Assignees may institute such Proceedings to enforce the same as if they had been Creditors of said Insolvent at the Time of his Decease for the Sum mentioned in such Order.

Manner of proceeding where, after the Discharge of a Prisoner, any Person shall be possessed of Stock in Public Funds, &c. belonging to him.

CCXXVII. In case any Person shall after the Discharge of such Insolvent be possessed of or have under his Control any Stock in the Public Funds, or any Legacy due or growing due, Bills of Exchange, Promissory Notes, Bank Notes, Securities for Money, Goods and Chattels, or any other Property whatsoever, belonging to such Insolvent, or held in trust for him or for his Use and Benefit, or to which such Insolvent shall be in any way entitled, or in case any such Person shall be at such Period in any Manner indebted to such Insolvent, it shall be lawful for the Court, upon the Application of any Assignee or Creditor of such Insolvent, to cause Notice to be given to such Person directing him to hold and retain the said Property till the Court shall make further Order concerning the same; and thereupon it shall be lawful for the Court further to order such Person to deliver over such Property, and to pay such Debts as aforesaid, or any Part thereof, into the Bank of Ireland, or to the Assignees, and such Delivery and Payment shall be made accordingly in obedience to such Order; and such Person shall be thereby discharged



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discharged in respect of such Property and Debts against all Persons whatsoever, to all Intents and Purposes.

CCXXVIII. Any Sum or Sums of Money or Property to be recovered by the Assignees under the last Three preceding Sections shall form Part of the Estate and Effects of the Insolvent in the Hands of the Assignees, and shall be distributed amongst the Creditors accordingly.

CCXXIX. No Insolvent shall be imprisoned for any Debt or Sum of Money or Costs with respect to which such Insolvent shall have been discharged, or by reason of any Judgment, Decree, or Order for Payment of the same, but that upon every Arrest or Detainer for or by reason of any such Debt or Sum of Money or Costs, or Judgment, Decree, or Order for Payment of the same, it shall be lawful for any Judge of the Court from which any Writ or Process shall have issued in respect thereof, upon Proof made to his Satisfaction that the Cause of such Arrest or Detainer is such as herein-before mentioned, to release such Prisoner from Custody; and at the same Time, if such Judge shall in his Discretion think fit, it shall be lawful for him to order such Plaintiff, or any Person or Persons suing out of such Writ or Process, to pay such Insolvent the Costs which he shall have incurred on such Occasion, or so much thereof as to such Judge shall seem just and reasonable.

CCXXX. No Writ of Capias ad satisfaciendum, Fieri facias, or other Writ of Execution against the Body, Goods, or Chattels of such Insolvent, shall issue on any Judgment obtained against such Insolvent for any Debt or Sum of Money with respect to which such Insolvent shall have been discharged, nor in any Action upon any new Contract or Security for Payment thereof; and if any Suit shall be brought against any such Insolvent, his Heirs, Executors, or Administrators, for any such Debt or Sum of Money, or upon any new Contract or Security for Payment thereof, or upon any Judgment obtained against or any Statute or Recognizance acknowledged by such Insolvent for the same, it shall be lawful for such Insolvent, his Heirs, Executors, or Administrators, to plead generally that such Insolvent was duly discharged according to this Act, by the Order of Adjudication made in that Behalf, and that such Order remains in force, without pleading any other Matter specially; whereto the Plaintiff or Plaintiffs shall or may reply generally, and deny the Matters pleaded as aforesaid, or reply any other Matter or Thing which may show the Defendant not to be entitled to the Benefit of this Act, or that such Person was not duly discharged, in the same Manner as the Plaintiff or Plaintiffs might have replied in case the Defendant or Defendants had pleaded this Act, and a Discharge by virtue thereof, specially.

CCXXXI. Whenever it shall appear to the Satisfaction of the Court that all the Debts in respect of which such Adjudication was made have been discharged, and that there remains in the Possession or vested in or otherwise subject to the Control of the Assignees any Part of the Estate or Effects of such Insolvent, it shall be lawful for the Court to order that the same shall be vested in the said Insolvent, his Heirs, Executors, Administrators, or Assigns, and such Order shall have the Effect of vesting the same accordingly.

CCXXXII. And whereas it may sometimes happen that a Debt of or Claim upon or Balance due from such Insolvent as aforesaid may be specified in his Schedule at an Amount which is not the actual Amount thereof, or the Name or Description of a Creditor may be inaccurately set forth therein, or there may be some Omission, Misdescription, or Mistake therein, without any culpable Negligence or Fraud or evil Intention on the Part of such Insolvent: Be it enacted, That in such Case the said Insolvent shall be entitled to all and every Benefit and Protection of this Act, notwithstanding such Mistake, Omission, or Misdescription in said Schedule; and the Creditor in that Behalf shall be entitled to the Benefit of all the Provisions made for Creditors by this Act, in respect of the actual Amount of such Debt, Claim, or Balance, and to all Intents and Purposes, such Omission, Misdescription, or Error in the said Schedule notwithstanding.

CCXXXIII. Every such Adjudication shall be final and conclusive, and shall not be reviewed by the Court, unless the Court shall thereafter see sufficient Cause to believe that such Adjudication has been obtained on false Evidence, or otherwise improperly or fraudulently obtained, in which Case it shall be lawful for the Court, upon the Application of the Assignees, or of any Creditor of such Insolvent, or of the Insolvent, to order such Insolvent, upon due Notice to be given to such Persons and in such Manner as the Court shall direct, to attend or to be brought up, and the said Matter to be re-heard before the Court, and the Court shall thereupon re-hear the same, and may, if just Cause shall appear, annul the original Adjudication and Order thereupon, and shall have the same Powers and Authorities upon such Re-hearing as upon any original Hearing; and the Court may, if necessary, remand the said Insolvent to the same Custody in which he was at the Time of the former Hearing, there to be subject to Imprisonment as if the former Adjudication had not been made; and thereupon all Detainers which were in force against such Prisoner at the Time of his former Discharge from Custody shall be deemed to be still in force against him; and the Gaoler of the Prison to which such Prisoner shall be so remanded shall and is hereby required to receive such Prisoner into his Custody, in pursuance of such Remand, for doing which the Order of Remand in such Case shall be his sufficient Warrant.

CCXXXIV. If such Prisoner shall refuse or neglect to appear before the Court, according to any Order for Re-hearing, it shall be lawful for the Court to order such Prisoner to be apprehended, and

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Sums recovered under last Three Sections to form Part of Estate.

Persons discharged under this Act not liable to Imprisonment for Debts, &c. to which Adjudication extends.

If arrested, to be released by Judge of the Court from which Process issued, who may order the Costs to be paid to him.

After Discharge, no Execution to issue against Insolvent for Debts, &c. to which Adjudication extends.

Discharge under this Act may be pleaded generally.

When Debts are satisfied, Court may order Property in possession of Assignees to be vested in the Insolvent.

Where Error in Schedule, without Fraud, this Act to operate upon the actual Amount of Debt.

Adjudication and Order to be final, unless obtained on false Evidence, &c., in which Case Court may order a Re-hearing.

Insolvent refusing to appear may be apprehended, &c.

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In Adjudication of Discharge or Re-hearing, the Time since former Hearing not to be calculated.

If Order for Discharge issued by Mistake, the Court may revoke or amend same.

Insolvent may be examined as to his Estate after his Discharge. Insolvent refusing to appear or to answer Questions may be committed.

Provisions of Act extended to married Women.

Mode of proceeding with Prisoners of unsound Mind.

Application may be made by Persons on behalf of such Prisoners.

Power to Court to discharge such Prisoners.

committed to Custody in such Prison as the Court shall direct, and to issue its Warrant accordingly, and to cause such Prisoner to be brought up for Examination as often as to the Court shall seem fit.

CCXXXV. If on any Re-hearing it shall appear to the Court that such Prisoner is not entitled to the Benefit of this Act until some future Period, according to the Provisions herein-before contained, the Court shall and may, if it shall appear reasonable, adjudge the Discharge of such Prisoner at such future Period, to be calculated without including the Time during which such Prisoner shall have been out of Custody since the Time appointed for his Discharge by such former Adjudication as aforesaid.

CCXXXVI. If in any Case an Order or Warrant for the Discharge of any such Prisoner shall have issued erroneously, it shall be lawful for the Court, on such Error being shown, to revoke such Order and Warrant, and to annul, suspend, or amend the same, and, if necessary, to recommit such Prisoner to his former Custody, when by such Order or Warrant he shall have been discharged therefrom; and the Gaoler of the Prison to whose Custody such Prisoner shall be so recommitted is hereby required to receive such Prisoner into his Custody according to such Commitment; and all Detainers which were in force against such Prisoner at the Time of such Discharge as aforesaid shall be deemed to be still in force against him, as if such erroneous Order or Warrant had not issued.

CCXXXVII. The Court may at any Time before or after the Discharge order that such Insolvent may be examined as to any Matters or Things relating to his Estate; and in case such Insolvent shall neglect or refuse to appear before the Court at such Time and Place as shall be directed by such Order, or appearing shall refuse to be sworn or to answer such Questions as shall be put to him relating to the Discovery of his said Estate, then and in any of such Cases it shall be lawful for the Court to commit such Person to such Prison as the Court shall direct, there to remain without Bail or Mainprise until such Time as he shall submit himself to the Order of the Court in that Behalf, and shall answer, upon Oath or otherwise, as shall be required, to all such lawful Questions as shall be put to him for the Purposes aforesaid.

CCXXXVIII. The Provisions of this Act shall extend to married Women being Prisoners within the Meaning of this Act, but the vesting of the Estate and Effects of any such married Woman in the Official Assignees shall operate upon all Property, Real and Personal, to which she may be entitled for her separate Use, or over which she shall have any Power of Disposition, notwithstanding her Coverture, or which shall be vested in any Trustees or Trustee or other Person or Persons for her Benefit, and upon all Personal Estate and Effects of which she shall have the actual Possession, except her Wearing Apparel, Bedding, and other such Necessaries, not exceeding in the whole the Value of Twenty Pounds, and upon all other Real and Personal Estate and Effects to which she shall be entitled in any Manner whatsoever, in possession, remainder, or reversion, subject only to such Right, Title, or Interest as her Husband may have therein, and without prejudicing any Rights of her Husband in such Real and Personal Estate and Effects respectively, and all Provisions in this Act contained touching the Real and Personal Estate of any Prisoner shall apply to such Real or Personal Estate and Effects respectively, as if such Woman had been sole and unmarried, subject only to the Rights of her Husband therein.

CCXXXIX. If any Prisoner within the Meaning of this Act shall be or become of unsound Mind, the Gaoler of such Prison shall forthwith require One or more Justice or Justices of the Peace for the County, Division, or Place wherein such Prisoner shall be, to attend at the said Prison, and inquire into the State of Mind of such Prisoner; and thereupon, and also in case any such Justice or Justices shall receive Information by other Means that any such Prisoner is of unsound Mind as aforesaid, such Justice or Justices shall go to the said Prison, and by his or their own View, and by Examination on Oath of such Person or Persons as he or they shall think fit to examine, shall inquire into the State of Mind of such Prisoner; and if it shall appear to such Justice or Justices upon such Inquiry that such Prisoner is of unsound Mind, and therefore incapable of taking the Benefit of this Act in such Manner as a Person of sound Mind might do, such Justice or Justices shall forthwith make a Record of the Fact, and certify the same to the Court; and thereupon it shall be lawful for the Court to order Notice to be inserted in the "*Dublin Gazette*," and in Two or more public Newspapers usually circulated in the Neighbourhood of such Prison, and in the Neighbourhood of the usual Residence of such Prisoner before he was committed to such Prison, as the Court shall see fit, that Application will be made to the Court for the Discharge of such Prisoner on a Day to be specified in such Order and Notice, being Twenty-one Days at least from the Day of Publication of such One of the said Gazette and Newspapers containing such Notice as shall be last published, which Notice, together with the Service of the like Notice on the Creditor or Creditors at whose Suit such Prisoner shall be detained in Custody, or his or their Attorney or Attornies in such Suit, shall be deemed sufficient to authorize the Court to proceed to the Discharge of such Prisoner, if otherwise entitled to such Discharge, according to the true Intent and Meaning of this Act, and the Court shall proceed accordingly, and shall discharge such Prisoner from Custody, and do all other Acts under this Act, in case it shall appear that such Prisoner might have obtained his or her Discharge under this Act if he or she had been of sound Mind, and thereupon all and every Estate, Right, Title, Interest in Law and Equity, Real and Personal, Power, Benefit, and Emolument whatsoever, which, if such Prisoner was of sound Mind, could or ought to be vested in the said Official Assignee pursuant to the Provisions of this Act, shall, by force and virtue of the Order of the Court for the Discharge of such Prisoner, be vested in the Provisional Assignees as fully and effectually, and in the same

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same Manner, and with all and every the same Consequences and Effects, both in Fact and Law, to all Intents and Purposes whatsoever, as if such Prisoner had been of sound Mind.

CCXL. 'And whereas great Expense has resulted from Persons in the *Four Courts Marshalsea* receiving the Pauper Allowance there without any Effort to obtain their Discharge: Be it therefore enacted, That no Person in future shall be entitled to receive the Gaol Allowance without making and subscribing to the following Declaration, which the Marshal of the Four Courts or his Deputy is hereby authorized to administer:

'I, *A.B.* do solemnly declare, That I, *A.B.*, a Prisoner in the *Four Courts Marshalsea*, have no Means whatever, directly or indirectly, of supporting myself, and that I have solely and entirely to rely on the Support allowed by Government for Pauper Prisoners confined in the said *Four Courts Marshalsea*.

And any Person making the aforesaid Declaration, knowing the same to be false in any Particular, shall, on Conviction thereof, incur and suffer such and the same Penalties as are inflicted on Persons convicted of wilful and corrupt Perjury.

CCXLI. When such Declaration shall have been subscribed, the Marshal or his Deputy shall forthwith transmit the said Declaration, with a List of the Detainers against such Person who shall have subscribed such Declaration, to the Chief Clerk or other Officer of the Court appointed to receive the same; who shall file the same, and forthwith give Notice in the *Dublin Gazette* and to the detaining Creditors of the said Person, in such Manner as the Court shall by General or Special Order direct, that if they the said detaining Creditors, or some One of them, shall not, within Twenty-one Days after the Publication of the said Notice in said *Gazette*, file or cause to be filed, in the said last-mentioned Court, a Petition of Insolvency against the said Person, the Person in respect of whom such Notice shall have been given shall be entitled to his Discharge from Custody.

CCXLII. If such Petition shall be filed by any such Creditor, the Court shall thereupon order such Prisoner to file his Schedule, and may cause such Prisoner to be brought up to be dealt with according to this Act and all Things to be done thereon, as in other Cases.

CCXLIII. And in case such a Petition shall not be filed by any of the Creditors of the said Person within the said Period of Twenty-one Days, then a Discharge shall be made out by such Officer without any further Order or Inquiry, and such Discharge shall be a proper Authority to the Marshal for discharging such Person from Custody, and the Marshal shall discharge the said Person forthwith; and such Discharge shall protect the said Person from future Arrest in respect only of the Debt, Costs, and Sums of Money for the Nonpayment of which he had been committed to or detained in the said Prison, previous to the Publication of the said Notice: Provided always, that the said Discharge shall not have the Effect of extinguishing the said Debts, or barring the Right to recover the said Costs or Sums of Money, or of protecting the Property of the said Person from Seizure and Sale under legal Process, for the Purpose of liquidating and satisfying the said Debts, Costs, and Sums of Money.

CCXLIV. This Act shall not extend to discharge any Prisoner with respect to any Debt due to Her Majesty or Her Successors, or to any Debt or Penalty with which he shall stand charged at the Suit of the Crown, or any Person, for any Offence committed against any Act or Acts relative to any Branch of the Public Revenue, or at the Suit of any Sheriff or other Public Officer, upon any Bail Bond entered into for the Appearance of any Person prosecuted for any such Offence, unless the Commissioners of Her Majesty's Treasury for the Time being shall consent to such Discharge.

CCXLV. Every Sheriff, Gaoler, Keeper, or other Officer of any Prison who shall do anything in obedience to any Order of the Court shall be and is hereby indemnified for whatsoever shall be done by them respectively in obedience thereto.

CCXLVI. At the Sittings for the Choice of Assignees and for the last Examination, and at every adjourned Sitting held for either of such Purposes, and at every other Sitting held for Proof of Debts, every Creditor of the Bankrupt may prove his Debt by his own Oath, or by the Oath of some other Person, or by Affidavit sworn before any of the Persons authorized to take Affidavits under this Act, or in such other Manner as shall be fixed by any General Order; provided, that it shall be lawful for the Court to examine upon Oath, either by Word of Mouth or by Interrogatories in Writing, every Person claiming to prove a Debt, or to require such further Proof and to examine such other Persons in relation thereto as such Court shall think fit.

CCXLVII. If at any Sitting of the Court at which Debts may be proved it shall appear to the Court, by the Examination of the Bankrupt, or otherwise, that any Debt is admitted by the Bankrupt either in the whole or in part, and if the Assignees do not nor does any Creditor dispute the same, it shall be lawful for the Court, if it shall think fit, to order that such Debt or the Part thereof not disputed shall be admitted without Oath or Affidavit, and entered as proved, on such Terms, if any, as the Court shall by any General or Special Order direct.

CCXLVIII. Every Person with whom any Bankrupt shall have really and *bonâ fide* contracted any Debt or Demand before the filing of the Petition of Bankruptcy shall, notwithstanding any prior Act of Bankruptcy committed by such Bankrupt, be admitted to prove the same as if no such Act of Bankruptcy had been committed.

*Procedure in Insolvency.*

No Person to receive Gaol Allowance without subscribing Declaration.

Notice of Declaration to be given in the *Dublin Gazette*.

Proceedings on filing of Petition.

Unless detaining Creditors lodge a Petition within Twenty-one Days, Prisoner to be entitled to his Discharge.

This Act not to extend to discharge Crown Debtors, &c., unless the Treasury give Consent.

Sheriffs, &c. indemnified for obeying Orders of Court.

*Proof of Debts.*

When and how Debts may be proved in Bankruptcy.

Undisputed Debts may be admitted as if proved.

*Bonâ fide* Creditors in respect of Debts contracted after an Act of Bankruptcy may prove.

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Court may order Six Months Wages or Salary to Clerks or Servants.

CCXLIX. When any Bankrupt or Insolvent shall have been indebted to any Servant or Clerk of such Bankrupt or Insolvent in respect of the Wages or Salary of such Servant or Clerk, or to any Labourer or Workman, for Wages or Labour, it shall be lawful for the Court to order so much as shall be so due, not exceeding Six Months Wages or Salary, and not exceeding Thirty Pounds, to be paid to such Servant or Clerk, or so much as shall be so due, not exceeding Five Pounds, to be paid to such Labourer or Workman, out of the Estate of such Bankrupt or Insolvent, and such Servant or Clerk, Labourer or Workman, shall be at liberty to prove, or shall be admitted as a Creditor on the Estate, for any Sum exceeding such Amount.

Apprentices to Bankrupts or Insolvents discharged from their Indentures. Court may order any Sum to be repaid in respect of Apprentices Fees.

CCL. Where any Person shall have been an Apprentice to a Bankrupt or Insolvent at the Time of the filing of a Petition of Bankruptcy or Insolvency, the filing of such Petition shall be and enure as a complete Discharge of the Indenture whereby such Apprentice was bound; and if any Sum shall have been really and *bonâ fide* paid by or on the Behalf of such Apprentice to the Bankrupt or Insolvent as an Apprentice Fee, it shall be lawful for the Court, upon Proof thereof, to order any Sum to be paid out of the Estate of the said Bankrupt or Insolvent, to or for the Use of such Apprentice, which such Court shall think reasonable, regard being had in estimating such Sum to the Amount of the Sum so paid by or on behalf of such Apprentice, and to the Time during which such Apprentice shall have resided with the Bankrupt or Insolvent, and to the other Circumstances of the Case.

Mutual Debts and Credits may be set forth.

CCLL. Where there has been mutual Credit given by the Bankrupt or Insolvent and any other Person, or where there are mutual Debts between the Bankrupt or Insolvent and any other Person, the Court shall state the Account between them, and One Debt or Demand may be set against another, notwithstanding, in case of Bankruptcy, any prior Act of Bankruptcy committed by such Bankrupt before the Credit given to or the Debt contracted by him, and what shall appear due on either Side on the Balance of such Account, and no more, shall be claimed or paid on either Side respectively; and every Debt or Demand hereby made provable against the Estate of the Bankrupt or Insolvent may also be set off, in manner aforesaid, against such Estate; provided that the Person claiming the Benefit of such Set-off had not when such Credit was given Notice of an Act of Bankruptcy by such Bankrupt committed.

Debts not payable at the Time of the Bankruptcy or Insolvency may be proved, deducting Rebate of Interest.

CCLLII. Any Person who shall have given Credit to the Bankrupt or Insolvent upon valuable Consideration for any Money or other Matter or Thing whatsoever which shall not have become payable at the Time of the filing of the Petition of Bankruptcy or Insolvency, and whether such Credit shall have been given upon any Bill, Bond, Note, or other negotiable Security, or not, shall be entitled to prove or may be admitted as a Creditor in respect of such Debt, Bill, Bond, Note, or other Security, as if the same was payable presently, and receive Dividends equally with the other Creditors, deducting only thereout a Rebate of Interest for what he shall so receive at the Rate of Six Pounds *per Centum per Annum*, to be computed from the Declaration of a Dividend to the Time such Debt would have become payable according to the Terms upon which it was contracted.

Sureties and Persons liable for the Debts of a Bankrupt or Insolvent may prove, after having paid such Debts.

CCLLIII. Any Person who at the filing of a Petition of Bankruptcy or Insolvency shall be Surety or liable for any Debt of the Bankrupt or Insolvent, or Bail for the Bankrupt or Insolvent, either to the Sheriff or to the Action, if he shall have paid the Debt, or any Part thereof in discharge of the whole Debt, although he may have paid the same after the filing of the Petition of Bankruptcy or Insolvency, if the Creditor shall have proved his Debt under the Bankruptcy or Insolvency, shall be entitled to stand in the Place of such Creditor as to the Dividends and all other Rights under the Bankruptcy or Insolvency which such Creditor possessed or would be entitled to in respect of such Proof; or, if the Creditor shall not have proved, such Surety, or Person liable, or Bail, shall be entitled to prove his Demand in respect of such Payment as a Debt under the Bankruptcy or Insolvency, not disturbing the former Dividends, and may receive Dividends with the other Creditors, although he may have become Surety, liable, or Bail as aforesaid, after an Act of Bankruptcy committed by the Bankrupt; provided that such Person had not, when he became such Surety or Bail or so liable as aforesaid, Notice of any Act of Bankruptcy by such Bankrupt committed.

Obligees in Bottomry or Respondentia Bonds, and Assured in Policy of Insurance, admitted to claim, and, after Loss, to prove.

Persons effecting Insurance admitted to prove any Loss.

CCLLIV. The Obligee in any Bottomry or Respondentia Bond, and the Assured in any Policy of Insurance made upon good and valuable Consideration, shall be admitted to claim, and, after the Loss or Contingency shall have happened, to prove his Debt or Demand in respect thereof, or be admitted as a Creditor and receive Dividends with the other Creditors, as if the Loss or Contingency had happened before the filing of the Petition of Bankruptcy or Insolvency against such Obligor or Insuror; and the Person effecting any Policy of Insurance upon Ships or Goods with any Person (as a Subscriber or Underwriter) having become or becoming bankrupt or insolvent shall be entitled to prove or be admitted as a Creditor for any Loss to which such Bankrupt or Insolvent shall be liable in respect of such Subscription, although the Person so effecting such Policy was not beneficially interested in such Ships or Goods, in case the Person so interested is not within the United Realm.

Annuity Creditor admitted to prove.

CCLLV. Any Annuity Creditor of any Bankrupt or Insolvent, by whatever Assurance the same be secured, and whether there were or not any Arrears of such Annuity due at the Bankruptcy or Insolvency, shall be entitled to prove or be admitted as a Creditor for the Value of such Annuity, which Value the Court shall ascertain, regard being had to the original Price given for such Annuity, deducting therefrom

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therefrom such Diminution in the Value thereof as shall have been caused by the Lapse of Time since the Grant thereof to the filing of the Petition of Bankruptcy or Insolvency. Proof of Debts.

CCLVI. It shall not be lawful for any Person entitled to any Annuity granted by any Bankrupt or Insolvent to sue any Person who may be collateral Surety for the Payment of such Annuity until such Annuitant shall have proved or have been admitted as a Creditor against such Bankrupt's or Insolvent's Estate for the Value of such Annuity, and for the Arrears thereof; and if such Surety, after such Proof, pay the Amount proved, he shall be thereby discharged from all Claims in respect of such Annuity; and if such Surety shall not (before any Payment of the Annuity subsequent to the Bankruptcy or Insolvency shall have become due) pay the Sum so proved, he may be sued for the accruing Payments of such Annuity, until such Annuitant shall have paid or satisfied the Amount so proved, with Interest thereon at the Rate of Five Pounds *per Centum per Annum* from the Time of Notice of such Proof, and of the Amount thereof, being given to such Surety, and after such Payment or Satisfaction such Surety shall stand in the Place of such Annuitant in respect of such Proof to the Amount so paid or satisfied by such Surety, and the Certificate of the Bankrupt or the final Discharge of the Insolvent shall be a Discharge to him from all Claims of such Annuitant or of such Surety in respect of such Annuity; provided that such Surety shall be entitled to Credit in Account with such Annuitant for any Dividends received by such Annuitant under the Bankruptcy or Insolvency before such Surety shall have fully paid or satisfied the Amount so proved. Sureties for Payment of Annuities granted by Bankrupt or Insolvent, in what Manner to come in.

CCLVII. If any Bankrupt or Insolvent shall, before the filing of a Petition of Bankruptcy or Insolvency, have *bonâ fide* contracted any Debt payable upon a Contingency, which shall not have happened before the filing of such Petition, the Person with whom such Debt has been contracted may, if he think fit, apply to the Court to set a Value upon such Debt, and the Court is hereby required to ascertain the Value, and to admit such Person as a Creditor for the Amount so ascertained, and to receive Dividends thereon; or if such Value shall not be ascertained before the Contingency shall have happened, then such Person may, after such Contingency shall have happened, prove or shall be admitted as a Creditor in respect of such Debt, and receive Dividends with the other Creditors, not disturbing any former Dividends. Contingent Debt provable for ascertained Value thereof, or if Value not ascertained before the Contingency has happened, then, after Contingency has happened, Amount of Debt may be proved.

CCLVIII. If any Bankrupt or Insolvent shall, before the filing of a Petition of Bankruptcy or Insolvency, have contracted *bonâ fide* a Liability to pay Money upon a Contingency which shall not have happened, and the Demand in respect thereof shall not have been ascertained before the filing of such Petition, in every such Case, if such Liability be not provable under any other Provision of this Act, the Person with whom such Liability has been contracted shall be admitted to claim for such Sum as the Court shall think fit, and after the Contingency shall have happened, and the Demand in respect of such Liability shall have been ascertained, he shall be admitted as a Creditor for such Demand, and receive Dividends with the other Creditors, and so far as practicable, as if the Contingency had happened and the Demand had been ascertained before the filing of such Petition, but not disturbing former Dividends; provided that where any such Claim shall not have, either in whole or in part, been converted into a Proof within Six Months after the filing of such Petition, it may, upon the Application of the Assignees, at any Time after the Expiration of such Time, and if the Court shall think fit, be expunged either in whole or in part from the Proceedings. Liability contingent may be admitted as a Claim, and after Contingency has happened, and the Demand has been ascertained, Demand may be proved.

CCLIX. In case of the Bankruptcy or Insolvency of any Agent intrusted with the Possession of Goods within the Meaning of an Act passed in the Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act to amend the Law relating to Advances bonâ fide made to Agents intrusted with Goods*, the Owner of any Goods so intrusted to such Agent, and which shall have been redeemed by such Owner in manner provided by the said Act, shall, in respect of the Sum paid by him on account of such Agent be held to have paid such Sum for the Use of such Agent before his Bankruptcy or Insolvency, or in case such Goods shall not be so redeemed, the Owner shall be deemed a Creditor of such Agent for the Value of the Goods so pledged at the Time of the Pledge, and shall, if he shall think fit, be entitled in either of such Cases to prove for or set off the Sum so paid, or the Value of such Goods, as the Case may be. On Bankruptcy or Insolvency of Agent intrusted with Goods, but which have been pledged by him, Owner may prove for Amount paid to redeem, or for Value if the Goods be unredeemed.

CCLX. Upon all Debts or Sums certain, whereupon Interest is not reserved or agreed for, and which shall be overdue at the filing of the Petition of Bankruptcy or Insolvency, the Creditor shall be entitled to prove or be admitted as a Creditor for Interest, to be calculated at a Rate not exceeding Five Pounds *per Centum per Annum*, up to the filing of such Petition, from the Time when such Debts or Sums certain were payable, if such Debts or Sums be payable by virtue of some written Instrument at a certain Time, or if payable otherwise, then from the Time when Demand of Payment shall have been made in Writing, so as such Demand shall give Notice to the Debtor that Interest will be claimed from the Date of such Demand. Interest upon Debts when provable, though not reserved or agreed for.

CCLXI. If any Party, whether Plaintiff or Defendant, in any Suit shall have obtained any Judgment, Decree, or Order against any Person who shall thereafter become bankrupt or insolvent, for any Debt or Demand in respect of which such Party shall prove or be admitted a Creditor under the Bankruptcy or Insolvency; such Party shall also be entitled to prove, or be admitted a Creditor, for the Costs which he shall have incurred in obtaining the same, although such Costs shall not have been taxed at the Time of the Bankruptcy or Insolvency. Plaintiff or Defendant obtaining Judgment, &c., entitled to prove for Costs, &c.

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*Proof of Debts.*  
Proving Debt to be an Election not to proceed by Action.

CCLXII. No Creditor who has instituted any Suit against any Bankrupt or Insolvent in respect of a Demand prior to the Bankruptcy or Insolvency, or which might have been proved or admitted as a Debt under the Bankruptcy or Insolvency, shall prove or be admitted as a Creditor under such Bankruptcy or Insolvency, or have any Claim entered upon the Proceedings, without relinquishing such Suit; and the proving or claiming a Debt under any Bankruptcy or Insolvency by any Creditor shall be deemed an Election by such Creditor to take the Benefit of such Bankruptcy or Insolvency with respect to the Debt so proved or claimed; provided that such Creditor shall not be liable to the Payment to such Bankrupt or Insolvent or his Assignees of the Costs of such Suit so relinquished; and that where any such Creditor shall have instituted any Suit against such Bankrupt or Insolvent, jointly with any other Person, his relinquishing such Suit against the Bankrupt or Insolvent shall not affect such Suit against such other Person; provided also, that any Creditor who shall have so proved or claimed, if the Petition of Bankruptcy or Insolvency be afterwards superseded or dismissed, may proceed in the Suit as if he had not so proved or claimed.

Court may expunge Proof of any Debts which after Investigation do not appear to be due.

CCLXIII. Whenever it shall appear that any Debt proved or admitted is not justly due, either in whole or in part, the Assignees or any Creditor may make Representation thereof to the Court; and it shall be lawful for the Court to summon and examine upon Oath any Person whose Evidence may appear to the Court to be material, either in support of or in opposition to any such Debt; and if the Court shall be of opinion that such Debt is not due, either wholly or in part, the Court shall be at liberty to expunge the same, either wholly or in part, from the Proceedings, and make such Order therein as to Costs as to the Court shall seem fit.

Ascertainment of Debts in Insolvency.

CCLXIV. The Court may by any General Orders regulate the Admission, Proof, and Ascertainment of Debts in Insolvency.

*Assignees, their Rights and Duties.*

Assignees how and when chosen.

Power to Court to reject or remove Persons who appear to be unfit.

Joint Creditor entitled to prove for the Purpose of voting in the Choice of Assignees.

CCLXV. The Court shall, by General Orders to be from Time to Time made pursuant to this Act, regulate and fix the Manner and Time of the Choice and Appointment of Creditors Assignees of the Bankrupt's or Insolvent's Estate and Effects; and all Creditors shall be entitled to vote in such Choice personally, or by some Agent duly authorized in Writing; and the Choice and Appointment shall be made by the major Part in Value of the Creditors; provided that the Court shall have Power to reject any Person so chosen who shall appear to such Court unfit to be an Assignee, or to remove any Assignee, and upon such Rejection or Removal a new Choice and Appointment of another Assignee shall be made in like Manner.

CCLXVI. If One or more of the Partners of a Firm be a Bankrupt or Insolvent, any Creditor of the Firm shall be entitled to prove his Debt or be admitted as a Creditor for the Purpose of voting in the Choice of Assignees, and of being heard against the Allowance of the Bankrupt's Certificate, or of the Discharge of the Insolvent, or of any such Purposes; but such Creditor shall not receive any Dividend out of the separate Estate of the Bankrupt or Insolvent until all the separate Creditors shall have received the full Amount of their respective Debts.

Personal Estate to vest in Assignees.

CCLXVII. When any Person shall be adjudged a Bankrupt, and upon the filing of any Petition of Insolvency by any Insolvent, and also on the filing of any Petition of Insolvency against any Insolvent by any Creditor, (if the Court shall make Order thereon that the Insolvent shall file his Schedule or be brought up to be dealt with according to this Act,) all the Personal Estate and Effects of such Bankrupt or Insolvent, present and future, wheresoever the same may be, and all Property which he may purchase, or which may revert, descend, be devised, or bequeathed or come to him, before such Bankrupt shall have obtained his Certificate or such Insolvent shall have become entitled to his final Discharge in pursuance of the Adjudication made in that Behalf; and all Debts due or to be due to him, shall become absolutely vested in the Assignees for the Time being, for the Benefit of the Creditors of the Bankrupt or Insolvent; and no such Bankrupt or Insolvent, nor any Person claiming through or under him, shall have Power to recover the same, nor to make any Release or Discharge thereof, neither shall the same be attached as the Debt of such Bankrupt or Insolvent by any Person, according to the Custom of the City of *Dublin* or otherwise, but such Assignees shall have absolute Power and Remedy to recover the same in their own Names.

Real Estate to vest in Assignees.

CCLXVIII. When any Person shall be adjudged a Bankrupt, and upon the filing of any Petition of Insolvency by any Insolvent, and also on the filing of any Petition of Insolvency against any Insolvent by any Creditor, (if the Court shall make an Order thereon that such Insolvent should file his Schedule or be brought up to be dealt with according to this Act,) all Lands, Tenements, and Hereditaments, (except Copy or Customary hold,) wheresoever the same may be situate, to which any such Bankrupt or Insolvent is entitled, and all Interest therein to which such Bankrupt or Insolvent is entitled, and of which he might have disposed, and all such Lands, Tenements, and Hereditaments as he shall purchase, or shall descend, be devised, revert to, or come to such Bankrupt, before he shall have obtained his Certificate, or to such Insolvent before his final Discharge, and all Deeds, Papers, and Writings respecting the same, shall become absolutely vested in the Assignees for the Time being for the Benefit of the Creditors of such Bankrupt or Insolvent.

Where a Conveyance of a Property of a Bankrupt or Insolvent would require to

CCLXIX. Where, according to Law, any Conveyance or Assignment of any Real or Personal Property of a Bankrupt or Insolvent would require to be registered, enrolled, or recorded in any Registry Office, Court, or Place in the United Kingdom, or in any of the Dominions of Her Majesty, then and in every

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every such Case a Certificate under the Seal of the Court, and in such Form as the Court may direct, that the Estate and Effects of the Bankrupt or Insolvent have vested in the Assignees, shall be registered in such Registry Office, Court, or Place, and shall have the like Effect to all Intents and Purposes as the Registry, Enrolment, or recording of such Conveyance or Assignment would have had; but the Title of any Purchaser of any such Property for valuable Consideration, *bona fide*, without Notice of the Bankruptcy, or before the Commencement of the Imprisonment of such Insolvent, who shall have duly registered, enrolled, or recorded his Purchase Deed previous to the Registry hereby directed, shall not be invalidated by reason of such Appointment of Assignees, or of the vesting of such Property in them, unless such Certificate shall be registered as aforesaid within the Times following; (that is to say,) as regards the United Kingdom, within Two Months of the Date of such Appointment, and as regards all other Places, within Twelve Months from the Date thereof.

CCLXX. No Assignees of any Bankrupt's or Insolvent's Estate, nor any Purchaser from any such Assignees of any Goods, Chattels, Stock, or Crop, being Part of the Estate of any Bankrupt or Insolvent engaged or employed in Husbandry on any Lands let to Farm, shall take, use, or dispose of any Hay, Straw, Grass or Grasses, Turnips, or other Roots, or any other Produce of such Lands, or any Manure, Compost, Ashes, Seaweed, or other Dressings intended for such Lands, and being thereon, in any other Manner or for any other Purpose than such Bankrupt or Insolvent so employed in Husbandry, lawfully might have taken, used, or disposed of the same.

CCLXXI. If the Assignees of any Bankrupt or Insolvent, being entitled to any Land, either under a Conveyance, Agreement, or otherwise, subject to any Rent, or being entitled to any Lease or Agreement for a Lease, shall elect to take such Land or the Benefit of such Lease or Agreement for a Lease, such Bankrupt or Insolvent shall not be liable to pay any Rent accruing after the filing of the Petition of Bankruptcy or Insolvency, or to be sued in respect of any subsequent Nonobservance or Nonperformance of any Conditions, Covenants, or Agreements in any such Conveyance or Agreement, or Lease or Agreement for a Lease; and if the Assignees shall not within a reasonable Time after being thereto required elect whether they will accept or decline such Land, or Conveyance or Agreement, or such Lease or Agreement for a Lease, any Person entitled to such Rent, or having so conveyed or agreed to convey, or leased or agreed to lease, or any Person claiming under him, shall be entitled to apply to the Court, and the Court may order them to elect, and may order the Lessees or the Bankrupt or Insolvent to deliver up such Conveyance or Agreement for Conveyance, or Lease or Agreement for Lease, in case they shall decline the same, and the Possession of the Premises, or may make such other Order therein as it shall think fit.

CCLXXII. If any Bankrupt or Insolvent shall have entered into any Agreement for the Purchase of any Estate or Interest in Land, the Vendor or any Person claiming under him, if the Assignees shall not (upon being thereto required) elect whether they will abide by and execute such Agreement or abandon the same, may apply to the Court, and the Court may thereupon order them or the Bankrupt or Insolvent to deliver up the Agreement and the Possession of the Premises, or may make such other Order therein as such Court shall think fit.

CCLXXIII. All Powers vested in any Bankrupt or Insolvent which he might legally execute for his own Benefit (except the Right of Nomination to any vacant Ecclesiastical Benefice) may be executed by the Assignees for the Benefit of the Creditors.

CCLXXIV. It shall be lawful for the Court, upon the Application of the Assignees, or of any Purchaser from them of any Part of the Bankrupt's or Insolvent's Estate, to order the Bankrupt or Insolvent to join in any Conveyance of such Estate, or any Part thereof, or any Act or Deed in relation thereto; and if he shall not comply with such Order, such Bankrupt or Insolvent, and all Persons claiming under him, shall be stopped from objecting to the Validity of such Conveyance, and all Estate, Right, or Title which such Bankrupt or Insolvent had therein shall be as effectually barred by such Order as if such Conveyance had been executed by him.

CCLXXV. If any Bankrupt or Insolvent shall have granted, conveyed, assured, or pledged any Real or Personal Estate, or deposited any Deeds subject to a Condition or Power of Redemption at a future Day, the Assignees may, before the Time of the Performance of such Condition, make Tender or Payment of Money or other Performance according to such Condition, as fully as the Bankrupt or Insolvent might have done; and after such Tender, Payment, or Performance such Real or Personal Estate may be sold and disposed of for the Benefit of the Creditors.

CCLXXVI. The Assignee may, with the Approbation of the Court, appoint any Bankrupt or Insolvent to superintend the Management of the Estate, or to carry on the Trade for behoof of the Creditors, or in any other respect to aid them in administering the Bankrupt's or Insolvent's Estates and Effects, in such Manner and on such Terms as they may think best.

CCLXXVII. The Assignees shall be subject to the Orders of the Court in their Conduct as Assignees; and it shall be lawful for the Court at all Times to summon the Assignees, and examine them and require them to pay all Monies, and produce and deliver over all Books, Papers, Deeds, Writings, and other Documents which may have come to their Possession or Custody as such Assignees, as the Court shall order.

CCLXXVIII. If any Bankrupt or Insolvent shall at the Time of the Bankruptcy or the filing the Petition of Insolvency be a Member of a Firm, it shall be lawful for the Court to authorize the Assignees to commence or prosecute any Suit in the Name of such Assignees and of the remaining Partner, to

be registered, the Certificate of the Appointment of the Assignees shall be registered.

Assignees not to take Crop in any other Way than Bankrupt or Insolvent would have been entitled to.

Bankrupt or Insolvent not liable to Rents or Covenants in Conveyances, Leases, &c.; and if Assignees decline to determine whether they will accept Conveyance, &c., any Person entitled may apply to the Court.

Vendor of Estate in Lands may compel Assignees to elect whether they will abide by or decline the Agreement for Sale.

Assignees may execute Powers previously vested in Bankrupt, &c. Court may order Bankrupts or Insolvents to join in Conveyances.

Conditional Estates granted by the Bankrupt or Insolvent may be redeemed.

Assignees may appoint the Bankrupt or Insolvent to manage the Estate.

Assignees subject to Orders of Court.

Member of a Firm becoming bankrupt or insolvent, the Court may authorize Suit in

recover

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Name of Assignees and of remaining Partner.  
Partner to have Notice and may show Cause.

Court may direct Partner to have Part of Proceeds.

Assignees may institute or defend Suits, and compound for Debts or submit Disputes to Arbitration.

Reference to Arbitration to be made a Rule of Court.

Persons from whom the Assignees have recovered, &c., discharged from Claims.

Allowance to Persons disclosing concealed Property.

Suits not to abate by Death or Removal of Assignees.

Protection to Assignees if Prisoner discharged without Adjudication.

Limitations of Actions for Things done in pursuance of this Act. General Issue. Costs.

*The Audit and Dividend.*

Appointment for Sitting for Audit.

Court may direct Money to be invested in Exchequer Bills.

Method of making Dividends.

Sitting for Audit and Dividend.

recover any Debt due to or any Estate or Effects of the Partnership; and such Judgment, Decree, or Order may be obtained therein as if such Suit had been instituted with the Consent of such Partner; and if such Partner shall execute any Release of the Claim for which such Suit is instituted, such Release shall be void; provided that every such Partner shall have Notice given him of such Application, and be at liberty to show Cause against it, and, if no Benefit be claimed by him by virtue of the said Proceedings, shall be indemnified against the Payment of any Costs in respect of such Suit in such Manner as the Court may direct; and it shall be lawful for the Court, upon the Application of such Partner, to direct that he may receive so much of the Proceeds of such Action or Suit as the Court shall direct.

CCLXXXIX. The Assignees, with the Leave of the Court, may commence, prosecute, or defend any Suit, which the Bankrupt or Insolvent might have commenced and prosecuted or defended, and in such Case the Costs to which they may be put shall be allowed out of the Estate; and, with like Leave of the Court, the Assignees may take such reasonable Part of any Debts due to the Bankrupt's or Insolvent's Estate as may by Composition be gotten, or may give Time, or take Security for the Payment of such Debts, and may submit to Arbitration any Difference or Dispute between the Assignees and any other Person for or on account or by reason of anything relating to the Estate and Effects of the Bankrupt or Insolvent.

CCLXXX. If the Assignees shall agree to refer any Matter to Arbitration, such Reference shall be made a Rule of the Court.

CCLXXXI. All Persons from whom the Assignees shall have recovered any Real or Personal Estate, and all Persons who shall without Suit *bond fide* deliver up Possession of any Real or Personal Estate to the Assignees, or pay any Debt claimed by them, are hereby discharged from all Claim of such Bankrupt or Insolvent in respect of the same, even although the Petition of Bankruptcy or Insolvency be afterwards dismissed, or the Adjudication annulled.

CCLXXXII. The Assignees may, with the Approval of the Court, make to any Person who shall discover and disclose Property of any Bankrupt or Insolvent concealed or withheld such Allowance out of such Property as to the Court shall seem fit.

CCLXXXIII. Whenever an Assignee shall die, or be removed, or a new Assignee shall be appointed, no Suit shall be thereby abated, but the Court in which any Suit is depending may, upon the Suggestion of such Death or Removal and new Appointment, allow the Name of the new Assignee to be substituted.

CCLXXXIV. In case any Prisoner who shall have filed a Petition of Insolvency, or against whom a Petition of Insolvency has been filed by any Creditor, shall be discharged out of Custody without any Adjudication being made by the Court, all the Acts done before his Discharge by the Assignees or other Persons acting by the Authority of the Court shall, according to the Provisions of this Act, be good and valid; and in such Case no Suit shall be commenced against any Assignees appointed under this Act, or any Person duly acting under their Authority or the Authority of the Court, except to recover any Property, Estate, Money, or Effects of such Prisoner detained after an Order made by the Court for the Delivery thereof, and Demand made thereupon.

CCLXXXV. Every Action brought against any Person for anything done in pursuance of this Act shall be commenced within Six Months next after the Fact committed; and the Defendant may plead that the same was done by Authority of this Act; and if it shall appear so to have been done, or that such Action was commenced after the Time limited as aforesaid for bringing the same, the Jury shall find for the Defendant.

CCLXXXVI. The Court shall whenever it shall think fit, at a public Sitting, of which such Notice shall be given as the Court shall by any General or Special Order direct, audit the Accounts of the Assignees; and at such Sitting the Assignees shall deliver upon Oath a true Statement in Writing of all Money received by them respectively; and when and on what Account, and how the same has been employed, and such other Particulars as the Court may direct; and the Court shall examine such Statement, and ascertain what Balances have been from Time to Time in the Hands of such Assignees respectively, and with what Sums the Assignees are properly chargeable; and it shall be lawful for the Court to examine the Assignees upon Oath touching such Accounts, and to make therein all just Allowances, but the Court may, if it think fit, dispense with the Attendance of the Creditor's Assignees at such Sitting.

CCLXXXVII. The Court may direct any Money, Part of such Estate, to be vested in the Purchase of Exchequer Bills, or in the Public Funds, for the Benefit of the Creditors, and may direct where and with whom such Exchequer Bills shall be kept, and cause such Exchequer Bills or Funds to be sold when it shall appear to such Court expedient, and may direct the Proceeds thereof to be again laid out in the Purchase of Exchequer Bills, or in the Public Funds, or to be applied for the Benefit of the Creditors.

CCLXXXVIII. The Court shall, whenever it shall think fit, appoint a public Sitting, whereof such Notice shall be given as the Court shall by any General or Special Order direct, to make a Dividend, and may at such Sitting direct such Part of the net Produce of the Estate as it may think fit to be forthwith divided, and make an Order for Dividend accordingly in such Form as the Court shall by any General Order direct; and the Assignees shall forthwith make such Dividend in manner directed by the Orders at any Time in force under this Act relating to the Mode of Payment of Dividends by the Assignees.

CCLXXXIX. The Court may appoint the same Sitting for the Audit and Dividend.

CCXCI. If



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CCXC. If the Estate shall not have been wholly divided upon the First Dividend, the Court shall, within Eighteen Months after the filing of the Petition, appoint a public Sitting to make a Second Dividend, of which such Notice shall be given as the Court shall by any General or Special Order direct, and at such Sitting shall order the Balance in hand to be forthwith divided; and such Second Dividend shall be final, unless any Suit be depending, or any Part of the Estate be not sold or disposed of, or unless some other Estate or Effects shall afterwards come to the Assignees, in which Case they shall as soon as may be convert such Estate and Effects into Money, and within Two Months after the same shall be so converted the same shall also be divided in manner aforesaid.

CCXCI. If there shall be any outstanding Debts or other Property belonging to the Estate of the Bankrupt or Insolvent which cannot in the Opinion of the Court be collected and received without unreasonable or inconvenient Delay, it shall be lawful for the Assignees, under the Direction of the Court, to sell and assign such Debts and other Property in such Manner and subject to such Conditions as shall be ordered by the Court; and any Person to whom any of such Debts shall be so sold or assigned may sue for the same in his own Name as fully as the Assignees might have done.

CCXCII. Fourteen Days before a final Dividend shall be advertised there shall be sent by the Official Assignee to each Creditor's Assignee a Debtor and Creditor Account between the Official Assignee and such Estate, showing also the Monies remaining uncollected under such Estate, and the Cause of such Monies remaining uncollected; and a Copy of such Account shall, on Application to the Official Assignee, be delivered to any Person who shall pay for the same such Sum, not exceeding Two Shillings and Sixpence, as shall be settled by the Court.

CCXCIII. No Action for any Dividend shall be brought against any Assignee, but if the Assignees shall refuse to pay any such Dividend the Court may order Payment thereof, with Interest for the Time it shall have been withheld, and may also order the Costs of the Application.

CCXCIV. All Monies and Government Securities which shall, at the Time appointed for the Commencement of this Act, stand in the Bank of *Ireland*, with the Privity of the Chief Clerk of the Court for Relief of Insolvent Debtors, to the Credit of an Account called "The General Fund Account," shall be carried by the Bank of *Ireland* to the Credit of an Account to be called "The Unclaimed Dividend Account," subject to the Orders of the Court for the Payment thereof of any Dividend, or for the Distribution of any Part thereof, in the Matter to which the same originally belonged.

CCXCV. All unclaimed Dividends, save Dividends declared before the passing of this Act, and all Monies unclaimed, the Produce of any Bankrupt's or Insolvent's Estate, shall, after the Expiration of the Period of Twelve Months from the Dividend having been declared, or from the Time at which any other Monies unclaimed shall have come to the Hands of the Assignees, be paid into or transferred to the Credit of "The Unclaimed Dividend Account," subject to the Order of the Court for the Payment thereof of any Dividend due to any Creditor, or for the Distribution of any such other unclaimed Money.

CCXCVI. The Court may from Time to Time direct that the whole or any Part of the Monies standing to the Credit of said Unclaimed Dividend Account shall be invested in the Public Funds.

CCXCVII. The Interest and Profit arising from "The Unclaimed Dividend Account" shall from Time to Time be applied, under the Order of the Court, towards defraying the Expenses of the Court.

CCXCVIII. Every Bankrupt and Insolvent shall be entitled to retain, under the Name of excepted Articles, such Articles of Household Furniture, and Tools, Implements of Trade, and other like Necessaries, as he shall specify and select, not exceeding in the whole the Value of Twenty Pounds; and such excepted Articles shall not be subject to be sold or disposed of in the Bankruptcy or Insolvency, or to be taken in Execution at the Suit of any Creditor entitled to prove under the Bankruptcy or Insolvency; and in all Cases there shall be filed with the Proceedings an Inventory of such excepted Articles, with a Valuation of the same respectively, with a Certificate signed by the Appraiser or other Person making such Valuation attesting the Truth thereof, and stating when and where such Articles were seen and valued.

CCXCIX. Except where the Court shall otherwise order, an Inventory and Valuation of the Remainder of the Bankrupt's or Insolvent's Household Furniture, Tools, and Implements of Trade shall be made and delivered to the Official Assignee; and where the Bankrupt or Insolvent shall, by Writing under his Hand, request the Assignees not to dispose of the same, such Household Furniture, Tools, or Implements of Trade shall not be disposed of by the Assignees without previous Order of the Court; and the Court may, upon the Application of the Bankrupt or Insolvent, postpone the Removal and Sale of the same for such Time as the Court, in the Exercise of its Discretion, shall think fit, and the Court may permit the same to remain in the Use of the Bankrupt or Insolvent, upon such Terms and Conditions and with such Security as may seem proper; and the Court may at any Time order the same to be taken by the Messenger or Assignees, and to be sold for the Benefit of the Creditors.

CCC. If the Bankrupt or Insolvent shall become entitled to an Allowance in Money, and the Household Furniture, Tools, and Implements of Trade so contained in the last-mentioned Inventory and Valuation shall not have been sold, the Bankrupt or Insolvent shall accept the same at the Valuation so originally put upon the same, or a sufficient Portion thereof, to be selected by him, with the Approbation of the Assignees, as and for his Allowance instead of Money; and such Articles so accepted shall thereupon revert in him as his own Property.

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Final Dividend within Eighteen Months, except where Suits depending or Estates not sold, &c.

Outstanding Debts, &c. may be sold by the Assignees after a certain Time.

Debtor and Creditor Account to be furnished by Official Assignee, to Trade Assignee, &c. before final Dividend.

As to Remedy for Nonpayment of Dividend.

*Unclaimed Dividends, &c.*

Monies standing to Credit of General Fund Account in Insolvency to be carried to the Unclaimed Dividend Account.

Unclaimed Dividends to be carried to the same Account.

Court may direct Investment.

Application of Interest.

*Allowances to the Bankrupt or Insolvent.*

Bankrupt, &c. allowed to retain, as "Excepted Articles," Furniture, Tools, &c.

An Inventory and Valuation of the Remainder of the Bankrupt's or Insolvent's Household Furniture, &c. to be made, which shall not be sold without Order of the Court.

If Bankrupt or Insolvent entitled to any Allowance, his Household Furniture, &c. to be taken in lieu of Money.

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Allowance for Maintenance.

Allowance to Bankrupt 5 per Cent. and not exceeding 400*l.*, as soon as 10*s.* paid in the Pound.

7½ per Cent. and not exceeding 500*l.*, if 12*s.* 6*d.*

10 per Cent. and not exceeding 600*l.* if 15*s.*

One Partner may receive Allowance although other not entitled.

If Estate pay 20*s.* in the Pound and Interest, and leave a Surplus, same to be paid to Bankrupt, &c.

Power of Court in relation to Property, &c.

Court may summon Bankrupt, &c., and issue Warrant if he does not attend.

Court may examine Bankrupt or Insolvent as to his Estate, &c.

Court may summon and examine the Wife of Bankrupt or Insolvent.

Court empowered to summon Persons suspected of having Bankrupt's or Insolvent's Property, &c.

Service of Summons where Persons keep out of the Way.

Power to examine Persons summoned or present at any Sitting.

In a Case of Debts due to Bankrupt's or Insolvent's Estate, Court may order Payment.

CCC. It shall be lawful for the Court, if it think fit, from Time to Time to make such Allowance to the Bankrupt or Insolvent, out of his Estate, as shall be necessary for the Support of himself and Family.

CCCII. The Court may make to every Bankrupt who shall have obtained his Certificate, and every Insolvent who shall have obtained his final Discharge, such Allowance out of the Estate as to the Court shall seem fit, not exceeding the Rates and Amount following, that is to say, if the net Produce of the Estate shall pay the Creditors Five Shillings in the Pound, an Allowance at the Rate of Three Pounds *per Centum*, provided such Allowance shall not exceed Three hundred Pounds; and if such Produce shall pay such Creditors Ten Shillings in the Pound, an Allowance at the Rate of Five Pounds *per Centum*, provided such Allowance shall not exceed Four hundred Pounds; and if such Produce shall pay such Creditors Twelve Shillings and Sixpence in the Pound, an Allowance at the Rate of Seven Pounds Ten Shillings *per Centum*, provided such Allowance shall not exceed Five hundred Pounds; if such Produce shall pay such Creditors Fifteen Shillings in the Pound or upwards, an Allowance at the Rate of Ten Pounds *per Centum*, provided such Allowance shall not exceed Six hundred Pounds.

CCCIII. The Court may make such Allowance to any Partner if a sufficient Dividend shall have been paid upon the joint Estate and upon the separate Estate of such Partner, although the other Partner may not be entitled to any Allowance.

CCCIV. If the Produce of the Estate of any Bankrupt or Insolvent shall be sufficient to pay Twenty Shillings in the Pound, with such Interest as the Court shall allow to the Creditors, and to leave a Surplus, the Court shall order such Surplus to be paid to such Bankrupt or Insolvent, his Executors, Administrators, or Assigns.

CCCV. The Court may at any Time summon any Bankrupt or Insolvent before it; and in case he shall not come at the Time appointed by the Court (having no lawful Impediment made known to and allowed by the Court at such Time), it shall be lawful for the Court by Warrant to authorize and direct any Person or Persons the Court shall think fit to apprehend and arrest such Bankrupt or Insolvent, either in *Ireland* or *Great Britain*, and to bring him before the Court, provided the Warrant, if executed in *England* or *Scotland*, shall be verified upon Oath, and backed or indorsed as herein-before directed.

CCCVI. Upon the Appearance of such Bankrupt or Insolvent, or if such Bankrupt or Insolvent be present at any Sitting of the Court, it shall be lawful for the Court to examine such Bankrupt or Insolvent upon Oath, either by Word of Mouth or on Interrogatories in Writing, touching all Matters relating to his Trade, Dealings, or Estate, and to reduce his Answers into Writing, which Examination so reduced into Writing the said Bankrupt or Insolvent shall sign.

CCCVII. It shall be lawful for the Court to summon before it the Wife of any Bankrupt or Insolvent, and to examine her upon Oath, either by Word of Mouth or Interrogatories in Writing, for the finding out and Discovery of the Estate, Goods, and Chattels of such Bankrupt or Insolvent concealed, kept, or disposed of by such Wife, in her own Person or by her own Act, or by any other Person, and to reduce her Examination into Writing, which Examination she is required to sign.

CCCVIII. After Adjudication in Bankruptcy, or the filing of a Petition in Insolvency, it shall be lawful for the Court to summon before it any Person known or suspected to have any of the Estate of the Bankrupt or Insolvent in his Possession, or who is supposed to be indebted to the Bankrupt or Insolvent, or any Person the Court may believe capable of giving Information concerning the Person, Trade, Dealings, or Estate of the Bankrupt or Insolvent; and the Court may require such Person to produce any Books, Papers, Deeds, Writings, or other Documents in his Custody or Power which may appear to the Court material in relation to the Matters which the Court is authorized to inquire into; and if such Person so summoned as aforesaid shall not come before the Court at the Time appointed, having no lawful Impediment (made known to and allowed by the Court), it shall be lawful for the Court by Warrant to authorize and direct the Person or Persons therein named for that Purpose to apprehend and arrest such Person, and bring him before the Court for Examination.

CCCIX. Where it shall be shown by Affidavit to the Satisfaction of the Court that any Person to whom any Summons, Copy of Affidavit, Notice, or Order, or other Proceeding under this Act is directed, is keeping out of the Way, and cannot be personally served therewith, it shall be lawful for the Court to order that the Delivery of a Copy of such Summons, Copy of Affidavit, Notice, or Order, or other Proceeding, to the Wife or Servant or some adult Inmate of the House or Family of the Person at his usual or last known Place of Abode or Business, and explaining the Purport thereof to such Wife, Servant, or Inmate, shall be equivalent to Personal Service; and in every such Case the Service of such Summons, Copy of Affidavit, Notice, Order, or other Proceeding under this Act, in pursuance of such Order, shall be and be deemed of the same Effect, to all Intents and Purposes, as Personal Service.

CCCX. Upon the Appearance of any Person summoned or brought before the Court, or if any Person be present at any Sitting of the Court, it shall be lawful for the Court to examine every such Person upon Oath, either by Word of Mouth or by Interrogatories in Writing, concerning the Person, Trade, Dealings, or Estate of any Bankrupt or Insolvent, and to reduce into Writing the Answers of every such Person; and such Answers, so reduced into Writing, such Person examined is hereby required to sign.

CCCXI. If on the Examination of any Person alleged to be a Debtor to the Estate of any Bankrupt or Insolvent it shall appear that such Person is indebted to the Bankrupt or Insolvent in any Sum of Money, and that there is no Set-off or Defence to the same, it shall be lawful for the Court, if it think fit,

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fit, to order (in the Form contained in the Schedule (S.) to this Act annexed, or to the like Effect,) that such Person shall forthwith, or at such Time and in such Manner as to the Court may seem expedient, pay the Amount to the Official Assignee, together with the Costs of and incident to the Summons of such Person, if the Court think fit to award Costs; or the Court may, if it think fit, in the said Form contained in Schedule (S.) to this Act annexed, or to the like Effect, order the Official Assignee to pay the Costs of the Person summoned out of the Estate of the Bankrupt or Insolvent; provided also, that if Part only of the Sum actually due be so admitted, or if the Court make an Order for Part only of the Sum, the Residue may be recoverable in the same Manner in all respects as if no such Order had been made.

CCCXII. The Court may order, that for a Period not exceeding Three Months from the Date of any such Order all Post Letters directed or addressed to any Bankrupt or Insolvent shall be re-directed, re-addressed, sent, or delivered by the Postmaster General, or the Officers acting under him, to the Assignees, or other Person named in such Order; and upon Notice, by Transmission of a Duplicate of any such Order to the Postmaster General, or the Officers acting under him, by the Assignees, it shall be lawful for the Postmaster General, or such Officers as aforesaid, in *England, Scotland, or Ireland*, to re-address, re-direct, send, or deliver all such Post Letters to the Assignee, or other Person named in such Order, accordingly; and the Court may, upon any Application to be made for that Purpose, renew any such Order for the like or for any other less Period as often as may be necessary.

CCCXIII. If any Bankrupt, at the Time he becomes bankrupt, or if any Insolvent, at the Time of the Commencement of his Imprisonment, shall, by the Consent and Permission of the true Owner thereof, have in his Possession, Order, or Disposition any Goods or Chattels whereof he was reputed Owner, or whereof he had taken upon him the Sale, Alteration, or Disposition as Owner, the Court shall have Power to order the same to be sold and disposed of for the Benefit of the Creditors under the Bankruptcy or Insolvency; but the Provisions of this Section shall not apply to any Transfer or Assignment of any Ship or Vessel, or any Share thereof, made by way of Security, duly registered according to the Provisions of the Laws in force for the registering of *British Vessels*.

CCCXIV. If any Bankrupt or Insolvent, being at the Time in insolvent Circumstances, shall (except upon the Marriage of any of his Children or for some valuable Consideration) have conveyed, assigned, or transferred to any of his Children or to any other Person any Hereditaments, Offices, Fees, Annuities, Leases, Goods, or Chattels, or have delivered or made over to any such Persons any Bills, Bonds, Notes, or other Securities, or have transferred his Debts to any other Person or into any other Person's Name, the Court shall have Power to order the same to be sold and disposed of for the Benefit of the Creditors; and every such Sale shall be valid against the Bankrupt or Insolvent and such Children and Persons, and against all Persons claiming under him.

CCCXV. If any Real or Personal Estate or Debts of any Bankrupt be extended after he shall have become bankrupt, or of any Insolvent after the Commencement of his Imprisonment, by any Person, under Pretence of his being an Accountant of or Debtor to the Queen, the Court may examine upon Oath whether the said Debt was due to such Debtor or Accountant upon any Contract originally made between such Accountant and the Bankrupt or Insolvent; and if such Contract was originally made with any other Person than the said Debtor or Accountant, or in trust for any other Person, the Court may order such Real and Personal Estate or Debts to be sold for the Benefit of the Creditors, and such Sale shall be valid against the said Extent and all Persons claiming under it; and any Person to whom the said Real and Personal Estate or Debts shall be bargained, sold, granted, or assigned by the Court shall have and may recover the same against any Person who shall detain the same.

CCCXVI. The Court may permit any Mortgagee to bid at any Sale of the mortgaged Premises which shall take place before the Court.

CCCXVII. 'And whereas Bankrupts and Insolvents may be entitled to Property under such Circumstances that the immediate Sale thereof may be very prejudicial:' In all such Cases it shall be lawful for the Court to take into consideration all Circumstances affecting such Property, and make any Special Order touching the same, and to direct that such Property shall not be sold, and from Time to Time to order and direct in what Manner such Property shall be managed for the Benefit of the Creditors of such Person until the same can be properly sold, and to make such Orders touching the Sale or Disposition of such Property, and upon such Terms and Conditions with respect to the Allowance of Interest, or otherwise, as to the Court shall seem just.

CCCXVIII. If it shall appear to the Court that the Debts of any Bankrupt or Insolvent can be discharged by means of Money raised by way of Mortgage on any Property of such Person, instead of raising the same by Sale, it shall be lawful for the Court so to order, and to give all necessary Directions for such Purpose, and generally to direct all Things which may be proper for the Discharge of the Debts of such Person, in such Manner as may be most consistent with the Interests of such Person in any Surplus of his or her Effects after Payment of such Debts.

CCCXIX. The Court may order such Portion of the Pay, Half Pay, Salary, Emolument, or Pension of any Bankrupt or Insolvent as, on Communication from the Court to the Secretary-of-War, or the Lords Commissioners of the Admiralty, or the Commissioners of the Customs or Excise, or the Chief Officers of the Department to which such Bankrupt or Insolvent may belong or may have belonged, or under which such Pay, Half Pay, Salary, Emolument, or Pension may be enjoyed by such Bankrupt or

*Power of Court in relation to Property, &c.*

Court may order Letters addressed to Bankrupt or Insolvent to be re-directed or delivered to Official Assignees, &c.

Court may order Goods in the Possession, Order, or Disposition of the Bankrupt or Insolvent to be sold. Not to apply to Assignment of Vessels under the Laws for registering Vessels.

Power of Court over certain Conveyances, &c. made by Bankrupt or Insolvent.

Court may sell Property improperly extended.

Court may permit Mortgagees to bid at Sale. Discretion as to the Disposal of Property in certain Cases.

Property may be mortgaged if more beneficial.

Pay, Half Pay, and Pensions of Bankrupts and Insolvents to be applicable for Creditors.

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Power of Court  
in relation to  
Property, &c.

Insolvent, or to the Court of Directors of the *East India Company*, they respectively may, under their Hands, or under the Hand of their respective Chief Secretary or other Chief Officer for the Time being, consent to, in Writing, to be paid to the Official Assignee, in order that the same may be applied in Payment of the Debts of such Bankrupt or Insolvent; and, such Order and Consent being lodged in the Office of Her Majesty's Paymaster General, or of the Secretary of said Court of Directors, or of any other Officer or Persons appointed to pay or paying any such Half Pay, Salary, Emolument, or Pension, such Portion of the said Pay, Half Pay, Salary, Emolument, or Pension as shall be specified in such Order and Consent shall be paid to such Official Assignee until the Court shall make Order to the contrary.

Where Bankrupt  
or Insolvent be-  
neficially entitled  
to Stock, Court  
may make Order  
for Transfer.

CCCXX. If any Bankrupt or Insolvent shall have any Government Stock, Funds, or Annuities, or any of the Stock of any public Company, either in *Ireland, England, or Scotland*, standing in his Name in his own Right, it shall be lawful for the Court to order all Persons whose Act or Consent is thereto necessary to transfer the same into the Name of the Assignees, and to pay all Dividends upon the same to the Official Assignees; and all such Persons whose Act or Consent is so necessary are hereby indemnified for all Things done or permitted pursuant to such Order.

Distress not to  
be available for  
more than One  
Half Year's Rent  
due; the Land-  
lord to prove for  
the Residue.

CCCXXI. No Distress for Rent made after an Act of Bankruptcy upon the Goods or Effects of any Bankrupt, whether before or after the filing of the Petition of Bankruptcy, shall be available for more than Six Months Rent accrued prior to the Day of the filing of such Petition; and no Distress for Rent made and levied after the Commencement of the Imprisonment of any Insolvent shall be available for more than Six Months Rent accrued prior to the filing of the Petition of Insolvency, but the Landlord or Persons to whom the Rent shall be due shall be allowed to come in as a Creditor for the Overplus of the Rent due, and for which the Distress shall not be available.

Where Bankrupt  
or Insolvent is a  
Trustee, Court  
may order As-  
signment to  
another Trustee.

CCCXXII. If any Bankrupt or Insolvent shall as Trustee be seised, possessed of, or entitled to, either alone or jointly, any Real or Personal Estate, or any Interest secured upon or arising out of the same, or shall have standing in his Name as Trustee, either alone or jointly, any Government Stock, Funds, or Annuities, or any of the Stock of any public Company, either in *Ireland, England, or Scotland*, it shall be lawful for the Lord Chancellor, on the Petition of the Person entitled in possession to the Receipt of the Income or Produce thereof, on due Notice given to all other Persons (if any) interested therein, to order the Assignees, and all Persons whose Act or Consent thereto is necessary, to convey, assign, or transfer the said Estate, Interest, Stock, Funds, or Annuities to such Person as the Lord Chancellor shall think fit, upon the same Trusts as the said Estate, Interest, Stock, Funds, or Annuities were subject to before the Bankruptcy, or Insolvency, or such of them as shall be then subsisting and capable of taking effect, and also to receive and pay over the Income or Produce thereof as the Lord Chancellor shall direct; and it shall be lawful in such Case for the Lord Chancellor to appoint a new Trustee of the Property in the Place of the Bankrupt or Insolvent.

Titles to Pro-  
perty sold not to  
be impeached.

CCCXXIII. No Title to any Real or Personal Estate sold under any Bankruptcy or Insolvency shall be impeached by the Bankrupt or Insolvent, or any Person claiming under him, in respect of any Defect in any of the Proceedings.

The Court may  
order any Treas-  
urer, &c. or  
Agent of the  
Bankrupt to de-  
liver all Monies,  
&c.

CCCXXIV. After the Adjudication of Bankruptcy on a Creditor's Petition shall have been advertised in the "*Dublin Gazette*," or upon the filing of any Petition of Bankruptcy by a Trader, or of any Petition of Insolvency, it shall be lawful for the Court to order any Treasurer or other Officer, or any Banker, Attorney, or Solicitor, or other Agent of the Bankrupt or Insolvent, to pay and deliver over to the Official Assignee, or to the Bank of *Ireland*, to the Credit of the Assignees of the Bankrupt or Insolvent for the Time being, all Monies or Securities for Money in his Custody, Possession, or Power as such Officer or Agent, and which he is not by Law entitled to retain as against the Bankrupt or Insolvent or his Assignees.

Goods under At-  
tachment to be  
delivered up.

CCCXXV. All Goods and Chattels of any Bankrupt or Insolvent which shall at the filing of the Petition be under Seizure by virtue of any Attachment shall, upon Demand, be delivered up by all Persons having the Custody of same to the Assignees, and the Court may make Order accordingly.

Search Warrants  
may be granted.

CCCXXVI. In all Cases where it shall be made to appear to the Satisfaction of the Court that there is Reason to believe that any Property of any Bankrupt or Insolvent is concealed in any House or other Place not belonging to such Bankrupt or Insolvent, the Court may grant a Search Warrant to the Messenger and his Assistants or other Person appointed by the Court; and it shall be lawful for such Messenger and his Assistants or other Person to execute such Warrant according to the Tenor thereof; and such Messenger and his Assistants or other Persons shall be entitled to the same Protection as is allowed by Law in Execution of a Search Warrant for Property reputed to be stolen or concealed; and every such Search Warrant shall be in the Form contained in Schedule (R.) to this Act annexed, or to the like Effect.

No Action to be  
brought against  
Persons acting in  
obedience to  
Warrant of the  
Court.

CCCXXVII. No Action shall be brought against any Messenger or his Assistants or other Person appointed by the Court for anything done in obedience to any Warrant of the Court, unless Demand of the Perusal and Copy of such Warrant hath been made or left at the usual Place of Abode of such Messenger or his Assistant or other Person, by the Party intending to bring such Action, or by his Attorney or Agent, in Writing signed by the Party demanding the same, and unless the same hath been refused or neglected for Six Days after such Demand; and if after such Demand, and Compliance therewith,

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therewith, any Action be brought against such Messenger or Assistant or Person so appointed, the Jury at the Trial of such Action, on the Production and Proof of such Warrant, shall give their Verdict for the Defendant.

CCCXXVIII. All Payments really and *bonâ fide* made by or on behalf of any Bankrupt, before the filing of the Petition of Bankruptcy, to any Creditor of such Bankrupt, and all Payments really and *bonâ fide* made to any Bankrupt before the filing of such Petition, and all Conveyances by any Bankrupt *bonâ fide* made and executed before the filing of such Petition, and all Contracts, Dealings, and Transactions by and with any Bankrupt really and *bonâ fide* made and entered into before the filing of such Petition, and all Executions and Attachments against the Lands and Tenements of any Bankrupt *bonâ fide* executed by Seizure, and all Executions and Attachments against the Goods and Chattels of any Bankrupt *bonâ fide* executed and levied by Seizure and Sale, before the filing of such Petition, shall be deemed to be valid, notwithstanding any prior Act of Bankruptcy by such Bankrupt committed; provided the Person so dealing with or paying to or being paid by such Bankrupt, or at whose Suit or on whose Account such Execution or Attachment shall have issued, had not at the Time of such Payment, Conveyance, Contract, Dealing, or Transaction, or at the Time of so executing or levying such Execution or Attachment, Notice of any prior Act of Bankruptcy by him committed; provided that nothing herein contained shall be deemed or taken to give Validity to any Payment, or other Dealing or Transaction whatever being a voluntary or fraudulent Preference of any Creditor by such Bankrupt; or to any Execution founded on a Judgment on a Warrant of Attorney or Cognovit actionem, or Judge's Order obtained by Consent, given by any Bankrupt by way of voluntary or fraudulent Preference.

CCCXXIX. No Creditor having Security for his Debt, or having made any Attachment in *Dublin* or in any other Place, by virtue of any Custom there used, of the Goods and Chattels of the Bankrupt, shall receive upon any such Security or Attachment more than a rateable Part of such Debt, except in respect of any Execution or Extent served and levied by Seizure and Sale of or any Mortgage of or Lien upon any Part of the Property of such Bankrupt, before the filing of a Petition of Bankruptcy.

CCCXXX. Nothing herein contained shall be deemed to give Validity to any Warrant of Attorney, Cognovit, or Consent to a Judge's Order, declared to be null and void; nor to give Validity to any Judgment entered up, under or by virtue of any such Warrant of Attorney or Consent, nor to any Extent executed or levied under or by virtue of any such Warrant of Attorney, Cognovit, or Consent; nor to give Validity to any Contract, Covenant, Dealing, or Transaction by way of voluntary or fraudulent Preference.

CCCXXXI. No Judgment Creditor who, under the Provisions of an Act of Parliament passed in the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, Chapter Twenty-nine, Sections Six and Seven, shall, after the passing of this Act, have registered an Affidavit of his Judgment, shall be entitled thereby, in the event of the Bankruptcy of the Person against whom such Judgment shall have been registered, to any Priority or Preference over Simple Contract Creditors, unless such Affidavit shall have been registered Three Months before the filing of the Petition.

CCCXXXII. No Purchase from any Bankrupt *bonâ fide* and for valuable Consideration, where the Purchaser had Notice at the Time of such Purchase of an Act of Bankruptcy by such Bankrupt committed, shall be impeached by reason thereof, unless a Petition of Bankruptcy shall have been filed within Six Months after such Act of Bankruptcy.

CCCXXXIII. Every Warrant of Attorney to confess Judgment in any personal Action given by any Bankrupt or Insolvent after the Commencement of this Act, and within Two Months of the filing of a Petition of Bankruptcy or Insolvency by or against such Bankrupt or Insolvent, and being (wholly or in part) for or in respect of an antecedent Debt or Money Demand, and every Cognovit actionem or Consent for Judgment given by any Bankrupt or Insolvent at any Time after the Commencement of this Act, and within Two Months of the filing of any such Petition in any Action commenced by Collusion with the Bankrupt or Insolvent, and not adversely, or purporting to have been given in an Action, but having been in fact given before the Commencement of any Action against the Bankrupt or Insolvent, such Bankrupt or Insolvent being unable to meet his Engagements at the Time of giving such Warrant of Attorney, Cognovit actionem, or Consent, (as the Case may be,) shall be deemed and taken to be null and void, whether the same shall have been given by such Bankrupt or Insolvent in contemplation of Bankruptcy or Insolvency or not.

CCCXXXIV. If after the Commencement of this Act any Warrant of Attorney to confess Judgment in any personal Action, or any Cognovit actionem in any personal Action, shall have been given by any Bankrupt or Insolvent, and such Warrant or Cognovit, or a true Copy thereof, shall not have been filed with the proper Officer in the Courts at *Dublin* in which Judgment on such Warrant or Cognovit shall thereafter be entered up, within Twenty-one Days next after the Execution thereof, in Manner and Form provided by the Act passed in the Session of the Third and Fourth Years of the Reign of Her Majesty, Chapter 105, every such Warrant and Cognovit shall be deemed fraudulent, null, and void, to all Intents and Purposes whatsoever; and if any such Warrant or Cognovit which shall be so filed as aforesaid shall have been given subject to any Defeasance or Condition, such Defeasance or Condition shall be written on the same Paper or Parchment on which such Warrant or Cognovit shall be written, before

*Protected Transactions.*

Payments, Conveyances, Contracts, &c., Executions against Lands (if executed by Seizure), and against Goods (if executed by Seizure and Sale), to be valid, if no Notice of prior Act of Bankruptcy. Nothing herein to give Validity to Payment, &c. by way of fraudulent Preference.

Creditors having Security not to receive more than other Creditors.

No Validity to null or fraudulent Matters.

Registry of Judgment under 13 & 14 Vict. c. 29. not to give Priority unless, &c.

As to *bonâ fide* Purchases.

*Warrants of Attorney, &c.*

Certain Warrants of Attorney, Cognovits, and Consents, given within Two Months of filing Petition, to be null and void.

Warrants of Attorney and Cognovits actionem to be void unless the same or a Copy thereof be filed, &c. within 21 Days after the Execution thereof.

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Pleas of Confession, Consents, &c. to be void unless filed within 21 Days, in like Manner with Warrants of Attorney and Cognovits actionem.

before the Time when the same or a Copy thereof respectively shall be filed, otherwise such Warrant or Cognovit shall be null and void to all Intents and Purposes whatever.

CCCXXXV. After the Commencement of this Act, the Provisions of the said Act passed in the Session of the Third and Fourth Years of the Reign of Her present Majesty, Chapter 105, with reference to the filing of Warrants of Attorney to confess Judgment, or Copies thereof, and the numbering, entering, and searching of the same, shall extend and be applicable to all Pleas of Confession, and Cognovits actionem, and all Acknowledgments and Consents for Judgment, and Copies thereof respectively, in any Suit in any of the Superior Courts of Law in *Ireland*, and to the numbering, entering, and searching for the same; and if at any Time after Twenty-one Days next after the Execution or signing of any Plea of Confession, Cognovit actionem, Acknowledgment or Consent for Judgment, a Petition of Bankruptcy shall be filed by or against the Person, who, by himself or his Attorney, shall have given such Plea, Cognovit, Acknowledgment, or Consent for Judgment under which he shall be found and declared a Bankrupt, or if at any Time after the said Period of Twenty-one Days a Petition of Insolvency shall be filed by or against such Person, and an Order made thereon, that such Insolvent should file his Schedule or be brought up to be dealt with under this Act, then unless such Plea, Cognovit, Acknowledgment or Consent for Judgment, shall, within Twenty-one Days from the Execution or signing thereof, have been filed, pursuant to the Provisions of the same Act, or unless, within the same Period, Judgment shall have been entered thereon, and registered according to the Provisions of the Act of the Seventh and Eighth Years of the Reign of Her present Majesty, Chapter Ninety, such Plea of Confession, Cognovit, Acknowledgment, or Consent for Judgment, and the Judgment and Execution thereon, shall be deemed fraudulent and void against the Assignees in Bankruptcy or Insolvency, and such Assignees shall be entitled to recover, for the Benefit of his Estate, all Monies levied or Effects seized by virtue of any Execution on such Judgment.

Judgments not registered within 21 Days of entering to be void.

CCCXXXVI. If at any Time after Twenty-one Days from the entering or signing of any Judgment whatsoever in any of the said Superior Courts (save and except Judgments entered upon or by virtue of Warrants of Attorney, Pleas of Confession, or Consents for Judgments, duly filed under the Provisions of this Act, or of the herein-before mentioned Act of the Third and Fourth Years of the Reign of Her present Majesty, Chapter One hundred and five,) a Petition of Bankruptcy shall be filed against or by the Person against whom such Judgment shall be entered or obtained, under which he shall be duly found and declared a Bankrupt, or if at any Time after said Period of Twenty-one Days a Petition of Insolvency shall be presented by or against such Person, then and in such Case, unless such Judgment shall have been duly registered, within Twenty-one Days from the entering or signing thereof, in the said Office of the Registrar of Judgments, such Judgment and any Execution thereon shall be deemed fraudulent and void against the Assignees under such Commission or Petition, and such Assignees shall be entitled to recover back and receive, for the Use of the Creditors of such Bankrupt or Insolvent, all and every the Monies levied or Effects seized under and by virtue of such Judgment and Execution.

Fee for Search.

CCCXXXVII. There shall be payable to the Masters of the said Superior Courts a Fee of One Shilling, and no more, for each Search in respect of such Warrants of Attorney, Pleas of Confession, Cognovits, Acknowledgments, and Consents, whether some only or all of the Books shall be searched, and whether the Search shall be against One or more Persons.

Voluntary Preference fraudulent and void as against Assignees.

CCCXXXVIII. If any such Prisoner shall, before or after his or her Imprisonment, being in insolvent Circumstances, voluntarily convey, assign, transfer, charge, deliver, or make over any Estate, Real or Personal, Security for Money, Bond, Bill, Note, Money, Property, Goods, or Effects whatsoever to any Creditor, or to any Person or Persons in trust for or to or for the Use, Benefit, or Advantage of any Creditor, every such Transaction shall be fraudulent and void as against the Assignees of such Prisoner under this Act: Provided always, that no such Transaction shall be so deemed fraudulent and void unless made by such Prisoner within Three Months before the Commencement of his Imprisonment, or with the View or Intention of petitioning the Court for his Discharge from Custody under this Act.

Warrant of Attorney and Cognovit actionem not to be acted upon against Goods of Insolvent after his Imprisonment.

CCCXXXIX. In all Cases where a Petition of Insolvency shall have been filed by or against any Prisoner, in case the said Prisoner shall have executed any Warrant of Attorney to confess Judgment, or shall have given any Cognovit actionem or Bill of Sale, whether for a valuable Consideration or otherwise, no Person shall, after the Commencement of the Imprisonment of such Prisoner, avail himself or herself of any Execution issued or to be issued upon any Judgment obtained or to be obtained upon such Warrant of Attorney or Cognovit actionem, or of such Bill of Sale, either by Seizure and Sale of the Property of such Prisoner or any Part thereof, or by Sale of such Property theretofore seized, or any Part thereof, but any Person to whom any Sum or Sums of Money shall be due in respect of any such Warrant of Attorney or Cognovit actionem, or of such Bill of Sale, shall and may be a Creditor or Creditors for the same under this Act.

*Estates Tail.*

Clauses in 4 & 5 W. 4. c. 92. with respect to Disposition of Estates Tail under Bankruptcies, ex-

CCCXL. Such of the Clauses of an Act passed in the Fourth and Fifth Years of the Reign of King *William the Fourth*, intituled *An Act for the Abolition of Fines and Recoveries and for the Substitution of more simple Modes of Assurance in Ireland*, as are numbered respectively in the Copies of that Act printed by Her Majesty's Printers Forty-eight, Forty-nine, Fifty, Fifty-one, Fifty-two, Fifty-three, Fifty-four, Fifty-five, Fifty-six, Fifty-seven, Fifty-eight, Fifty-nine, Sixty, and Sixty-one, shall extend and

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and apply to Proceedings in Bankruptcy under a Petition of Bankruptcy, and to Proceedings in Insolvency under a Petition of Insolvency, as fully and effectually as if those Clauses were re-enacted in this Act.

CCCXLI. The Court shall have Power to sell, and by Deed indented, enrolled in the Courts of the Manor whereof the Lands respectively may be holden, to convey for the Benefit of the Creditors, any Copyhold or Customaryhold Lands in *England, Ireland*, or elsewhere, or any Interest to which any Bankrupt or Insolvent is entitled therein, and thereby to entitle or authorize any Person to surrender the same for the Purpose of any Purchaser being admitted thereto.

CCCXLII. Every Person to whom any such Conveyance of Copyhold or Customary Lands or Tenements, or of any such Interest therein, shall be made, shall, before he enter into or take any Profit of the same, agree and compound with the Lords of the Manors of whom the same shall be holden for such Fines, Dues, and other Services as theretofore have been usually paid for the same, and thereupon the said Lords shall, at the next or any subsequent Court to be holden for the said Manors, grant unto such Vendee, upon Request, the said Copy or Customary Lands or Tenements for such Estate or Interest as shall have been so conveyed to him as aforesaid, reserving the ancient Rents, Customs, and Services, and shall admit him Tenant of the same.

CCCXLIII. Any such Trader unable to meet his Engagements with his Creditors, and desirous of laying the State of his Affairs before them, under the Control of the Court, and of submitting himself to the Jurisdiction of the Court in manner herein-after mentioned, may present a Petition to the Court setting forth the true Cause of such Inability, and praying that his Person and Property may be protected from Process until further Order; and the Court on such Petition shall have Power to grant such Protection, and may renew the same from Time to Time as it shall think fit, and if the Petitioner be in Prison or Custody for Debt may, except in the Cases next herein-after mentioned, order his Release, either absolutely or on Condition, and may take Bail for his Attendance at the several Sittings of the Court herein-after mentioned; Provided always, that the Court shall not order such Release where it shall appear that the Petitioner is in Prison or in Custody for any Debt contracted by Fraud or Breach of Trust, or by reason of any Prosecution against him for any Offence, or for any Debt contracted by reason of any Judgment in any Proceeding for Breach of the Revenue Laws, or in any Action for Breach of Promise of Marriage, Seduction, Criminal Conversation, Libel, Slander, Assault, Battery, malicious Arrest, or other malicious Proceeding: Provided also, that such Release shall in nowise affect any Rights of the Creditor against such Petitioner, except the Right of detaining him in Prison whilst protected from Imprisonment by Order of the Court: Every such Petition may be in the Form contained in the Schedule (T.) to this Act annexed or to the like Effect, and shall be filed in the Court, with an Affidavit in the Form contained in Schedule (M.) to this Act annexed or to the like Effect.

CCCXLIV. Forthwith after the granting of any Order for Protection, the Court shall appoint a private Sitting to be held at such Time as it may name, and upon sufficient Cause shown may, if it shall think fit, direct that the Estate and Effects of the Petitioner or any Part thereof shall be possessed and received by the Official Assignees or be taken possession of by the Messenger of the Court, and that all Stock, Monies, and other Effects of the Petitioner shall be transferred, delivered, and paid by the Official Assignees into the Bank of *Ireland* to the Credit of such Official Assignees, to be subject to the like Rules and Regulations as in Bankruptcy; and the Court shall have Power to examine on Oath such Petitioner or any Witness produced by him, or any Creditor or Person claiming to be a Creditor of such Petitioner, and to adjourn such private Sitting from Time to Time as it shall think fit; and Notice of such private Sitting shall be given to the Creditors at such Time and in such Manner as the Court shall by any General or Special Order direct.

CCCXLV. Such Petitioning Trader shall, Ten Days before the Date appointed for the private Sitting, file in the Court, and in such Form as may by any Order to be made in pursuance of this Act be directed, a full Account of his Debts, and the Consideration thereof, and the Names, Residences, and Occupations of his Creditors, and also a full Account of his Estate and Effects, whether in possession, reversion, or expectancy, and of all Debts and Rights due to or claimed by him, and of all Property of what kind soever held in trust for him, and shall therein set forth such Proposal as he is able to make for the future Payment or the Compromise of such Debts or Engagements, and shall furnish the Official Assignees with a Copy of such Account.

CCCXLVI. At such private Sitting, or at any Adjournment thereof, the Creditors shall prove the Debts, such Proofs to be in all respects as Proofs in Bankruptcy; and the Petitioning Trader shall attend and make Oath of the Truth of the Account filed by him, and may be examined thereon; and if at such Sitting or at any Adjournment thereof Three Fifths in Number and Value of the Creditors who have proved Debts to the Amount of Ten Pounds shall assent to the Proposal of such Petitioner or to any Modification thereof, the Court shall appoint another private Sitting for the Confirmation of such Proposal or modified Proposal; and such Second Sitting shall be held not earlier than Fourteen Days from the First Sitting, and Notice thereof in Writing shall be given to every Creditor who was not present by himself or his appointed Agent at such First Sitting, at such Time and in such Manner as the Court shall, by any General or Special Order, direct.

CCCXLVII. At such Second Sitting, or at any Adjournment thereof, the Creditors may also prove their Debts; and if Three Fifths in Number and Value of those who have proved Debts to the Amount

tended to Proceedings under this Act.

*Copyholds.*

Court may make Sale of Copyhold Lands for the Benefit of Creditors.

Vendees of Copyhold Lands shall compound with the Lord for their Fines.

*Arrangements under the Control of the Court.*

Any Trader unable to fulfil his Engagements with his Creditors may petition the Court for Protection.

Petition to be supported by Affidavit.

Court to appoint private Sitting, and Estate to be possessed by Official Assignee.

Petitioning Trader to file Account Ten Days before the Day appointed for private Sitting.

First Sitting Creditors to prove their Debts, and if Three Fifths in Number and Value of those who have proved Debts to the Amount of 10*l.* and upwards assent to Proposal, Sitting for Confirmation to be appointed.

If at Second Sitting Three Fifths in Number and Value of

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the Creditors who have proved Debts to the Amount of 10*l.* and upwards agree to accept, Resolution to be binding on all, and Court may approve and confirm the same.

of Ten Pounds shall agree to accept such Proposal as was assented to at the First Sitting, the Terms thereof shall be reduced into Writing, and the Creditors shall sign the same; and such Resolution or Agreement, subject to such Confirmation as herein-after mentioned, shall thenceforth be binding and of full Force as well against such Petitioning Trader as against all Persons who were Creditors at the Date of his Petition, and who had Notice of the said several Sittings; and the Court, after hearing such Creditors, by themselves, their Counsel or Attornies, as may desire to be heard, either for or against such Resolution or Agreement, may approve and confirm the same, and cause it to be filed and entered of Record, and grant to the Petitioner a Certificate thereof, and may from Time to Time endorse on such Certificate a Protection from Arrest, and such Petitioner shall be free from Arrest at the Suit of any Person being a Creditor at the Date of his Petition, and having had such several Notice or Notices as aforesaid; and any Officer arresting such Petitioner at the Suit of any such Creditor, and on Sight of such Certificate and Protection not releasing such Petitioner, shall be liable to such Penalty as is provided respecting Bankrupts in the like Case.

Agent of Creditor may vote.

CCCXLVIII. Any Person duly authorized by Writing under the Hand of any Creditor who has proved a Debt to the Amount of Ten Pounds and upwards shall be entitled to vote on the Question of Assent or Dissent to the Proposal of such Petitioning Trader.

Estate to vest in Official Assignee either alone or (if required by Resolution) jointly with any other Person.

CCCXLIX. From and after the Date of the Approval and Confirmation of such Resolution or Agreement, all the Estate and Effects of such Petitioning Trader shall vest in the Official Assignees (if such shall be required by virtue of such Resolution, and either alone or jointly with any Person or Persons, as may be expressed in such Resolution), as fully as if such Official Assignees and other Parties were Assignees under any Bankruptcy.

Official Assignee to file Account every Six Months.

CCCL. The Official Assignees shall once at least in every Six Months, or oftener if the Court shall require it, produce to the Court, on Oath, a full and true Account of all Monies, Property, and Effects of such Petitioning Trader which have come to their Hands, and of the Disposal thereof; and the Court shall examine the same, and shall certify the Result of such Examination, and if need be order Payment to the Creditors of such Petitioner according to the Terms of the Resolution or Agreement, and may in such Account make all just Allowances, and may order Payment to the Official Assignee of such Sum as a Remuneration for his Services as shall appear just and reasonable.

If any Difficulty arise in the Execution of Resolution, &c. a special Sitting may be held.

CCCLI. In case any Difficulty shall arise in the Execution of the said Resolution or Agreement, it shall be lawful for the Court to cause a special Sitting of the Court to be held; and the Resolution of the Majority in Number and Value of the Creditors at such Sitting who have proved Debts to the Amount of Ten Pounds, to confirm, alter, or annul the whole or any Part of such Resolution or Agreement, shall be as valid as if it had been Part of the original Resolution or Agreement: Provided, however, that if One Third in Number and Value of the Creditors of such Petitioning Trader do not attend such Sitting the Resolution thereof shall not be valid, unless the same is approved and confirmed by the Court.

When Resolution or Agreement has been carried into effect, Court to give Petitioning Debtor a Certificate thereof, &c.

CCCLII. So soon as the said Resolution or Agreement shall have been carried into effect, and the Creditors of such Petitioning Trader shall have been satisfied according to the Tenor thereof, the Court shall give to such Petitioner a Certificate under Seal of the Court, in the Form contained in the Schedule (U.) to this Act annexed, or to the like Effect, and such Certificate shall thenceforth operate to all Intents and Purposes as fully as if the same were a Certificate of Conformity under a Bankruptcy.

If Petitioning Debtor do not attend Sittings of the Court, or if he do not file Account, &c. Petition to be dismissed; and if at First Sitting Proposal be not assented to, or if Debts contracted by Frauds, &c., or if Petitioning Debtor has not made true Discovery, &c., Court may adjudge him bankrupt, and adjourn the Proceedings into the public Court, &c.

CCCLIII. If such Petitioning Trader shall not duly attend the Sittings of the Court, or if he shall not file his Account in manner aforesaid within such extended Time as may be allowed him by the Court for such Purpose, or if he shall fail to obey any Order of the Court which may be made in the Matter of his Petition, such Petition may be dismissed; and if at the First private Sitting of the Court or at any Adjournment thereof the Proposal of the Petitioner or some Modification thereof be not assented to, or if at any Time after the filing of any Petition for Protection, if it shall be shown that the Affidavit filed with his Petition was wilfully untrue so far as concerned the Assets ready to be produced by him, or that he has not made a full Disclosure of his Debts and Credits, Estate and Effects, and is not desirous of making a *bond fide* Arrangement with all his Creditors, or that his Proposal to that Effect is not reasonable and proper to be executed under the Direction of the Court, or if within Three Months of the Time of presenting his Petition he shall have assigned, transferred, or made away with any Portion of his Estate or Effects otherwise than in due Course, or shall have voluntarily done or suffered any Act whereby his Goods shall have been taken in Execution, it shall be lawful for the Court to adjudge such Petitioner a Bankrupt, and to adjourn all further Proceedings in the Matter into the public Court, and to advertise such Adjudication, and appoint Sittings for Choice of Assignees and for last Examination as in Bankruptcy; and such Petitioner shall thenceforth be amenable to the Jurisdiction of the Court in the same Manner as any other Bankrupt, and any Proposal which may have been made or assented to or confirmed shall be wholly and altogether void; and the Court shall have Power at any Time, on the Application of any Creditor, to appoint a private Sitting for the Purpose of Inquiry, and may summon before it such Petitioning Trader or any other Person, and examine him upon Oath touching such Matters, and every such Summons and Examination shall be enforced in such Manner as Summonses and Examinations are enforced in Matters of Bankruptcy.

CCCLIV. The



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CCCLIV. The Court may, if it think it, from Time to Time direct that any Sitting of the Court or Proceeding in any Matter under this Act shall be private, and that any Part of the Proceedings shall not be open to Inspection without Special Order.

Private Sittings.

CCCLV. In any Bankruptcy or Insolvency, the Parties concerned or submitting to the Jurisdiction may, at any Stage of the Proceedings, by Consent, state any Question or Questions in a Special Case for the Opinion of the Court.

Questions of Law raised by Consent.

CCCLVI. The Parties may, if they think fit, agree that, upon the Judgment of the Court being given in the Affirmative or Negative of the Question or Questions raised by such Special Case, a Sum of Money, fixed by the Parties, or to be ascertained by the Court or in such Manner as the Court may direct, shall be paid by one of such Parties to the other of them, either with or without Costs.

Payment of Money by Party on Judgment being given.

CCCLVII. The proper Officer of the Court shall, unless the Court shall otherwise direct, on the reasonable Request of any Bankrupt, Insolvent, or arranging Debtor, or of any Creditor of such Bankrupt or Insolvent having proved his Debt, or of any arranging Debtor when the Debt of the arranging Creditor has been admitted in the Petition or proved, or on the like Request of the Attorney of any such Bankrupt, Insolvent, Debtor, or Creditor, produce and show to such Bankrupt, Insolvent, Debtor, Creditor, or Attorney, at such Times as the Court shall direct, every Commission, Petition, Adjudication, and Petition for Arrangement against or by such Bankrupt or Insolvent, and all Orders and Proceedings under any such Commission, Petition, or Adjudication; and the Court may, if it think fit, order the Official Assignee or Officer of the Court, as the Case may be, to permit such Bankrupt, Insolvent, Debtor, Creditor, or Attorney to have Inspection at all reasonable Times of all Books, Papers, and Writings relating to the Matters of such Commission, Petition, or Adjudication, and the Estate of the Bankrupt, Insolvent, or Debtor, in the Possession of the Assignees, or filed in Court in such Matter, and permit him to inspect and examine the same; and such Official Assignee or such Officer shall, subject to the Order and Direction of the Court, provide, for any such Bankrupt, Insolvent, Debtor, Creditor, or Attorney requiring the same, any Office Copy of such Commission, Petition, or other Proceedings, Books, Papers, and Writings as aforesaid, or of such Part thereof as shall be required, and shall be entitled to receive, for providing and attesting such Copy, Three Halfpence for every Sheet therein, the said Sheets to contain Seventy-two Words, and no more.

*Evidence.*

Officer of Court to produce Proceedings, and give Copies thereof.

CCCLVIII. If the Bankrupt shall not (if he were within the United Kingdom at the Date of the Adjudication) within One Month after the Advertisement of the Bankruptcy in the "*Dublin Gazette*," or (if he were in any other Part of *Europe* at the Date of the Adjudication) within Three Months after such Advertisement, or (if he were elsewhere at the Date of the Adjudication) within Twelve Months after such Advertisement, have commenced a Suit to dismiss the Petition or to dispute or annul the Adjudication, and shall not have prosecuted the same with due Diligence and with Effect, the "*Gazette*" containing such Advertisement shall be conclusive Evidence in all Cases as against such Bankrupt, and in all Suits brought by the Assignees for any Debt or Demand for which such Bankrupt might have sustained any Suit, that such Person so adjudged bankrupt became a Bankrupt before the Date and filing of the Petition for Adjudication.

If Bankrupt do not dispute the Adjudication, the *Gazette* to be conclusive Evidence of the Bankruptcy as against the Bankrupt and against Persons whom the Bankrupt might have sued.

CCCLIX. In any Action at the Suit of or against the Assignees in Bankruptcy, or against any Person acting under the Warrant of the Court, for anything done under such Warrant, no Proof shall be required at the Trial of the Petitioning Creditor's Debt, or of the Trading, or Act of Bankruptcy respectively, unless the other Party in such Action shall, if Defendant at or before pleading, and if Plaintiff before or with Notice of Trial, give Notice in Writing to such Assignees or other Person that he intends to dispute some and which of such Matters; and in case such Notice shall have been given, if such Assignees or other Person shall prove the Matter so disputed, or the other Party admit the same, the Judge before whom the Cause shall be tried may (if he think fit) grant a Certificate of such Proof or Admission; and such Assignees or other Person shall be entitled to the Costs occasioned by such Notice.

In certain Actions by or against any Person acting under the Bankruptcy, no Proof required at the Trial of Petitioning Creditor's Debt, Trading, or Act of Bankruptcy, unless Notice be given that those Matters are to be disputed.

CCCLX. In all Suits in Equity, whether at the Suit of or against the Assignees in Bankruptcy, no Proof shall be required at the Hearing of the Petitioning Creditor's Debt, or of the Trading or Act of Bankruptcy respectively, as against any of the Parties in such Suit, except such Parties as shall within Ten Days after the Commencement of the Suit give Notice in Writing to the Assignees of their Intention to dispute some and which of such Matters; and where such Notice shall have been given, if the Assignees shall prove the Matter so disputed, the Costs occasioned by such Notice shall, if the Court see fit, be paid by the Parties so giving such Notice.

The same in Suits in Equity.

CCCLXI. Every Petition of Bankruptcy, Petition of Insolvency, Schedule, Adjudication, Petition for Arrangement between a Debtor and his Creditors, Appointment of Assignees, Certificate, Deposition, Order, Document, or other Proceeding in Bankruptcy or Insolvency, or under any such Petition for Arrangement, appearing to be sealed with the Seal of the Court, or any Writing purporting to be a Copy of any such Document, and purporting to be so sealed, shall at all Times, and on behalf of all Persons, and whether for the Purposes of this Act or otherwise, be admitted in all Courts whatever as Evidence of such Documents respectively, and of such Proceedings and Orders having respectively taken place or been made, without any further Proof thereof: Provided always, that all Commissions of Bankrupt, Depositions, and other Proceedings under the same, which may have been entered of Record before

Proceedings purporting to be sealed with the Seal of the Court receivable in Evidence.

Commissions of Bankrupt, &amp;c. entered of Record

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under 11 & 12 G. 3. c. 8. (I.), 6 & 7 W. 4. c. 14. to be received as Evidence of the same.

Judicial Notice to be taken of Signature of Judge or Registrar, and of the Seal of the Court. Evidence of Declaration of Insolvency.

Advertisements, when Evidence.

On Death of Witness, Office Deposition or Copy thereof to be Evidence.

Before whom Affidavits are to be sworn.

Affidavits may be sworn in Prison before Visiting Justice or Keeper of Prison.

No Fees payable for swearing Affidavits.

Evidence may be taken *viva voce* or upon Affidavit.

Examination of Witnesses at a Distance from Dublin in certain Cases.

the Commencement of this Act, and having the Certificate of Entry thereon, purporting to be signed by the Person appointed to enter the same by the Act of the *Irish Parliament*, Eleventh and Twelfth *George* the Third, Chapter Eight, and the Act Sixth and Seventh *William* the Fourth, Chapter Fourteen, or his Deputy, shall, without Proof of the Appointment or Handwriting of such Person, be received as Evidence of the same, and of the same having been duly entered of Record, and of such Proceedings having respectively taken place.

CCCLXII. All Courts, Judges, Justices, and Persons judicially acting, and other Officers, shall take judicial Notice of the Signature of any Judge or Registrar or Chief Clerk of the Court, and of the Seal of the Court, subscribed or attached to any judicial or official Proceeding or Document, to be made or signed under the Provisions of this Act.

CCCLXIII. A Copy of a Declaration of Insolvency under this Act, purporting to be under the Seal of the Court, and to be certified by a Registrar of the Court as a true Copy, shall be received as Evidence of such Declaration, and of the same having been filed.

CCCLXIV. A Copy of the *Dublin Gazette*, and of any Newspaper containing any such Advertisement as is by this Act directed or authorized to be made therein respectively, shall be Evidence of any Matter therein contained, and of which Notice is by this Act directed or authorized to be given by such Advertisement.

CCCLXV. In the event of the Death of any Witness deposing to the Petitioning Creditor's Debt, Trading, or Act of Bankruptcy, under any Bankruptcy heretofore or hereafter, or under any Petition for Arrangement, the Deposition of any such deceased Witness, purporting to be sealed with the Seal of the Court, or a Copy thereof, purporting to be so sealed, shall in all Cases be received as Evidence of the Matters therein respectively contained.

CCCLXVI. All Affidavits to be made or used in any Matter or Proceeding under this Act shall and may be sworn before the Court, or any Judge or Registrar thereof, or the Chief Clerk in Insolvency, or before a Master Extraordinary of the High Court of Chancery in *Ireland*, or before the Clerk of Affidavits, or any other Officer of the High Court of Chancery in *Ireland* authorized to take Affidavits, or any Justice of the Peace within his County, or in *England* or *Scotland*, either before any Commissioner or other Person appointed by the Court of Chancery in *Ireland* for taking Affidavits, or having Authority to take Affidavits for the said Court, or before a Magistrate of the County, City, Town, or Place where any such Affidavit shall be sworn, or elsewhere before a Magistrate, and attested by a Notary, or before a *British* Minister, Consul, or Vice-Consul; and every such Officer or other Person is hereby authorized and required to administer the Oath upon any such Affidavit.

CCCLXVII. Any Affidavit of any Prisoner in any of Her Majesty's Prisons or Gaols in *Ireland*, *England*, or *Scotland*, to be used in any Matter under this Act, may be sworn before the Visiting or other Justice, or before the principal Keeper or Gaoler of such Prisons or Gaols; and every such Keeper or Gaoler is hereby authorized and required to administer the Oath upon any such Affidavit.

CCCLXVIII. No Fee or Reward whatever shall be taken or received by any Court or Magistrate, or any Inspector, Keeper, or Governor of any Gaol, for or in respect of the swearing of any Affidavit according to this Act.

CCCLXIX. The Lord Chancellor or the Court may, in all Matters within their respective Jurisdictions, take the whole or any Part of the Evidence either *viva voce* on Oath, or by Interrogatories in Writing, or upon Affidavit.

CCCLXX. For the Purpose of facilitating the Examination of Witnesses at a Distance from *Dublin*, it shall be lawful for the Court, either before or after Adjudication, on the Application of any Person interested in the Estate of the Bankrupt or alleged Bankrupt, or liable to be examined with reference thereto, or of its own Discretion, to direct that an oral Examination of Witnesses shall be held at any Place in the United Kingdom of *Great Britain* and *Ireland*, not being distant from the Court of Bankruptcy less than Twenty Miles, subject to the following Provisions:

First. The Direction shall be given by an Order under the Hand of a Judge and Seal of the Court:

Second. The Order shall specify where and when and before whom the Examination is to be held, and the Matters upon which Evidence is to be taken, and what Parties are to be entitled to attend such Examination:

Third. The Examiner to be named in the Order shall be either such Person as the Parties appearing before the Court on the Application for such Examination shall with the Approbation of the Court appoint, or such Person being a practising Barrister or Solicitor, and resident near the Place of Examination, as the Court shall appoint:

Fourth. Every Person who shall be appointed to be such Examiner shall, before entering on his Office, take the following Oath before a Notary Public or a Master Extraordinary of the High Court of Chancery in *Ireland*, or before a Commissioner appointed to administer Oaths in the High Court of Chancery in *England*:

In the Matter of *A.B.*, a Bankrupt [*or* alleged Bankrupt].

' You shall, according to the best of your Skill and Knowledge, truly, faithfully, and without Partiality to any or either of the Parties in this Matter, take the Examinations and Depositions of all and every Witness and Witnesses produced and examined by virtue of the Order of the Court

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‘ Court of Bankruptcy and Insolvency herein dated the Day 18 ,  
 ‘ and duly and faithfully transmit such Depositions, when completed, to the said Court.

*Evidence.*

‘ So help you GOD:’

Fifth. The Witnesses to be examined shall be summoned, and may be required to produce Books, Papers, Deeds, Writings, and other Documents in the same Manner as Witnesses to be examined before the Court, and the Examiner shall have Power to administer an Oath to every Witness :

Sixth. The Examination shall take place in the Presence of the Parties, their Counsel, Solicitors, or Agents ; and the Witnesses shall be examined orally, and shall be subject to Cross-examination and Re-examination :

Seventh. The Depositions taken upon such Examination shall be taken down in Writing by the Examiner, not ordinarily by Question and Answer, but in the Form of a Narrative, and when completed shall be read over to the Witness, and signed by him in the Presence of the Parties :

Eighth. In case the Witness shall refuse to sign the Depositions, then the Examiner shall sign the same, and such Examiner may upon all Examinations state any special Matter to the Court as he shall think fit ; provided also, that it shall be in the Discretion of the Examiner to put down any particular Question or Answer, if there should appear any special Reason for doing so ; and any Question or Questions which may be objected to shall be noticed or referred to by the Examiner in or upon the Depositions, and he shall state his Opinion thereon to the Counsel, Solicitors, or Parties, and shall refer to such Statement on the Face of the Depositions ; but he shall not have Power to decide upon the Materiality or Relevancy of any Question or Questions ; and the Court shall have Power to deal with the Costs of immaterial or irrelevant Depositions as may be just :

Ninth. When the Examination of Witnesses before the Examiner shall have been concluded, the original Depositions, authenticated by the Signature of such Examiner, shall be transmitted by him to the Court, to be there filed :

Tenth. In case it shall become necessary or expedient, for the Purposes of any such Examination, that the Books, Papers, or other Documents in the Custody of the Court relating to the Estate or Dealings of any Bankrupt should be transmitted to the Examiner so to be appointed as aforesaid, it shall be lawful for the Court to direct the whole or any Part of such Books, Papers, or Documents to be so transmitted to him, either through the Post or in any other Way which the Court shall direct, and the same shall remain in his Custody during the Continuance of such Examination, and on the Conclusion thereof shall be returned and transmitted to the Court in like Manner and along with the Depositions :

Eleventh. The Court in granting an Application for an Examination in the Country may impose such Terms as to Costs or otherwise as it shall think fit, and it shall also be lawful for the Court to order the Payment of the Costs of and incident to any such Examination, or any Part thereof, to be borne either by the Estate of the Bankrupt or otherwise by such Parties and in such Manner as it may think fit ; provided always, that the Amount to be allowed to any Examiner specially appointed as aforesaid, in respect of his Attendance at any such Examination, shall be regulated in such Manner as shall be prescribed by any Order of the Lord Chancellor in that Behalf.

CCCLXXI. All Rules, Orders, Warrants, and other Proceedings of the Court may be in such Form and contain such Particulars as the Court shall by any General Orders to be made from Time to Time direct, and the same shall not be invalidated by reason of any Want of Form or Omission therein, if such Want of Form or Omission shall not, in the Opinion of the Court before whom the same shall be brought, be calculated to mislead or prejudicially to affect any Party to be affected thereby.

*Forms of Rules and Proceedings of the Court.*

CCCLXXII. Every Attorney or Solicitor of any of the Superior Courts of Law or Equity in *Dublin* may appear, act in, and plead any Proceeding in the Court of Bankruptcy and Insolvency, without being required to employ Counsel ; and in case any Person, not being such Attorney or Solicitor, shall practise in the Court as such, he shall be deemed guilty of a Contempt of Court, and be liable to all the Penalties incident thereto ; and all Laws now in force concerning Attornies and Solicitors shall extend, so far as the same may be applicable, to Attornies and Solicitors practising before the Court as aforesaid.

*Solicitors.*

Every Attorney or Solicitor of the Superior Courts may practise in the Court.

CCCLXXIII. If any Attorney or Solicitor shall be guilty of any Misconduct, the Court may suspend or discontinue altogether his Right to practise in the Court.

*Misconduct of Attorney or Solicitor.*

CCCLXXIV. The Provisions in an Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of Her Majesty, Chapter 105, so far as the same relate to Orders of the Lord Chancellor, or of the Court of Commissioners of Bankruptcy, therein referred to, in Matters of Bankruptcy, and the Powers given by the same Act to the Lord Chancellor, and the Master of the Rolls, and the Court of Commissioners of Bankruptcy, in Matters of Bankruptcy, shall extend to and be applicable to Orders of the Lord Chancellor, and of the Court, in Matters of Bankruptcy or Insolvency under this Act.

The Provisions and Powers given to Lord Chancellor, &amp;c. in Bankruptcy under 3 &amp; 4 Vict. c. 105. s. 27. to be applicable to this Act.

CCCLXXV. The Court may in all Matters before it order such Costs as to such Court shall seem fit and just to be paid by any of the Parties, and may order that a Sum certain shall be paid as the full Amount of the Costs, without Taxation.

*Costs.*

Court may in all Cases award Costs,

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*Offences against the Law of Bankruptcy, and Insolvency.*

Bankrupt or Insolvent not delivering up Books, &c., or removing, concealing, or embezzling Estate;

Wilfully omitting anything in the Schedule;

Bankrupt or Insolvent destroying or falsifying Books, &c.;

Any Member of a Company, with Knowledge of or in contemplation of a Bankruptcy, destroying or falsifying Books, &c. of the Company, or making false Entries, &c.;

Bankrupt or Insolvent within Three Months of Bankruptcy or Insolvency obtaining Goods on Credit under false Pretence, &c.;

Bankrupt, &c. within, &c. committing Fraud on Creditors, &c., guilty of Misdemeanors.

As to Persons convicted of Misdemeanor.

False Evidence deemed wilful and corrupt Perjury.

Court may direct Prosecution.

Any Person refusing to be sworn, or refusing to answer, or not fully answering, or refusing to sign Examination, or to produce Books, &c., may be committed.

CCCLXXVI. If any Person adjudged bankrupt shall not upon the Day limited for his Surrender, and before Three of the Clock of such Day, or at the Hour and upon the Day allowed him for finishing his Examination, after Notice thereof in Writing, to be served upon him personally, or left at his usual or last known Place of Abode or Business, or personal Notice in case such Person be then in Prison, and Notice given in the *Dublin Gazette* of the Adjudication and of the Sittings of the Court, (having no lawful Impediment proved to the Satisfaction of or allowed by the Court,) surrender himself to such Court, and sign or subscribe such Surrender, or if any such Bankrupt or Insolvent upon such Examination shall not discover all his Real and Personal Estate, and how and to whom, upon what Consideration, and when he disposed of, assigned, or transferred any of such Estate, or if any such Bankrupt or Insolvent shall not deliver up to the Assignees all such Part of such Estate, and all Books, Papers, and Writings relating thereunto as shall be in his Possession, Custody, or Power, (except the necessary Wearing Apparel of himself, Wife, and Children,) or if any such Bankrupt or Insolvent shall remove, conceal, or embezzle any Part of such Estate to the Value of Ten Pounds or upwards, or any Books of Account, Papers, or Writings relating thereto, with Intent to defraud, every such Bankrupt and Insolvent shall be deemed guilty of a Misdemeanor.

CCCLXXVII. If any Bankrupt or Insolvent shall, with Intent to defraud, wilfully and fraudulently omit from his Schedule any Effects or Property whatsoever, or retain or except out of such Schedule, as Wearing Apparel, Bedding, Working Tools and Implements, or other Necessaries, Property of greater Value than Twenty Pounds, every such Person so offending shall be deemed guilty of a Misdemeanor.

CCCLXXVIII. If any Bankrupt shall, in contemplation of Bankruptcy, or with Intent to defeat the Object of the Law relating to Bankrupts, or if any Insolvent shall, in contemplation of Insolvency, or with Intent to defeat the Object of the Law relating to Insolvents, destroy, alter, mutilate, or falsify any of his Books, Papers, Writings, or Securities, or make or be privy to the making of any false or fraudulent Entry in any Book of Account or other Document, with Intent to defraud, every such Bankrupt or Insolvent shall be deemed guilty of a Misdemeanor.

CCCLXXIX. If any Person, being a Member of any Joint Stock Company which shall be adjudged bankrupt, shall, after and with Knowledge of an Act of Bankruptcy within the Meaning of this Act committed by such Company, or in contemplation of the Bankruptcy of such Company, have destroyed, altered, mutilated, or falsified any of the Books, Papers, Writings, or Securities of such Company, or made or been privy to the making of any false or fraudulent Entry in any Book of Account or other Document, with Intent to defraud, or to defeat the Object of this Act, every such Person shall be deemed to be guilty of a Misdemeanor.

CCCLXXX. If any Bankrupt or Insolvent shall within Three Months next preceding the filing of the Petition of Bankruptcy or Insolvency, under the false Colour and Pretence of carrying on Business and dealing in the ordinary Course of Trade, obtain on Credit from any other Person any Goods or Chattels, with Intent to defraud, or if any such Bankrupt or Insolvent shall, within such Time and with such Intent, dispose of any of his Goods or Chattels otherwise than by *bonâ fide* Sales in the ordinary Way of his Trade, every such Bankrupt or Insolvent shall be deemed guilty of a Misdemeanor.

CCCLXXXI. If any Bankrupt or Insolvent shall within Three Months next preceding the filing of the Petition of Bankruptcy or Insolvency wilfully and knowingly commit any Fraud on his Creditors, or do any Act, or make any false Representation knowing it to be false, with Intent to defraud his Creditors, every such Bankrupt or Insolvent shall be guilty of a Misdemeanor.

CCCLXXXII. Every Person convicted of a Misdemeanor under this Act shall be liable to Imprisonment for any Term not exceeding Two Years, with or without Hard Labour.

CCCLXXXIII. Any Person who shall upon any Examination upon Oath or Affirmation, or in any Affidavit or Deposition or Affirmation, wilfully and corruptly give false Evidence, or wilfully and corruptly swear or affirm anything which shall be false, being convicted thereof, shall be liable to the Penalties of wilful and corrupt Perjury.

CCCLXXXIV. If any Bankrupt or Insolvent shall be suspected of or charged with the Commission of any of the Offences herein-before specified, the Court may direct the Assignees to institute and carry on a Prosecution of such Bankrupt or Insolvent for such Offence, and to order that the Costs and Expenses to be incurred in such Prosecution shall be paid out of the Estate and Effects of such Bankrupt or Insolvent, and such Assignees shall thereupon institute and carry on such Prosecution accordingly.

CCCLXXXV. If any Person shall refuse to be sworn, or shall refuse to answer any lawful Question put by the Court, or shall not fully answer any such Question to the Satisfaction of the Court, or shall refuse to sign and subscribe his Examination when reduced into Writing (not having any lawful Objection allowed by the Court), or shall not produce any Books, Papers, Deeds, and Writings, or other Documents in his Custody or Power relating to any of the Matters under Inquiry which such Person is required by the Court to produce, and to the Production of which he shall not state any Objection allowed by the Court, it shall be lawful for the Court by Warrant to commit such Person to such Prison as such Court shall think fit, there to remain without Bail until he or she shall submit himself or herself to such Court to be sworn, and full Answers make to the Satisfaction of such Court to all such lawful Questions

as

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as shall be put, and sign and subscribe such Examination, and produce such Books, Papers, Deeds, Writings, and other Documents in his Custody or Power.

CCCLXXXVI. In any Warrant of Committal of any Person by the Court for refusing to answer any Question, or for not fully answering to the Satisfaction of the Court, or for refusing to subscribe his Examination, it shall not be necessary to set forth or specify any such Questions, nor any Part of the Examination of the Person so committed, but it shall be sufficient to refer in the said Warrant to the Examination or Deposition of the Person as remaining on the File of Proceedings, and to specify in the said Warrant the precise Date of the Examination or Deposition so referred to; provided, however, that in every Case in which any Person shall be so committed for refusing to answer, or for not fully answering any Question put to him, every such Question shall be specified in the Examination or Deposition of the Person committed remaining on the File of Proceedings, and so referred to as aforesaid; and provided also, that a Copy of the said Examination or Deposition so referred to shall be delivered personally to the Person committed within Twenty-four Hours next after his actual Committal to Prison; and in default of the said Copy being delivered the Person committed shall be discharged from Custody, either by the Court, or by the Judge before whom such Person may be brought by Habeas corpus, with such Costs, if any, as the said Court or Judge may deem just; and, save as herein above provided, no Person shall be discharged from such Custody for mere Matter of Form, but upon the Merits only.

CCCLXXXVII. Every Warrant for unsatisfactory answering may be in the Form or to the Effect in Schedule (V.) to this Act annexed, or to the like Effect; and every Warrant for refusing to answer, or for being guilty of any Riot or Disturbance in the Court, or for interrupting the Court in the Exercise of its Duty, may be respectively in the Forms or to the Effect in Schedules (W.) and (X.) respectively, or to the like Effect.

CCCLXXXVIII. If any Person so committed for unsatisfactory answering shall sue forth any Writ of Habeas corpus in order to be discharged from such Commitment, it shall be lawful for the Court or Judge before whom such Person shall be brought to inspect and consider the whole of the Examination or Deposition of such Person so referred to as aforesaid; and if it shall appear from the whole Examination that the Answer or Answers of the Person committed is or are satisfactory, such Court or Judge shall and may order the Person so committed to be discharged.

CCCLXXXIX. If any Person shall knowingly and wilfully resist, hinder, or obstruct any Messenger of the Court in the Execution of his Duty as such Messenger, every such Person so offending shall be deemed guilty of a Misdemeanor, and, being thereof duly convicted, shall be liable to Imprisonment, with or without Hard Labour, for any Term not exceeding Six Months.

CCCXC. If any Assignee shall retain in his Hands or employ for his own Benefit, or knowingly permit any Co-assignee so to retain or employ any Sum to the Amount of more than One hundred Pounds, Part of the Estate of any Bankrupt or Insolvent, or shall neglect to invest any Money in the Purchase of Exchequer Bills or in the Public Funds, when directed by the Court, every such Assignee shall be liable to be charged in his Account with such Sum as shall be equal to Interest at the Rate of Twenty *per Centum per Annum* on all such Money for the Time during which he shall have so retained or employed the same, or permitted the same to be so retained or employed, or during which he shall so have neglected to invest the same, and the Court is hereby required to charge every such Assignee in his Account accordingly.

CCCXCI. If any Person shall disobey any Order of the Court, duly made, for enforcing any of the Purposes and Provisions of this Act, or of any other Act hereafter to be in force relating to the Subject Matters of this Act, the Court may, by Warrant in the Form contained in Schedule (Y.) to this Act annexed, or to the like Effect, commit the Person so offending to the Common Gaol of any County, City, or Place where he shall be found, or where he shall usually reside, there to remain without Bail or Mainprise until such Court or the Lord Chancellor shall make Order to the contrary.

CCCXCII. If any Petitioning Creditor shall after the Bankruptcy receive any Money, Satisfaction, or Security for his Debt or any Part thereof, whereby such Petitioning Creditor may receive more in the Pound in respect of his Debts than the other Creditors, such Petitioning Creditor shall forfeit his whole Debt, and shall also repay or deliver up such Money, Satisfaction, or Security, or the full Value thereof, to the Assignee or Assignees of such Bankrupt, for the Benefit of the Creditors of the Bankrupt.

CCCXCIII. Any Person who shall wilfully conceal any Real or Personal Estate of any Bankrupt or Insolvent, and who shall not within Forty-two Days after the filing of the Petition of Bankruptcy or Insolvency discover such Estate to the Court or to the Assignees, shall forfeit the Sum of One hundred Pounds and double the Value of the Estate so concealed.

CCCXCIV. If any Creditor of a Bankrupt or Insolvent shall obtain any Sum of Money, or any Goods, Chattels, or Security for Money, from any Person, as an Inducement for forbearing to oppose or for consenting to the Allowance of the Certificate of such Bankrupt or Discharge of such Insolvent, every such Creditor so offending shall forfeit and lose for every such Offence the Treble Value or Amount of such Money, Goods, Chattels, or Security so obtained.

CCCXCV. If any Judge, Registrar, Clerk, Messenger, Assignee, or any other Officer or Person whatsoever, shall, for anything done or pretended to be done under this Act, or under colour of doing anything

*Offences against the Law of Bankruptcy, &c.*

Warrant of Committal for unsatisfactorily answering, or refusing to answer, need not specify Questions.

Copy of the Examination to be furnished to the Person committed.

Form of Warrant.

On Habeas corpus, Judge or Court may inspect the whole Examination.

Obstructing the Messenger, &c. a Misdemeanor.

Assignee disobeying Direction to pay or invest Money, and retaining it, or permitting Co-assignee to retain or employ it, to be charged with 20 per Cent.

Persons disobeying any Order of Court to be committed to Prison until they conform, or the Court or the Lord Chancellor shall otherwise order.

Petitioning Creditor compounding with Trader after Bankruptcy.

Concealing Bankrupt's or Insolvent's Effects.

Obtaining Money, &c. as Inducement to forbear Opposition or consent to Certificate or Discharge.

Officers, &c. taking Fees improperly.

under

*Bankruptcy and Insolvency (Ireland).*

*Offences against  
the Law of  
Bankruptcy, &c.*

under this Act, fraudulently and wilfully demand or take, or appoint, or allow any Person whatsoever to take for him or on his Account, or for or on account of any Person by him named, or in trust for him, or for any other Person by him named, any Fee, Emolument, Gratuity, Sum of Money or any Thing of Value whatsoever, other than is allowed by this Act or any such other Act as aforesaid, such Person, when duly convicted thereof, shall forfeit and pay the Sum of Five hundred Pounds, and be rendered incapable and is hereby rendered incapable of holding any Office or Place under Her Majesty.

*Inserting Adver-  
tisements with-  
out Authority.*

CCCXCVI. Any Person who shall wilfully insert or cause to be inserted in the *Dublin Gazette*, or in any Newspaper, any Advertisement under this Act, without Authority, or knowing the same to be false in any material Particular, shall be guilty of a Misdemeanor.

*Forging Signa-  
ture of Judge or  
Officer, or the  
Seal of Court.*

CCCXCVII. If any Person shall forge the Signature of any Judge or Registrar, or other Officer of the Court, or shall forge or counterfeit the Seal of the Court, or knowingly concur in using any such forged or counterfeit Signature or Seal, for the Purpose of authenticating any Proceeding or Document, or shall tender in Evidence any such Proceeding or Document with a false or counterfeit Signature of any such Judge, Registrar, or other Officer, or a false or counterfeit Seal of the Court subscribed or attached thereto, knowing the same Signature or Seal to be false or counterfeit, every such Person shall be guilty of Felony, and shall be liable to the same Punishment as any Offender under an Act passed in the Parliament holden in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act to facilitate the Admission in Evidence of certain official and other Documents.*

*Gaoler suffering  
Persons com-  
mitted to escape.*

CCCXCVIII. If any Gaoler to whose Custody any Bankrupt, Insolvent, or other Person shall be duly committed, shall refuse to receive such Bankrupt or Insolvent or other Person, or shall suffer him to escape, every such Gaoler shall forfeit Five hundred Pounds.

*Application of  
Forfeitures.*

CCCXCIX. All Sums of Money forfeited under this Act may be sued for by the Assignees of the Estate and Effects of any Bankrupt or Insolvent connected therewith or interested therein, in any of Her Majesty's Superior Courts of Record; and such Sums of Money, when recovered, shall be added to and form Part of the Estate.

*Fees and Stamp  
Duties.*

*Stamps in lieu of  
Fees.*

*No Fees to be  
payable other  
than as directed  
by this Act.*

CCCC. Every Document enumerated in the Schedule (Z.) to this Act annexed shall, after the Commencement of this Act, be printed or written upon Vellum, Parchment, or Paper bearing the Stamp Duty set opposite to such Document in such Schedule: Where any such Document shall consist of more than One Sheet, only the First Sheet shall be impressed with the Stamp: No Fees, or Stamp Duties other than those authorized by the Act, shall be payable in respect of any Affidavit, Certificate, Bond, Motion, or Proceeding in Bankruptcy or Insolvency, or under this Act: Provided, that nothing in this Section contained shall exempt from Stamp Duty any Deed, Conveyance, Assignment, or other Assurance which now is by Law liable to such Duty.

*Commissioners  
of Inland Re-  
venue to give  
the necessary  
Directions.*

CCCCI. The Commissioners of Inland Revenue shall give Directions for carrying into effect the Provisions of this Act with respect to Stamp Duties in lieu of Fees, and shall cause separate and distinct Accounts to be kept of all Sums of Money received by them under the Provisions of this Act, and of all Costs, Charges, and Expenses incurred by them or by their Order in carrying the same into effect.

*After deducting  
Expenses, Com-  
missioners to pay  
over Balance of  
Stamp Duties to  
"Bankruptcy  
Fee Fund Ac-  
count."*

CCCCII. The said Commissioners may pay and deduct and retain out of such Monies all such Costs, Charges, and Expenses, and also deduct all Sums of Money repaid on Allowance for spoiled Stamps; and after such Deduction they shall from Time to Time, and in such Manner as the Court shall by Rules and Orders under this Act direct, pay the same into the Bank of *Ireland*, to the Credit of an Account there to be opened in the Name of the Accountant General of the Court of Chancery, and to be entitled "The Bankruptcy Fee Fund Account."

*Drafts on Bank-  
ruptcy Fee Fund.*

CCCCIII. Every Draft or Order on the Bank of *Ireland* for the Payment of Money out of the Bankruptcy Fee Fund Account shall be signed by the Accountant General of the Court of Chancery for the Time being; and all Drafts and Orders so signed, but not otherwise, shall be a sufficient Authority to the Bank to pay the Amount thereof to the Persons named therein, or to the Bearers of them.

*Power to order  
Surplus of Bank-  
ruptcy Fee Fund  
to be paid into  
the Exchequer.*

CCCCIV. If at the End of any Year there shall be a Surplus standing to the Credit of "The Bankruptcy Fee Fund Account," after the Payment of the several Salaries and Sums of Money charged thereon by this Act, the Lord Chancellor may by any Order direct that the whole or any Part of such Surplus shall be paid into the Receipt of the Exchequer, and be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, at such Time and in such Manner as he shall think fit.

*Commissioners of  
Inland Revenue  
may appoint Per-  
sons for Sale and  
Distribution of  
Stamps, and  
make Allowance  
for spoiled  
Stamps.*

CCCCV. The Commissioners of Inland Revenue may appoint any Persons to sell and distribute such Stamps, and allow them such Discount or Poundage as may by any General Rule be directed; and the Commissioners may by any such General Rule make Regulation for the Allowance of such Stamps issued under the Provisions of this Act as may have been spoiled, or rendered useless, or unfit for the Purpose intended, or for which the Owner may have no immediate Use, or which, through Mistake or Inadvertence, may have been improperly or unnecessarily used; and such Allowance shall be made either by giving other Stamps in lieu of the Stamps so allowed, or by repaying the Amount or Value to the Owner or Holder thereof, after deducting the Discount or Poundage allowed on the Sale of Stamps of the like Kind.

CCCCVI. The

*Bankruptcy and Insolvency (Ireland).*

CCCCVI. The Provisions contained in the several Acts for the Time being in force relating to Stamps under the Care and Management of the Commissioners of Inland Revenue shall (so far as the same are applicable, and consistent with the Provisions of this Act), in all Cases not hereby expressly provided for, be of full Force and Effect with respect to the Stamps to be provided under or by virtue of this Act, and to the Vellum, Parchment, or Paper on which the same shall be impressed, and shall be applied and put in execution for collecting and securing the Sums of Money denoted thereby, and for preventing, detecting, and punishing all Frauds, Forgeries, and other Offences relating thereto, as fully and effectually, to all Intents and Purposes, as if such Provisions had been herein repeated and specially enacted with reference to the said last-mentioned Stamps and Sums of Money respectively.

*Fees and Stamp Duties.*

Provisions of former Acts relating to Stamps to be applied to the Stamps to be provided under this Act.

CCCCVII. It shall be competent to the Lord Chancellor to direct that the Accountant General of the Court of Chancery shall act as Accountant General of the Court, and in such Case the Accountant General shall carry into effect the Orders of the Lord Chancellor in the same Manner as if they were Orders of the Court of Chancery.

Appointment of Accountant General.

CCCCVIII. The several Payments to be made from Time to Time out of the Bankruptcy Fee Fund Account shall be so made on the Order of the Lord Chancellor.

As to Payments out of Bankruptcy Fee Fund Account.

CCCCIX. This Act shall extend to Aliens and Denizens, both to make them subject thereto and to entitle them to all the Benefits given thereby.

Act to extend to Aliens and Denizens.

CCCCX. This Act shall not extend to either *England* or *Scotland*, except where the same are expressly mentioned.

Act to extend to Ireland only, except, &c.

## SCHEDULES referred to in the foregoing Act.

## SCHEDULE (A.)

## ACTS and PARTS of ACTS repealed.

Date of Act.	Title.	Extent of Repeal.
1 & 2 G. 4. c. 40.	- An Act to repeal so much of an Act made in the Parliament of Ireland in the Eleventh and Twelfth Years of the Reign of King George the Third, for preventing Frauds committed by Bankrupts, as inflicts Capital Punishment on certain Offences therein specified; and to provide more suitable and effectual Punishment for such Offences.	The whole.
6 W. 4. c. 14.	- An Act to amend the Laws relating to Bankrupts in Ireland.	The whole.
6 & 7 W. 4. c. 74.	- An Act to abolish certain Offices connected with the Court of Chancery in Ireland, and to provide for the Performance of the Duties thereof.	Clause XXXIV. in the Copy printed by Her Majesty's Printers.
1 Vict. c. 48.	- An Act to appoint a Second Commissioner of Bankrupts in Ireland, and to amend an Act passed in the 6th and 7th Years of the Reign of His late Majesty King William the Fourth, intituled "An Act to amend the Laws relating to Bankrupts in Ireland."	The whole.
2 & 3 Vict. c. 86.	- An Act to amend an Act passed in the Sessions holden in the Sixth Year of His late Majesty King William the Fourth, for amending the Laws relating to Bankrupts in Ireland.	The whole.

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Date of Act.	Title.	Extent of Repeal.
3 & 4 Vict. c. 105.	- An Act for abolishing Arrest on Mesne Process in Civil Actions, except in certain Cases ; for extending the Remedies of Creditors against the Property of Debtors ; and for the further Amendment of the Law and the better Advancement of Justice in Ireland.	Clause VIII. in the Copy printed by Her Majesty's Printers.
3 & 4 Vict. c. 107.	- An Act to continue and amend the Laws for the Relief of Insolvent Debtors in Ireland.	The whole.
4 & 5 Vict. c. 47.	- - - - -	The whole.
5 & 6 Vict. c. 95.	- An Act for consolidating the Four Courts Marshalsea, Dublin, and the City Marshalsea, Dublin, and for regulating the Four Courts Marshalsea in Ireland.	Clauses VII. and VIII. in the Copy printed by Her Majesty's Printers.
7 & 8 Vict. c. 90.	- An Act for the Protection of Purchasers against Judgments, Crown Debts, Lis Pendens, and Commissions of Bankruptcy, and for providing One Office for the registering of all Judgments in Ireland ; and for amending the Laws in Ireland respecting Bankrupts and the Limitation of Actions.	Clauses XXXVI, XXXVII, and XXXVIII. in the Copy printed by Her Majesty's Printers.
8 & 9 Vict. c. 48.	- An Act to substitute a Declaration for an Oath in Cases of Bankruptcy.	So far as relates to Ireland.
8 & 9 Vict. c. 98.	- An Act for facilitating the winding up the Affairs of Joint Stock Companies in Ireland unable to meet their pecuniary Engagements.	The whole, save Clause XXIX. in the Copy printed by Her Majesty's Printers.
10 & 11 Vict. c. 85.	- An Act for giving further Facilities for the Transmission of Letters by Post, and for the regulating the Duties of Postage thereon, and for other Purposes relating to the Post Office.	Clause XI. in the Copy printed by Her Majesty's Printers.
12 & 13 Vict. c.107.	- An Act for the Amendment of the Law of Bankruptcy in Ireland.	The whole.
14 & 15 Vict. c. 57.	- An Act to consolidate and amend the Laws relating to Civil Bills and the Courts of Quarter Sessions in Ireland, and to transfer to the Assistant Barristers certain Jurisdiction as to Insolvent Debtors.	Clause CXIX. in the Copy printed by Her Majesty's Printers.



*Bankruptcy and Insolvency (Ireland).*

**SCHEDULE (B.)**

The Irish Bankrupt and Insolvent Act, 1857.

**RETURN by** One of the Official Assignees of the Court of Bankruptcy and Insolvency in Ireland, showing the State of every Bankruptcy and Insolvency under his Charge, for the Year ending on the 31st Day of December 18 . . .

Name of Bankrupt.		1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.	15.	16.	17.	18.	19.
		Date of Petition.	Gross Amount of Debts and Liabilities stated in the Balance Sheet.	Net Amount of Debts proved.	Gross Amount of Assets in Balance Sheet.	Total Amount of Assets collected.	Total Amount paid in Dividends.	Average Rate per Cent. on the Debts proved.	Total Amount of Charges (exclusive of the Allowances to the Official Assignee).	Total Amount of Allowances paid to the Official Assignee.	Total Amount of Allowances to Official Assignees for Petty Expenses.	Average Rate per Cent. on Monies collected by Official Assignees.	Balance in Bank of Ireland to the Credit of the Estate.	Balance in Hands of Official Assignee.	Particulars of Certificates granted, refused, and suspended (distinguishing the Result of each Bankruptcy).	Cause of Failure as shown by Books and Accounts.	Bankruptcies and Insolventcies in which final Dividends have been declared, and the Estates wound up, between the 1st January and 31st December 18 . . . inclusive.	Dates of Certificates allowed.	Dates of Discharge of Insolvents, with the Periods of Remand, if any.	Observations.
A.		1.																		
		2.																		
		3.																		
		4.																		
		etc.																		
B.																				
		1.																		
		2.																		
		3.																		
		4, etc.																		

I certify this to be a true Return. [Signature]  
 Dated this 15th Day of January 18 . . . One of the Official Assignees of the Court of Bankruptcy and Insolvency.

*Bankruptcy and Insolvency (Ireland).*

## SCHEDULE (C.)

No. 1.

[In Bankruptcy.]

*Declaration of Insolvency by Trader.*

I, the undersigned *E.F.* of do hereby declare, That I am unable to meet my Engagements with my Creditors.  
 Dated at the Hour of o'Clock [in the Forenoon, or at Noon, or in the Afternoon, as the Case may be,] this Day of in the Year of our Lord  
 Witness, (Signed) *E.F.*  
*G.H.*, Attorney of the Court.

## SCHEDULE (C.)

No. 2.

*Declaration of Insolvency by Joint Stock Company.*

By virtue of a Resolution duly passed in that Behalf on the Day of at a Board of Directors of [*here state the Name or Style of the Company*], duly summoned for that Purpose, it is hereby declared, that the said Company [*or Society, &c., as the Case may be,*] is unable to meet its Engagements.  
 Dated this Day of in the Year  
 [*Common Seal of the Company, or, if the Company have no Common Seal, the Signature of the Chairman of the Board of Directors who was present at the passing of the Resolution.*]  
 Witness *O.H.*, Attorney [*or Solicitor*] of the Court  
 of and Attorney [*or Solicitor*] of the said Company, and attesting Witness to the Execution hereof as such Attorney [*or Solicitor*].

## SCHEDULE (D.)

[In Bankruptcy.]

*Writ of Summons and Complaint to be served on a Member of Parliament in order to enforce the Provisions of "The Irish Bankrupt and Insolvent Act, 1857."*

VICTORIA, &amp;c.

To *C.D.* of, &c. &c.

Esquire, having Privilege of Parliament,

greeting :

and you are hereby informed that an Affidavit of Debt for the Sum of hath been filed in the proper Office, according to the Provisions of "The Irish Bankrupt and Insolvent Act, 1857," and that unless you pay, secure, or compound for the Debt sought to be recovered in this Action, or enter into such Bond as by the said Act is provided, and cause an Appearance and Defence to be filed for you within Twenty-one Days next after such Service hereof, you will be deemed to have committed an Act of Bankruptcy from the Time of the Service hereof.

Witness at Dublin, the Day of

This Writ is to be served within Four Calendar Months from the Date thereof, including the Day of such Date, and not afterwards, and is to be endorsed with the Name of the Plaintiff or his Attorney, in manner following ; that is to say,

This Writ was issued by *E.F.* of Attorney for the Plaintiff [*or Plaintiffs*] within named.

or

This Writ was issued in Person by the Plaintiff within named, who resides at [*mention the City, Town, or Parish, and also the Name of the Hamlet, Street, and Number of the House of the Plaintiff's Residence, if any such there be*].

## SCHEDULE (E.)

[In Bankruptcy.]

*Affidavit for summoning a Trader Debtor.*

*A.B.* of and *C.D.* of severally make Oath and say, and first this Deponent *A.B.* for himself saith, That *E.F.* is justly and truly indebted to this Deponent in the Sum of [*the Amount of the Debt*] for, &c. [*stating the Nature of the Debt with Certainty and Precision*]; and this Deponent further saith, that the said *E.F.*, as this Deponent verily believes, is a Trader within the Meaning of the Law of Bankruptcy, and resides at and that an Account in Writing of

*Bankruptcy and Insolvency (Ireland).*

of the Particulars of the Demand of the said *A.B.*, amounting to the said Sum of [*the Amount of the Debt*], with a Notice thereunder written in the Form prescribed by "The Irish Bankrupt and Insolvent Act, 1857," requiring immediate Payment of the said Debt, is hereunto annexed; and this Deponent *C.D.* for himself saith, that he did on the \_\_\_\_\_ Day of \_\_\_\_\_ instant [*or last*] personally [*or otherwise, according to the Fact,*] serve the said *E.F.* with a true Copy of the said Account and Notice.

## SCHEDULE (F.)

[In Bankruptcy.]

*Particulars of Demand, and Notice requiring Payment.*

To *E.F.* of \_\_\_\_\_  
The following are the Particulars of the Demand of the undersigned *A.B.* of \_\_\_\_\_ against you the said *E.F.*, amounting to the Sum of [*the Amount of the Debt. Then copy the Account*].  
Take notice, That I the said *A.B.* hereby require immediate Payment of the said Sum of \_\_\_\_\_  
Dated this \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_

## SCHEDULE (G.)

[In Bankruptcy.]

*Summons of Trader Debtor.*

These are to will and require you to whom this Summons is directed personally to be and appear before the Court of Bankruptcy and Insolvency in the City of Dublin on the \_\_\_\_\_ Day at \_\_\_\_\_ o'Clock; and you are hereby informed that the Purpose for which you are thus summoned to appear before the said Court is to ascertain, in Manner and Form prescribed by "The Irish Bankrupt and Insolvent Act, 1857," whether or not you admit the Demand of *A.B.* of \_\_\_\_\_ (who claims of you the Sum of [*state the Amount*] for a Debt), or any and what Part thereof; or whether you verily believe that you have a good Defence upon the Merits to the said Demand, or to any and what Part thereof; and hereof you are not to fail at your Peril.

Given under my Hand, the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_  
(Signed) *C.D.*, Judge.

## SCHEDULE (H.)

[In Bankruptcy.]

*Admission of Debt by Trader Debtor.*

Court of Bankruptcy and Insolvency, Dublin, \_\_\_\_\_ Day of \_\_\_\_\_ A.D.  
Whereas I, the undersigned *E.F.* of \_\_\_\_\_ am summoned to appear before this Court for the Purpose of stating whether or not I admit the Demand of *A.B.* of \_\_\_\_\_ (who claims of me the said *E.F.* the Sum of [*the Amount*] for a Debt), or any and what Part thereof; or whether I verily believe that I have a good Defence upon the Merits to the said Demand, or to any and what Part thereof: Be it known, That I the said *E.F.* hereby confess that I am indebted to the said *A.B.* in the said Sum of \_\_\_\_\_ [*or in Part of the said Sum of \_\_\_\_\_ that is to say, in the Sum of \_\_\_\_\_*].  
(Signed) *E.F.*

## SCHEDULE (I.)

[In Bankruptcy.]

*Deposition by Trader Debtor that he has good Answer to Creditor's Demand or some Part thereof.*

Court of Bankruptcy and Insolvency, Dublin, \_\_\_\_\_ Day of \_\_\_\_\_ A.D.  
*E.F.* being sworn on the Day and Year and at the Place aforesaid, upon his Oath saith, That he verily believes he has a good Defence upon the Merits to the Demand [*or to \_\_\_\_\_ Part of the Demand*] herein-after mentioned of *A.B.* of \_\_\_\_\_ who claims of the said *E.F.* the Sum of \_\_\_\_\_ for a Debt alleged to be due and owing from the said *E.F.* to the said *A.B.*, as stated in the Affidavit of the said *A.B.* filed in this Court, and bearing Date the \_\_\_\_\_ Day of \_\_\_\_\_  
(Signed) *E.F.*

Sworn before me,  
*J.K.* Judge.

## SCHEDULE (J.)

*Form of Bond to pay admitted Demand.*

Know all Men by these Presents, That we, *A.B.*, *C.D.*, and *E.F.*, are jointly and severally held and firmly bound to *E.F.*, in the Sum of \_\_\_\_\_ of lawful Money of Great Britain, to be paid to him, his Executors, Administrators, or Assigns, for which Payment to be well and truly made we jointly and severally bind ourselves, our Heirs, Executors, and Administrators.

Dated this \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord 18 \_\_\_\_\_

(L.S.)  
(L.S.)  
(L.S.)

Whereas

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Whereas the said *A.B.*, after being duly summoned to appear in Her Majesty's Court of Bankruptcy and Insolvency in Ireland, for the Purpose of stating whether or not he admits a certain Demand of the said *E.F.*, amounting to the Sum of \_\_\_\_\_ or any and what Part thereof, or whether he verily believes that he has a good Defence upon the Merits to the said Demand, or to any and what Part thereof, hath deposed upon Oath [*or Affirmation, as the Case may be.*] that he verily believes that he, the said *A.B.*, hath a good Defence upon the Merits to the said Demand [*or to* \_\_\_\_\_ Part of the said Demand]: \* And whereas an Action, wherein the said *E.F.* is Plaintiff and this *A.B.* is Defendant, is now depending in [*name the Court in which the Action is depending*] for the Recovery of the said Demand [*or last-mentioned Sum, as the Case may be*]: Now therefore the Condition of the said Obligation is such, That if the said *A.B.* shall, on Demand, well and truly pay to the said *E.F.*, or his Attorney or Agent, such Sum as shall be recovered by, together with such Costs as shall be given to, the said *E.F.* in such Action, this Obligation shall be void and of no Effect, but otherwise shall be and remain in full force and virtue [*or, if an Action has not been already brought, insert, instead of the Paragraph following the\*, these Words*: Now therefore the Condition of this Obligation is such, That if the said *A.B.* shall, on Demand, well and truly pay or cause to be paid to the said *E.F.*, his Attorney or Agent, such Sum or Sums as shall be recovered by, together with such Costs as shall be given to, the said *E.F.* in any Action which shall hereafter be brought for the Recovery of the said Demand, [*or last-mentioned Sum, as the Case may require.*] this Obligation shall be void and of no Effect, but otherwise shall be and remain in full force and virtue.]

## SCHEDULE (K.)

[In Bankruptcy.]

*Admission of Debt by Trader Debtor signed out of Court.*

I, the undersigned *E.F.* of \_\_\_\_\_ do hereby confess, That I am indebted to *A.B.*  
of \_\_\_\_\_ in the Sum of \_\_\_\_\_

(Signed) *E.F.*

Dated this \_\_\_\_\_ Day of \_\_\_\_\_ A.D. \_\_\_\_\_

Witness,

*G.H.*, Attorney for the said *E.F.*, and  
subscribing Witness to the Execution  
hereof as such Attorney.

## SCHEDULE (L.)

[In Bankruptcy.]

*Petition of Bankruptcy by a Creditor.*

To the Court of Bankruptcy and Insolvency.

The humble Petition of  
Showeth,

That \_\_\_\_\_ being a Trader, is indebted unto your Petitioner in the Sum  
of \_\_\_\_\_ and that your Petitioner has been informed  
and believes that the said \_\_\_\_\_ did lately commit an Act of Bankruptcy within the  
true Intent and Meaning of the Law of Bankruptcy.

Your Petitioner therefore humbly prays, That on Proof of the Requisites in that Behalf Adjudication  
of Bankruptcy may be made against the said \_\_\_\_\_ And your Petitioner shall  
ever pray, &c.

Signed by the Petitioner, on the \_\_\_\_\_ Day of \_\_\_\_\_ 18 \_\_\_\_\_, in the Presence  
of \_\_\_\_\_ Solicitor in the Matter of this Petition.

*If the Petition be by Partners, alter the Form accordingly, and let it be signed by One on behalf of  
himself and Partners. If the Petition be by several not being Partners, then it must be signed by each,  
and in such Case the Names of the several Petitioners should be stated in the Attestation or Attestations  
relating thereto respectively.*

*If the Petition be against Partners, alter the Form accordingly.*

## SCHEDULE (M.)

[In Bankruptcy.]

*Affidavit of Truth of Allegations in Petition.*

Day of \_\_\_\_\_ A.D. \_\_\_\_\_  
of \_\_\_\_\_ the Petitioner  
named in the Petition hereunto annexed maketh Oath and saith, That the several Allegations in the said  
Petition are true.

Sworn at \_\_\_\_\_ this \_\_\_\_\_ Day of \_\_\_\_\_ 18 \_\_\_\_\_, before me

*If the Petitioner affirm, alter the Form accordingly.*

SCHE-

Bankruptcy and Insolvency (Ireland).

SCHEDULE (N.)

[In Bankruptcy.]

Petition by a Trader for Adjudication of Bankruptcy against himself.

To the Court of Bankruptcy and Insolvency.

The humble Petition of Showeth,

That your Petitioner, being a Trader within the Meaning of the Law of Bankruptcy, and being unable to meet his Engagements with his Creditors, has filed a Declaration of Insolvency in Manner and Form in that Case made and provided, and that your Petitioner verily believes that he can make it appear to the Satisfaction of the Court that his available Estate is sufficient to produce the Sum of Fifty Pounds at the least.

Your Petitioner therefore humbly prays, That, on Proof of the Requisites in that Behalf, Adjudication of Bankruptcy may be made against him.

And your Petitioner shall ever pray, &c.

Signed by the Petitioner on the Day of 18, in the Presence of Solicitor in the Matter of this Petition.

If the Petition be by Partners, alter the Form accordingly, and state the Names of the several Petitioners in the Attestation or Attestations relating thereto respectively.

SCHEDULE (O.)

Court of Bankruptcy and Insolvency.

Certificate of Conformity.

In the Matter of A.B. of a Bankrupt. } Whereas the said A.B. of was on the Day of duly adjudged and declared a Bankrupt, and the said Bankrupt did on the Day of last finish his Examination, and upon such Examination made a full Disclosure and Discovery of his Estate and Effects, and in all things conformed, and, so far as the Court can judge, there doth not appear any Reason to question the Truth or Fulness of such Discovery : Now this is to certify, That on the Day of in the Year of our Lord One thousand eight hundred and at the Court of Bankruptcy and Insolvency in Dublin, at a public Sitting held for the Allowance of this Certificate to the said Bankrupt (whereof and of the Purport whereof the Notice required in that Behalf was duly given), and having regard to the Conformity of the said Bankrupt to the Law of Bankruptcy, and to his Conduct as a Trader before as well as after his Bankruptcy, the Court did then and there find the said Bankrupt entitled to such Certificate, and did allow the same.

Given under the Seal of the Court, at the Court of Bankruptcy and Insolvency in Ireland, this Day of in the Year of our Lord One thousand eight

hundred and

Signed and sealed in the Presence of

A.B. (l.s.) Judge.

SCHEDULE (P.)

[In Insolvency.]

To the Court of Bankruptcy and Insolvency.

Petition of Insolvency.

The humble Petition of in the C of previous of late of formerly of Showeth,

That your Petitioner is now a Prisoner for Debt in the in the of and is there detained at the Suit of for the Sum of and that your Petitioner was first arrested in the said Suit at in the of on the Day of One thousand eight hundred and fifty and was committed to the said on the Day of One thousand eight hundred and fifty- and that your Petitioner is willing that all h Real and Personal Estate and Effects shall be vested in the Official Assignees of the Court ; your Petitioner therefore humbly prays your Honourable Court, that he may be discharged from Custody and have future liberty of h Person against the Demands for which h is now in Custody, and against the Demands of all other Persons who are or claim to be Creditors of your Petitioner, according to the Provisions of the Statute in that Behalf.

And your Petitioner will ever pray, &c.

Subscribed by the said Prisoner on the Day of 185 in the Presence of

State the recent Residences, Trades, &c. very accurately; but it need not always be so for the Schedule.

If the Prisoner was bailed or first committed to another Prison and removed by Habeas corpus or otherwise, the Fact must be here stated.

If more Detainers, make fresh Statement as to each according to Facts.

Form

*Bankruptcy and Insolvency (Ireland).*

*Form of Retainer and Acceptance to be endorsed on Petition of Insolvency.*

Court of Bankruptcy and Insolvency.

I                      of                      do hereby retain Mr.                      of                      to act for me  
 as my Attorney in the said Court, and I hereby declare that he is so employed by me at my Request.  
 Signed by me at                      on this                      Day of                      185 .  
 Witness,  
 I                      of                      an Attorney duly admitted to practise on behalf of Prisoners in actual  
 Custody, do hereby accept the above Retainer.  
 Signed by me this                      Day of                      185 .

*Form of Prison Certificate.*

Certificate of Governor of                      Gaol.  
 Plaintiff. } Committed to the Custody of the Governor of                      Gaol, by the High  
                     } Sheriff of the C                      under and by virtue of a                      on the                      Day  
 Defendant. } of                      185 .  
 Debt and Costs £

Attorney for the Plaintiff.

\_\_\_\_\_ }  
 \_\_\_\_\_ } Detainers.

I hereby certify, That the Defendant                      still remains in Custody at this Date, under  
 and by virtue of the above                      . And I do hereby further certify, That there is no other Detainer  
 against the said Defendant.  
 Signed by me, this                      Day of                      185 .

Governor.

In the Court of Bankruptcy and Insolvency.

[In Insolvency.]

In the Matter of                      committed to the Gaol                      of  
                     in the C                      of                      on the                      Day  
 of                      185 , at the Suit of                      for the Sum of £

INSTRUCTIONS.—This Account is to begin at or before the Time when the earliest Debt in the Schedule was contracted by the Insolvent: if he has at any Time been bankrupt, or petitioned under an Insolvent Act, it must be stated whether any Debts due under such Bankruptcy or Insolvency are still unpaid. (See below.)

This my Account begins in or about\* the Month of                      18 , the earliest Debt in my Schedule (No.                      ) was contracted by me in the Year 18 . [Fill up the Blanks.]

GENERAL BALANCE SHEET.

Dates.	Dr.	£	s.	d.	Dates.	Cr.	£	s.	d.
	Capital at the Time aforesaid*, consisting of					Good Debts, as in Schedule			
	Aggregate Amount of Debts, as in Schedule					Bad			
	Deduct, 1, those for which I have re- ceived no Consider- ation					Doubtful			
	2, in respect of Debts more than once en- tered					Amount of Debts owing to me			
	Amount of Debts contracted since the Time aforesaid* for which I have received Con- sideration					Rent for    Years, at £    a			
	Profits of Business in each Year: viz.					Year			
	*Here enter all Monies received by Annuities, Dividends, or other- wise, also all Property had by Purchase, Gift, Devise, Bequest, &c. since the Time aforesaid.					Taxes for    Years, at £			
	VALUE to be accounted for £					Servants Wages for    Years, at £			
						Other Household Expenses for Years, at £			
						Special Expenses, Disburse- ments, and Losses: viz.			
						Property mentioned in Sche- dule, pp. 6 and 7			
						Money in possession when I was taken into Custody			
						Excepted Articles			
						Difference between Values and Cost Price			
						DEFICIENCY			
							£		

*Bankruptcy and Insolvency (Ireland).*

The Cause of my present Insolvency is  
*If never bankrupt* } I was Bankrupt and Debts still unpaid are about £  
*[or insolvent,] write* } I petitioned this Court and Debts still unpaid are  
*"never."* } about £

Signed in the Presence of . Dated this Day of 185 .

In the Court of Bankruptcy and Insolvency. [In Insolvency.]

I, the said do declare, That this my Schedule doth contain a full and fair Description of me, as to my Name or Names, Trade or Trades, Profession or Professions, together with my last usual Place of Abode, and the Place or Places where I have resided during the Time when my Debts were contracted, and also a full and true Description of all Debts due or growing due from me at the Time of filing my Petition, and of all and every Person and Persons to whom I am indebted, or who to my Knowledge or Belief claim to be my Creditors, together with the Nature and Amount of such Debts and Claims respectively, distinguishing such as are admitted from such as are disputed by me, and also a full, true, and perfect Account of all my Estate and Effects, Real and Personal, in possession, reversion, remainder, or expectancy, and also of all Places of Benefit or Advantage held by me, whether the Emoluments of the same arise from fixed Salaries or from Fees, or otherwise, and also of all Pensions or Allowances which I have in possession or reversion, or which are held by any other Person or Persons, for me or on my behalf, or of and from which I derive or may derive any Manner of Benefit or Advantage, and also of all Rights and Powers of any Nature and Kind whatsoever, which I am, or any other Person or Persons in trust for me, or for my Use, Benefit, or Advantage, are, in any Manner whatsoever, seised or possessed of, or interested in or entitled unto, or which I, or any other Person or Persons in trust for me or for my Benefit, have any Power to dispose of, charge, or exercise for my Benefit or Advantage; together with a full, true, and perfect Account of all the Debts due or growing due at the Time of making the said Vesting Order to me or to any Person or Persons in trust for me, or for my Benefit or Advantage, either solely or jointly with any other Person or Persons, and the Names and Places of Abode of the several Persons from whom such Debts are due or growing due, and of the Witnesses who can prove such Debts, as far as I can set forth the same; and that this my Schedule doth also contain a Balance Sheet of so much of my Receipts and Expenditures, and of the Items composing the same, as is required by this Honourable Court in that Behalf; and doth fully and truly describe the Wearing Apparel, Bedding, and other such Necessaries of myself and my Family, and my working Tools and Implements, which are excepted by me from the Operation of the Statute, together with the Value of such excepted Articles respectively.

Excepted Articles and the Values thereof .

	£	s.	d.
£			

Witness my Hand the Day of One thousand eight hundred  
 Signed in the Presence of

BALANCE SHEET OF RECEIPTS AND EXPENDITURES.

- The Court requires
- That this Account shall in no Case begin later than Four Calendar Months before the Prisoner's last Commitment to Custody.
- That if he was before that Time arrested in any Suit which is still continued, it shall begin not later than the Time of such Arrest.
- That if before those Periods, but since the Commencement of his Embarrassments, any Property has gone away from him by Sale, Assignment, Mortgage, Distress, Execution, or any Means other than the ordinary Course of Trade, the Account shall commence so as to include all such Transactions.
- That the Blank in the Description of the Debtor's Side of the Account shall be filled with a Date early enough for Compliance with the above Directions.
- That the specific Appropriation of each Sum received shall be separately shown, where the Case admits of it.
- That the Date of each Item in the Account shall be given by stating the Day as well as the Year when the same can be ascertained,

That

*Bankruptcy and Insolvency (Ireland).*

That Money and other Property, which was in the Possession of the Prisoner or his Family or any other Person for his or their Benefit at the Time when he was last taken into Custody, shall in all Cases be made a specific Item or Items in the Account.

<i>Dr.</i>	<i>Cr.</i>																																								
Specification of all Property, Real and Personal, in which I have had an Interest at any Time since the Day of 18, to the Time of subscribing this my Schedule, showing when, how, to whom, and for what Consideration, any Portion of any such Property has been parted with.	Account of all such Property, showing what Part thereof is now available for the Benefit of my Creditors, and as to such Part as has been parted with, the particular Application of the Proceeds of the same.																																								
<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:10%;">Date.</th> <th style="width:30%;"></th> <th style="width:5%;">£</th> <th style="width:5%;">s.</th> <th style="width:5%;">d.</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	Date.		£	s.	d.																<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:10%;">Date.</th> <th style="width:30%;"></th> <th style="width:5%;">£</th> <th style="width:5%;">s.</th> <th style="width:5%;">d.</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	Date.		£	s.	d.															
Date.		£	s.	d.																																					
Date.		£	s.	d.																																					

CREDITORS.

No.	Names and Descriptions of Creditors and Claimants, and their present or last Residences.	Amount.	When contracted.	Admitted or disputed.	Nature and Consideration of the Debt and Securities, if any; also if the Debt is disputed, the Reason thereof.
		£ s. d.			

DEBTORS.

No.	Names, Description, and Places of Abode of Debtors.	Amount.	When contracted.	Good, bad, or doubtful.	Nature and Consideration of the Debt; also Securities, if any, for the same.	Witnesses, with their Residences, and other Evidence, by which the Debt may be proved.
		£ s. d.				

N.B.—Where there are cross Demands, the Party must be entered both as Creditor and Debtor, and "Set-off" must be written under the Amount.

PROPERTY



*Bankruptcy and Insolvency (Ireland).*

PROPERTY IN POSSESSION.

<p>Real and Personal Estates and Effects which were in my Possession, Enjoyment, or Control, or which were held by any other Person or Persons in trust for my Use, or to the Possession or Enjoyment of which I was entitled at the Time of subscribing my Petition, and which are not excepted from the Operation of the Act.</p>				
<p>Interest in Land. Personal Property.</p>	<p>Freehold and Leasehold Property with local Description, Names of Tenants, and annual Rent of the same, and Statement of Incumbrances (if any) thereupon, with the Dates thereof.</p>	<p>SUPPOSED VALUE.</p>		
		£	s.	d.
<p>Personal Property.</p>	Household Goods and Furniture - - - - -			
	Wearing Apparel - - - - -			
	Jewels, Trinkets, and Ornaments of the Person - - - - -			
	Plate, Linen, and China - - - - -			
	Wines and other Liquors - - - - -			
	Books, Prints, and Pictures - - - - -			
	Horses, Cows, and other Animals - - - - -			
	Carriages - - - - -			
	Farming Stock and Implements of Husbandry - - - - -			
	Stock in Trade in my Business of Machinery and Utensils in my Business of Ships, and Shares of Ships, viz. - - - - -			
<p>Property in the Funds, Annuities, Shares, &amp;c.</p>	<p>Cash, Bills, Promissory Notes, Bonds, and other Personal Property not before specified - - - - -</p>			
	<p>Annuities, Money in the Public or other Funds, Shares in Canal and other Companies, showing in whose Names the same are standing; also when and by whom the last Dividend or other Payment was received in respect of the same - - - - -</p>			
<p>Unpaid Legacies.</p>	<p>Legacies due, but unpaid; with all Particulars concerning the same - - - - -</p>			
<p>Books. Deeds. Papers.</p>	<p>The following is a true List of all Books, Papers, Deeds, and Writings relating to my Estate and Effects, or any Part thereof, which at the Time of my First Arrest above mentioned were, or any Time since have been in my Possession or under my Custody or Control, or in the Possession or Custody of any Person in trust for me, or for my Use, Benefit, or Advantage.</p>			

Where under any Division the Prisoner has no Property, the Word "None" to be entered.

PROPERTY IN REVERSION, &c.—PLACES, PENSIONS, RIGHTS, AND POWERS.

<p>Interests in Land. Personal Property. Property in the Funds, Annuities, Shares, &amp;c.</p>	<p><i>Real and Personal Estate and Effects in which I have any Interest in reversion, remainder, or expectancy.</i></p>	<p>Supposed Value of my Interest, if now to be sold.</p>		
		£	s.	d.
<p>Interests in Land.</p>	<p>Freehold and Leasehold Property, with Names and Descriptions of Persons now enjoying the same, and the annual Value thereof; also, the Nature of my Interests therein, and from whom and in what Manner it is derived - - - - -</p>			
	<p>Personal Property, with Names and Description of Persons now enjoying the same; also, the Nature of my Interest therein, and from whom and in what Manner it is derived - - - - -</p>			
	<p>Annuities, Money in the Public or other Funds, Shares in Canal and other Companies, showing in whose Names the same are standing, with Names and Description of Persons now enjoying the same; also, the Nature of my Interest therein, and from whom and in what Manner it is derived - - - - -</p>			

*Bankruptcy and Insolvency (Ireland).*

Places and Pensions in possession or reversion.	Places of Benefit or Advantage held by me, with the Salaries, Fees, and Emoluments thereof; also, all Pensions and Allowances in possession or reversion held by me or by any other Person or Persons for me or on my Behalf, or of and from which I derive or may derive any Benefit or Advantage.	£	s.	d.
Rights and Powers.	Rights and Powers which I, or any other Person or Persons in trust for me, or for my Use, Benefit, or Advantage, am or are in any Manner seised or possessed of, or interested in or entitled unto, or which I or any other Person or Persons in trust for me, or for my Benefit, have any Power to dispose of, charge, or exercise for my Benefit or Advantage.			

N.B.—Contingent as well as vested Interests must be entered.

I, \_\_\_\_\_ do hereby swear that the Contents of this my Schedule, and of all and every Part thereof respectively, are true. So help me GOD.  
 Sworn in Court, at .. in the this Day of

INDORSEMENT.

Arrested .	Day of	185
Committed	Day of	185
Petition filed	Day of	185
Schedule filed	Day of	185
To be heard	Day of	185
Debts, £		
Credits, £		
Books,		
Papers,		
Deeds,		
&c.		

SCHEDULE (Q.)

[In Insolvency.]

*Creditor's Petition and Affidavit.*

(1.)

To the Court of Bankruptcy and Insolvency.

The Petition of

[State the Trade or Profession of Petitioner; his present Residence (Street, Number, &c.)]

Showeth,

That your Petitioner now at the Time of signing this Petition Creditor of  
 [State more fully than in the Affidavit (so far as is known) the Debtor's last Places of Residence, and where he resided while the Debt was contracted; also his Trades or Professions.]

now a Prisoner in And that the said Prisoner was committed to the said  
 on the Day of 185, as appears by the Gaoler's Copy of Causes hereunto  
 annexed: And was

[Charged in Execution or for Contempt, &c. &c., as the Case may be.]

at the Suit of your Petitioner on the, for the Sum of

Your Petitioner therefore humbly prays that the Real and Personal Estate and Effects of the said Prisoner may be vested in the Official Assignees according to the Provisions of the Statute.

And your Petitioner is desirous that the said Prisoner may be ordered to file a Schedule of his Property according to the Provisions of the said Act, and may thereupon be brought up to be dealt with according to the Provisions of the said Act.

Subscribed by the said Petitioner on the Day of 185 in the  
 Presence of of

[Attorney's Address.]

Attorney for the said Petitioner.

(2.)

*Bankruptcy and Insolvency (Ireland).*

(2.)

[In Insolvency.]

In the Court of Bankruptcy and Insolvency.

In the Matter of

[In this Place give safe Description as to Business and late Residence, for sake of Identity.]

a Prisoner in

[Petitioner's Name, &amp;c. &amp;c.]

maketh Oath and saith, that the said

hath been for Twenty-one Days last past in Custody

[State whether in Execution or for Contempt, &amp;c.]

at the Suit of this Deponent, and is justly and truly indebted to this Deponent in the Sum of \_\_\_\_\_, besides \_\_\_\_\_

Costs: And this Deponent further states that there is \_\_\_\_\_ Sum due from this Deponent to the said Prisoner, or fairly claimable by the said Prisoner from this Deponent, by setting off which the said Sum for which the said Prisoner is so in Custody at the Suit of this Deponent would be reduced—viz.

And this Deponent further saith that there is \_\_\_\_\_ Charge, Lien, or Security held

[Write "no" or state the Debt or Claim, as the Fact may be.]

by this Deponent, or any Person on his Behalf, against the Real or Personal Estate or Effects of the said Prisoner, independent of the Judgment

[If it is a Decree or Order so state.]

on which the said Prisoner is now in Custody at the Suit of this Deponent, viz. :—

And this Deponent further saith that he has \_\_\_\_\_ availed himself of his Judgment against the said Prisoner, otherwise than by Arrest of his Person, as follows :

[If any Property whatsoever has been seized in Execution, or an Order of a Judge has been obtained, the same must be distinctly stated, with Particulars of the Result: If no such Things have taken place, write "not," and erase the Words "as follows."]

And this Deponent further saith that the said Prisoner hath not in any Manner whatsoever made Satisfaction to this Deponent for the said Sum for which he so stands committed, nor for any Part thereof except

[Either erase the Word "except" or add "as aforesaid," or other Matter according to Fact.]

And that the said Sum of \_\_\_\_\_

is still justly and truly due to this Deponent, whereupon this

Deponent has instructed \_\_\_\_\_

, his Attorney, to proceed to this Court pursuant to the Statute

in that Behalf.

[Note.—This Form is to be varied accordingly if the Affidavit be not made by the detaining Creditor.]

## SCHEDULE (R.)

[In Bankruptcy or in Insolvency.]

*Search Warrant.*

Day of \_\_\_\_\_ A.D.

In the Matter of } WHEREAS, by Evidence duly taken upon Oath it hath been made to appear to the Satis-  
 A.B., of } faction of the Court of Bankruptcy and Insolvency in Ireland, that there is Reason to  
 a Bankrupt [or } suspect and believe that Property of the said A.B. is concealed in the House [or  
 Insolvent]. } other Place, describing it, as the Case may be] of one C.D. of \_\_\_\_\_ in the County  
 of \_\_\_\_\_ ; these are therefore to authorize and require you, with necessary and proper Assistance,  
 to enter, in the Daytime, into the said House [or other Place, describing it, as the Case may be], situate  
 at \_\_\_\_\_ aforesaid, and there diligently to search for the said Property; and if any Property of  
 the said Bankrupt [or Insolvent] shall be there found by you on such Search, that you seize the same,  
 to be disposed of and dealt with according to the Provisions of the said Act.

Given under the Seal of the Court, this \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord  
 One thousand eight hundred and \_\_\_\_\_

A.B. (l.s.).  
 Judge.

To \_\_\_\_\_ my  
 Messenger, and his Assistants.

If there be Reason to suspect that the Bankrupt [or Insolvent] and his Property are concealed, alter  
 the Warrant accordingly.

## SCHEDULE (S.)

[In Bankruptcy or Insolvency.]

*Order for Payment of a Debt.*

Court of Bankruptcy and Insolvency, Dublin, Day of \_\_\_\_\_ A.D.

In the Matter of \_\_\_\_\_ a Bankrupt [or Insolvent]:

Whereas \_\_\_\_\_ of \_\_\_\_\_ in his Examination taken \_\_\_\_\_ Day of \_\_\_\_\_

and signed and subscribed by the said \_\_\_\_\_ has admitted that he is indebted to the above-  
 named Bankrupt [or Insolvent] in the Sum of \_\_\_\_\_ upon the Balance of Accounts between  
 the \_\_\_\_\_

*Bankruptcy and Insolvency (Ireland).*

the said and the said Bankrupt: It is hereby ordered, that the said do pay the Assignees of the Estate and Effects of the said Bankrupt [or Insolvent], in full Discharge of the Sum so admitted, the Sum of forthwith [or if otherwise, state the Time and Manner of Payment], and that the said do also pay to the said Assignees the Sum of for the Costs of and incident to the Summons of the said in this Behalf.

C.D., Registrar.

A.B., Judge.

If the Court shall not adjudge the Costs of and incident to the Summons to be paid by the Person summoned, or if the Court shall adjudge the Official Assignee to pay to the Person summoned his Costs out of the Estate and Effects of the Bankrupt [or Insolvent], alter the Form accordingly.

SCHEDULE (T.)

[In Bankruptcy.]

*Petition for Arrangement.*

To the Court of Bankruptcy and Insolvency in Ireland.

The Petition of

Showeth,

That your Petitioner, being a Trader unable to meet his Engagements with his Creditors, and desirous of laying the State of his Affairs before them under the Superintendence and Control of this Honourable Court, and of submitting himself to the Jurisdiction thereof, petitions the Court under the Provisions of "The Irish Bankrupt and Insolvent Act, 1857."

That the Inability of your Petitioner to meet his Engagements with his Creditors arises from

Your Petitioner therefore prays that his Person and Property may be protected from all Process, and that such Proposal as he may be able to make (or such Modification thereof as by Three Fifths in Number and Value of his Creditors may be determined) may be carried into effect, under the Superintendence and Control of this Honourable Court.

Signed by the Petitioner in the Presence of

Solicitor in the Matter of this Petition.

SCHEDULE (U.)

*Certificate to Petitioning Trader.*

Court of Bankruptcy and Insolvency, Dublin, Day of A.D.

Whereas of a Trader unable to meet his Engagements with his Creditors, did, on the Day of present his Petition to the Court, under the Provisions of "The Irish Bankrupt and Insolvent Act, 1857," praying that a certain Proposal, or such Modification thereof as by Three Fifths in Number and Value of his Creditors might be determined, should be carried into effect, under the Superintendence and Control of the said Court: And whereas the Court acting in the Matter of the said Petition, caused such Sittings of the Court to be held as are directed by the said Act: And whereas a certain Resolution or Agreement was duly assented to at such Sittings, which the Court thinking to be reasonable and proper to be executed under the Direction of the said Court, caused to be filed and entered of Record therein: And whereas the said Resolution or Agreement has been fully carried into effect, the Court doth certify the several Matters aforesaid this Day of 18

A.B. (l.s.) Judge.

SCHEDULE (V.)

[In Bankruptcy or in Insolvency.]

Warrant of Committal of Bankrupt, Insolvent, or other Party for unsatisfactory answering, or for refusing to sign his Examination.

Court of Bankruptcy and Insolvency, Dublin.

WHEREAS E.F., the said [or G.H. of in the County of ] was on the Day of duly sworn and examined in this Court:

And the said was again on the Day of duly sworn and examined in this Court, as by the Examination and Deposition of the said now on the File of Proceedings in this Matter will appear:

And whereas the Answers of the said as now so appearing in said Examination and Deposition, are unsatisfactory [or the said refused to sign and subscribe his said Examination and Deposition]:

These

*Bankruptcy and Insolvency (Ireland).*

These are therefore to authorize and require you, immediately upon the Receipt hereof, to take into your Custody the said \_\_\_\_\_ and him safely convey to Her Majesty's Prison of \_\_\_\_\_ and him there to deliver to the Governor of the said Prison, who is hereby authorized and required to receive the said \_\_\_\_\_ into his Custody there, and him safely keep and detain, without Bail, until this Court or the Lord Chancellor shall make an Order to the contrary, and for so doing this shall be your sufficient Warrant.

Given under the Seal of the Court of Bankruptcy and Insolvency, this \_\_\_\_\_ Day of \_\_\_\_\_ 18 .

J.K.,  
Judge.

To  
Messenger, and his Assistants,  
and to  
Governor of the said Prison,  
or his Deputy there.

## SCHEDULE (W.)

*Warrant for refusing to be sworn or to answer.*

Court of Bankruptcy and Insolvency, Dublin.

In the Matter of } WHEREAS *E.F.*, of \_\_\_\_\_ or *G.H.*, of \_\_\_\_\_ being  
Bankrupt [or ] present in this Court on this \_\_\_\_\_ Day of \_\_\_\_\_ was  
Insolvent]. } required to submit to be duly sworn and examined, pursuant to the Statute  
but the said \_\_\_\_\_ then and there refused to be sworn  
[or refused to answer the Questions put to him by the Court]:

These are therefore to authorize and require you to whom this Warrant is directed, immediately upon Receipt hereof to take into your Custody the said \_\_\_\_\_ and him safely to convey to Her Majesty's Prison of \_\_\_\_\_ and him there to deliver to the Governor of the said Prison, who is hereby authorized and required to receive the said \_\_\_\_\_ into his Custody there, and him safely keep and detain, without Bail, until he shall submit himself to the Judges of Bankruptcy and Insolvency to be sworn, and full Answers make to their Satisfaction to such Questions as shall be propounded to him.

Given under the Seal of the Court of Bankruptcy and Insolvency, this \_\_\_\_\_ Day of \_\_\_\_\_ 18 .

J.K.,  
Judge.

To  
Messenger, and his Assistants,  
and to  
Governor of the said Prison,  
or to his Deputy there.

## SCHEDULE (X.)

*Warrant of Committal for disturbing or interrupting the Court.*

Court of Bankruptcy and Insolvency, Dublin.

In the Matter of } WHEREAS at a Sitting in this Matter duly holden in the said Court on the  
Bankrupt } Day of \_\_\_\_\_ 18 , *E.F.*, &c. [or *G.H.*, &c.] was guilty of Riot [or of Disturbance,  
[or Insolvent.] } or did interrupt the said Court in the Exercise of its Duty]:

These are therefore to authorize and require you to whom this Warrant is directed, immediately upon the Receipt thereof to take into your Custody the said \_\_\_\_\_ and him safely convey to Her Majesty's Prison of \_\_\_\_\_ and him there to deliver to the Governor of the said Prison, who is hereby authorized and required to receive the said \_\_\_\_\_ into his Custody, and him safely keep and detain until further Order.

Given under the Seal of the Court of Bankruptcy and Insolvency, this \_\_\_\_\_ Day of \_\_\_\_\_ 18 .

J.K.,  
Judge.

To  
Messenger, and his Assistants,  
and to  
Governor of the said Prison,  
or his Deputy there.

## SCHEDULE (Y.)

[In Bankruptcy or in Insolvency.]

*Warrant against Persons disobeying any Rule or Order of Court.*

WHEREAS by an Order of this Court, bearing Date the \_\_\_\_\_ Day of \_\_\_\_\_ it was ordered, that [*&c. &c.*, as in the Order: ] \_\_\_\_\_

And

*Bankruptcy and Insolvency (Ireland).*

*Customs and Excise.*

And whereas it is now proved, that after the making of the said Order, that is to say, on this Day of \_\_\_\_\_ a Copy of the said Order was duly served on the said \_\_\_\_\_ personally; but the said \_\_\_\_\_ hath not as yet obeyed the said Order:

These are therefore to will, require, and authorize you, immediately upon Receipt hereof, to take into your Custody the Body of the said *A.B.*, and him safely to convey to Her Majesty's Gaol [*or Prison*] of \_\_\_\_\_ [*or called* \_\_\_\_\_], and him there to deliver to the Keeper of the said Prison, together with this Precept; and the Keeper of the said Prison is hereby required and authorized to receive the said *A.B.* into his Custody, and him safely to keep and detain, without Bail or Mainprise, until this Court or the Lord Chancellor shall make an Order to the contrary, and for so doing this shall be your sufficient Warrant.

Given under the Seal of the Court of Bankruptcy and Insolvency this \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord One thousand eight hundred and \_\_\_\_\_

Day of \_\_\_\_\_

*A.B.* (L.S.)  
Judge.

To \_\_\_\_\_ my Messenger, or his Assistant, and to the Keeper of Her Majesty's Prison [*or Gaol*] of \_\_\_\_\_ [*or called* \_\_\_\_\_], or his Deputy there.

SCHEDULE (Z.)

Document.	Stamp Duty in lieu of Fees.
	£ s. d.
Every Petition for Adjudication of Bankruptcy, or for Arrangement between any Debtor and his Creditors	1 0 0
Every Summons of Trader Debtor	0 5 0
Every Copy of such Summons	0 1 0
Every other Summons	0 2 6
Every Copy of such Summons	0 0 6
Every Requisition for a Sitting of the Court in Bankruptcy for any of the following Purposes, that is to say, Adjudication, Choice of Assignees, Proof of Debts, Final Examination, Audit, Dividend, Examination of Witnesses, to proceed on Summons against Trader Debtor, and every Requisition for a Sitting of the Court or Meeting, pursuant to the Statute, under a Petition for Arrangement, or to proceed on any Special Case, or for the Sale or Disposition of any mortgaged Property	1 0 0
Every Order of the Court for the Payment to the Assignees of any Debt or Demand over £10, or the Delivery to the Assignees of any Goods or Chattels of the Value of £10 or upwards	0 4 0
Every Copy of such Order	0 1 0
Every Allocatur by any Officer of the Court for any Costs, Charges, or Disbursements, where such Bill of Costs shall not exceed £5	0 1 6
Exceeding £5 and not exceeding £10	0 2 6
"    10                    "    20	0 5 0
"    20                    "    30	0 7 6
"    30                    "    50	0 10 0
"    50                    "    100	0 15 0
"    100	1 0 0
Every Warrant	0 5 0
Every Search	0 1 0

C A P. LXI.

An Act for granting certain Duties of Customs and Excise.

[25th August 1857.]

Most Gracious Sovereign,  
WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards raising the Supply granted to Your Majesty, have freely and voluntarily resolved to give and grant unto Your Majesty the several Duties of Customs and Excise herein respectively 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:

Customs and Excise.

I. In lieu of the Duties of Customs now chargeable on the several Articles mentioned in the Schedule marked (A.) hereunto annexed imported into *Great Britain* and *Ireland*, and in lieu of the Duties of Excise now chargeable on Sugar made in the United Kingdom and described in the Schedule marked (B.) hereunto annexed, there shall be charged, collected, and paid, for the Use of Her Majesty, Her Heirs and Successors, until the Thirty-first Day of *March* One thousand eight hundred and sixty inclusive, upon the several Articles, Goods, and Commodities mentioned and described in the said several Schedules respectively, the several Rates and Duties of Customs and Excise respectively specified in the same Schedules.

Grant of Duties of Customs and Excise in Schedules (A.) and (B.) annexed.

II. There shall be allowed on the Exportation to Foreign Parts, or on the Removal to the *Isle of Man* for Consumption there, of the several Descriptions of Refined Sugar mentioned in the Schedule marked (C.) hereunto annexed, until the Thirty-first Day of *March* One thousand eight hundred and sixty inclusive, the Drawbacks specified in the said last-mentioned Schedule, and the said Drawbacks shall be allowed and paid under the Provisions and Regulations of the Acts relating to Her Majesty's Customs.

Drawback on Sugar allowed as in Schedule (C.)

III. The Duties of Customs imposed by this Act, and contained in the said Schedule (A.), shall be under the Management of the Commissioners of Her Majesty's Customs, and the Duties of Excise imposed by this Act, and contained in the said Schedule (B.), shall be under the Management of the Commissioners of Inland Revenue; and the said Duties of Customs and Excise respectively shall be ascertained, raised, levied, collected, paid, recovered, and applied or appropriated under the Provisions of any Act or Acts now in force or hereafter to be made relating to the Duties of Customs and Excise respectively.

Duties under Management of Commissioners of Customs and Inland Revenue respectively.

IV. This Act shall come into operation on the Day of the passing thereof, and in citing it in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The Customs and Excise Duties Act, 1857."

Commencement of Act. Short Title.

SCHEDULES to which this Act refers.

SCHEDULE (A.)

Containing the Duties of Customs imposed by this Act; (that is to say,)

Sugar; viz.	£	s.	d.
Candy, Brown or White Refined Sugar, or Sugar rendered by any Process equal in Quality thereto - - - - - the Cwt.	0	18	4
White Clayed Sugar, or Sugar rendered by any Process equal in Quality to White Clayed, not being refined or equal in Quality to Refined - - - - - the Cwt.	0	16	0
Yellow Muscovado and Brown Clayed Sugar, or Sugar rendered by any Process equal in Quality to Yellow Muscovado or Brown Clayed and not equal to White Clayed - - - - - the Cwt.	0	13	10
Brown Muscovado, or any other Sugar not being equal in Quality to Yellow Muscovado or Brown Clayed Sugar - - - - - the Cwt.	0	12	8
Molasses - - - - - the Cwt.	0	5	0
Cherries, dried - - - - -	} the Pound	0	0
Comfits, dry - - - - -			
Confectionery - - - - -			
Ginger, preserved - - - - -			
Marmalade - - - - -			
Plums preserved in Sugar - - - - -			
Succades, including all Fruits and Vegetables preserved in Sugar not otherwise enumerated - - - - -			
Tea - - - - - the Pound	0	1	5

SCHEDULE (B.)

Containing the Duties of Excise imposed by this Act on Sugar made in the United Kingdom; (that is to say,)

Sugar; viz.	£	s.	d.
Candy, Brown or White Refined Sugar, or Sugar rendered by any Process equal in Quality thereto - - - - - the Cwt.	0	18	4
White Clayed Sugar, or Sugar rendered by any Process equal in Quality to White Clayed, not being Refined or equal in Quality to Refined - - - - - the Cwt.	0	16	0
Yellow Muscovado and Brown Clayed Sugar, or Sugar rendered by any Process equal in Quality to Yellow Muscovado or Brown Clayed, and not equal to White Clayed - - - - - the Cwt.	0	13	10
Brown Muscovado, or any other Sugar not being equal in Quality to Yellow Muscovado or Brown Clayed Sugar - - - - - the Cwt.	0	12	8
Molasses - - - - - the Cwt.	0	5	0

Customs and Excise.

Customs.

SCHEDULE (C.)

Containing the Drawbacks allowed by this Act; (that is to say,)

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

C A P. LXII.

An Act for the Alteration and Amendment of the Laws and Duties of Customs.

[25th August 1857.]

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:

Duties on "Oxymuriate of Tin" to cease.

I. The Duties of Customs chargeable on the Goods, Wares, and Merchandise next herein-after mentioned, imported into *Great Britain* and *Ireland*, shall cease and determine; that is to say, Oxymuriate of Tin.

New Duties on Articles herein enumerated.

II. And in lieu of the Duties of Customs now chargeable on the Articles next herein-after mentioned, imported into *Great Britain* and *Ireland*, the following Duties of Customs shall be charged; that is to say, on

	£	s.	d.
Hats of Felt - - - - - each	0	0	6
Lucifers, Vesta, of Wax - - - - - the 1,000 Matches	0	0	0½
Plums, commonly called French Plums, and Prunelloes - - - - - the Cwt.	0	7	0
Plums, dried or preserved (except in Sugar), not otherwise described? - - - - - the Cwt.	0	7	0

New Duties on Rice.

III. That in lieu of the Duties of Customs now chargeable on Rice imported into *Great Britain* and *Ireland* the following Duties of Customs be levied and collected; that is to say,

	£	s.	d.
Rice not rough nor in the Husk, and Rice Dust for feeding Cattle - the Cwt.	0	0	4½
— rough and in the Husk - - - - - the Quarter	0	0	9
Meal not otherwise enumerated or described - - - - - the Cwt.	0	0	4½

New Duties on Ships broken up or to be broken up.

IV. And in lieu of the Duties of Customs now chargeable in *Great Britain* and *Ireland* on Ships, with their Tackle, Apparel, and Furniture (except Sails), broken up or to be broken up, the following Duties shall be charged; that is to say,

	£	s.	d.
British-built Ships, with their Tackle, Apparel, and Furniture—	Free.		
Wrecked, broken up or to be broken up - - - - -	Free.		
Foreign-built Ships, with their Tackle, Apparel, and Furniture—			
Broken up or sold to be broken up, or abandoned by the Owners, or sold as Wreck, whether afterwards recovered or repaired, or not - for every 100l. Value	5	0	0

Repeal of Section 10. 16 & 17 Vict. c. 107.

V. So much of the Tenth Section of "The Customs Consolidation Act, 1853," as authorizes the Commissioners of Customs "to provide Warehouses for the warehousing of Tobacco at the Ports into which Tobacco may be legally imported, and to charge the Importer or Proprietor of such Tobacco for every Package of Tobacco so warehoused any such Sum or Sums for Warehouse Rent as they may see fit, not exceeding what is now payable," shall be and the same is hereby repealed.

Proviso for Continuance of

VI. Provided always, That any Tobacco Warehouses which at the passing of this Act shall have been provided by the said Commissioners shall and may be continued so long as the said Commissioners may



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may deem necessary for the warehousing of Tobacco therein, on the Terms and Conditions applicable thereto at the Time of the passing of this Act, or on such other Terms and Conditions as the said Commissioners may see fit, or until other Warehouses are provided or approved in lieu thereof for that Purpose; and on such other Warehouses being provided or approved as aforesaid, the said Commissioners shall and may cause such Tobacco to be removed to the same accordingly.

existing Warehouses for Tobacco already warehoused.

VII. All Tobacco already warehoused in any such Warehouses, upon the Terms and Conditions in force at the Date of the passing of this Act, shall and may remain or be so warehoused in the same or such other Warehouses as the said Commissioners shall provide or approve as aforesaid in lieu thereof at the same Port until the Expiration of Five Years from the Date of the last preceding warehousing or re-warehousing of the same, as the Case may be, unless sooner cleared from such Warehouse, either for Home Use, Removal to any other Port, or Exportation.

Tobacco already warehoused to remain on same Terms as at passing of Act.

VIII. Any Warehouse in *Great Britain* already provided by the said Commissioners for the warehousing of Tobacco shall and may be at any Time after the passing of this Act approved for the warehousing of such Goods as the said Commissioners may see fit, and in the meantime such Warehouses, or such Part thereof as the said Commissioners may see fit, shall remain approved for the warehousing of Tobacco only.

Use of Tobacco Warehouses for general Purposes.

IX. If any Warehouse is at the Time of the passing of this Act vested in the said Commissioners of Customs or their Secretary, or any other Person in trust for them, under any Lease, Agreement, or other Instrument, the said Commissioners may, with the Sanction of the Lords Commissioners of the Treasury, hold the same during the Continuance of such Lease, Agreement, or other Instrument, as approved Warehouses for the Reception and Deposit therein of Tobacco or other Goods duly entered to be warehoused, or for such other Purposes as the said last-mentioned Commissioners shall direct; and all Sums received by the said Commissioners of Customs, either as Rent for the said Premises or as Charges in respect of Goods deposited therein or otherwise, shall be brought to account as Monies not Duties.

Power to keep Tobacco Warehouses for any Purposes.

X. And the said Commissioners of Customs shall and may enter into such Agreements with the Owners of any such Warehouses or other Persons willing to take the same for the Surrender or Disposal thereof, upon such Terms and Conditions as they may see fit, subject to the Sanction and Approval of the said Commissioners of the Treasury.

Power to enter into Agreements, &c.

XI. So long as any Tobacco warehoused at the Date of the passing of this Act shall not have been cleared as herein-before provided, the said Commissioners shall and may, if they see fit, enter into Arrangements with the Warehouse Keeper or Occupier of any Warehouse so surrendered or disposed of, or with the Warehouse Keeper or Occupier of any other Warehouse, for the Deposit of such Tobacco until cleared as aforesaid, and shall and may pay such Rent or Charges for the warehousing thereof as may be agreed upon by the said Commissioners with such Warehouse Keeper or Occupier in respect of the Tobacco so deposited, the said Commissioners charging only to the Importer or Proprietor of such Tobacco such Sum or Sums of Money for Warehouse Rent as they may see fit, not exceeding what is payable at the Time of the passing of this Act, or the said Commissioners permitting such Warehouse Keeper or Occupier to receive such last-mentioned Sum or Sums shall and may pay to such Warehouse Keeper or Occupier the Difference between such Sum or Sums and the Rent or Charges so agreed upon as aforesaid.

Power to arrange with Keeper of Tobacco Warehouses surrendered, &c., for Deposit of warehoused Tobacco until cleared.

XII. After the passing of this Act all Tobacco imported into any Port in the United Kingdom where Tobacco may be legally imported and warehoused, and which may be duly entered to be warehoused there, shall and may be deposited in any Warehouse for the Time being approved by the said Commissioners for the warehousing of Tobacco, on such Conditions and in such Manner as the said Commissioners shall direct, and under and subject in all other respects to the Laws, Rules, and Regulations which are or may hereafter be in force relating to the Importation, Entry, warehousing, Removal, or Exportation of Goods liable to Duties of Customs on Importation.

Provision for warehousing future Importations of Tobacco.

XIII. All Tobacco abandoned by the Importer or Proprietor as not worth the Duty shall be destroyed, within such Time and in such Manner as the said Commissioners of Customs shall direct, at the Cost and Charges of such Importer or Proprietor.

Certain Kind of Tobacco to be destroyed.

XIV. The several Acts which declare and make competent and compellable a Defendant to give Evidence in any Suit or Proceeding to which he may be a Party shall not be deemed to extend or apply to Defendants in any Suit or Proceeding instituted under any Act relating to the Customs.

Defendants not to give Evidence.

XV. 'Whereas Doubts have arisen whether the several Sections of "The Customs Consolidation Act, 1853," other than those containing particular Provisions relating thereto, as also "The Supplemental Customs Consolidation Act, 1855," are applicable to the *British Possessions* abroad? Be it enacted, That the said recited Acts and the several Clauses therein and in this Act contained shall and the same are hereby declared to extend to and be of full Force and Effect in the several *British Possessions* abroad, except where otherwise expressly provided for by the said Acts, or limited by express Reference to the United Kingdom or the *Channel Islands*, and except also as to any such Possession as shall by Local Act or Ordinance have provided, or may hereafter, with the Sanction and Approbation of Her Majesty and Her Successors, make entire Provision for the Management and Regulation of the Customs Trade and Navigation of any such Possession, or make in like Manner express Provisions in lieu or variation of any of the Clauses of the said Act for the Purposes of such Possession.

Customs Acts to extend to British Possessions abroad, except where otherwise provided for in said Acts, or by any Colonial Act.

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Account of Bullion or Coin to be delivered to the Officers of Customs.

XVI. The Owner or Consignee of any Bullion or Coin imported into *Great Britain* or *Ireland* shall, within Ten Days after the Landing thereof, deliver to the Collector or other proper Officer of Customs a full and true Account of such Bullion or Coin, and if such Account shall not be so delivered every such Importer, Consignee, or Owner shall forfeit the Sum of Twenty Pounds; provided always, that this Penalty shall not be levied in respect of small Parcels of Bullion or Coin imported as a Part of the Baggage of Passengers.

Certain Parts of 8 & 9 Vict. c. 90. to be deemed not repealed.

XVII. So much of the "Customs Consolidation Act, 1853," as repeals Sections Nine, Ten, Eleven, and Twelve of an Act passed in the Eighth and Ninth Years of the Reign of Her present Majesty, Chapter Ninety, shall be and the same is hereby repealed, and the said Sections shall be deemed and considered not to have been repealed by the said Customs Consolidation Act.

18 & 19 Vict. c. 96. s. 19. repealed. As to importing and exporting Spirits from and to the Channel Islands, &c.

XVIII. Section Nineteen of "The Supplemental Customs Consolidation Act, 1855," is hereby repealed.

Not to extend to Spirits in Glass Bottles, &c.;

nor to licensed Boats of 10 Tons supplying Island of Sark.

Interpretation of Terms.

Act to be registered in Guernsey and Jersey.

Confirmation of certain Purchases of Land in Belfast for Erection of a Custom House, &c.

XIX. No Spirits (except Rum of the *British* Plantations) shall be imported into or exported from the *Channel Islands* or any of them, or be removed from any one to any other of the said Islands, or be carried Coastwise from any one Part to any other Part of any one of the said Islands, or shall be shipped in order to be so removed or carried in any Ship other than of the Burden of Fifty Tons or upwards, or in any Cask or other Vessel capable of containing Liquids not being of the Size or Content of Twenty Gallons at the least; and all Spirits imported, exported, removed, carried, shipped, or water-borne to be so shipped, removed, or carried, contrary hereto, shall be forfeited, together with the Ship, and any Boat importing, exporting, removing, or carrying the same: Provided always, that nothing herein contained shall extend to any Spirits imported in any such Ship in Glass Bottles as Part of the Cargo, nor to any Spirits being really intended for the Consumption of the Seamen and Passengers of such Ship during their Voyage, and not being more in Quantity than is necessary for that Purpose, nor to any warehoused Goods exported from the United Kingdom in Ships of not less than Forty Tons Burden, being regular Traders to those Islands, nor to any Boat of less Burden than Ten Tons for having on board at any one Time any Foreign Spirits of the Quantity of Ten Gallons or under, such Boat having a Licence from the proper Officer of Customs at either of the Islands of *Guernsey* or *Jersey* for the Purpose of being employed in carrying Commodities for the Supply of the Island of *Sark*, which Licence such Officer is hereby required to grant without Fee or Reward; but if any such Boat shall have on board at any one Time any greater Quantity of Spirits than Ten Gallons, unless in Casks or Packages of the Size and Content of Twenty Gallons at the least, such Spirits and Boat shall be forfeited.

XX. When any of the Terms mentioned in the Three hundred and fifty-seventh Section of "The Customs Consolidation Act, 1853," are used in this or any other Act relating to the Customs, the Terms so used shall have the same Interpretation and Meaning as are given to them in the said Section; and the Term "*British*-built Ships" shall be deemed to mean and include any Ship built in Her Majesty's Dominions.

XXI. This Act shall be registered in the Royal Courts of the Islands of *Guernsey* and *Jersey* respectively, and the said Royal Courts respectively shall have full Power and Authority and are hereby required to register the same.

XXII. Whereas by an Act passed in the Fifteenth and Sixteenth Years of Her present Majesty, intitled *An Act to empower the Commissioners of Her Majesty's Customs to acquire certain Lands and Houses in the Borough of Belfast, for the Purpose of erecting a Custom House and other Offices and Buildings required for the Public Service in the said Borough*, the Commissioners of Her Majesty's Customs were authorized and empowered to purchase certain Lands and Premises in the Borough of *Belfast* for the Purpose of erecting a Custom House and other Public Buildings, and for improving the Streets and Approaches thereto: And whereas it was agreed between the Corporation of *Belfast* and the said Commissioners, with the Consent of the Lords Commissioners of Her Majesty's Treasury, that such of the said Purchases as were necessary for the Improvement of the public Streets should be made and paid for by and at the Expense of the said Corporation: And whereas the said Corporation, by their Agent and Solicitor, entered into Contracts for that Purpose to the Extent of Ten thousand Pounds or thereabouts, in the Names of the said Commissioners of Her Majesty's Customs, with *Adam John Macrory* and others, and did provide and pay to the said *Adam John Macrory* the Sum of Three thousand and twenty-one Pounds Four Shillings and Fourpence: And whereas Circumstances having arisen by which the said Corporation found it impracticable to complete the said Purchases, without the Aid of the said Commissioners of Customs, it was proposed and agreed, that the said Purchases should be completed by the said Commissioners, and that they should provide for and pay the Balance of the Purchase Monies above and beyond the said Sum paid to the said *Adam John Macrory*, and the several Purchases have been made and concluded accordingly by the said Commissioners of Customs; and it is intended that the Site of the Lands and Premises so purchased shall be laid out for the Improvement of the Streets and Approaches to the said Custom House, in accordance with the said recited Act, and that, subject thereto, the same shall be sold for Building Purposes; and that in the event of the Proceeds of such Sale realizing more than sufficient to repay the said Commissioners the Purchase Monies and Expenses incident to the Purchases so made by them, it has been agreed that the said Commissioners shall and may pay over any Balance of such Proceeds which may remain in their Hands to the said Corporation, for and towards the Purchase Monies advanced and paid by the said Corporation to the said *Adam John Macrory*: And whereas it is expedient that the said recited Purchases made by the

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## Dunbar Harbour Loan.

‘ the said Corporation and the said Commissioners of Customs respectively, and the Payment of the  
 ‘ Purchase Monies respectively made by them, and the said recited Agreements and Arrangements for  
 ‘ the Re-sale thereof by the said Commissioners of Customs, and the Application of the Proceeds thereof,  
 ‘ should be confirmed by Parliament.’ Be it therefore enacted, That the same be and they are hereby  
 confirmed accordingly.

XXIII. This Act shall come into operation on the Day of the passing of this Act, except where  
 otherwise herein mentioned; and in citing it in other Acts of Parliament, and in legal Instruments, it  
 shall be sufficient to use the Expression “ The Customs Amendment Act, 1857.”

Commencement  
 of Act.  
 Short Title.

## C A P. LXIII.

An Act to authorize the Advance of Money out of the Consolidated Fund to the Magistrates  
 and Town Council of *Dunbar*, for the Purpose of improving the *Victoria* Harbour of *Dunbar*.

[25th August 1857.]

‘ **W**HEREAS an Act was passed in the Fifty-seventh Year of the Reign of His late Majesty King  
 ‘ *George* the Third, intituled *An Act to authorize the Issue of Exchequer Bills, and the Advance*  
 ‘ *of Money out of the Consolidated Fund, to a limited Amount, for the carrying on of Public Works*  
 ‘ *and Fisheries in the United Kingdom, and Employment of the Poor in Great Britain, in manner*  
 ‘ *therein mentioned:* And whereas another Act was passed in the Nineteenth Year of the Reign of Her  
 ‘ said present Majesty, intituled *An Act to authorize for a further Period the Advance of Money out of*  
 ‘ *the Consolidated Fund for carrying on Public Works and Fisheries, and for the Employment of the*  
 ‘ *Poor,* and which said Act recites the aforesaid Act and several other Acts which had been passed,  
 ‘ making Provisions for and regulating Loans and Advances to be made by the Commissioners therein  
 ‘ mentioned or appointed in pursuance thereof, who are commonly called and herein-after referred to as  
 ‘ the Public Works Loan Commissioners: And whereas an Act was passed in the Eleventh and Twelfth  
 ‘ Years of the Reign of Her said present Majesty, intituled *An Act for the Amendment and Continua-*  
 ‘ *tion of the Burgh Customs and Water Shore and Harbour Rates of the Burgh of Dunbar, and for*  
 ‘ *other Purposes connected with the said Burgh, and the Supply of Water to the same and the Harbour*  
 ‘ *thereof,* whereby it was, amongst other things, enacted, that the Magistrates and Town Council of  
 ‘ *Dunbar,* as Trustees for putting into execution the Purposes of that Act, should levy and take, in  
 ‘ respect of the Articles mentioned in the Schedule A. annexed to the said Act, the several Rates and  
 ‘ Duties therein mentioned, and also should levy and take the Duties mentioned in Schedule B. to the  
 ‘ said Act, and the other Rates, Duties, and Assessments therein mentioned; and it was by the said Act  
 ‘ declared that the said Trustees should have full Powers by an Act of Town Council to borrow any  
 ‘ Sum or Sums of Money not exceeding Five thousand Pounds for the Purposes of the Harbours,  
 ‘ Markets, and other Works, exclusive of the Supply of Water, and to convey, assign, and make over  
 ‘ the respective Rates, Duties, and Assessments thereby granted, or such Parts thereof as they should  
 ‘ think proper, as a Security to any Person or Persons who should advance any Sum of Money thereon:  
 ‘ And whereas an Application has been made to the said Public Works Loan Commissioners by the  
 ‘ Magistrates and Town Council of *Dunbar,* as such Trustees as aforesaid, for the Loan of the Sum of  
 ‘ Twenty thousand Pounds in aid of the Expense of repairing the Sea Wall and extending the Accom-  
 ‘ modation of the *Victoria* Harbour, which has been constructed upon the Property of the said Burgh,  
 ‘ near to the old Harbour thereof, and it is deemed expedient to make an Advance of Money out of the  
 ‘ Consolidated Fund for the Purpose of such Loan:’ 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:

57 G. 3. c. 34.

19 & 20 Vict.  
 c. 17.

11 & 12 Vict.  
 c. cxxii.

I. For the Purpose of such Loan it shall be lawful for the Commissioners of Her Majesty’s Treasury  
 of the United Kingdom of *Great Britain and Ireland* to direct the Issue out of the Consolidated Fund  
 of the United Kingdom of *Great Britain and Ireland,* or out of the growing Produce thereof, of any  
 Sum or Sums of Money not exceeding in the whole Twenty thousand Pounds, such Sum or Sums to be  
 placed to the Credit of the Commissioners for the Reduction of the National Debt, to the Account  
 intituled “ The Commissioners for the Reduction of the National Debt, on account of the Public Works  
 “ Loan Fund,” and to be applied by the said Public Works Loan Commissioners for the said Loan.

Power to Trea-  
 sury to charge  
 Consolidated  
 Fund, and di-  
 rect Issue there-  
 out of 20,000*l.*

II. It shall be lawful for the said Public Works Loan Commissioners to advance and lend to the said  
 Trustees of the said last-recited Act any Sum or Sums of Money not exceeding in the whole Twenty  
 thousand Pounds for the Purposes aforesaid, upon such Security as is after mentioned.

Public Works  
 Loan Commis-  
 sioners to ad-  
 vance the same.

III. It shall be lawful for the said Trustees, by an Act of the Town Council of *Dunbar,* to borrow  
 of the said Public Works Loan Commissioners any Sum or Sums of Money, not exceeding in the whole  
 the Sum of Twenty thousand Pounds, in addition to the said Sum of Five thousand Pounds by the said  
 last-recited Act authorized to be borrowed, and by Instrument in Writing, in such Form as the said  
 Public Works Loan Commissioners may direct, to convey and assign by way of Mortgage, for the  
 Purpose of securing any Monies to be so borrowed and the Interest thereof, as well the respective Rates  
 and Duties by the said Act granted and leviable for or in respect of the said *Victoria* Harbour, as all  
 Teind Duty for or in respect of Herrings, Lobsters, and other Fish to which the said Magistrates and  
 Council

Power for Har-  
 bour Trustees  
 to borrow  
 Money of the  
 Public Works  
 Loan Commis-  
 sioners.

*Dunbar Harbour Loan.**Metropolitan Police Stations, &c.*

Council are now in anywise entitled in respect of the said *Victoria* Harbour and the said old Harbour, or either of them, or otherwise howsoever, and also all Monies to accrue from the granting of Licences in lieu of any Teind Duty in pursuance of the Powers in the said last-recited Act contained, such Mortgage to be made to the Secretary for the Time being of the said last-mentioned Commissioners, or as they shall direct; and in any Mortgage so to be made there shall be contained a Reservation to the said Magistrates in Council out of the said Rates, Duties, and other the Premises to be included in such Mortgage annually One Fourth Part of the said Teinds or Licence Money in lieu of Teinds, provided such One Fourth Part do not exceed in Amount in any Year the Sum of One hundred Pounds, but if such One Fourth Part shall in any Year exceed the Sum of One hundred Pounds then the Sum of One hundred Pounds only in lieu of such One Fourth Part to be by them applied for the Maintenance, Improvement, and Repairs of the old Harbour of the said Burgh: Provided always, that no Advance shall be made to the said Trustees upon the Security hereby authorized so long as the Rates, Duties, and Teinds to be comprised in such Security shall be subject to the Payment of any Sum or Sums of Money previously advanced on the Security thereof, without the Consent in Writing of the Person or Persons entitled thereto, giving Priority to the Security to be made under this Act over the Security of such Person or Persons so consenting.

Power for Treasury to increase or diminish Rates, &c., and to exercise Powers of Borrowers relating thereto.

IV. It shall be lawful for the Commissioners of Her Majesty's Treasury from Time to Time and at all Times, so long as any Principal Monies shall remain unpaid in respect of any Mortgage to be made to the said Public Works Loan Commissioners as aforesaid, to authorize and require the said Magistrates and Town Council to alter, vary, increase, or diminish the Rates, Duties, and Teinds comprised in such Mortgage, whether leviable under the said Act or otherwise (not exceeding the maximum Amount of Rates, Duties, and Teinds leviable under the said Act or otherwise): Provided, that such Rates, Duties, and Teinds be not diminished to such an Extent as to be insufficient to raise the said Sum of One hundred Pounds *per Annum* to be paid to the said Trustees as aforesaid, and to direct how and which of the said Rates, Duties, and Teinds shall be collected and received, and also for the said Commissioners of Her Majesty's Treasury from Time to Time, when and as they may deem it expedient so to do, to exercise all the Powers, Rights, and Privileges now vested in the said Magistrates and Council in relation to or affecting the said Rates, Duties, and Teinds to be comprised in any such Mortgage or any of them.

Accounts to be kept.

V. From Time to Time and at all Times, so long as any Principal Monies shall remain unpaid in respect of any Mortgage to be made by the said Public Works Loan Commissioners as aforesaid, fair and regular Accounts shall be kept by the said Trustees of all Monies received or paid in respect of the Rates, Duties, and Premises comprised in any such Mortgage, and of the Intromissions of the said Trustees, and shall be balanced to the Thirty-first Day of *October* annually, and within One Calendar Month thereafter Copies of such Accounts, signed by the Provost, Treasurer, and Town Clerk of the said Burgh, shall be forwarded to the Commissioners of Her Majesty's Treasury; and the said Trustees shall from Time to Time, when and as the last-mentioned Commissioners shall require, produce the Documents and Vouchers instructing the same, as the said Commissioners shall direct.

Powers, &c. of Public Works Loan Acts to have the same Force as if re-enacted in this Act.

VI. All and every the several Clauses, Powers, and Provisions, Priorities, Advantages, and Penalties, contained in all or any of the Acts relating to the said Public Works Loan Commissioners, and in all other Acts of Parliament whatsoever relating to the said Commissioners, and recited or referred to in the said recited Act of the Nineteenth Year of the Reign of Her present Majesty, shall, so far as the same can be made applicable and are not varied by this Act, be taken to extend to this Act, and to everything to be done in pursuance of this Act, and to the Securities to be given in pursuance thereof, and as if such Clauses, Powers, and Provisions, Priorities, Advantages, and Penalties, were herein repeated and set forth and made applicable to the Securities to be given in pursuance of this Act, and every other Matter or Thing to be done by virtue of this Act.

Short Title.

VII. In reciting this Act for any Purpose whatsoever, it shall be sufficient to use the Expression "The *Dunbar* Harbour Loan Act, 1857."

## C A P. LXIV.

An Act for raising a Sum of Money for building and improving Stations of the Metropolitan Police, and to amend the Acts concerning the Metropolitan Police. [25th August 1857.]

WHEREAS it has become necessary to build new Stations and to improve the existing Stations for the Metropolitan Police, and as the Expense of such building and Improvement will exceed the Amount which can be defrayed out of the annual Receipts applicable to the Purposes of the Metropolitan Police, it is expedient that, towards defraying such Expense, a Sum of Sixty thousand Pounds should be raised as herein-after mentioned: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say,

Power to raise the Sum of 60,000*l.* on Security of the

I. It shall be lawful for the Receiver of the Metropolitan Police District, by the Direction of One of Her Majesty's Principal Secretaries of State, to borrow and take up at Interest on the Rates raised for the Purposes of the Police within the Metropolitan Police District any Sum or Sums not exceeding in the whole the Sum of Sixty thousand Pounds, and for the Purpose of securing any Sum or Sums so borrowed,

*Metropolitan Police Stations, &c.*

borrowed, with Interest, such Receiver may mortgage and assign over, to the Person or Persons by or on behalf of whom such Sum or Sums are advanced, the said Rates ; and the respective Mortgagees (if more than One) shall be entitled to a Proportion of the Rates comprised in their respective Mortgages according to the Sums in such Mortgages mentioned to have been advanced ; and each Mortgagee shall be entitled to be repaid the Sum so advanced by him, with Interest, without any Preference over any other Mortgagee by reason of any Priority of Advance, or the Date of his Mortgage.

Police Rates of Metropolitan Police District. No Priority amongst Mortgagees.

II. It shall be lawful for the Commissioners acting in the Execution of an Act passed in the Session holden in the Fourteenth and Fifteenth Years of Her Majesty, Chapter Twenty-three, "to authorize for a further Period the Advance of Money out of the Consolidated Fund to a limited Amount for carrying on Public Works and Fisheries and Employment of the Poor," and any Act or Acts for amending or continuing the same, to make Advances to the said Receiver upon the Security of the said Rates, and without requiring any further or other Security than a Mortgage of such Rates.

Public Works Loan Commissioners, under 14 & 15 Vict. c. 23., may make Advances.

III. Every Mortgage authorized to be made under this Act shall be by Deed duly stamped, truly stating the Date, Consideration, and the Time of Payment, and may be made according to the Form (A.) contained in the Schedule to this Act annexed, or to the like Effect, or with such Variations or Additions in each Case as the said Receiver and the Party advancing the Money intended to be thereby secured may agree to ; and there shall be kept by the said Receiver a Register of the Mortgages made under this Act, and within Fourteen Days after the Date of any Mortgage an Entry shall be made in the Register of the Number and Date thereof, and of the Names and Descriptions of the Parties thereto, as stated in the Deed.

Form of Mortgage.

Register of Mortgages.

IV. A Time or Times may be fixed by any such Deed for the Repayment of all or any Principal Monies secured thereby, and the Payment of the Interest thereof respectively ; and such Monies, with Interest, may be made repayable by Instalments or otherwise, as they may think fit ; and at the Time or Times so fixed for Payment thereof such Principal Monies and Interest respectively shall, on Demand, be paid to the Party entitled to receive the same accordingly ; and if no other Place of Payment be inserted in the Mortgage Deed, the Principal and Interest shall be payable at the Chief Office of the said Commissioners, and, unless otherwise provided by any Mortgage, the Interest of the Money borrowed thereupon shall be paid half-yearly ; and if no Time be fixed in the Mortgage Deed for the Repayment of the Money so borrowed, the Party entitled to receive such Money may, at the Expiration or at any Time after the Expiration of Twelve Months from the Date of such Deed, demand Payment of the Principal Money thereby secured, with all Arrears of Interest, upon giving Six Months previous Notice for that Purpose to the said Receiver personally, or by leaving the same at the said Office ; and in the like Case the said Receiver may at any Time pay off the Money borrowed, on giving the like Notice, which Notice may be given to such Mortgagee personally, or left at his Place of Residence ; or if such Mortgagee or his Residence be unknown to them, or cannot be found after diligent Inquiry, such Notice shall be given by Advertisement in the *London Gazette* ; and if the said Receiver have given Notice of his Intention to pay off any such Mortgage at a Time when the same may lawfully be paid off by him, then, at the Expiration of such Notice, all further Interest shall cease to be payable thereon, unless, on Demand of Payment made pursuant to such Notice, or at any Time thereafter, the Receiver fail to pay the Principal and Interest due, at the Expiration of such Notice, on such Mortgage.

Repayment of Money borrowed at a Time agreed upon.

Interest to be paid half-yearly.

As to Repayment of Money borrowed when no Time has been agreed upon.

Interest to cease on Expiration of Notice to pay off Mortgage.

V. It shall be lawful for the said Receiver to raise and borrow the Monies necessary for paying off any Security granted under this Act, and to pay off the same ; and the Monies borrowed for the Purpose of such Payment shall be secured and repaid in like Manner as Monies borrowed in the first instance under this Act : Provided always, that nothing herein contained shall extend to authorize the paying off of any Security otherwise than in accordance with the Provisions thereof.

Power to borrow to pay off existing Securities.

VI. Any Mortgagee or other Person entitled to any Mortgage under this Act may transfer his Estate and Interest therein to any other Person by Deed duly stamped, truly stating its Date, the Names and Descriptions of the Parties thereto, and the Consideration for the Transfer ; and such Transfer may be according to the Form contained in the Schedule (B.) to this Act annexed, or to the like Effect ; and there shall be kept by the said Receiver a Register of such Transfers, and within Thirty Days after the Date of any such Deed of Transfer, if executed within the United Kingdom, or within Thirty Days after its Arrival in the United Kingdom if executed elsewhere, the same shall be produced to the said Receiver, and the said Receiver shall make or cause to be made an Entry in such Register of its Date, and of the Names and Description of the Parties thereto, as stated in the Transfer ; and upon any Transfer being so registered the Transferee, his Executors, Administrators, or Assigns, shall be entitled to the full Benefit of the original Mortgage, and the Principal and Interest secured thereby ; and every such Transferee may in like Manner transfer his Estate and Interest in such Mortgage ; and no Person, except the Person to whom the same has been last transferred, his Executors, Administrators, or Assigns, shall be entitled to release or discharge any such Mortgage, or any Money secured thereby.

Transfer of Mortgages.

Register of Transfers.

VII. All Monies borrowed under this Act shall be paid by the Persons advancing the same into the Bank of *England*, to the Credit of the Accounts of the said Receiver kept at the said Bank under the Act of the Tenth Year of King *George* the Fourth, Chapter Forty-four, and the Monies so paid shall be drawn out in manner provided by the said Act, and shall be applied, under the Directions of One of Her

Money advanced to be paid into Bank to Credit of Receiver's Account.

Majesty's

*Metropolitan Police Stations, &c.*

Majesty's Principal Secretaries of State, in defraying the Expenses of Works for improving the Cells in the Stations of the Metropolitan Police.

Monies borrowed under Act to be a First Charge on Police Rate.

VIII. The Monies secured by the Mortgages made under this Act shall be a First Charge upon the Sums and Rates which the Commissioner of Police of the Metropolis is authorized to require to be paid or to levy or cause to be levied, in the Metropolitan Police District, under the said Act of King *George* the Fourth, and an Act of the Session holden in the Second and Third Years of Her Majesty, Chapter Forty-seven; and the said Receiver shall make Provision out of the Sums from Time to Time paid to his Account for Payment of all Monies from Time to Time becoming payable under this Act, for discharging the Monies borrowed under the same, in priority to all other Payments requiring to be made out of the said Sums.

Payment of Monies borrowed.

IX. The Monies borrowed under this Act, with all Interest for the same, shall be wholly repaid and discharged within Thirty Years from the Time of the passing of this Act.

3 & 4 W. 4. c. 89. s. 2.

X. And whereas an Act was passed in the Session holden in the Third and Fourth Years of King *William* the Fourth (Chapter Eighty-nine), "to authorize the Issue of a Sum of Money out of the Consolidated Fund towards the Support of the Metropolitan Police," and by Section Two of the said Act such Issue was limited not to exceed Sixty thousand Pounds in any one Year: And whereas by an Act of the Session holden in the Second and Third Years of Her Majesty, Chapter Forty-seven, "for further improving the Police in and near the Metropolis," Provision was made for further Additions to the Metropolitan Police District, and in the Case of every Addition to such District after the passing of that Act the Commissioners of the Treasury were by Section Three authorized to direct the Issue out of the Consolidated Fund of an additional yearly Sum not greater in each Case than the Amount of Twopence in the Pound upon the additional Rental assessed to the Metropolitan Police by reason of such Addition: And whereas, by an Act of the Session holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter Ninety-four, the Sums which were payable out of the Consolidated Fund under the said recited Acts are made payable out of such Aids and Supplies as may be from Time to Time provided and appropriated by Parliament for the Purpose: And whereas the Sums which the Commissioners of Her Majesty's Treasury are authorized to cause to be issued under the said Acts, subject to the Limitation of Amount contained in the said Act of the Third and Fourth Years of King *William* the Fourth, are, together with the Amount authorized to be raised by means of Rates in the Metropolitan Police District, insufficient to defray the Expense of maintaining the Police of the Metropolis:

2 & 3 Vict. c. 47. s. 3.

3 & 4 W. 4. c. 89. s. 2., repealed, but Contribution under the Two Enactments not to exceed 2d. in the Pound.

Section Two of the said Act of the Third and Fourth Years of King *William* the Fourth shall be repealed, as from the Thirty-first Day of *December* One thousand eight hundred and fifty-seven, but the Sums which the Commissioners of Her Majesty's Treasury shall cause to be issued under and subject to the Conditions of the said Act of the Third and Fourth Years of King *William* the Fourth, and Section Three of the said Act of the Second and Third Years of Her Majesty, as amended by the said Act of the Seventeenth and Eighteenth Years of Her Majesty, shall not together in any one Year exceed the Amount of Twopence in the Pound upon the Rental assessed to the Metropolitan Police in the whole of the Metropolitan Police District for the Time being.

10 G. 4. c. 44.

XI. And whereas by the Act of the Tenth Year of King *George* the Fourth, Chapter Forty-four, the Sum to be paid for the Purposes of the Police under that Act within the Metropolitan Police District is to be ascertained, and is limited with reference to the full and fair annual Value of all Property rateable for the Relief of the Poor within the Parish, Township, Precinct, or Place, such full and fair annual Value to be computed according to the last Valuation for the Time being acted upon in assessing the County Rate: And whereas from the rapid Increase of building in Parts of the Metropolitan Police District many Buildings become rateable for the Relief of the Poor, and occasion an Increase of Charge for the Purposes of the Police, before they are included in the Valuation acted upon in assessing the County Rate:

Rateable Value of Buildings erected since last County Rate Valuation to be taken into account for Purposes of Police Rate.

In computing the full and fair annual Value of the Property rateable for the Relief of the Poor within any Parish, Township, Precinct, or Place in the Metropolitan Police District, for all the Purposes of the said Act of King *George* the Fourth, and the other Acts relating to the Metropolitan Police, and this Act, the full and fair annual Value on which the last Poors Rate has been computed of all Houses and other Buildings in such Parish, Township, Precinct, or Place, which shall have been erected since the last Valuation acted upon in assessing the County Rate, and which shall have become rateable to the Relief of the Poor, shall be added to the Amount of the annual Value of the rateable Property in such Parish, Township, Precinct, or Place, according to the last Valuation for the Time being acted upon in assessing the County Rate.

Overseers to make Returns of new Buildings.

XII. The Overseers of the Poor of every Parish, Township, Precinct, or Place within the Metropolitan Police District shall, from Time to Time so often as may be required by the Receiver for the Metropolitan Police District, make and cause to be delivered to the Receiver for the Metropolitan Police District a true Return in Writing under the Hands of such Overseers, specifying every House or other Building which shall have been erected and have become rateable to the Relief of the Poor in such Parish, Township, Precinct, or Place since the making of the last Valuation for the Time being acted upon in assessing the County Rate, and the annual Value of the same.

XIII. The

Metropolitan Police Stations, &c.

Militia Pay.

XIII. The Receiver for the Metropolitan Police District, or any Person having an Order for that Purpose under the Hand of such Receiver, may inspect any Poor Rate made or to be made for any Parish, Township, Precinct, or Place in the Metropolitan Police District, and take Copies of or Extracts from any such Rate, without Payment of any Fee or Reward.

Receiver for Metropolitan Police District, &c. may inspect Rates.

XIV. If any Overseer or Overseers refuse or neglect to make any Return when so required by the Receiver as aforesaid, or if any Overseer or Person having the Custody of any such Poor Rate as herein mentioned refuse or neglect to permit the Receiver or any Person hereby authorized to inspect such Rate, or to take Copies or Extracts from the same, within Two Days after Notice in Writing, under the Hand of such Receiver, for that Purpose shown to the Overseer or Person having the Custody of such Poor Rate, or left at his usual Place of Abode; every Overseer or Person so offending shall, on Conviction thereof before Two Justices of the Peace, or before any Police Magistrate sitting in a Police Court of the Metropolitan Police District, forfeit and pay for every such Offence the Sum of Ten Pounds.

Penalty on Overseers neglecting to make Returns, or refusing to produce Rates.

XV. In case the Police Superannuation Fund provided by the said Act of the Second and Third Years of Her Majesty shall at any Time be insufficient for Payment of the Superannuation or Retiring Allowances which may be ordered to be paid thereout under the Provisions of the Acts relating to the Police of the Metropolis, it shall be lawful for One of Her Majesty's Principal Secretaries of State, by Warrant under his Hand, to authorize and direct the Payment by the Receiver for the Metropolitan Police District, out of any Monies applicable towards defraying the Charge of the Metropolitan Police, of such Sum or Sums from Time to Time as may be necessary to make good the Deficiency of the said Police Superannuation Fund.

Deficiency of Police Superannuation Fund may be made good out of other Monies applicable to Charge of Police.

SCHEDULES to which this Act refers.

SCHEDULE (A.)

Form of Mortgage of Rates.

Mortgage, Number ( )

By virtue of an Act passed in the Year of the Reign of Queen Victoria, intituled [here insert the Title of this Act], Esquire, the Receiver of the Metropolitan Police District, in consideration of the Sum of paid to by A.B. of for the Purposes of the said Act, doth grant and assign unto the said A.B., his Executors, Administrators, and Assigns, all Sums and Rates authorized to be levied by the Commissioners of Police of the Metropolis under the Act of the Tenth Year of King George the Fourth, Chapter Forty, and the Act of the Session holden in the Second and Third Years of Queen Victoria, Chapter Forty-seven, to hold to the said A.B., his Executors, Administrators, and Assigns, from the Day of the Date hereof until the said Sum of with Interest at the Rate of per Centum per Annum for the same, shall be fully paid and satisfied; and it is hereby declared that the said Principal Sum shall be repaid on the Day of and that in the meantime the Interest thereof shall be paid on the Day of and the Day of in every Year.

In witness whereof the said hath hereunto set his Hand and Seal, this Day of One thousand eight hundred and

SCHEDULE (B.)

Form of Transfer of Mortgage.

I A.B. of in consideration of the Sum of Pounds paid to me by C.D. of do hereby transfer to the said C.D., his Executors, Administrators, and Assigns, a certain Mortgage, Number , bearing Date the Day of and made by Esquire, the Receiver of the Metropolitan Police District, for securing the Sum of and Interest [or, if such Transfer be by Indorsement on the Mortgage, insert, instead of the Words after "Assigns," the within Security], and all my Property, Right, and Interest in and to the Money thereby secured, and in and to the Monies thereby assigned. In witness whereof I have hereunto set my Hand and Seal, this Day of One thousand eight hundred and

A.B. (L.S.)

C A P. LXV.

An Act to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in Great Britain and Ireland; to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, and Surgeons Mates of the Militia; and to authorize the Employment of the Non-commissioned Officers. [25th August 1857.]

[This Act is the same, except as to Dates, as 19 & 20 Vict. c. 90.]

C A P.

*Mutiny (East India).*

## C A P. LXVI.

An Act for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the *East India* Company, and for regulating in such Service the Payment of Regimental Debts and the Distribution of the Effects of Officers and Soldiers dying in the Service.

[25th August 1857.]

12 & 13 Vict.  
c. 43.

‘ WHEREAS an Act was passed in the Twelfth and Thirteenth Years of Her present Majesty, intituled *An Act for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the East India Company, and for regulating in such Service the Payment of Regimental Debts and the Distribution of the Effects of Officers and Soldiers dying in the Service*: And whereas it is expedient that the said Act be amended; and it being requisite for retaining the Forces of the *East India* Company in their Duty that an exact Discipline be observed, and that Soldiers who shall mutiny or stir up Sedition, or shall desert the said Company’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, That—

Power to Her Majesty to make Articles of War, of which all Courts shall take Judicial Notice, and Copies to be transmitted to Judges and Governors.

I. It shall be lawful for Her Majesty to make Articles of War for the better Government of the *East India* Company’s Forces, and from Time to Time to renew, alter, add to, or amend the same, as to Her Majesty shall appear fit; and all Articles of War to be so made 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 conveniently may be after the same shall have been made and established by Her Majesty, be transmitted by Her Majesty’s Secretary of War to the Judges of Her Majesty’s Superior Courts at *Westminster, Dublin, Edinburgh*, and in *India* respectively, and also to the Governors of Her Majesty’s Dominions abroad, and of the Territories under the Government of the said Company; provided that no Person within the Territories which are or may be under the Government of the said Company, and within One hundred and twenty Miles Distance from the Presidencies of *Fort William, Fort Saint George, and Bombay* respectively, shall by such Articles of War be subject to be transported as a Felon, or to be kept in Penal Servitude, or to suffer any Punishment extending to Life or Limb, except for Crimes or Offences which are by this Act expressly made liable to Transportation or Penal Servitude, or 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 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 hereafter may be made or enacted or in force, under the Authority of the Government of *India*, respecting Officers or Soldiers or Followers being Natives of the *East Indies* or other Places within the Limits of the said Company’s Charter, and that on the Trial of all Offences committed by any 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.

Trial of Native Officers or Soldiers.

Persons subject to this Act.

II. All the Provisions of this Act shall apply to all Persons belonging to the Forces of the *East India* Company who are or shall be commissioned or in Pay as Officers, or who are or 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 Draughtsmen, 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 Suttlers, and all Followers in or of any of the said Forces, and that all such Persons shall be at all Times subject to all the Penalties and Punishments mentioned in this Act, and shall in all respects whatsoever be holden to be within the Intent and Meaning of every Part of this Act.

For Purposes of Act, Presidency of Fort William to comprise Agra.

III. For the Purposes of this Act and of any Articles of War to be made under the same, the Presidency of *Fort William in Bengal* shall be deemed and taken to comprise under and within it all the Territories which by Law are divisible between the Presidencies of *Fort William in Bengal* and *Agra* respectively, and such Territories shall for all the Purposes aforesaid be taken to be the Presidency of *Fort William in Bengal*.

Officers, &c. raised or serving in Places under Government of the Company liable to Martial Law.

IV. All Officers and Soldiers of any Troops, being mustered and in Pay, which shall be raised and serving in any of the Possessions or Territories which are or may be under the Government of the said Company, or in Places in possession of or occupied by Persons subject to the Government of the said Company, or by any Forces of the said Company under the Command of any Officer having a Commission immediately from the Government of any of the Presidencies of the said Company, shall be liable to Martial Law in like Manner as the Company’s other Forces are.

After Embarkation all Officers

V. All Officers and Soldiers who shall be enlisted in or transferred to the Service of the said Company, and all Officers in the said Company’s Service who may proceed in charge of or be appointed

to



*Mutiny (East India).*

to do Duty with such enlisted or transferred Officers and Soldiers, shall, from and after their Embarkation to go abroad to such Place whereto they shall be sent in the Service of the said Company, be during their Passage subject to all the Provisions and Regulations of this Act, and to all such Provisions and Regulations as Officers and Soldiers in the Pay of the said Company shall from Time to Time be subject to at the Garrison or Place to which such Officers and Soldiers shall be sent; and in all Cases in which it may happen that Offences shall be committed by the said Officers and Soldiers after their Embarkation, and before their Arrival at their Place of Destination abroad, which cannot be tried and punished during their Passage in such Manner as such Offences ought to be tried and punished, every such Officer or Soldier may, after his Arrival at his Place of Destination abroad, be tried and punished for every Offence committed after his Embarkation and before his Arrival, in the same Manner as he would have been liable to be tried and punished if such Offence had been committed in any Place where the Offender might have been tried by Court-martial held under the Authority of this Act.

VI. For the Purpose of bringing Offenders to Justice it shall be lawful for the General or other Officer commanding in chief the Forces in *India*, or the Forces of the Presidency of *Fort William*, and also for each of the Generals or other Officers respectively commanding in chief the Forces of the Presidencies of *Fort Saint George* and *Bombay* respectively, from Time to Time, as Occasion may require, to convene Courts-martial for the Trial of any Officer or Soldier under his Command who is or shall be charged with any Offence liable to be tried by Court-martial, whether such Offence shall have been committed before or after such Officer shall have taken upon himself such Command; and it shall also be lawful for each of the said Officers commanding in chief respectively to direct his Warrant to any Officer having the Command of any Body of Forces, authorizing him to convene Courts-martial for the Trial of Offences committed by any Officer or Soldier under his Command, whether the same shall have been committed before or after such Officer shall have taken upon himself such Command; provided that the Officer so authorized be not below the Degree of a Field Officer, save and except that in detached Situations beyond Seas, where a Field Officer is not in Command, a Captain may be authorized to convene District or Garrison Courts-martial; and it shall also be lawful for each of the said Officers commanding in chief respectively, when and as often as any Sentence is given and passed by a Court-martial legally constituted upon any Officer or Soldier under his Command, to confirm such Sentence, and to cause the same to be put into execution, or to suspend, mitigate, or remit the same; and it shall also be lawful for each of the said Officers commanding in chief respectively to give his Warrant to any Officer having the Command of any Body of Forces, authorizing such Officer to confirm Sentences of Courts-martial passed upon Officers or Soldiers under his Command (always excepting in any such Warrant the Confirmation of any Sentence of Death, Transportation, Penal Servitude, or Cashiering upon any Commissioned Officer), and to cause the same to be put into execution, or to suspend, mitigate, or remit the same; provided that the Officer so authorized be not below the Degree of a Field Officer, save and except that in detached Situations beyond Seas, where a Field Officer is not in Command, a Captain may be so authorized with reference to the Sentences of District or Garrison Courts-martial; and the said Officers commanding in chief respectively may (where they shall think fit) authorize any such Officer as aforesaid to confirm any such Classes of Sentences only, or Sentences passed for any such Class of Offences only, or on any such Classes of Persons only, as they may think fit; and it shall also be lawful for Her Majesty to grant Commissions or Warrants under the Royal Sign Manual to any General or other Officer having the Command of any Body of Forces, as well in the Possessions or Territories which are or may be under the Government of the *East India* Company as elsewhere, for convening Courts-martial and for authorizing 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 their several Commands, whether the same shall have been committed before or after such Officer shall have taken upon himself such Command, the Officer so authorized not being, however, below the Degree of a Field Officer, except as aforesaid; and any Person subject to the Provisions of this Act who shall, in any Part of Her Majesty's Dominions or the Territories under the Government of the *East India* Company, or elsewhere, commit any Offence for which he may be liable to be tried by Court-martial, may be tried and punished for the same in any Part of the Territories which are or may be under the Government of the said Company, or in any other Place whereto he may have come, or where he may be after the Commission of the Offence, in the same Manner as if the Offence had been committed where such Trial shall take place.

VII. All General Courts-martial held under the Authority of this Act shall consist of not less than Thirteen Commissioned Officers, (except in Cases where the same shall be holden in any Place out of Her Majesty's Dominions and of the Territories which are or may be under the Government of the said Company, or where the same shall be holden in any *African* Colony, *New Zealand*, the *Australian* Colonies, *Hong Kong*, the Settlements on the Coast of *China*, *Prince of Wales Island*, *Singapore*, or *Malacca*, in which Cases such General Courts-martial may consist of any Number not less than Five, save only in the Case of the *Cape of Good Hope* and other Settlements in *Southern Africa*, in which Case they may consist of any Number not less than Seven,) and such General Courts-martial shall have Power to sentence any Officer or Soldier to suffer Death, Transportation, Penal Servitude, or any other Punishment which shall accord with the Provisions of this Act.

and Soldiers subject to Provisions of this Act.

Offences committed during Passage, cognizable after Arrival.

Power to the Commanders-in-Chief at the several Presidencies to convene Courts-martial for Trial of Offences.

Power to Her Majesty to grant Commissions or Warrants for convening of Courts-martial for trying Offences against Articles of War.

Composition and Constitution of General Courts-martial.

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- Composition and Powers of District or Garrison Courts-martial. VIII. A District or Garrison Court-martial shall consist of not less than Five Commissioned Officers; and such Court-martial 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 that such Court-martial shall not have Power to try a Commissioned Officer, nor to pass any Sentence of Death, or Transportation, or Penal Servitude.
- Regimental or Detachment Courts-martial. IX. A Regimental or Detachment Court-martial shall consist of not less than Five Officers, unless it is found impracticable to assemble that Number, when Three may 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.
- Courts-martial on Line of March or in Troop Ships. X. In Cases of Mutiny and gross Insubordination or other Offences committed on the Line of March or on board any Ship or Vessel, 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 the Sentence shall not exceed that which a Regimental Court-martial is competent to award.
- Power to Officers in Command of Troops in Foreign Countries to convene Detachment Courts-martial. XI. It shall be lawful for any Officer commanding any Detachment or Portion of the said Company's Troops serving in any Place out of Her Majesty's Dominions and of the Possessions or Territories which are or may be under the Government of the said Company, 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 the Company's Army, being under the immediate Command of any such Officer, to convene a Detachment General Court-martial, which shall consist of not less than Three 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 to which the Division, Brigade, Detachment, or Party to which any Person so tried, convicted, and adjudged to suffer Punishment shall belong shall have approved and confirmed the same.
- No Sentence to be executed until approved. XII. Where necessary or expedient, Officers of Her Majesty's Land Forces or Officers of Her Majesty's Royal Marines, or Officers of both such Services, may sit on Courts-martial together with Officers in the Service of the *East India* Company; and where the Person to be tried belongs to Her Majesty's Land Forces, then the Proceedings of the Court shall be regulated to all Intents and Purposes as if the Court was composed of Officers of Her Majesty's Land Forces only, and the Provisions of the Act which shall exist at the Time for the Punishment of Mutiny and Desertion in Her Majesty's Forces shall be applicable to the Proceedings of such Court; and where the Person to be tried shall be in the Service of the *East India* Company, the Provisions of this Act shall be applicable, notwithstanding any Officer, though in the actual Service of the said Company, may hold a Commission from Her Majesty or any of Her Royal Predecessors; and where it shall happen that Officers in the Service of the said Company cannot conveniently be had to compose the whole or Part of a Court-martial, then any Officer or Soldier or Person subject to the Provisions of this Act may be tried by a Court-martial composed of Officers in Her Majesty's Service alone: Provided always, that the Officer convening such Court-martial shall specify in his Warrant or Order convening the Court that no Officer in the Service of the said Company could be conveniently had.
- Proceedings on mixed Courts-martial how to be regulated. XIII. The President of every Court-martial shall be appointed by the Authority convening such Court, and shall in no Case be the confirming Officer or the Officer whose Duty it has been to investigate the Charges on which the Prisoner is to be arraigned, nor in the Case of a General Court-martial under the Degree of a Field Officer, unless a Field Officer cannot be had, nor in any Case whatever under the Degree of a Captain, save in the Case of a Detachment General Court-martial holden in the Countries of Foreign Powers, or of a Regimental or Detachment Court-martial holden on the Line of March or on board any Ship or Vessel, or on any Station where a Captain cannot be had; and it shall be lawful for any Officer by whom any Court-martial shall be convened (where it may be necessary so to do) to authorize some fit Person to execute the Office of Judge Advocate at and for the Purpose of such Court-martial: Provided always, that in the Case of a Detachment General Court-martial holden in the Countries of Foreign Powers the Officer convening such Court may be the President thereof.
- Courts-martial in some Cases may be wholly composed of Queen's Officers. XIV. In all Trials by Courts-martial to be held by virtue of this Act, 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 be tried by the President or by any of such Officers, and if the Prisoner shall then object to the President, such Objection 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 appointed to form the Court; and when the Place of the President, or of any 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 have been made and allowed, or if no Challenge shall have been made, or, if made, not allowed, the President and the other Officers composing a General Court-martial shall take the Oath in the Schedule to this Act annexed before the Judge Advocate General or his Deputy, or Person officiating as Judge Advocate, and on Trials by other Courts-martial before the President
- President of Court-martial.
- Proceedings at Trial.

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sident of such Court, who are hereby respectively authorized 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 authorized 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 during reasonable and convenient Hours of the Day, to be appointed by the Officer commanding where the Court-martial is held, except in Cases which require an immediate Example.

XV. 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 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 such Court-martial or by any Court of Justice or Judge of any such Court, according as the Case shall require, upon its being made to appear to such Court-martial, Court of Justice, or Judge, by 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 shall refuse to give Evidence, or not produce the Documents under their Power or Control required to be produced by them, or refuse to answer all such Questions as the Court may legally demand of them, shall be liable to be attached in any Court of Justice, upon Complaint made, in like Manner as if such Witness, after having been duly summoned or subpoenaed, had neglected to attend on a Trial in any Proceeding in the Court in which Complaint shall be made: Provided always, that nothing in this Act contained shall be construed to render an Oath necessary in any Case where by Law an Affirmation may be made instead thereof.

As to swearing  
and summoning  
Witnesses.

XVI. After any Person subject to this Act has been found guilty of any Charge or Charges, the Court before which any Person shall have been tried may, before passing Sentence on such Person, and for the Purpose only of awarding Punishment, receive in Evidence against him any previous Convictions by Courts-martial, and in like Manner and for the like Purpose the Court may receive in Evidence any previous Conviction of any such Person, not being a Commissioned Officer, by a Court of ordinary Criminal Jurisdiction, where the Offence charged in the Indictment was of a felonious, fraudulent, or unnatural Nature; and in the Case of Convictions by Courts-martial duly confirmed, the Court-martial Book or the Defaulters Book of the Regiment, Corps, Troop, or Company, and when none of those Books can conveniently be produced, a Certificate which shall purport to contain a Copy of the Entry of such Convictions in any of such Books, and which shall be signed by the Adjutant or other Officer having the Custody of the Court-martial Book or of the Defaulters Book of the Regiment, Corps, Troop, or Company to which the Prisoner belongs, shall be sufficient Evidence of such Conviction, and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed such Certificate, nor, if the Court be satisfied from all the Circumstances of the Case that the Person under Trial is the Person mentioned in any such Certificate, shall it be necessary to give other Proof of the Identity of the Person of the Offender; and in the Case of a Conviction by a Court of ordinary Criminal Jurisdiction, any Certificate transmitted to the Officer commanding a Regiment or other Corps by the Clerk of any such Court or other Officer having Custody of the Records of such Court, or the Deputy of such Clerk or other Officer, containing the Substance and Effect of the Indictment, omitting the formal Part, together with the Judgment of the Court thereon, and purporting to be signed by such Clerk or other Officer, or by the Deputy of such Clerk or other Officer, or if such Certificate cannot conveniently be obtained a Copy thereof duly certified by the Officer producing it, shall be sufficient Evidence of such last-mentioned Conviction, and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed such last-mentioned Certificate, nor, if the Court be satisfied, from all the Circumstances of the Case, that the Person under Trial is the Person mentioned in such Certificate, shall it be necessary to give other Proof of the Identity of the Person of the Offender: Provided always, that before any such Evidence shall be received it shall be proved to the Satisfaction of the Court that the said Prisoner had previously to his Trial received Notice of the Intention to produce such Evidence against him; and provided also, that the Court shall in no Case award to him any other Punishment or Punishments than may by this Act and by the Articles of War for the Government of the *East India* Company's Forces be awarded for the Offence of which he may be found guilty.

Previous Con-  
victions may be  
put in Evidence  
before passing  
Sentence.

XVII. Every Judge Advocate or Person officiating as such at a General Court-martial, and the President of every District or Garrison Court-martial, shall transmit, with as much Expedition as may be, the original Proceedings and the Sentence of such Court-martial to the Judge Advocate General of the Army in which such Court-martial shall be held, in whose Office they are to be carefully preserved; and any Person tried by a General Court-martial, or any Person on his Behalf, shall be entitled, on Demand, to a Copy of such Proceedings and Sentence. (paying for the same at the Rate of Fourpence or

Report of Pro-  
ceedings of  
General and  
District Courts-  
martial to be  
transmitted to  
Judge Advoca-  
te General.

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Thirty-two Pies *per Folio* of Seventy-two Words), whether such Sentence shall be approved or not, at any Time not sooner than Three Months after the Trial, if the same took place on the Continent of *India*, or Six Months if beyond Seas ; provided that such Demand as aforesaid shall have been made within the Space of Three Years from the Date of the Approval or other final Decision upon the Proceedings before such General-Court-martial.

No Second Trial to be had for same Offence, and no Revision more than once.

XVIII. 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 liable to be revised more than once, nor shall any additional Evidence as to the Guilt or Innocence of the Accused be received by the Court on any Revision.

Crimes punishable with Death.

XIX. 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 the Land or Marine Forces of Her Majesty or of the said Company, or shall not use his utmost Endeavours to suppress the same, 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 or of the *East India* Company, either by Letters, Messages, Signs, or Tokens, in any Manner or Way whatsoever, or shall relieve with Money, Victuals, or Ammunition, or knowingly harbour or protect, any such Rebel or Enemy, or shall treat or enter into any Terms with any such Rebel or Enemy, without the Licence of the said Company, or of the Governor General in Council, or of the Governor in Council at One of the Presidencies, or of the General or Chief Commander, or shall cast away his Arms or Ammunition or otherwise 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, Post, or Guard 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 the said Company's Service, or shall leave his Commanding Officer, or his Post or Colours, to go in search of Plunder, or shall leave his Post before being regularly relieved, or shall sleep on his Post, or shall treacherously make known the Watchword, or shall intentionally occasion false Alarm in Action, Camp, Garrison, or Quarters, or shall do Violence to any Person bringing Provisions or other Necessaries to the Quarters of the Forces, or shall force a Safeguard or enter into any House or Store or Cellar, or other Place, for Plunder, or shall strike, or shall draw or offer to draw or lift up any Weapon, 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 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 shall be committed within the Dominions of Her Majesty or the Territories which are or may be under the Government of the said Company, or in Foreign Parts, and whether upon Land or upon the Sea, shall suffer Death, or such other Punishment as by a Court-martial shall be awarded : Provided also, that any Non-commissioned Officer or Soldier enlisted or in Pay in any Regiment, Corps, Troop, or Company, who shall, without having first obtained a regular Discharge therefrom, enlist himself in any other Regiment, Corps, Troop, or Company, may be deemed to have deserted the said Company's Service, and shall be liable to be punished accordingly.

Judgment of Death.

XX. No Judgment of Death by a Court-martial shall pass unless Two Thirds at least of the Officers present shall concur therein.

Judgment of Death may be commuted for Transportation or other Punishments.

XXI. Whensoever any Court-martial by which any Soldier shall have been tried and convicted of any Offence punishable with Death shall not think the Offence deserving of Capital Punishment, such Court-martial may adjudge the Offender, according to the Degree of the Offence, to be transported as a Felon for Life or for any Term of Years not less than Fourteen, or may sentence him to be kept in Penal Servitude for any Term not less than Four Years ; and in all Cases where the Punishment of Death shall have been awarded by a Court-martial it shall be lawful 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 transported as a Felon, either for Life or for any Term of Years not less than Fourteen, or to be kept to Penal Servitude for any Term not less than Four Years, or to suffer such Term of Imprisonment, either with or without Hard Labour, as shall seem meet to such Officer.

Embezzlement punished by Transportation or Penal Servitude.

XXII. Any Paymaster or other Commissioned Officer, or any Person employed in the Ordnance, Public Works, or Commissariat Department, or in any way concerned in the Care or Distribution of any Money, Provisions, Forage, or Stores, who shall embezzle or fraudulently misapply, wilfully damage, steal, or be concerned in or connive at the Embezzlement, fraudulent Misapplication, wilful Damage, or Theft of any Money, Provisions, Forage, Arms, Clothing, Ammunition, or other Stores belonging to the *East India* Company, or for the Use of the *East India* Company's Forces or Her Majesty's Forces, may be tried for the same by a General Court-martial, which may adjudge any such Offender to be transported as a Felon for Life or for any certain Term of Years not less than Fourteen, or to be kept in Penal Servitude for any Term not less than Four Years, or to suffer such Punishment of Fine, Imprisonment,

Dismissal

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Dismissal from the *East India* Company's Service, Reduction to the Ranks if a Warrant or Non-commissioned Officer, and Incapacity of serving the *East India* Company or Her Majesty in any Office, Civil or Military, as such Court shall think fit, according to the Nature or 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, which shall have been ascertained by such Court-martial; and in every such Case the Court is required to ascertain by Evidence the Amount of the Loss or Damage incurred, 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 the *East India* Company, who shall be entitled to enter up Judgment for and recover the same accordingly in any of the Courts of Law in the *East Indies*, or 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, as Occasion may require; 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; and every Commissioned Officer sentenced to be transported as a Felon or to be kept in Penal Servitude, when such Sentence shall be duly confirmed, shall thereupon cease to belong to the *East India* Company's Service, and forfeit any Commission held from Her Majesty, and for ever be incapable of serving the said Company or Her Majesty in any Military Capacity.

XXIII. Her Majesty may, by any Order or Orders to be by Her from Time to Time made, with the Advice of Her Privy Council, appoint, or by any such Order or Orders in Council authorize the Governor General of *India* in Council and the Governor in Council of *Fort Saint George* and *Bombay* respectively to appoint, any Place or Places beyond the Seas within Her Majesty's Dominions to which Felons and other Offenders may be conveyed.

As to Execution of Sentences of Transportation or Penal Servitude.

XXIV. Whenever any Sentence of Transportation or Penal Servitude heretofore passed or hereafter to be passed upon any Offender, under the Provisions of the said recited Act or of this Act, is to be carried into execution, whether the same be an original or commuted Sentence, the same shall be notified by the Officer commanding in chief at the Presidency or Station where the Offender may come or be, or in his Absence by the Adjutant General for the Time being, or Officer acting as such, to some Judge of One of the Supreme Courts of Judicature in the *East Indies*, or to the Chief Justice or other Judge, as the Case may be, of the Colony or Place, who shall make Order for the Transportation or Penal Servitude or intermediate Custody of such Offender, in like Manner as for the Transportation, Penal Servitude, or intermediate Custody of any other Convict; and upon any such Order being made it shall be duly notified to the Governor of the Presidency, if in any of the Presidencies of the *East Indies*, or if elsewhere to the Governor of the Colony or Place, or to the Person who shall for the Time being be exercising the Office of Governor of such Presidency, Colony, or Place, who, on Receipt of such Notification, shall cause such Offender to be removed or sent to some 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 from Time to Time shall be in force in such Presidency, Colony, or Place, and such Offender shall undergo the Sentence of Transportation or of Penal Servitude which has been passed upon him in the Place to which he shall have been removed or sent, and whilst such Sentence shall remain in force shall be liable to be there 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 Transportation or of his Penal Servitude by the Judgment of a Court of competent Jurisdiction in the Place to which he has been so removed or sent: Provided always, that in any Case where a Sentence of Transportation or of Penal Servitude shall have been awarded by a General or Detachment General Court-martial, it shall be lawful for the Commanding Officer having Authority to confirm the Sentence, instead of causing such Sentence to be carried into execution, to order that the Offender be imprisoned for a Term not exceeding Two Years, either with or without Hard Labour and Solitary Confinement, not exceeding the Period herein-after prescribed.

Transports to be subject to the Convict Laws of the Place of Transportation or Penal Servitude.

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

Power to inflict Corporal Punishment;

XXVI. 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 herein-after prescribed.

Corporal Punishment and Imprisonment.

XXVII. 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 General or other Officer authorized to confirm the Sentence 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, such Confinement not exceeding the Periods herein-after prescribed, 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, such Confinement not exceeding the Periods herein-after prescribed, and Corporal Punishment to be inflicted in the Prison, not exceeding Twenty-five Lashes.

Power to commute Corporal Punishment for Imprisonment.

XXVIII. Any General Court-martial may, in addition to any other Punishment whatsoever which it may be competent to 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

Courts-martial may, in addition to other Punishment,

of

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order Forfeiture of Pay and Pension.

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 the Annuity, and Medal or Decoration, which may have been granted for former meritorious Service, or of the Gratuity, and Medal or Decoration, awarded for former good Conduct, according to the Nature of the Case; and any District or Garrison Court-martial may also, in addition to any Sentence 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 Soldier, whether at the Instance of such other Soldier or not, or of causing himself to be maimed or injured by any other Person, with Intent thereby to render himself or such other Soldier unfit for Service:

In tampering with his Eyes, with Intent thereby to render himself unfit for Service:

In wilfully doing any Act, or wilfully disobeying any Orders, whether in Hospital or otherwise, thereby producing or aggravating any Disease or Infirmity, or delaying his Cure:

In malingering or feigning Disease:

In stealing or embezzling Stores or other Property of the *East India* Company or of the Crown, 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 Military Officer, or of any Military or Regimental 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 or Military, or for any other disgraceful Conduct, being of a cruel, indecent, or unnatural Kind.

Forfeiture of Pay on being found guilty of Desertion, and to or on Conviction for Felony.

XXIX. Every Soldier who shall be found guilty by a Court-martial of Desertion, of wilfully maiming or injuring himself or any other Soldier, whether at the Instance of such other Soldier or not, or of causing himself to be maimed or injured by any other Person, with Intent thereby to render himself or such other Soldier unfit for Service, or of tampering with his Eyes, with Intent thereby to render himself unfit for Service, such Finding having been confirmed, or of Felony by any Court of ordinary Criminal Jurisdiction, or of any Crime or Offence by any Court of Criminal Jurisdiction in the United Kingdom, or in any Dominion, Territory, Colony, Settlement, or Island belonging to or occupied by Her Majesty or the *East India* Company, which would, if committed in the United Kingdom, amount to Felony, shall thereupon forfeit all Advantage as to additional Pay, Good-conduct Pay, and Pension on Discharge, which might have otherwise accrued from the Length of his former Service, in addition to any Punishment which such Court may award.

Forfeiture of Pay when in Confinement under Sentence of Court-martial or for Debt, &c.;

or during Absence on Commitment;

or in Confinement for Debt; or when Prisoner of War, until Inquiries shall be made;

or when convicted of Desertion or of Absence without Leave, or when absent without Leave not exceeding Five Days.

XXX. If any Non-commissioned Officer or Soldier, by reason of his Imprisonment, whether under Sentence of a Court-martial or of any other Court duly authorized 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, such Portion of his Time shall not be reckoned as a Part of the limited Service for which such Non-commissioned Officer or Soldier was enlisted or re-engaged, or for which his Term of Service may have been prolonged; and no Soldier 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 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 Soldier 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 the 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 Soldier 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 the 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 Soldier 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 Soldier shall absent himself without Leave for any Period not exceeding Five Days, and shall not account for the same to the Satisfaction of the Commanding Officer, or if any Soldier 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 authorized to award, order that such Soldier 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 Soldier 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 any Authority

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Authority to inflict, any Soldier 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 Soldier shall be accordingly forfeited: Provided always, that such Soldier shall not be liable to be afterwards tried by a Court-martial for any Offence for which he shall have been so punished or ordered to suffer Imprisonment, Punishment, or Forfeiture as aforesaid: Provided also, that any Soldier 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 Government under which any Soldier is serving to order or withhold the Payment of the whole or any Part of the Pay of any such Soldier during the Period of Absence by any of the Causes aforesaid.

XXXI. Any Court-martial may sentence any Soldier for being drunk on Duty under Arms to be deprived of One Penny or Eight Pies a Day of his Pay for any Period not exceeding Sixty Days, and for being drunk when on any Duty not under Arms, or for Duty, or on Parade, or on the Line of March, to be deprived of One Penny or Eight Pies a Day of his Pay for any Period not exceeding Thirty Days, and such Deprivation may in either Case be in addition to any other Punishment which such Court may award.

Forfeiture of Pay for Drunkenness on Duty.

XXXII. Any General, Garrison, or District Court-martial before which any Soldier shall be convicted of habitual Drunkenness shall deprive such Soldier of such Portion of his Pay for such Period not exceeding Two Years, and under such Restrictions and Regulations, as may accord with Her Majesty's Articles of War for the *East India* Company's Troops, subject to Restoration on subsequent good Conduct; and every Regimental or Detachment Court-martial shall deprive a Soldier convicted of a Charge of habitual Drunkenness of such Portion of his additional or regular Pay or Allowance for such Period not exceeding Six Months, and under such Restrictions and Regulations, as may accord with Her Majesty's Articles of War for the *East India* Company's Troops, subject to Restoration on subsequent good Conduct, and in addition to such Deprivation of Pay the Court may, if it shall think fit, sentence such Offender to any other Punishment whatsoever which the Court may be competent to award: Provided always, that a Soldier so sentenced to the Forfeiture of Pay who shall be quartered at or removed to a Station where Liquor forms Part of his Ration and is issued in Kind, shall be deprived of his Liquor in Kind instead of being deprived of One Penny or Eight Pies of his Pay daily for so long a Time as he shall remain at such Station and such Sentence of Forfeiture of Pay shall remain in force.

Forfeiture of Pay and Liquor for habitual Drunkenness.

XXXIII. 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 Bounty fraudulently obtained by him by Desertion from his Corps and enlisting in some other Corps:

Stoppages.

Any Loss or Damage occasioned by him in any of the Instances of disgraceful Conduct herein-before specified:

Any Loss or Destruction of or Damage or Injury to any Property whatsoever occasioned by his wilful or negligent Misconduct:

Any Loss or Destruction of or Damage or Injury to his Horse, or to any Beast used in Warfare, or any Loss or Destruction of or Damage or Injury to his Arms, Clothing, Instruments, Equipments, Accoutrements, or Regimental 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 the Amount or Value obtained by making away with or pawning any Medal or Decoration for Service in the Field or for general good Conduct, which may have been granted him by Order of Her Majesty, or by Order of the *East India* Company or their Government, or any Loss or Destruction of or Damage or Injury to the Arms, Horse Clothing, Instruments, Equipments, Accoutrements, or Regimental Necessaries of any Officer or Soldier 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 or Destruction of any Arms, Clothing, Instruments, Equipments, Accoutrements, or Regimental Necessaries, in which Case the Court may by its Sentence direct that the said Stoppages shall continue till the Cost of replacing the same be made good, the Amount of any Loss, 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 after satisfying the Charges for his Messing and Washing, so much only of the Pay of the Soldier may be stopped and applied as shall leave him a Residue at the least of One Penny or Eight Pies a Day.

XXXIV. Whenever any Soldier 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 Soldier, such Court may further recommend that he be discharged with Ignominy from the Service: Provided always, that 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 General or other Officer having Authority to confirm the Sentence, in the event of the Sentence of Transportation or Penal Servitude being commuted for Imprisonment, to order such

Power to discharge Soldier with Ignominy.

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such Award of Forfeiture, Deprivation of Pay, or Stoppages of Pay to be enforced, mitigated, or remitted, as may be deemed expedient.

Marking  
Deserters.

XXXV. On the First and on every subsequent Conviction for Desertion, the Court-martial, in addition to any other Punishment, may order the Offender to be marked on the Left Side, Two Inches below the Armpit, with the Letter D, such Letter not to be less than an Inch long, and to be marked upon the Skin with some Ink or Gunpowder or other Preparation, so as to be visible and conspicuous, and not liable to be obliterated.

Power of Im-  
prisonment by  
different Kinds  
of Courts-mar-  
tial.

XXXVI. A General, Garrison, or District Court-martial may sentence any Soldier 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 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; and 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 may also direct that such Soldier be kept in Solitary Confinement for any Portion or Portions of such Imprisonment, not exceeding Fourteen Days at a Time, with an Interval between them of not less Duration than such Periods of Solitary Confinement; provided that when any Court-martial, whether General, Garrison, or District, or Regimental or Detachment, shall direct that the Imprisonment shall be solitary only, or when any Sentence of Corporal Punishment shall have been commuted to such Imprisonment only, the Period shall in no Case exceed Fourteen Days.

As to Imprison-  
ment of Offen-  
ders already  
under Sentence  
for previous  
Offence.

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

Terms of Im-  
prisonment by  
Courts-martial.

XXXVIII. Save as herein-before specially provided, every Term of Penal Servitude, Transportation, or of 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.

Place of Im-  
prisonment.

XXXIX. The Place of Imprisonment under the Sentence of General Courts-martial shall be appointed by the Officer commanding in the District, Garrison, or Place, and, under the Sentence of any other Court-martial, shall be appointed by the Officer confirming the Proceedings of such Court-martial, and in default of such Appointment then the Place of Imprisonment shall be appointed by the Officer commanding the Regiment or Corps to which the Offender belongs or is attached.

Keepers of  
Prisons to re-  
ceive Military  
Offenders.

XL. Every Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, Gaol, House of Correction, or other Place of Confinement in any Part of the Territories under the Government of the *East India* Company or of Her Majesty's Dominions, shall receive into his Custody any Military Offender under Sentence of Imprisonment by a Court-martial, upon Delivery to him of an Order in Writing in that Behalf from the Officer commanding the Regiment or Corps to which the Offender belongs or is attached, which Order shall specify the Period of Imprisonment which the Offender is to undergo, and the Day and the 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 shall be discharged or delivered over to Military Custody before the Expiration of that Time, under an Order duly made for that Purpose.

Orders as to  
Removal of  
Prisoners to  
be obeyed.

XLI. In the Case of a Prisoner undergoing Imprisonment under the Sentence of a Court-martial in any public Prison or Gaol or House of Correction, or other Place of Confinement, it shall be lawful for the Officer who confirmed the Proceedings of the Court, or for the Officer commanding in the District or Garrison or Place, 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, 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, or other Purpose, and such Prisoner shall accordingly, on the Production of such Order, be discharged, or be 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 Military Custody shall be reckoned as Imprisonment under the Sentence, for whatever Purpose such Detention shall take place.

Diet of  
Prisoners.

XLII. The Gaoler or Keeper of any Prison, Gaol, House of Correction, or other Place of Confinement, shall diet and provide every Soldier imprisoned by the Sentence of a Court-martial or as a Deserter with Fuel and other Necessaries, according to the Regulations of such Place of Confinement, the Expense of which



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which shall be paid in the same Manner as the other Expenses of such Prison, or as may be provided by any Laws or Regulations to be made in that Behalf.

XLIII. 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 the *East India* Company on the Expiration of his Imprisonment, shall give One Month's Notice of the Period of such Expiration of Imprisonment, or, if there shall not be sufficient Time for a Month's Notice, then the longest practicable Notice thereof to the Adjutant General of the Army, or to the nearest Military Authority to whom such Notice may conveniently be given.

Notice to be given of the Expiration of Imprisonment.

XLIV. Musters shall be taken of every Regiment, Corps, Troop, or Company in the *East India* Company's Service at such Times as shall be appointed, and no Officer or Soldier, or other Person liable to be mustered, shall be absent from such Musters, unless properly certified to be employed on some other Duty of the Regiment, or to be sick, or in Prison, or on Furlough; and every Officer who shall make any false or untrue Muster of Man or Beast, or shall wittingly or willingly allow or sign the Muster Roll wherein such false Muster is contained, or any Duplicate thereof, or who shall directly or indirectly take or cause to be taken any Money or Gratuity for mustering any Officers, Soldiers, or other Persons, or for signing any Muster Rolls, or Duplicates thereof, or shall knowingly muster any Person by a wrong Name, or shall give or procure to be given any untrue Certificate whereby to excuse any Officer, Soldier, or other Person for his Absence from any Muster or any other Service which he ought to attend or perform, upon Proof thereof upon Oath made by Two Witnesses before a General Court-martial shall for such Offence be sentenced to be cashiered; provided that it shall be lawful for the Governor General in Council, or Governor in Council of the Presidency to which the Offender shall belong, 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.

Musters and Punishments for false Musters.

XLV. Every Soldier 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 Soldier shall be tried for deserting from the Corps to which he may of Right belong, or for deserting 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.

Trials for Desertion after subsequent Enlistment.

XLVI. Any Soldier who while serving in any of the *East India* Company's Forces shall to any Officer or Non-commissioned Officer fraudulently confess himself to be a Deserter shall be liable to be tried by Court-martial; and any Person who shall voluntarily deliver himself up and confess himself to be a Deserter from the *East India* Company's Forces, or who, upon being apprehended for any Offence, shall, in the Presence of the Magistrate or of the Commanding Officer of the Place, confess himself to be a Deserter as aforesaid, shall be deemed to have been duly enlisted, and to be a Soldier, and shall be liable to serve in any such Corps of the said Company's Forces as the Officer commanding in chief at any of the said Presidencies shall appoint, whether such Person shall have been actually enlisted as a Soldier or not, and he shall be liable to Punishment in the same Manner as if he had actually enlisted, and had afterwards deserted.

As to fraudulent Confession of Desertion.

XLVII. Any Person who shall, by Words or by any other 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 in any Court of Criminal Jurisdiction in the Dominions of Her Majesty or in the Territories under the Government of the *East India* Company, be liable to be punished by Fine or Imprisonment, or both, as the Court before which such Conviction shall take place may adjudge.

Punishment for inducing or assisting in Desertion.

XLVIII. It shall be lawful for any Justice of the Peace or Magistrate, or Person exercising the Office of a Magistrate within the Territories under the Government of the *East India* Company, or within any of Her Majesty's Dominions abroad, and for any Person holding the Office of *British* Resident or performing the Duties of such Office within the Territories of any Foreign State, to enlist and attest any Persons desirous of enlisting or any Soldiers or others desirous of re-enlisting into the Service of the said Company, and all such Persons shall have the same Powers in that Behalf as by the Mutiny Act passed in the present Year for Her Majesty's Forces are given to Justices in the United Kingdom for the Purposes of Enlistment and Attestation; and any Person so enlisted or re-enlisted shall be deemed to be an attested Soldier in the Service of the said Company; and if any Person so enlisted shall designedly make any false Representation at the Time of his Attestation, and shall obtain any enlisting Money or Bounty for entering into the Service of the *East India* Company, he shall be liable to be tried by Court-martial and punished in the same Manner as a Soldier guilty of disgraceful Conduct in fraudulently misapplying Public Money intrusted to him.

Enlisting and attesting Recruits.

XLIX. Any Person who shall have enlisted into and been attested for the *East India* Company's Forces, and who shall be discovered to be incapable of active Service, or unfit for the Service for which

Recruits concealing Infirmities punishable.

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he shall have been enlisted, by reason of any Infirmity which shall have been concealed by such Person or not declared at the Time of his Attestation, and mentioned at the Foot thereof, may be transferred into any Garrison or Veteran or Invalid Battalion or Company, or into any of the said Company's *European* Forces, or into Her Majesty's Land Forces or Marine Forces, notwithstanding he shall have enlisted for any particular Regiment or any particular Service, and every such Person shall be entitled to receive such Proportion or Residue of Bounty only as shall be allowed by the *East India* Company in that Behalf, in lieu and stead of the Bounty upon which such Man shall have been enlisted, anything in any Act or Acts or any Rules or Regulations relating to Soldiers to the contrary notwithstanding.

Penalty on Militia Men enrolled under 15 & 16 Vict. c. 50. enlisting wrongfully.

L. Any Man having been enrolled as a Volunteer under the Act Fifteenth and Sixteenth *Victoria*, Chapter Fifty, or any subsequent Acts, to serve in the Militia of the United Kingdom, who shall deny to the Justice or other Person before whom he shall be attested for the Forces of the *East India* Company that he belongs to the Militia, shall, upon Conviction thereof before any Justice of the Peace or Magistrate, or Person exercising the Office of a Magistrate, within the Territories under the Government of the *East India* Company, or before a Regimental Court of Inquiry, either upon his own Confession or upon Evidence, forfeit all Militia Bounty which would have become payable to him during the Period of his belonging to the Forces of the *East India* Company if he had not therein enlisted, and be subjected to a Stoppage of One Penny or Eight Pies a Day from his Pay for Eighteen Calendar Months, to be applied as the Military Secretary to the Government of the Presidency to which the Offender shall belong shall in that Behalf direct, or if enrolled in the Militia as a balloted Man or Substitute shall, if convicted before any Justice, Magistrate, or Person as aforesaid, be committed to the Common Gaol or House of Correction, there to remain, without Bail or Mainprise, for and during any Time not exceeding Six Calendar Months, over and above any Penalty or Punishment to which such Person so offending may be otherwise liable; and every such Person shall be liable to all the Provisions of this Act in the same Manner as if he had regularly joined the Corps in which he shall have so enlisted.

No Paymaster to receive Fees, or to make unusual Deductions out of Pay, &c.  
Penalty on Paymasters for so doing.

LI. No Paymaster or other Person shall receive any Fees or make any Deductions whatsoever, out of the Pay or Allowance of any Officer or Soldier in the *East India* Company's Service, or from their Agents, other than the usual Deductions, or such other necessary Deductions as shall from Time to Time be required to be made according to the Regulations of the Service; and every Paymaster or other Person who, having received any Officer's or Soldier's Pay and Allowances, 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 Regulations established by the Rules of the Service, shall, upon Proof thereof before a Court-martial, be discharged from his Employment, and shall forfeit One thousand Company's Rupees, and the Informer if a Soldier shall, if he demand it, be discharged from any further Service: Provided always, that it shall be lawful for the Governor General in Council, or the Governor in Council at the said Presidencies respectively, to give Orders for withholding the Pay of any Officer or Soldier for any Period during which such Officer or Soldier shall be absent without Leave or improperly absent from his Corps and from his Duty.

Penalty for procuring false Musters.

LII. Every Person not having a 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 take or cause to be taken any Money or Gratuity for mustering any Soldiers, or for signing any Muster Rolls or Duplicates thereof, shall forfeit for every such Offence the Sum of Five hundred Company's Rupees; and any Person who shall falsely be mustered or offer himself to be mustered, or lend or furnish any Horse or other Beast to be falsely mustered, shall, upon Conviction before some Magistrate residing near the Place where such Muster shall be made, forfeit the Sum of Two hundred Company's Rupees, and the Informer, if he belong to the Company's Service, shall, if he demand it, be forthwith discharged the said Service.

Penalty on purchasing Soldiers Necessaries, Stores, &c.

LIII. Any Person who shall knowingly detain, buy, exchange, or receive from any Soldier or Deserter or any other Person, on any Pretence whatsoever, or shall solicit or entice any Soldier, or shall be employed by any Soldier, knowing him to be such, to sell any Arms, Ammunition, Medals, or Decorations for good Conduct or for distinguished 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 or other Beasts belonging to or used in the *East India* Company's Service, or who shall have in his or her Possession or Keeping any such Arms, Ammunition, Medals, Decorations, 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 Two hundred Company's Rupees, together with the Treble 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 Two hundred Company's Rupees but not less than Fifty Company's Rupees, 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 liable to be imprisoned only, or imprisoned and kept to Hard Labour, for any Term not exceeding Six Calendar Months, as the convicting Justice or Magistrate, or

Person

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Person exercising the Office of a Magistrate, 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 or solemn Declaration before a Justice of the Peace or Magistrate, or Person exercising the Office of a Magistrate, 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 mentioned, with respect to which any such Offence shall have been committed, such Justice, Magistrate, or Person aforesaid 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, Magistrate, or Person exercising the Office of a Magistrate, to be dealt with according to Law.

LIV. Every Soldier entitled to his Discharge, either upon the Expiration of any Period for which he shall have engaged to serve or otherwise, shall be entitled to be sent to *Great Britain* or *Ireland* free of Expense, and shall be entitled on his Arrival to have and receive Marching Money from the Place of his being landed to the Parish or Place in which he shall have been originally enlisted, or at which he shall at the Time of his Arrival in *Great Britain* or *Ireland* decide to take up his Residence, such Place not being at a greater Distance from the Place of his landing than the Place of his original Enlistment, such Marching Money being at the Rate and Reckoning *per Diem* fixed for victualling Soldiers in Her Majesty's Service on the March: Provided always, that every such Soldier entitled to and claiming his Discharge, and to be sent to *Great Britain* or *Ireland* as aforesaid, as also any other Soldier in the Service of the *East India* Company entitled to be sent to *Great Britain* or *Ireland*, shall, until his Arrival and Debarkation in *Great Britain* or *Ireland*, be subject to the Provisions of this Act, and the Articles of War framed or to be framed by Her Majesty for the better Government of the Company's Forces, and Her Majesty may by such Articles of War provide for the Punishment of any such Soldier who on the Passage shall be guilty of Drunkenness, or of any dishonest, disorderly, cruel, indecent, or disgraceful Conduct, by Sentence of a Court-martial to be held under the Mutiny Act and Articles of War for the Time being in force for Her Majesty's Forces, and may direct that for the Purposes of such Court-martial and Punishment he shall be considered as belonging to any Regiment in Her Majesty's Service, and be punishable in the same or the like Manner as if the Offence had been committed whilst serving with such Regiment, and as if any Advantages he may be entitled to by Service were Advantages arising from Service in Her Majesty's Forces.

LIV. Any Officer or Soldier who shall be serving in the Territories of any Foreign State, or in any Country under the Protection of Her Majesty or the said Company, or at any Place (other than *Prince of Wales Island*, *Singapore*, and *Malacca*), in the Territories under the Government of the said Company, and situated above 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 Treason, or of any other Crime which if committed in *England* would be Felony, or of having committed any Offence against the Person or Property of any Subject of Her Majesty, or any other Person entitled to the Protection of Her Majesty or of the Government of the *East India* Company, or of any State in Alliance with the said Company, may 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 suffer Death, or be liable to be kept in Penal Servitude, or to Transportation for Life or for a Term of Years, or other Punishment, according to the Nature and Degree of the Offence, as by the Sentence of any such General Court-martial shall be awarded: Provided always, that no Sentence of a General Court-martial for any such Offence shall be carried into execution until the same shall have been confirmed by the General or other Officer commanding in chief as aforesaid; and such Officer may, if he shall think fit, suspend, mitigate, or remit the Sentence, or in the Case of a Sentence of Death commute the same to a Sentence of Penal Servitude or Transportation for Life or for any certain Term of Years not less than Fourteen, or to Imprisonment, with or without Hard Labour, for such Period of Time as to him shall seem fit; 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.

LVI. Provided always, That where any Officer or Soldier shall, under the Clause lastly herein-before contained, have been found guilty of any such Offence as therein mentioned, committed at any Place within the Territories under the Government of the said Company, situated above One hundred and twenty Miles from the Presidencies of *Fort William*, *Fort Saint George*, and *Bombay* respectively, and the Offender shall have been tried within such Territories, no Sentence of Death or Penal Servitude or Transportation in respect of such Offence, whether original, revised, or commuted, shall be carried into execution until such Sentence shall have been 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.

LVII. The Government of any of the said Presidencies in *India* may suspend the Proceedings of any Court-martial which may at any Time be holden within such Presidencies respectively.

Soldiers entitled to Discharge may claim to be sent home free of Expense.

Punishment of Offences on the Voyage.

Power to appoint General Courts-martial anywhere beyond 120 Miles from the Presidencies (except *Prince of Wales Island*, *Singapore*, and *Malacca*.) for the Trial of Capital and other Offences.

Proviso for Confirmation by the Governor in Council in certain Cases.

Suspension of Proceedings.

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Certain Offenders, if apprehended by Civil Authorities, to be delivered over for Trial by Court-martial.

The ordinary Course of Law not to be interfered with.

Soldier not to be arrested for Debt unless amounting to 300 Company's Rupees.

LVIII. If any Person liable, under the Provisions herein-before contained, to be tried by a Court-martial for any Crime or Offence alleged to have been committed within the Territories of any Foreign State, or in any Country under the Protection of Her Majesty or the said Company, or at any Place (other than *Prince of Wales Island, Singapore, or Malacca,*) in the Territories under the Government of the said Company, situate above One hundred and twenty Miles from the said Presidencies of *Fort William, Fort Saint George, and Bombay* respectively, and for which no Proceeding shall have been commenced in any Court of competent Jurisdiction, shall be apprehended by the Authority of or brought before any Magistrate for any such Offence, such Magistrate shall deliver over such accused Person to the Commanding Officer of the Regiment, Corps, or Detachment to which such accused Person shall belong, or to the Commanding Officer of the nearest Military Station, for the Purpose of his being tried by a Court-martial for such Offence as is herein-before provided in that Behalf.

LIX. Nothing in this Act contained shall be construed to exempt any Officer or Soldier from being proceeded against by the ordinary Course of Law when accused of Felony or of Misdemeanor (other than the Misdemeanor of refusing to comply with any Order of Justices or Magistrates for the Payment of Money); and if any Commanding Officer shall neglect or refuse, when Application is 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 Courts of Record in the United Kingdom or in *India*, be deemed to be *ipso facto* cashiered, and shall be utterly disabled to have or hold any Civil or Military Office or Employment in the said Company's Service in the *East Indies*; 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 within Two Months from the Time of such Conviction be transmitted to the Judge Advocate General of the Army to which such Offender shall belong: Provided that nothing herein contained shall extend to require the Delivery over to the Civil Magistrate of any such Person accused of any Offence who shall have been tried for such Offence by any Court-martial under the Provisions herein-before in that Behalf contained, or against whom any Proceeding shall have been taken or ordered to be taken for the Purpose of bringing such Person to Trial by Court-martial under the Provisions herein-before in that Behalf contained; provided also, that no Person or Persons, 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 punished by a Court-martial 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 Officer commanding in chief in the Presidency to which the Offender belongs, or in the Case of a Non-commissioned Officer by Reduction to the Ranks, by Order of the Officer commanding in chief as aforesaid or of the Colonel; and whenever any Officer or Soldier shall have been tried before a 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 belongs, transmit to him a Certificate under his Hand containing the Substance and Effect only of the Indictment, omitting the formal Part, and containing also a Copy of the Entry of 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 One Company's Rupee and Eight Annas; and every such Certificate purporting to be signed as aforesaid shall be sufficient Evidence before a Court-martial of such Conviction or Acquittal, and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed the Certificate, nor, if the Court be satisfied from all the Circumstances of the Case that the Prisoner is the Person mentioned in such Certificate, shall it be necessary to give other Proofs of his Identity.

LX. Any Person enlisted into the *East India Company's Service* as a Soldier shall be liable to be arrested or taken out of such 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 refusing to comply with an Order of Justices or Magistrates for 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 Three hundred Company's Rupees at the least, over and above all Costs of Suit, such Affidavit to be sworn, without Payment of any Fee, before some Judge of the Court out of which Process or Execution shall issue, or before some Person authorized to take Affidavits in such Court, of which Affidavit, when duly filed in such Court, a Memorandum shall, without Fee, be endorsed upon the Back of such Process, stating the Facts sworn to, and the Day of filing such Affidavit; but no Soldier 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 the *East India Company's Service*, by any Writ, Summons, Warrant, Order, Judgment, Execution, or any Process whatsoever issued by or by the Authority of any Court of Law, or any Magistrate, Justice or Justices of the Peace, or any other Authority whatsoever, for any original Debt not amounting to Three hundred Company's Rupees; and all Writs, Summonses, Warrants, Commitments, Judgments, Sentences, and Executions on account of any such Debt for which it is herein declared that a Soldier is not to be taken out of the *East India Company's Service* shall be utterly illegal, and null and void, to all Intents

and

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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 Party by whom the Action shall have been brought or Execution sued 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 always, 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.

LXI. It shall be lawful for all Officers or other Persons who, under the Authority of any Articles of War in force for the Time being for the *European* Officers or Soldiers in the Service of the *East India* Company, may be authorized to take care of or collect or superintend or direct the Collection of the Effects or any Part of the Effects of any Officers or Soldiers dying in the Service of the said Company out of the United Kingdom, to ask, demand, and receive any such Effects to which their Authority shall extend, and to commence, prosecute, and carry on any Actions or Suits for the Recovery thereof, and to sell and dispose of or otherwise deal with the same, without taking out any Letters of Administration, either with any Will annexed or otherwise, in the same Manner in every respect as if such Officers or Persons so authorized as aforesaid had been appointed Executors, and had proved the Will, or had taken out Administration of such Effects ; and no Administrator General nor Registrar of any Court in the *East Indies*, or any Person acting under the Appointment or Authority of such Court, *ad colligenda* or otherwise, or any other Person, shall in any Manner interpose in relation to any such Effects, unless empowered so to do by any such Officers or Persons so authorized as aforesaid, any Law, Statute, or Usage to the contrary notwithstanding ; and all such Officers and Persons are, in the Exercise of the Powers hereby given, to follow any Orders and Directions which may from Time to Time be given on the Subject by the Military Secretary of the Government of the Presidency to which the deceased Officer or Soldier shall have belonged.

Persons employed under Articles of War to collect Effects of Officers dying in Service abroad may do so without Probate or Letters of Administration.

LXII. All Sums of Money due from deceased Officers and Soldiers in respect of Military Clothing, Appointments, and Equipments, in respect of Servants Wages, in respect of Household Expenses incurred during the current Month or since the last Issue of Pay, or in respect of Quarters, or of Mess, or Band, or Regimental Accounts, and all Sums of Money due to any Agent, or Paymaster or Quartermaster, or any other Officer upon any such Account, or on account of any Advance made for any such Purpose, and also any Charges or Expenses attending or relating to the Illness or Funeral of any such Officer or Soldier, and any Sums of Money due from deceased Officers or Soldiers which, by any Articles of War to be made under the Powers of this Act, shall be directed to stand on the same Footing as any of the Matters before mentioned, shall be deemed and taken to be Regimental Debts, and shall be paid out of any Arrears of Pay or Allowances, or out of any Prize or Bounty Money, or the Equipage, Goods, and Chattels of any Officer or Soldier dying out of the United Kingdom while in the Service of the said Company, and out of any other Effects of such Officer or Soldier so dying which may be collected or received by any Officers or other Persons acting under the Authority of the Articles of War in manner herein-before mentioned, in preference to any other Debts, Claims, or Demands whatsoever upon the Estate and Effects of such Officer or Soldier ; and if Doubt shall arise as to whether any Claim or Demand made in relation to any Officer or Soldier is a Regimental Debt or not, or what is the proper Amount of the same, or whether any such Regimental Debt remains due, such Question shall be decided and concluded by any Order or Certificate to be made by the Military Secretary to the Government of the Presidency to which such Officer or Soldier shall have belonged, or by any other Person whom such Military Secretary shall authorize to act for that Purpose on his Behalf, and all such Payments shall be good and valid in Law ; and every Person who shall make any such Payment out of any such Arrears of Pay or other the Premises aforesaid under the Provisions of this Act, or in pursuance of any such Order or Certificate as aforesaid, or into whose Hands any such Money shall come, shall be and is hereby indemnified for and in respect of such Payments, and all other Acts, Matters, and Things to be done in pursuance of the Provisions of this Act or of any such Order or Certificate, anything in any Acts or Laws to the contrary notwithstanding.

What Debts to be deemed Regimental Debts, and to have Priority accordingly.

LXIII. All such Regimental Debts shall and may be paid without Probate of any Will being obtained or any Letters of Administration or any Confirmation of Testament or Letters Testamentary or Dative being taken out by any Person, and the Surplus only of such Arrears of Pay or Allowances, Prize or Bounty Money, Equipage, Goods and Chattels, and other Effects to be collected and received as aforesaid, or the Proceeds thereof, shall be deemed the Personal Estate of the Deceased for the Payment of any Duty which may be claimable in respect of the same ; and it shall be lawful for the Military Secretary aforesaid to order and direct the Payment or Distribution of any such Surplus, to any Amount not exceeding One thousand Company's Rupees, without any Probate or Letters of Administration, or Confirmation of Testament or Letters Testamentary or Dative, or Payment of any Duty ; and it shall also be lawful for any Paymaster or other Person to issue any Sum, not exceeding the Value of One thousand Company's Rupees, which may be due to any deceased Officer or Soldier, unto the Widow or Relative of any Officer or

Regimental Debts to be paid without Probate, &c., and Surplus only to be deemed Personal Estate, &c. Military Secretary to administer such Surplus when not exceeding 1,000 Company's Rupees, Soldier

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without Probate or Administration, and Duty-free.

Soldier deceased, or unto the Representative or Representatives of any such Officer's Widow or Relative in *India*, in like Manner, without any Probate or Letters of Administration, or Confirmation of Testament or Letters Testamentary or Dative, or Payment of any Duty, the same to be paid to the Person who shall be notified by the said Military Secretary aforesaid as being entitled thereto or as being a proper Person to receive the same; and all such Payments respectively shall be as valid and effectual to all Intents and Purposes as if the same had been made by or to any Executor or Administrator, or under the Authority of any Probate or Letters of Administration, or Confirmation of Testament or Letters Testamentary or Dative, anything in any Act or Acts or Law or Laws to the contrary notwithstanding.

Effects, &c. remitted not to be deemed Assets, &c. so as to render Administration necessary.

Military Secretary may order Remittance to any other Place in *India*.

LXIV. Any Effects or the Proceeds or Surplus of any Effects which shall be collected or received under the Authority of any Articles of War as aforesaid, if and when remitted to any Person under any Order of the said Military Secretary or to such Military Secretary, shall not, by reason of coming to the Hands of such Person or Military Secretary, be taken to be Assets or Effects in the Place to which such Proceeds or Surplus may be remitted, so as to render it necessary that Administration should be taken out in respect thereof; and it shall be lawful for the Military Secretary aforesaid to order that such Effects or the Proceeds or Surplus of any such Effects shall be remitted to any Place in *India*, either to himself or to any other Person or Persons by whom the same can more conveniently be paid over to the Person or Persons entitled thereto; and the Obedience to the Orders of such Military Secretary in respect to the Payment and Disposal of any such Effects, Proceeds, or Surplus of such Effects shall be a sufficient Discharge from all Actions, Suits, and Demands in respect thereof to all Persons to whose Hands any such Effects, Proceeds, or Surplus shall have come, and by whom the same shall have been paid and disposed of under the Order of such Military Secretary.

Mode of administering Surplus prescribed.

LXV. The Effects or the Proceeds or Surplus of the Effects collected or received under the Authority of any Articles of War as aforesaid, which shall remain after satisfying such Regimental Debts as aforesaid, and subject to any such Payment, Distribution, or Disposal thereof as is herein-before authorized, shall with all convenient Speed be transmitted to such Military Secretary as aforesaid by the Officers or Persons employed or required to take care of, collect, and receive the same, and such Military Secretary shall cause the same, or the Surplus thereof remaining after satisfying such Debts, and subject to such Payment and Distribution as aforesaid, to be paid to the Executor or legal Representative (if in *India*) of such Officer or Soldier, or if there shall be no such Executor or legal Representative in *India*, or no such Executor or legal Representative shall within Twelve Months from the Death of such Officer or Officers claim such Surplus, then and in that Case such Military Secretary shall remit the said Surplus to the Court of Directors of the *East India* Company in *London*, to be by them paid to the Executor or legal Representative of such Officer or Soldier so deceased, and such Remittance at the End of Twelve Months as aforesaid shall be a Discharge to such Military Secretary from all Actions, Suits, and Demands in respect of such Surplus: Provided always, that the Administrator General or Registrar of Her Majesty's several Supreme Courts in *India* shall not, nor shall any other Person by virtue of his Office, be required or entitled to take out Letters of Administration with the Will annexed or otherwise in respect of such Surplus, nor in any Manner to interpose in relation thereto, unless expressly authorized so to do by the said Military Secretary; and in all Cases in which the Surplus so to be remitted by the said Military Secretary to the said Court of Directors in *London* shall not exceed One hundred Pounds, it shall be lawful for the said Court of Directors to order and direct the Payment and Distribution thereof to such Persons as they shall determine to be entitled thereto, without any Probate, Letters Testamentary or Dative, or Payment of any Duty.

Registrar of Supreme Courts to take out Administration to Surplus.]

Power to Her Majesty to make Provision for the Collection, &c. of Effects of Deserters.

LXVI. It shall be lawful for Her Majesty, by any Articles of War to be made by Her as aforesaid, to make Provision for collecting any Effects of Deserters, and for Payment out of the same of any Regimental Debts and Quarters of the Deserters, and for carrying the Balance to the Credit of the *East India* Company for the Use of the said Company, and all Questions respecting any such Regimental Debts may be determined and concluded in such Manner as herein-before is provided.

Where Troops are serving beyond Jurisdiction of Courts of Requests, Actions of Debt not exceeding 400 Company's Rupees to be cognizable by a Military Court.

LXVII. In all Places where the said Company's Forces now are or may be employed, or where any Body of Her Majesty's Forces may be serving with the Forces of the said Company situate beyond the Jurisdiction of any Courts of Requests, or other Courts for enforcing small Demands, established at the Cities of *Calcutta*, *Madras*, and *Bombay* respectively, 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 Company's 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, or Cantonment is hereby authorized and empowered to convene; and the said Court 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

Composition and Constitution of Court. President, &c. of Court to take Oath.

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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 Court-martial, and it shall be competent for such Court, 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 ; and in all Cases where the Execution shall be awarded generally 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, or Cantonment 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, or Cantonment to which the Defendant shall belong at any subsequent Time shall be 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, or Cantonment, 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 Sntler, 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 or Allowances, or out of any Public Money, the same shall be stopped and paid accordingly in conformity with such Direction : Provided always, that nothing herein-before contained shall enable any such Action as aforesaid to be brought in the said Court by any Officer or Soldier against any Officer.

Powers of such Court defined.

LXVIII. Any Action which shall be brought against any Person for anything to be done in pursuance of this Act shall be brought within Six Months after the doing thereof ; and it shall be lawful for every such Person to plead thereunto the General Issue of 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, 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 given to Defendants ; and every Action against any Person for anything done in pursuance of this Act, or against any Member 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 of the Courts of Record at the Presidencies in *India*, or in the Courts of Record at *Westminster* or in *Dublin*, or the Court of Session in *Scotland*, and in no other Court whatsoever.

Term and Limitation of Actions.

Mode of Procedure.

LXIX. All Penalties and Forfeitures by this Act imposed may and shall be sued for and be recoverable in any Court of Record at the said Presidencies or in any other Court in *India* in which under any Laws made or to be made in *India* the Penalty would be recoverable if the same had been incurred by the Offender in breach of any other Law : Provided always, that no Action shall be brought or Prosecution carried on by virtue of this Act for any such Penalties or Forfeitures as aforesaid, unless the same be commenced within Six Months after the Offence is committed.

Mode of recovering Penalties.

LXX. 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 such Articles, or where the Offence shall be proved by the Person who shall inform, the whole of the Penalty, shall be paid 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 shall abide the Disposal of such Military Secretary ; and the Court which shall adjudge any Penalty under this Act shall immediately report the same to the said Secretary.

One Moiety to Informer ; Remainder to Military Secretary of the Presidency.

LXXI. 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 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

Punishment for giving false Testimony.

Declaration

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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 thereof duly convicted 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, and every Commissioned Officer convicted before a General Court-martial of Perjury shall be cashiered, and every Soldier or other Person amenable to the Provisions of this Act found guilty thereof by a General or other Court-martial shall be punished at the Discretion of the Court.

Offences against former Mutiny Acts and Articles of War, and all existing Proceedings, continued.

LXXII. All Crimes and Offences which have been committed against the said Act of the Twelfth and Thirteenth Years of the Reign of Her present Majesty herein-before mentioned, or against any of the Articles of War made and established by virtue of the same, may be inquired of and punished in like Manner as if they had been committed against this Act; and every Warrant or Order for holding any Court-martial under the said Act shall remain in full Force, and all Proceedings of Courts-martial convened and held under any such Warrant or Order shall be still continued: Provided always, that no Person shall be liable to be tried or punished for any Offence against the said Act or this Act, or the Articles of War made or to be made by virtue of the same Acts or either of them, which shall appear to have been committed more than Three Years before the Date of the Warrant or Order 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.

Queen's Prerogative of Mercy not affected.

LXXIII. Nothing in this Act contained shall in any Manner affect Her Majesty's Royal Prerogative of Mercy.

Not to affect Provisions of 7 & 8 Vict. c. 18.

LXXIV. Nothing herein contained shall affect the Provisions of an Act passed in the Seventh Year of Her Majesty, intituled *An Act to remove Doubts as to the Power of appointing, convening, and confirming the Sentences of Courts-martial in the East Indies*, and all the Provisions thereof shall, after the passing of this Act, apply and be in full Force and Effect, unless and except so far as the Provisions thereof may in any respect be inapplicable.

Act to commence on 1st Jan. 1858. From and after 1st Jan. 1858, Provisions of 12 & 13 Vict. c. 43., and Articles of War made in pursuance of the same, to cease, except as herein provided.

LXXV. This Act shall commence and take effect from and after the First Day of *January* One thousand eight hundred and fifty-eight, and from and after such Day all Powers and Provisions contained in the said Act of the Twelfth and Thirteenth Years of Her present Majesty, except as herein-after is particularly provided, shall cease and determine, and from and after the same Day the Articles of War made by Her Majesty in pursuance of the said Act shall cease and determine; provided nevertheless, that full Effect shall be given to the Provisions herein-before contained respecting the Punishment of Offences against the said former Act and otherwise as herein-before is mentioned, and that, so far as may be necessary to give full Effect to such Provisions, the said Act of the Twelfth and Thirteenth Years of Her Majesty, and the Articles of War made in pursuance of the same, shall be deemed to be in full Force; and provided also, that the Repeal of the same Act shall not operate to revive any former Act; and provided also, that the Provisions contained in the Act of the Third and Fourth Years of Her present Majesty, Chapter Thirty-seven, concerning or in any way relating to the *Indian Navy*, shall not be affected by this Act.

## SCHEDULE to which this Act refers.

FORM of OATH to be taken by the President and 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.

You shall duly administer Justice according to the Rules and Articles for the better Government of the Forces of the East India Company, and according to an Act of Parliament now in force for the Punishment of Mutiny and Desertion of the said Forces and other Crimes therein mentioned, 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 or published in Orders; neither shall you upon any account, at any Time whatsoever, disclose or discover any 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 due Course of Law.  
So help you GOD.

FORM of OATH to be taken by the Judge Advocate (or Person officiating as such).

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 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.



*Pimlico Improvements.*

C A P. LXVII.

An Act to extend the Time for enabling the Commissioners of Her Majesty's Works to complete Improvements in *Pimlico* and in the Neighbourhood of *Buckingham Palace*.

[25th August 1857.]

WHEREAS by the Seventy-eighth Chapter of the Statutes made in the Fifteenth and Sixteenth Years of Her present Majesty Powers were vested in the Commissioners of Her Majesty's Works and Public Buildings to enable them to complete certain Improvements in *Pimlico* and in the Neighbourhood of *Buckingham Palace*, therein mentioned or referred to: And whereas by the Forty-fourth Chapter of the Statutes made in the Sixteenth and Seventeenth Years of Her present Majesty the Powers of the said Act of the Fifteenth and Sixteenth Years of Her present Majesty were enlarged, and the said Commissioners of Her Majesty's Works and Public Buildings were thereby authorized to purchase and take certain Hereditaments in the Schedule to the said Act mentioned, for the Purposes of the before-mentioned Improvements: And whereas the Hereditaments mentioned in the Schedule to this Act are Part of the Hereditaments which by the last before-recited Act were authorized to be purchased for the Purposes of the said Improvements, but which have not yet been purchased, and it is expedient that the Time for purchasing or taking the same shall be extended: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. It shall be lawful for the Commissioners of Her Majesty's Works and Public Buildings, for the Purposes of the before-recited Acts and this Act, to purchase and take all such of the Hereditaments comprised in the Schedule to this Act, or any Estate or Interest therein, as in their Opinion may be necessary for making the said Improvements and otherwise carrying into effect the Provisions of the before-recited Acts, and such Hereditaments may be purchased out of such Funds and in all respects as by the said recited Acts is provided, or out of such other Funds as Parliament may place at the Disposal of the said Commissioners for that Purpose, so that no Purchase shall be made after the Period of Two Years, to be computed from the Fourth Day of August One thousand eight hundred and fifty-seven, and all and singular the Powers and Authorities by the said herein-before recited Acts granted to or vested in the said Commissioners of Her Majesty's Works and Public Buildings to purchase, take, and use any Hereditaments, or Parts thereof, or Rights or Interests therein, required for the Purposes of the said last-mentioned Acts, and the Improvements thereby authorized to be made, and also the Powers for enabling Persons and Bodies to sell and convey, shall remain in force and be exercised by the said Commissioners for the Purposes of this Act, in all respects as if the same were herein repeated and made applicable to the said Hereditaments hereby authorized to be purchased.

II. It shall be sufficient for all Purposes to cite this Act as "The *Pimlico* Improvement Act, 1857." Short Title.

The SCHEDULE to which this Act refers.

THE PARISH OF SAINT MARGARET IN THE CITY AND LIBERTY OF WESTMINSTER  
IN THE COUNTY OF MIDDLESEX.

*Stafford Place.*

Number in Street.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
30	Dwelling House and Yard	The Crown	Joel Pinney, Susannah Pinney, Jane Elizabeth Downing Walker, the Crown.	The Crown.
31	Dwelling House and Yard		Joel Pinney, Susannah Pinney, Jane Elizabeth Downing Walker, Henry Sugg.	Edward Roper.
32	Dwelling House and Yard		Joel Pinney, Susannah Pinney, Jane Elizabeth Downing Walker, Henry Busby.	Charles Stubbles.
33	Dwelling House and Yard		Joel Pinney, Susannah Pinney, Jane Elizabeth Downing Walker, Henry Sugg	George Law.
34	Dwelling House and Yard		Joel Pinney, Susannah Pinney, Jane Elizabeth Downing Walker, Charles Pye	James Holland.
35	Dwelling House and Yard			Thomas Oliver.
36	Dwelling House and Yard		Joel Pinney, Susannah Pinney, Jane Elizabeth Downing Walker, Adeline Papera.	William Hillier.
37	Dwelling House and Yard	Joseph Pritchard.		

<i>Pimlico Improvements.</i>		<i>Revising Barristers (Dublin).</i>		
Number in Street.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
38	Dwelling House and Yard	The Crown	Joel Pinney, Susannah Pinney, Jane Elizabeth Downing Walker	Rees Thomas.
39	Dwelling House, Shop, and Yard.			Henry Edwards.
40	Dwelling House, Shop, and Yard.			William Hart.
41	Dwelling House, Shop, and Yard.			Empty.
53	Dwelling House and Yard			Frederick Hughes Gascoyne.
54	Dwelling House and Yard			Charles Hounsell.
55	Dwelling House and Yard			Elizabeth Cotington.
56	Dwelling House and Yard	Thomas Carter.		
100	Public Street			The Board of Works for the Westminster District and the Public.

THE PARISH OF SAINT GEORGE HANOVER SQUARE IN THE CITY AND LIBERTY OF WESTMINSTER IN THE COUNTY OF MIDDLESEX.

*Stafford Place.*

46	Dwelling House and Yard	The Crown	Joel Pinney, Jane Elizabeth Downing Walker	Elizabeth Murrell.
47	Dwelling House and Yard			Thomas Botley.
48	Dwelling House and Yard			John Lead.
49	Dwelling House and Yard			William Foy.
50	Dwelling House and Yard			Francis Strugnell.
51	Dwelling House and Yard			George Kitchener.
52	Dwelling House and Yard			William Kilminster.

*Stafford Row.*

12	Dwelling House, Shop, and Yard.	The Crown	Thomas Bew	Frederick Berry.	
13	Public House and Garden "The Gun Tavern."			William Rackstraw	George Henry Stevens.
13	Dwelling House and Shop				
14	Dwelling House, Shop, and Garden.			Edward Weatherley, George Stevens.	George Nisbet.
14a	Garden at Back			Edward Weatherley, George Nisbet.	James Booty.
15	Dwelling House, Shop, and Yard.			Charles Grover, James Booty	Thomas Edy.
16	Dwelling House, Shop, and Yard.			Thomas Edy	John Imrie.
17	Dwelling House, Shop, and Yard.			John Imrie	Adam Murgatroyd.
18	Dwelling House, Shop, and Yard.			Adam Murgatroyd	George Taylor, David Gilbert.
19	Dwelling House and Shop			George Taylor	

*Charlotte Street.*

1	Dwelling House and Shop	The Crown	Henry Rhodes, William Woolston.	William Woolston.
101	Public Street			The Vestry of Saint George Hanover Square and the Public.

C A P. LXVIII

An Act to enable the Lord Lieutenant to appoint Revising Barristers for the Revision of Lists and Registry of Voters for the City of *Dublin*. [25th August 1857.]

2 & 3 W. 4. c. 88.

13 & 14 Vict. c. 69.

WHEREAS by an Act of the Session of Parliament holden in the Second and Third Years of the Reign of His late Majesty King *William* the Fourth, Chapter Eighty-eight, the Chairman of Sessions for the County of *Dublin* was empowered to register Voters for the City of *Dublin*, and to discharge the Duties of all Registries subsequent to the first by Deputy: And whereas by an Act of the Session of Parliament holden in the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, Chapter Sixty-nine, the said Chairman and his Deputy, having Jurisdiction under the said recited Act of King *William* the Fourth, were, and each of them was, empowered to hold a Court for the Purposes of the new Registration and the annual Revision of the Lists in the said Act of Her Majesty

*Revising Barristers (Dublin).*

‘ Majesty mentioned : And whereas by an Act of the Session of Parliament holden in the Fourteenth 14 & 15 Vict.  
 ‘ and Fifteenth Years of the Reign of Her present Majesty, Chapter Fifty-seven, the Lord Lieutenant was c. 57.  
 ‘ empowered, on the Death, Resignation, or Removal of the then Chairman of Sessions for the County  
 ‘ of *Dublin*, to nominate and appoint an Assistant Barrister for the said County in the Place and Stead  
 ‘ of a Chairman of Sessions, and also to nominate and appoint a practising Barrister, qualified as by the  
 ‘ said Act of the Fourteenth and Fifteenth Years of Her present Majesty is provided, during good Beha-  
 ‘ viour, to discharge the Duties imposed upon the said Chairman by the said Act of the Second and  
 ‘ Third Years of King *William* the Fourth, with respect to the Registration of Voters in and for the  
 ‘ City of *Dublin*, and subject to the like Provisions, with the like Powers, and to be remunerated in like  
 ‘ Manner as if he had been appointed a Deputy of said Chairman : And whereas by an Act of the 16 & 17 Vict.  
 ‘ Session of Parliament holden in the Sixteenth and Seventeenth Years of the Reign of Her present c. 58.  
 ‘ Majesty, Chapter Fifty-eight, intituled “ The *Dublin* Parliamentary Revising Act, 1853,” it was recited,  
 ‘ that by reason of the great Number of Persons claiming to be registered in and for the City of *Dublin*  
 ‘ it was expedient to empower the said Chairman of Sessions to appoint additional Deputies, and it was  
 ‘ thereby enacted, that the said Chairman, with the Consent of the Lord Lieutenant, should, by Warrant  
 ‘ under his Hand, nominate and appoint any Number of Barristers of the *Irish* Bar not exceeding Three,  
 ‘ of Six Years standing at the least, (to be called Revising Barristers,) to be in the Place and Stead of  
 ‘ the said Chairman of Sessions in order, by Subdivision between them, to discharge the Duties imposed  
 ‘ on the said Chairman by the said recited Acts of the Second and Third Years of the Reign of King  
 ‘ *William* the Fourth and Thirteenth and Fourteenth Years of Her present Majesty ; but no Power was  
 ‘ given to the Lord Lieutenant, on the Death, Resignation, or Removal of the Chairman of the Sessions  
 ‘ for the County of *Dublin*, to appoint more than One Barrister to discharge the Duties aforesaid : And  
 ‘ whereas upon the Death of *Henry Kemmis* Esquire, late Chairman of Sessions for the County of *Dublin*,  
 ‘ an Assistant Barrister for the said County was appointed, and the said Office of Chairman of Sessions  
 ‘ for the said County has ceased to exist, and the Authority of the Deputies of the said Chairman has  
 ‘ determined : And whereas by reason of the great Number of Claims and Objections to be disposed of  
 ‘ in the Revision of the Lists and Registration of Voters for the City of *Dublin*, it is necessary to make  
 ‘ further Provision for the Purpose of securing a complete annual Revision of Lists and Registry of  
 ‘ Voters for the said City :’ Be it therefore enacted by the Queen’s most Excellent Majesty, by and with  
 ‘ the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament  
 ‘ assembled, and by the Authority of the same, as follows ; (that is to say,)

I. Instead of One Barrister whom the Lord Lieutenant has Power to appoint, under Section One hundred and sixty-one of the said recited Act of the Fourteenth and Fifteenth Years of Her present Majesty, the Lord Lieutenant shall have Power to appoint Two Barristers, qualified as by said Section is provided, to discharge the Duties therein mentioned.

Lord Lieuten-  
tenant may  
appoint Two  
Barristers, &c.

II. The Barristers so to be appointed shall be called “ *Dublin* Revising Barristers,” and shall discharge the said Duties relating to the Registration of Voters for the City of *Dublin* as fully and effectually as if the said Office of Chairman of the Sessions of the Peace for the County of *Dublin* had continued, and the said Barristers had been appointed by the said Chairman under the said recited Act of the Sixteenth and Seventeenth Years of Her present Majesty, and each Barrister so appointed shall be entitled to the Remuneration provided by Section One hundred and sixty-one of the said recited Act of the Fourteenth and Fifteenth Years of Her present Majesty for the Barrister to be appointed under the said Section, such Remuneration to be paid out of such Monies as may be provided by Parliament for that Purpose.

Powers, Duties,  
and Remunera-  
tion of Revising  
Barristers.

III. Upon any Vacancy by Death, Resignation, or Removal in the Office of any Revising Barrister so already appointed or to be from Time to Time appointed, the Lord Lieutenant shall have Power to appoint a Barrister qualified as aforesaid to the Office of Revising Barrister so becoming vacant.

Vacancies to be  
filled up.

IV. No Revising Barrister under this Act shall proceed to act as such Revising Barrister until he shall have first taken the following Oath before the Lord High Chancellor or Keeper or any Commissioner of the Great Seal of *Ireland* for the Time being, who are hereby respectively authorized to administer the same ; that is to say,

Oath to be taken  
by Revising  
Barrister before  
acting.

‘ I *A.B.* do swear, That I will execute the Office of Revising Barrister for the City of *Dublin* diligently,  
 ‘ justly, and impartially, and without Favour, Affection, or Malice ; do equal Right to all the Queen’s  
 ‘ Subjects that shall come within my Jurisdiction ; and that I will in all Things, to the best of my Skill  
 ‘ and Power, faithfully execute all the Duties imposed or that shall hereafter be imposed on me in virtue  
 ‘ of such Office. So help me GOD.’

V. In case it shall appear, on Oath, to the Satisfaction of the Lord Chancellor, Keeper, or Commissioners of the Great Seal of *Ireland* for the Time being that any such Revising Barrister is unable, from unavoidable Absence, or Illness, to discharge his Duties as such Revising Barrister, it shall be lawful for the Lord Chancellor, Keeper, or any Commissioner of the Great Seal for the Time being to nominate and appoint some other Barrister, qualified as by this Act is provided in the Case of an original Appointment, to do the Duty of such Revising Barrister for such Time as such Illness or Absence shall continue ; and every Person so appointed to do temporarily the Duty of a Revising Barrister shall have all and every the Powers and Authorities of such Revising Barrister during the Continuance of the Illness or Absence of such Revising Barrister.

In case of Illness  
or Absence of  
Revising Bar-  
rister Lord  
Chancellor may  
appoint Deputy.

*Revising Barristers (Dublin). Consolidated Fund (Appropriation).*

Remuneration of Deputies.

VI. Every Barrister appointed temporarily to discharge the Duties of such Revising Barrister during the Illness or Absence of such Revising Barrister shall receive for the Discharge of such Duties the Remuneration to which such *Dublin* Revising Barrister would have been entitled had he discharged such Duties.

C A P. LXIX.

An Act to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year One thousand eight hundred and fifty-seven, and to appropriate the Supplies granted in this Session of Parliament. [25th August 1857.]

- § I. There shall be applied for the Service of the Year 1857 the Sum of £16,277,482 15s. 9d. out of the Consolidated Fund.
- II. The Treasury may cause £16,277,482 15s. 9d. of Exchequer Bills to be made out in manner prescribed by 48 G. 3. c. 1., 4 & 5 W. 4. c. 15., and 5 & 6 Vict. c. 66.
- III. The Clauses, &c. in recited Acts extended to this Act.
- IV. Interest on Exchequer Bills.
- V. Bank of *England* may advance £16,277,482 15s. 9d. on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.
- VI. Bills prepared by virtue of this Act to be delivered to the Bank, as Security for such Advances.
- VII. Monies raised by Bills to be applied to the Services voted by the Commons.
- VIII. Exchequer Bills made chargeable upon the growing Produce of the Consolidated Fund.
- IX. Treasury may apply for the Service of the Year 1857 £606,234 4s. 3d. Surplus of Ways and Means.
- X. Appropriation of Ways and Means to Services hereafter expressed.—20 & 21 Vict. c. 4.

XI.	There shall be issued, £5,782,590 0 0	For Navy Services; viz.	
	1,419,415 0 0	{ For Wages to 53,700 Seamen and Marines	{ For the Year ending 31st March 1858.
		{ For Wages to 2,000 additional Seamen -	{ For Nine Months ending 31st March 1858.
	562,198 0 0	For Victuals, &c. in the Navy, and for additional Seamen	
	84,217 0 0	For Salaries, &c. of the Admiralty Office	
	118,150 0 0	For Coast Guard Service and Royal Naval Coast Volunteers	
	33,091 0 0	For the Navy Scientific Departments	
	92,224 0 0	For Naval Establishments at home	
	15,423 0 0	For Naval Establishments abroad	
	584,390 0 0	For Wages of Artificers, &c. at home	} For the Year ending 31st March 1858.
	33,383 0 0	For Wages of Artificers, &c. abroad	
	895,450 0 0	For Naval Stores, &c.	
	378,415 0 0	For New Works in Naval Establishments	
	20,000 0 0	For Medicines, &c.	
	46,722 0 0	For Naval Miscellaneous Services	
	441,603 0 0	For Naval Half Pay, &c.	
	278,163 0 0	For Military Pensions	
	87,682 0 0	For Civil Pensions	
	127,000 0 0	For Freight of Ships, Conveyance of Troops, &c.	
	565,064 0 0	For Packet Service	
XII.	2,163,115 0 0	For Army Services; viz.	
	221,868 0 0	For Wages of Artificers, &c.	} From 1st April 1857 to 31st March 1858.
	278,570 0 0	For Clothing and Necessaries	
	636,900 0 0	For Provisions, Barrack Furniture, &c.	
	400,191 0 0	For Stores for Land and Sea Service	
	163,133 0 0	For Fortifications	
	462,453 0 0	For Works, Buildings, &c.	
	5,976,120 0 0	For other Army Services; viz,	
	2,921,017 0 0	For Forces in United Kingdom and Stations abroad (except <i>East Indies</i> )	
	369,055 0 0	For Miscellaneous Charges at home and abroad (except <i>India</i> )	
	36,282 0 0	For Volunteer Corps	
	122,909 0 0	For Salaries, &c. of War Departments	

## Consolidated Fund (Appropriation).

	£251,238	0	0	For Manufacturing Departments, Military Store-keepers, Barrack Masters, &c.	} From 1st April 1857 to 31st March 1858.
	147,744	0	0	For Educational and Scientific Branches	
	17,305	0	0	For Rewards for Military Service	
	41,994	0	0	For Pay of General Officers	
	378,706	0	0	For Reduced and Retired Officers	
	127,378	0	0	For Pensions to Widows, and Compassionate List, &c.	
	31,863	0	0	For Pensions, Gratuities, &c. to wounded Officers	
	20,941	0	0	For In-Pensioners of <i>Chelsea</i> and <i>Kilmainham</i> Hospitals	
	776,688	0	0	For Out-Pensioners of <i>Chelsea</i> Hospital, &c.	
	83,000	0	0	For Superannuation and Retired Allowances	
	450,000	0	0	For Disembodied Militia	
	200,000	0	0	For Embodied Militia	} To 31st March 1858.
§ XIII.	40,000	0	0	For Marriage Portion of Princess Royal.	
XIV.	900,000	0	0	For <i>Persian</i> Expedition.	} To 31st March 1858.
XV.	400,000	0	0	For Naval and Military Operations in <i>China</i> .	
XVI.	590,693	0	0	For Account of <i>East India</i> Company for <i>Chinese</i> Expedition.	} To 31st March 1858.
XVII.	100,000	0	0	For Civil Contingencies	
CIVIL SERVICES.—Class 1.					
XVIII.	39,691	0	0	For Repair of Repair of Royal Palaces, &c.	} From 1st April 1857 to 31st March 1858. For the Year ending 31st March 1857.
	60,386	0	0	For Maintenance, &c. of Public Buildings, temporary Accommodation, &c.	
	36,069	0	0	For Furniture for Public Departments	
	75,781	0	0	For Repair of Royal Parks, &c.	
	102,861	0	0	For New Houses of Parliament	
	443	0	0	For <i>Port Patrick</i> Harbour	
	77,557	0	0	For Public Buildings in Department of Public Works in <i>Ireland</i>	
	15,100	0	0	For <i>Kingstown</i> Harbour	
	120,000	0	0	For <i>Holyhead</i> Harbour	
	224,000	0	0	For Harbours of Refuge	
CIVIL SERVICES.—Class 2.					
XIX.	87,967	0	0	For Salaries, &c. of Houses of Parliament	} To 31st March 1858.
	35,171	0	0	For the Treasury	
	16,466	0	0	For the Home Department	
	45,169	0	0	For the Foreign Department	
	20,160	0	0	For Department of Colonies	
	46,426	0	0	For Privy Council, Railway and Marine Departments, &c.	
	1,700	0	0	For Establishment of Lord Privy Seal, &c.	
	11,510	0	0	For Paymaster General's Department	
	4,218	0	0	For Department of Comptroller General of Exchequer	
	18,614	0	0	For Office of Commissioners of Works and Public Buildings	
	15,145	0	0	For Office of Woods, Forests, &c.	
	13,876	0	0	For Public Record Department and State Paper Office	
	217,240	0	0	For Administration of Poor Laws	
	36,195	0	0	For the Mint	
	14,995	0	0	For Salaries, &c. of Inspectors of Factories, &c.	
	6,054	0	0	For Civil Charges, &c. <i>Scotland</i>	
	6,431	0	0	For Officers, &c. of Lord Lieutenant of <i>Ireland</i>	
	15,358	0	0	For Chief Secretary, &c. <i>Ireland</i>	
	5,118	0	0	For Paymaster of Civil Services, <i>Ireland</i>	
	1,783	0	0	For Inspectors of Lunatic Asylums, <i>Ireland</i>	
	15,997	0	0	For Board of Public Works, <i>Ireland</i>	

## Consolidated Fund (Appropriation).

£26,575	0	0	For Department of Commissioners for auditing Public Accounts	
11,753	0	0	For Copyhold, &c. Commission	
8,130	0	0	For Imprest Expenses of Copyhold, &c. Commission	
26,300	0	0	For General Register Office, <i>England and Wales</i>	
2,432	0	0	For General Register Office, <i>Dublin</i>	
4,085	0	0	For Department of Registrar General of Births, &c. <i>Edinburgh</i>	
8,921	0	0	For National Debt Office	
1,805	0	0	For Public Works Loan Commission	
1,170	0	0	For <i>West India</i> Islands Relief Commission	
1,320	0	0	For Lunacy Commission	
684	0	0	For General Superintendent of County Roads in <i>South Wales</i>	
1,659	0	0	For Department of Friendly Societies in <i>England, Scotland, and Ireland</i>	
22,000	0	0	For Foreign and other Secret Services	
300,745	0	0	For Stationery, &c. for Public Departments	
88,045	0	0	For Postage of Letters on the Public Service	
			CIVIL SERVICES.—Class 3.	
§ XX.	24,130	0	0	For Office of Solicitor to the Treasury, including Prosecutions relating to Coin, &c.
	250,000	0	0	For Prosecutions at Assizes and Quarter Sessions
	105,980	0	0	For Police in Counties and Boroughs in <i>England and Wales</i> .
	1,140	0	0	For Crown Office, Chancery
	2,140	0	0	For Crown Office, Queen's Bench
	16,319	0	0	For Expenses incurred by Sheriffs and Deficiency of Fees in the Exchequer
	6,480	0	0	For Department of Registrar of the Admiralty
	7,226	0	0	For Insolvent Debtors Court
	109,062	0	0	For Salaries and Expenses of County Courts
	19,625	0	0	For Police Courts of the Metropolis
	63,645	0	0	For Metropolitan Police
	2,715	0	0	For Queen's Prison
	2,342	0	0	For Lord Advocate and Solicitor General, <i>Scotland</i>
	11,767	0	0	For Salaries, Court of Session, <i>Scotland</i>
	10,029	0	0	For Court of Justiciary, <i>Scotland</i>
	5,550	0	0	For Criminal Prosecutions by Lord Advocate
	1,080	0	0	For certain Officers in the Exchequer <i>Scotland</i>
	50,000	0	0	For Criminal Prosecutions, &c. in <i>Scotland</i>
	7,955	0	0	For Procurators Fiscal in <i>Scotland</i>
	6,553	0	0	For Sheriffs Clerks, <i>Scotland</i>
	2,200	0	0	For Salaries of Law Officers in <i>Scotland</i>
	11,067	0	0	For General Register House, <i>Edinburgh</i>
	739	0	0	For Department of Commissary Clerk, <i>Edinburgh</i>
	1,878	0	0	For Department of Accountant in Bankruptcy, <i>Scotland</i>
	51,470	0	0	For Criminal Prosecutions, <i>Ireland</i>
	6,979	0	0	For Court of Chancery, <i>Ireland</i>
	1,778	0	0	For Court of Queen's Bench, <i>Ireland</i>
	1,801	0	0	For Court of Common Pleas, <i>Ireland</i>
	1,510	0	0	For Court of Exchequer, <i>Ireland</i>
	100	0	0	For Clerk to Taxing Officers for Law Courts, <i>Ireland</i>
	3,232	0	0	For Registrars to Judges, <i>Ireland</i>
	1,788	0	0	For Office for Registration of Judgments in <i>Ireland</i>
	200	0	0	For Fees to Advocates, Court of Delegates, <i>Ireland</i>
	1,866	0	0	For Salaries, &c. of Insolvent Debtors Court, <i>Ireland</i>

To  
31st March 1858.To  
31st March 1858.

## Consolidated Fund (Appropriation).

	£167	0	0	For Salary of Clerk to Court of Errors, <i>Ireland</i>	
	1,100	0	0	For Salaries of Police Justices, <i>Dublin</i>	
	24,500	0	0	For Metropolitan Police, <i>Dublin</i>	
	394,820	0	0	For Constabulary Force, <i>Ireland</i>	
	1,479	0	0	For Four Courts <i>Marshalsea, Dublin</i>	
	11,504	0	0	For General Superintendence of Prisons, &c.	
	426,670	0	0	For Government Prisons and Convict Establishments at home	
	183,523	0	0	For Maintenance of Prisoners and Removal of Convicts	
	43,815	0	0	For Transportation of Convicts	
	259,405	0	0	For Convict Establishments in the Colonies	
				CIVIL SERVICES.—Class 4.	
§ XXI.	361,233	0	0	For Public Education in <i>Great Britain</i>	
	48,855	0	0	For Department of Science and Art, and Geological Surveys of the United Kingdom	To 31st March 1858.
	143,030	0	0	For Education, <i>Ireland</i>	
	405	0	0	For Salary of Secretary to Commissioners of Education, <i>Ireland</i>	
	3,602	0	0	For <i>London University</i>	
	5,010	0	0	For Grants to <i>Scottish Universities</i>	
	1,625	0	0	For <i>Queen's University, Ireland</i>	
	3,200	0	0	For Expenses, <i>Queen's Colleges, Ireland</i>	
	300	0	0	For <i>Royal Irish Academy</i>	
	200	0	0	For <i>Royal Hibernian Academy</i>	
	46,400	0	0	For Salaries and Expenses of <i>British Museum</i>	
	29,314	0	0	For new Buildings, &c. at <i>British Museum</i>	
	944	0	0	For Purchases for <i>British Museum</i>	
	23,165	0	0	For <i>National Gallery</i>	
	3,539	0	0	For <i>Magnetic Observatories, &amp;c.</i>	
	500	0	0	For <i>Royal Geographical Society</i>	
	1,000	0	0	For <i>Royal Society</i>	For the Year ending 31st March 1858.
	1,600	0	0	For <i>Royal Belfast Academical Institution, &amp;c.</i>	
				CIVIL SERVICES.—Class 5.	
XXII.	3,050	0	0	For Civil Establishment of the <i>Bermudas</i>	
	6,878	0	0	For Ecclesiastical Establishment, <i>British North American Provinces</i>	
	3,541	0	0	For <i>Indian Department in Canada</i>	
	24,728	0	0	For Salaries of Governors, &c. of <i>West India Colonies, &amp;c.</i>	
	21,450	0	0	For Salaries, &c. of Stipendiary Justices in <i>West India Colonies and the Mauritius</i>	To 31st March 1858.
	10,230	0	0	For Civil Establishments on the <i>Western Coast of Africa</i>	
	19,609	0	0	For <i>St. Helena</i>	
	960	0	0	For <i>Heligoland</i>	
	3,831	0	0	For <i>Falkland Islands</i>	
	5,700	0	0	For <i>Labuan</i>	
	10,000	0	0	For <i>Hong Kong</i>	
	13,424	0	0	For <i>Emigration Board, &amp;c.</i>	
	2,175	0	0	For <i>Emigration in Canada and New Brunswick</i>	
	12,000	0	0	For Support of captured Negroes, &c.	
	11,050	0	0	For Commissioners for suppressing the <i>Slave Trade</i>	
	125,089	0	0	For the <i>Consular Establishments abroad</i>	
	22,500	0	0	For <i>Missions abroad</i>	To 31st March 1858.
				CIVIL SERVICES.—Class 6.	
XXIII.	109,842	0	0	For <i>Superannuations, &amp;c. to Public Officers</i>	
	2,058	0	0	For <i>Toulonese and Corsican Emigrants, &amp;c.</i>	

## Consolidated Fund (Appropriation).

	£1,300	0	0	For National Vaccine Institution	-	-	
	325	0	0	For "The Refuge for the Destitute"	-	-	
	2,680	0	0	For Polish Refugees and Distressed Spaniards	-	-	
	4,281	0	0	For Miscellaneous Allowances	-	-	
	1,895	0	0	For Public Infirmaries, Ireland	-	-	
	3,135	0	0	For Westmoreland Lock Hospital, Dublin	-	-	
	700	0	0	For Lying-in Hospital, Dublin	-	-	
	300	0	0	For Coombe Lying-in Hospital	-	-	
	4,600	0	0	For Hospital, House of Industry, Dublin	-	-	
	2,500	0	0	For House of Recovery, and Fever Hospital, Cork Street, Dublin	-	-	
	400	0	0	For Meath Hospital, Dublin	-	-	
	150	0	0	For St. Mark's Ophthalmic Hospital, Dublin	-	-	
	1,505	0	0	For Dr. Stevens' Hospital, Dublin	-	-	
	427	0	0	For Board of Superintendence of Hospitals, Dublin	-	-	
	4,238	0	0	For Charitable Allowances, &c., Ireland	-	-	
	29,008	0	0	For Protestant Dissenting Ministers, Ireland	-	-	
				CIVIL SERVICES.—Class 7.			
§ XXIV.	7,125	0	0	For General Board of Health	-	-	To
	2,548	0	0	For Ecclesiastical Commissioners, England	-	-	31st March 1858.
	11,080	0	0	For Charity Commission for England and Wales	-	-	
	1,911	0	0	For Statute Law Commission	-	-	
	4,924	0	0	For Civil Service Commissioners	-	-	
	3,524	0	0	For sundry temporary Commissions	-	-	
	20,988	0	0	For Compensations, &c. payable under the Patent Law Amendment Act	-	-	
	8,843	0	0	For Board of Fisheries, Scotland	-	-	
	2,000	0	0	For Annuity to Board of Manufactures, Scotland	-	-	
	5,000	0	0	For Commissioners of Highland Roads and Bridges	-	-	
	10,000	0	0	For Bounties on Slaves and Slave Vessels cap- tured	-	-	
	1,300	0	0	For Publication of Ancient Laws in Ireland	-	-	
	9,000	0	0	For Pay of Process Servers, Ireland	-	-	
	65,800	0	0	For Pensions to Masters and Seamen, &c. under the Merchant Seamen's Fund Act	-	-	
	1,593	0	0	For Registration of Joint Stock Companies	-	-	
	1,783	0	0	For Registration of Designs Office	-	-	
	40,000	0	0	For Payments under Treaties of Reciprocity	-	-	
	4,500	0	0	For Inspectors of Corn Returns, &c.	-	-	
	20,000	0	0	For distressed Seamen abroad	-	-	For the Year ending
	3,600	0	0	For Expenses of Quarantine Arrangements	-	-	31st March 1858.
	11,850	0	0	For Revising Barristers in England and Wales	-	-	
	2,892	0	0	For Constabulary Police at Military Camp, Aldershot	-	-	
	2,000	0	0	For Inspection of Burial Grounds in England and Wales	-	-	To
	6,679	0	0	For British Ambassadors' Houses abroad	-	-	31st March 1858.
	1,053	0	0	For certain Professors at Cambridge	-	-	
	13,730	0	0	For Incumbered Estates Commission, Ireland	-	-	
	37,060	0	0	For Lighthouses abroad	-	-	
	5,000	0	0	For exploring Part of British North America	-	-	
	19,325	0	0	For Dr. Baikie's Expedition to certain Rivers in Africa	-	-	
	1,000	0	0	For Arrangements connected with Orange River Territory	-	-	For the Year ending
	40,000	0	0	For promoting Civilization, &c. among Native Tribes in South Africa	-	-	31st March 1858.
	5,580	0	0	For Removal of Pitcairn Islanders	-	-	
	7,550	0	0	For Collection of Agricultural Statistics in Ire- land and Scotland	-	-	



Consolidated Fund (Appropriation).

Boundaries of Burghs Extension (Scotland).

£6,000	0	0	For Freight of Specie to Commissariat Stations abroad	} For the Year ending 31st March 1858.	
2,000	0	0	For Formation of a Portrait Gallery		
2,000	0	0	For Inquiry into Ravages of Cholera in <i>West Indies</i>		
500	0	0	For Works at <i>Spurn Point</i> , River <i>Humber</i>	} To 31st March 1858.	
10,000	0	0	For the <i>London</i> Diocesan Church Building Society		
10,300	0	0	For Fortifications at <i>Corfu</i>	} For the Year ending 31st March 1858.	
2,000	0	0	For Testimonial to Duke of <i>Wellington</i> in <i>Phoenix Park</i>		
1,500	0	0	For adjusting Boundaries, &c. <i>Ireland</i>		
8,970	0	0	For Preservation of Public Records		
24,000	0	0	For Completion of Suspension Bridge at <i>Chelsea</i>		
27,810	0	0	For Completion of <i>Pimlico</i> Improvements		
80,000	0	0	For Purchase of Site of proposed New Public Offices		
7,500	0	0	For additional Accommodation in connexion with General Register House, <i>Edinburgh</i>		
REVENUE DEPARTMENTS.					
§ XXV.	575,482	0	0		For Customs Department
	979,133	0	0	For Inland Revenue Department	
	43,120	0	0	For Revenue Police, <i>Ireland</i> , and " <i>Seamew</i> " Steamer	
	1,268,181	0	0	For Post Office, &c.	
	323,150	0	0	For Superannuations, Pensions, &c.	
XXVI.	Application of Sums granted by this Act and Act of last Session, c. 20.				
XXVII.	Expenditure for Navy and Army Services respectively to be confined to the separate Services for which granted. Treasury may, on Application, alter the proportionate Amounts for such separate Services, provided the total Grant to each Department be not exceeded.				
XXVIII.	Rules to be observed in the Application of the Sum appropriating Half Pay. Not to prevent the receiving of Half Pay under any Act relating to the General or Local Militia, &c. Paymaster General, by Permission of the Treasury, may issue Half Pay to Officers appointed to Civil Offices since <i>July</i> 1828. An Account of the Number of Officers so receiving Half Pay to be laid before Parliament annually.				
XXIX.	Treasury may authorize Military Officers in Civil Employments to receive Half Pay in certain Cases.				
XXX.	Persons concerned in issuing, paying, and receiving Money for Payment of Half Pay, without the requisite Oaths, indemnified. 19 & 20 <i>Vict. c. 105</i> .				
XXXI.	Half Pay allowed to Officers of the <i>Manx</i> Fencibles.				
XXXII.	Half Pay Allowances to Chaplains of Regiments not holding Ecclesiastical Benefices derived from the Crown.				
XXXIII.	Surplus of Sum by 19 & 20 <i>Vict. c. 105</i> . appropriated to Half Pay Officers to be disposed of as Her Majesty shall direct.				
XXXIV.	Widows, &c. claiming Pensions to make required Declaration.				
XXXV.	Declarations to be made as specified in 5 & 6 <i>W. 4. c. 62</i> .				

C A P. LXX.

An Act to provide for the Extension of the Boundaries of Burghs in *Scotland*, and to remove Doubts as to the Right of certain Persons holding Offices to be registered as Voters for Municipal Purposes. [25th August 1857.]

WHEREAS it is expedient to provide Means whereby Property situated without the Boundaries of Burghs in *Scotland* may, in Terms of the Votes of the Persons interested therein, be included within the same: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. Any Ratepayers, to the Number of Twelve or more, in respect of Lands and Heritages situated beyond the existing Boundaries of any Royal or Parliamentary Burgh in *Scotland*, may present a Petition to the Ratepayers may present a Petition to the

*Boundaries of Burghs Extension (Scotland).*

Sheriff for Extension of Boundary of Burgh.

to the Sheriff of the County in which such Burgh or Part of a Burgh is situated, praying him to take the Steps provided by this Act for extending the Boundaries of the Burgh to the Extent to be specified in such Petition; and the Sheriff shall, within Three Weeks from the Date of the Presentation thereof, define and specify, in a written Deliverance on the Petition, such Boundaries, which shall include an Area Two Thirds of which is wholly or partially built on or laid out for building, as in his Opinion would be suitable for the extended Boundaries of the Burgh, and the same shall be thereafter published by Advertisement in such Manner as the Sheriff shall direct; and it shall be lawful for the Proprietor of any unbuild-on Land within the proposed extended Boundaries, or to the Police Committee of the County to be appointed in Terms of any Act passed during the present Session of Parliament, within One Month after the last Advertisement so appointed, to appeal by Note of Appeal to any One of the Lords Ordinary of the Court of Session, who shall have Power, in a summary Way, to dispose of such Appeal, after such Inquiry as to him shall seem fit; and the Judgment of such Lord Ordinary, dismissing such Appeal or sustaining the same in whole or in part, shall be final and conclusive.

Sheriff to call Meeting of Ratepayers for the Consideration of the proposed Extension of Boundaries.

II. On the Lapse of One Month from the last Advertisement as aforesaid without any Appeal having been taken, or in the event of an Appeal having been taken, so soon as the same shall have been disposed of, the Sheriff shall, except where the Lord Ordinary shall on such Appeal have found that no Part of the Lands and Heritages proposed to be included within the Boundaries of the Burgh should be included therein, by such Advertisement as he shall direct, call a Public Meeting, at such Time and Place as he shall appoint, of the Ratepayers in respect of Lands and Heritages situated beyond the existing Boundaries of the Burgh, and within the extended Boundaries thereof, as defined by the Sheriff or by the Lord Ordinary on Appeal, to consider the Proposal to extend the said Boundaries; and the Sheriff shall preside at the Meeting, and the Sheriff Clerk shall act as Clerk; and each Person attending such Meeting shall deliver in Writing to the Clerk his Name, Designation, and Address, before voting at or taking part in such Meeting; and in case a Majority of the Persons present thereat shall resolve to proceed in extending the said Boundaries, according to the Specification and Definition of the Sheriff or Lord Ordinary, they shall at such Meeting name a Committee of such Ratepayers, not being fewer than Three nor more than Nine in Number, to confer with the Council of the Burgh as to the proposed Extension of the Boundaries thereof.

In case Town Council consent to proposed Extension, the same shall be re-considered by Meeting of Ratepayers.

III. In case the Town Council or a Majority thereof shall, after such Conference, resolve that it is expedient to carry into effect the proposed Arrangements, they shall publish such Resolution, with any annexed Conditions, in One or more local Newspapers, not later than the last Day of *September* in any one Year; and such Resolution shall be re-considered at any Meeting of the Council to be held not sooner than the Second Week in the Month of *November* next following, and if the same shall be confirmed by the Council, the Sheriff shall call a Second Meeting of such Ratepayers, of which such Intimation shall be given by public Advertisement as he shall direct, and at which Meeting the Sheriff shall preside; and no other Question shall be put to the Meeting but "approve" or "disapprove" of the proposed Extension, on the Terms resolved on by the Town Council; and in case the Majority of Votes shall be in favour of the proposed Extension, the Boundaries and Conditions so agreed upon shall be set out at Length in the Minute of the Meeting, and authenticated by the Subscription of the Sheriff; and the Boundaries therein expressed shall thereafter, under the Conditions therein expressed, be the Boundaries of the Burgh for all Municipal Purposes only, including the Right of voting for Town Councillors and all Matters connected with Police, and the District comprehended within such Boundaries shall cease to belong to or form Part of the County in which it is locally situated, and shall belong to and form Part of such Burgh as regards all local Purposes, Rights, and Obligations; provided always, that nothing in this Act contained shall affect in any way the Right of voting for a Representative in Parliament.

Consent of Council required before Resolution considered.

Sheriff may, on Objection of Proprietors, suspend Proceedings until their Consent be obtained.

If Proposal rejected, not to be again made for Two Years.

Sheriff to direct a Scrutiny, if Ratepayers petition for one.

IV. Where such adjoining Lands and Heritages include any Burgh or Portion of a Burgh, the Consent of the Town Council of such Burgh shall be required to such Resolution before it shall be considered by such last-mentioned Meeting; and it shall be lawful for any Proprietor or Proprietors of Lands and Heritages within such adjoining District valued on the Valuation Roll in force for the Year at Two Thirds of the whole Value of Lands and Heritages within such District, at any Time prior to the last Meeting above mentioned, to lodge a Minute with the Sheriff stating that he or they object to the proposed Extension, and on such Minute being lodged the Sheriff, on being satisfied that the Value of the Lands and Heritages of such Proprietor or Proprietors is of the above Amount, shall suspend the Proceedings until the Consent of such Proprietor or Proprietors to the proposed Extension be obtained, and if such Consent be not intimated within Three Months the Proceedings shall terminate.

V. In the event of such proposed Extension being rejected, it shall not be competent for the Sheriff to call another Meeting for the Purpose of considering any proposed Extension of the Boundaries of the Burgh until after the Expiration of Two Years from and after the Date of the said first-mentioned Meeting.

VI. Any Three Ratepayers entitled to be present and to vote at any Meeting called under this Act may present to the Sheriff, within Ten Days after the Date of such Second Meeting, a Petition praying for a Scrutiny; and he shall thereupon, at the Expense of the Petitioners, direct a Scrutiny of the whole Votes to be taken in such Manner as he shall think fit, in order to ascertain whether the Majority of those entitled to vote and who have voted at the Meeting have approved or disapproved of the proposed

Arrange-

*Boundaries of Burghs Extension (Scotland).**Lunatics (Scotland).*

Arrangement; and in the event of the Result of such Scrutiny being to prove to the Satisfaction of the Sheriff that the Majority of the Votes of those entitled to be present and vote was in Truth adverse to the Decision of the Meeting as authenticated by his Signature, the Sheriff shall reverse such Decision, and such Reversal being authenticated by the Subscription of the Sheriff shall have all the Effects which a Decision to that Effect would have had if declared at such Meeting: Provided always, that no such Reversal shall be competent after the Expiration of more than One Month from the Date of such Meeting.

VII. Any Person who shall falsely represent himself to be entitled to be present and to vote at any Meeting to be called under this Act, knowing himself not to be so entitled, and shall unlawfully attend and vote at such Meeting, shall be liable in a Penalty not exceeding Twenty Pounds, which may be summarily recovered before the Sheriff by any Person suing therefor, and which shall be disposed of as the Sheriff shall direct.

Penalties for making false Representations as to voting.

VIII. 'Whereas by an Act passed in the Nineteenth and Twentieth Years of Her Majesty, Chapter Fifty-eight, intituled *An Act to amend the Law for the Registration of Persons entitled to vote in the Election of Members to serve in Parliament for Burghs in Scotland*, it is provided that the Register of Voters in any Burgh, as completed by the Court of Appeal in each Year, shall for all the Purposes of the Act passed in the Third and Fourth Years of King *William* the Fourth, Chapter Seventy-six, and for all other Purposes, come in place of the Register of Voters in such Burgh established by the Act passed in the Second and Third Years of King *William* the Fourth, Chapter Sixty-five: And whereas Doubts have arisen whether Persons holding Offices which render them incapable to vote in the Election of a Member or Members of Parliament are entitled to be placed on the Register of Voters: Be it enacted, That nothing in the first-recited Act contained shall operate to exclude such Persons from the said Register: Provided always, that their being so placed on the said Register shall not enable them to do any Act from which they are by Law incapacitated.

Persons incapacitated by Office not to be excluded from Register of Voters.

IX. The whole Expenses incurred in relation to the calling and holding of any Meeting or Scrutiny under this Act shall be borne and paid by the Persons signing the Petition to the Sheriff, and the Sheriff Clerk, before any such Meeting is called, may require the Petitioners to consign or find Security to his Satisfaction for such Sum as the Sheriff may think reasonable for that Purpose: Provided always, that in case the Boundaries of the Burgh shall be extended, the whole Expenses shall be ultimately defrayed from the Common Good or other Funds of the Burgh, or by means of an Assessment on the whole Ratepayers within the extended Boundaries, which the Council of the Burgh is hereby empowered, and, if necessary, directed to impose and levy, along with and in like Manner as the Prison Rate within such Burgh; and in either Case such Expenses may be recovered, together with the Costs of Suit, by the Disburser thereof, by summary Process before the Sheriff, whose Decision shall be final.

Expenses of Meeting, how to be provided.

X. The Word "Ratepayer" shall mean and include every Person whose Name shall for the Time being appear as Proprietor or Tenant and Occupant of Lands and Heritages to the Value of Four Pounds or upwards on the Valuation Books of any County or Burgh, made up in Terms of an Act passed in the Seventeenth and Eighteenth Years of Her Majesty Queen *Victoria*, intituled *An Act for the Valuation of Lands and Heritages in Scotland*; and the Word "Sheriff" shall include Sheriff Substitute.

Interpretation of Terms.

17 & 18 Vict. c. 91.

## C A P. LXXI.

An Act for the Regulation of the Care and Treatment of Lunatics, and for the Provision, Maintenance, and Regulation of Lunatic Asylums, in *Scotland*. [25th August 1857.]

'WHEREAS an Act was passed in the Fifty-fifth Year of the Reign of King *George* the Third, intituled *An Act to regulate Madhouses in Scotland*; and another Act was passed in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act for altering and amending an Act passed in the Fifty-fifth Year of the Reign of His late Majesty, intituled "An Act to regulate Madhouses in Scotland;"* and another Act was passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of Her Majesty, intituled *An Act to alter and amend certain Acts regulating Madhouses in Scotland, and to provide for the Custody of dangerous Lunatics*; and it is expedient that the said recited Acts be repealed, and that more efficient Provision be made for the Care and Treatment of Lunatics, and for the Provision, Maintenance, and Regulation of Lunatic Asylums 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:

55 G. 3. c. 69.

9 G. 4. c. 34.

4 & 5 Vict. c. 60.

I. From and after the First Day of *January* One thousand eight hundred and fifty-eight, the recited Acts shall be and are hereby repealed.

Recited Acts repealed.

II. The Inspectors, Medical Officers, and all other Officers or Servants appointed under or in virtue of the recited Acts, or any of them, shall continue to discharge the Duties of their respective Offices until they shall be re-appointed, or superseded by the Appointment of other Persons, Officers, and Servants to discharge the Duties now performed by them; and all Licences heretofore granted under the recited Acts or any of them shall remain in force until the Expiration of the Periods for which they were respectively granted, or until they are revoked under the Powers of this Act; and all Orders, Matters, and Things granted, made, done, or directed to be done in pursuance of the recited Acts, or any of them, shall

Officers to continue till recalled, and Orders made under the repealed Acts to be good.

*Lunatics (Scotland).*

be and remain as good, valid, and effectual, to all Intents and Purposes, as if the said Acts had not been repealed, excepting in so far as such Orders, Matters, or Things are expressly made void or affected by this Act; and all Fees, Charges, Liabilities, and Expenses due, payable, or prestable under the said Acts, or any of them, shall be payable and prestable from the same Funds and Sources as would have been applicable to such Payments, and otherwise in the like Manner as if the said Acts had not been repealed.

Interpretation  
of Terms.

III. The following Words and Expressions in this Act shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,) the Words "the Board" shall mean the Board to be appointed under the Authority of this Act for the Superintendence and Care of Asylums and Lunatics; the Words "Public Asylum" shall mean and include all such Hospitals, Madhouses, or Asylums as are or shall be established for the Custody of Lunatics by Act of Parliament or Royal Charter, or under any Deed or Mortification by which the Maker thereof has directed the Appropriation of Funds to the establishing and maintaining any Lunatic Asylum or Hospital, or any Establishment administering Funds for charitable Purposes, without any View to any pecuniary Gain or Profit arising to the Establishment or to the Estate or Funds of the Trust or Charity, and also all Hospitals, Madhouses, or Asylums, other than District Asylums, into which Lunatics committed by Order and Certificate, as herein-after provided, cannot be refused Access or Reception, without special Cause shown; the Words "Private Asylum" shall mean and include all such licensed Madhouses or Asylums as are established for the Reception of more than One Lunatic under the Provisions of this Act, and kept for the pecuniary Gain or Profit of the Proprietors or Superintendents thereof or others interested therein, and into which the Admission of Lunatics is a Matter of Arrangement between the Superintendent thereof and the Party seeking or promoting the Reception of the Lunatic therein; the Words "District Asylum" shall mean an Asylum, in Terms of this Act, of One of the Districts described in the Schedule (H.) hereunto annexed; the Word "House" shall mean any House in which a single Lunatic is kept under an Order of the Sheriff; the Word "Superintendent" shall mean the Person or Persons having the Management or Charge of any Asylum, and shall include the Proprietor, and all Persons having any pecuniary Interest therein or in the Profits to be derived therefrom; the Words "Medical Person" shall mean any Person being a Member or Licentiate of one or other of the Royal Colleges of Physicians or Surgeons in *Edinburgh* or *London*, or holding a Diploma from the Faculty of Physicians and Surgeons of *Glasgow*, or being a Fellow or Licentiate of the King and Queen's College of Physicians in *Dublin*, or of the College of Surgeons in *Dublin*, or holding the Degree of Doctor of Medicine from One of the Universities of *Scotland*, *England*, or *Ireland*, or having a Right to practise Medicine or Surgery from having served in the Army or Navy, and being in actual Practice as such Physician, Surgeon, or otherwise as aforesaid; the Word "Lunatic" shall mean and include any mad or furious or fatuous Person, or Person so diseased or affected in Mind as to render him unfit in the Opinion of competent Medical Persons to be at large, either as regards his own personal Safety and Conduct, or the Safety of the Persons and Property of others or of the Public; the Word "Burgh" shall include and apply to the Cities, Burghs, and Towns which are Royal Burghs, or which send or contribute as Burghs to send a Member to Parliament; the Words "Magistrates of Burghs" shall include the Lord Provost, or Provost or Chief Magistrate, and the Magistrates and Council of Burghs; the Expression "Landward Part of a County" shall include and apply to a County exclusive of the Burghs situated therein; the Word "Secretary" shall mean the Secretary to be appointed under this Act; the Expression "Judicial Factor" shall mean and include any Person having charge of Property of a Lunatic, whether as Judicial Factor, Factor Loco Tutoris, Factor Loco Absentis, Curator Bonis, or Tutor Dative, or by reason of Service as Tutor at Law, or as Curator; the Word "Sheriff" shall mean the Sheriff of and acting in the County of which he is Sheriff, and shall include the Sheriff Substitutes; the Words "Sheriff Clerk" shall mean the Sheriff Clerk and Sheriff Clerk Depute of the County of which he is Sheriff Clerk, and shall include Steward Clerk and Steward Clerk Depute; the Word "Person" and the Word "Owner" shall extend to Trustees and to Bodies Politic or Corporate as well as to Individuals; and the Word "Month" shall mean Calendar Month.

Constitution of  
Board.

IV. There shall be constituted for the Purposes of this Act a Board to be called the General Board of Commissioners in Lunacy for *Scotland*, in manner following:—

1. Three Persons shall be appointed by Her Majesty, One of whom shall be an unpaid Commissioner and Chairman of the Board, and Two of whom shall be paid Commissioners, and shall receive such Salary, not exceeding One thousand two hundred Pounds each *per Annum*, as shall be fixed by the Commissioners of Her Majesty's Treasury;
2. It shall be lawful to Her Majesty as often as shall seem expedient, by Warrant under the Hand of One of Her Majesty's Principal Secretaries of State, to appoint not more than Three Persons in all at One Time, to be unpaid Commissioners in Lunacy for such Period as may be specified in such Warrant;
4. All Vacancies in the Board may be supplied in like Manner from Time to Time as they occur.

Meetings of the  
Board.

V. The Board shall have an Office at *Edinburgh* for the Transaction of their Business, and shall meet there, or at such temporary Place as shall be fixed for the Purpose, upon the First Day of *November* next, or upon the first convenient Day within Ten Days thereafter (of which due Notice shall be given by

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by the Secretary to each of the Members of the Board), and shall thereafter hold Two General Meetings in each Year, One upon the First *Wednesday* in *March* and the other upon the First *Wednesday* in *November*; and at such First Meeting, and at all other Meetings of the Board, Three of the Members shall be a Quorum, with Power to act in all the Matters hereby committed to the Board; and the Board shall have Power to adjourn for such Time and to such Place as they shall see fit, and to hold Special or *pro re nata* Meetings, which may be called by the Secretary in such Manner as the Board shall direct; and at all Meetings of the Board the Chairman shall have both an original and a casting Vote.

VI. It shall be lawful to the Board, as often as they deem fit, to appoint any Two or more of their Number as a Committee for the Purposes of this Act, or for any Part of such Purposes as the Board may direct, and if more than Two to fix the Number of such Committee that shall be sufficient to transact Business; and it shall be lawful for such Committee, in transacting the Business committed to them, to exercise all the Powers necessary for that Purpose which are by this Act given to the Board; and such Committee shall report to the Board at such Time or Times as the Board shall direct, and failing such Direction shall report to the Board at its next General Statutory Meeting.

Power to Board to name Committees.

VII. Every Commissioner shall, before he acts in the Execution of his Duty, take an Oath to the following Effect; (that is to say.)

Commissioners before acting to take the following Oath.

‘ I *A.B.* do swear, That I will discreetly, impartially, and faithfully execute all the Trusts and Powers committed to me by virtue of an Act of Parliament passed in the Twenty-first Year of the Reign of Her Majesty Queen Victoria, intituled [*here insert the Title of this Act*], and that I will keep secret all such Matters as shall come to my Knowledge in the Execution of my Office, except when required to divulge the same by legal Authority, or so far as I shall feel myself called upon to do so for the better Execution of the Duty imposed upon me by the said Act. So help me *GOD*.’

Which Oath it shall be lawful for the Lord Justice General of *Scotland* to administer.

VIII. The Commissioners shall not derive any Profit or Emolument for the Discharge of the Duties of their Office, excepting as herein mentioned, nor shall they be personally responsible for anything done *bonâ fide* in the Execution of this Act, or in the Exercise of the Powers herein contained, and the paid Commissioners shall devote their whole Time to the Duties of the said Office.

Commissioners not to derive Profit from their Office.

IX. The Board, over and above the Powers hereby specially committed to them, shall have the Superintendance, Management, Direction, and Regulation of all Matters arising under this Act in relation to Lunatics, and to Public, Private, and District Asylums, and to every House in which a Lunatic is kept or detained under an Order of the Sheriff, as herein-after provided, and shall have the Power of granting or refusing Licences to the Proprietors of Private Asylums, and of renewing or transferring any such Licences, and of recalling or suspending the same; and it shall be lawful for the Board from Time to Time to make and establish such Rules and Regulations as they may deem necessary towards the good Order and Management of all Private and District Asylums, and the Conduct and Duties of the Superintendents, Officers, and Servants thereof, and of the Inspectors, Secretary, Clerk, Officers, and Servants appointed under the Authority of this Act, and to enforce such Rules and Regulations by Forfeiture of the Licence of any Party not observing the same, and by Recovery of the Penalties authorized by this Act: Provided always, that all such Rules and Regulations shall, before being put into execution, be approved of by One of Her Majesty's Principal Secretaries of State, and such Rules and Regulations shall also be submitted to both Houses of Parliament, if Parliament be then sitting, and if Parliament be not sitting, then within Fourteen Days after the Meeting of the next Session of Parliament: Provided also, that nothing in this Act contained, unless where otherwise specially provided, shall be construed to extend to any Public Asylum existing or in course of Erection at the passing of this Act, further than to enable the Board to authorize and regulate the Inspection and Visitation of such Asylums, and to make and enforce such Rules and Regulations as they shall think necessary in relation to the Books or Minutes to be kept or made, and the Returns of the Entries therefrom to be made to the Board by the Persons having the Management and Care of such Asylums.

Powers of Commissioners.

X. Provided further, That all such Public Asylums as may be endowed, founded, or established after the passing of this Act, and all Additions to any existing Public Asylum to be hereafter made, shall be under and subject to such and the like Powers and Provisions as existing Public Asylums are by this Act made subject to.

Public Asylums founded after passing of Act subject to it.

XI. It shall be lawful for the Board to institute, in such Manner as they shall think fit, an Investigation or Inquiry into any Case falling under the Provisions of this Act which they shall think it necessary or proper to inquire into; and in any Case in which it shall be necessary to obtain Evidence, it shall be lawful for the Board, from Time to Time as they shall see Occasion, with the Concurrence of the Lord Advocate of *Scotland* for the Time being, or the Solicitor General for *Scotland* for the Time being acting for and in the Name of the Lord Advocate, to require, by Summons, according to the Form, as nearly as may be, of Schedule (A.) hereunto annexed, and which Summons, as well as the Execution and Service Copy thereof, may be either printed or written, or partly printed and partly written, any Person to appear before them to testify on Oath touching any Matter respecting which they are by this Act authorized to inquire, which Oath the Chairman of the Board is hereby

Commissioners may institute Inquiries, and summon Witnesses, and examine them on Oath.

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hereby authorized to administer; and such Summons shall contain a Warrant to Messengers at Arms and Sheriff Officers to serve the same; and it shall be lawful for any Messenger at Arms or Sheriff Officer to serve such Summons personally, or at the Dwelling Place of the Person named therein, in the same Form and Manner as Summonses and Citations may be served according to the Law of *Scotland*; and any Person who shall not appear before the Board pursuant to such Summons, or shall not assign some reasonable Excuse for not appearing, or shall appear and refuse to take the Oath or to be examined, shall, on being convicted thereof before the Sheriff, or before a Justice of the Peace of the County or Magistrate of the Burgh within which such Person has his ordinary Residence, or of the County or Burgh within which such Person shall have been by such Summons required to appear and give Evidence, for every such Neglect or Refusal forfeit a Sum, not exceeding Thirty Pounds.

Payment of Expenses of Witnesses.

XII. It shall be lawful for the Board to direct the Secretary to pay to any Witness summoned as aforesaid the reasonable Expenses of his Appearance and Attendance in pursuance of such Summons, and the same shall be deemed to be Expenses incurred by the Board in the Execution of this Act, and be taken into account and paid accordingly.

Power to Her Majesty to appoint a Secretary.

XIII. It shall be lawful for Her Majesty to appoint a fit Person to be Secretary to the Board, to whom there shall be paid such Salary, not exceeding Five hundred Pounds *per Annum*, as shall be fixed by the Commissioners of Her Majesty's Treasury; and such Secretary, and every Secretary to be hereafter appointed, shall be removable from his Office by Her Majesty, on the Application of the Board; and upon the Death, Resignation, or Removal of any such Secretary, Her Majesty, and Her Heirs and Successors, shall appoint a Secretary in the Room of the Secretary so dying, resigning, or being removed; and the Secretary shall perform such Duties in the Execution of this Act as the Board shall direct, and shall in all respects be subject to the Inspection, Direction, and Control of the Board; and each Secretary shall find sufficient Security for his Intromissions and Management to the Satisfaction of the Board.

Secretary to make annual Returns.

XIV. The Secretary shall annually transmit to the Commissioners of Her Majesty's Treasury, and there shall be annually laid before both Houses of Parliament, a Return exhibiting the Number of Orders granted by the Sheriffs for Admission of Lunatics into any Public, Private, or District Asylum or House, stating the Asylum or House to which such Order was sent, also the Number of Licences granted by the Board for the Continuance, Establishment, or Renewal of Private Asylums, and the Transfer of any such Licence from any one Asylum to another, and describing such Public, Private, and District Asylums by their respective Localities, and stating the Names of the Superintendents of each Asylum, and showing also the Number of Patients, Male and Female, received into and discharged from each Asylum, or removed or transferred from any one House to another, classifying those discharged into Three Divisions of "Cured," "Relieved," and "Unaffected by Treatment," during the preceding Year.

Secretary to keep Books, Minutes, and Accounts, and Accounts to be annually furnished to the Commissioners of the Treasury, &c.

XV. The Secretary shall, under the Directions of the Board, keep regular Books and Minutes of all the Proceedings of the Board, and accurate Accounts of all Monies received and paid by the Board or Secretary, and of all Charges and Expenses incurred under or by virtue of or in the Execution of this Act; and such Account shall be made up to the First Day of *August* in each Year, and shall be signed by the Chairman of the Board and by One of the paid Commissioners, and shall specify the several Heads of Charge and Expenditure, and be transmitted to the Commissioners of Her Majesty's Treasury, who shall thereupon audit such Account, and may, if they shall deem it expedient, and where not inconsistent with any other Provision of this Act, direct the Balance (if any) to be paid into the Exchequer to the Account of the Consolidated Fund; and an Abstract of such Accounts shall be laid before Parliament on or before the Twenty-fifth Day of *March* in each Year, if Parliament be then sitting, or if Parliament be not then sitting, then within One Month after the next Sitting of Parliament.

Power to Board to appoint a Clerk.

XVI. It shall be lawful for the Board to appoint a Clerk, to whom there shall be paid a Salary not exceeding One hundred and fifty Pounds *per Annum*, and such Clerk shall be removable from his Office by the Board; and upon the Death, Resignation, or Removal of any such Clerk the Board shall appoint a Clerk in his Room; and every such Clerk shall perform such Duties in the Execution of this Act as the Board shall require of him, and shall, in the Performance of his Duties, and in all respects, be subject to the Inspection, Direction, and Control of the Board; and each Clerk shall, when so required by the Board, find sufficient Security for his Intromissions and Management to the Satisfaction of the Board.

Duties of Commissioners.

XVII. The Board shall as soon after their First Meeting as may be convenient, make General Rules for the Inspection and Visitation of Public, Private, and District Asylums; and it shall be the Duty of the Two paid Commissioners to visit and inspect, at least Twice in each Year, all the Public and Private and District Asylums, and every Out-house, Place, or Building thereto belonging, and every House in which any Lunatic is detained under any Order of a Sheriff; and at each such Visitation they shall examine and inquire into the Condition of the Lunatics then confined in such Asylum or House, and also whether any Coercion or Restraint has been imposed on any such Lunatics, and shall record in the Patients Book of such Asylum the State of the Health generally, as well mental as bodily, of such Lunatics, and what Coercion or Restraint has been imposed upon any such Lunatics, and the Cause thereof, and specially such particular Cases as may appear to them to require Remark, and they shall also inquire into the Particulars of the Management and the Condition of each Asylum, as to its State of Repair, Heating, Ventilation, Cleanliness, Supply of Water, Diet, and otherwise, and shall see that the Number of Patients, of whom a correct List shall be furnished to them by the Superintendent of each

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each Asylum, does not exceed the Number for which the Asylum is licensed, and that the Books or Registers hereby directed to be kept in each Asylum are regularly and correctly kept; and each Individual in the Management of any such Asylum or House, or connected therewith, shall disclose to the said Commissioners or either of them every Particular in relation to the keeping and Management thereof, and the Care of the Lunatics therein, into which they shall think fit to inquire; and the said Commissioners shall record in a Book to be kept by them all Inspections, stated and occasional, made by them, and the Particulars thereof, and shall communicate the same from Time to Time to the Board, for their Information; and, in addition to the stated Inspections before mentioned, the said Commissioners shall on all Occasions make any particular Visitation or Inquiry which they may think fit into the Condition of any Public, Private, or District Asylum or House, or any special Circumstance therewith connected, and shall also be entitled, by Night or by Day, to visit any such Asylum or House, and to report to the Board the Condition thereof; and a Copy of all Entries of the said paid Commissioners, of the Sheriff and Justices of the Peace, and of the Medical Inspectors herein-after appointed under this Act, in the Patients Book of such Asylum, shall be transmitted to the Board by the Superintendent of such Asylum within Eight Days after such Entries respectively are made, under a Penalty not exceeding Ten Pounds for each Offence in case of Failure.

XVIII. The Commissioners shall and may, once or oftener in each Year, on such Day or Days, and at such Hours in the Day or Night, and for such Length of Time as they shall think fit, visit any Prison in which there shall be, or be alleged or supposed to be, any Lunatic, and shall make all such Inquiries as to the Lunatics in such Prison as they shall deem proper, or as the Board may direct.

Commissioners to visit Lunatics in Prisons.

XIX. The Commissioners shall and may, on such Day or Days, and at such Hours in the Day or Night, and for such Length of Time as they shall think fit, visit all Poorhouses in which there shall be, or be alleged or supposed to be, any Lunatic, and shall inquire whether the Provisions of the Law as to Lunatics have been carried out in the Parish in which any such Poorhouse shall be situate, and also as to the Dietary, Accommodation, and Treatment of the Lunatics in each such Poorhouse, and shall report in Writing thereon to the Board.

Commissioners to visit Poorhouses.

XX. It shall be lawful for the Board, where they shall deem it necessary for the beneficial Execution of the Purposes of this Act, to take the Assistance of such Medical Persons as may be required, and the Expense attending such Assistance shall be defrayed in the Manner in which the Allowance of Medical Persons to be employed by the Board and the Sheriff are herein-after directed to be defrayed.

Commissioners may take Assistance of Medical Persons.

XXI. If it shall appear to One of Her Majesty's Principal Secretaries of State to be necessary for the Discharge of the Duties imposed by this Act, he shall have Power to appoint, for such Period as he shall think fit, One or more Medical Persons, not exceeding Two in all, to be Deputy Commissioners under this Act, and shall take the Oath prescribed to be taken by the Commissioners, and such Deputy Commissioners shall have such of the Powers of the Commissioners, and shall perform such Duties, as the Board may direct; and such Deputy Commissioners shall receive a Salary not exceeding Five hundred Pounds *per Annum* each, to be paid in like Manner, and out of the like Fund, as the other Salaries payable under this Act; provided always, that no such Appointment shall subsist after the Expiration of Five Years from the passing of this Act.

Secretary of State may appoint One or Two Medical Persons to be Deputy Commissioners.

XXII. The General Board of Commissioners in Lunacy for *Scotland* appointed by this Act shall exist for Five Years from and after the First Day of *January* One thousand eight hundred and fifty-eight, and no longer; and from and after the Expiration of said Period of Five Years the Two paid Commissioners then acting under this Act shall become Inspectors General in Lunacy for *Scotland*, subject to the Orders and Direction of One of Her Majesty's Principal Secretaries of State; and the said Inspectors General shall have all the like Powers and Duties of Visitation and Inspection of Public, Private, and District Asylums, and Houses in Terms of this Act, and of Prisons and Poorhouses, and generally of all Houses and Places in which any Lunatic is kept, which are by this Act conferred upon the Board, and shall do and perform all Duties in connexion with the Objects of this Act which may be prescribed to them from Time to Time by such Secretary of State, and all Notices required by this Act to be given to the Board or to the paid Commissioners shall thenceforward be given to the said Inspectors General, and they shall be paid for the Performance of their said Office of Inspectors General under this Act, such Salary not exceeding One thousand Pounds *per Annum* as shall be fixed by the Commissioners of Her Majesty's Treasury; and on the Occurrence of any Vacancy in any such Office of Inspector General the same shall be filled up by Her Majesty and Her Heirs and Successors; and every such Inspector General so to be appointed shall take such Oath as is by this Act directed to be taken by the Commissioners under this Act, which Oath it shall be lawful for the Lord Justice General of *Scotland* to administer.

Board to cease after Five Years, and the paid Commissioners to be the Inspectors General in Lunacy.

XXIII. From and after the Expiration of the said Period of Five Years it shall be lawful to One of Her Majesty's Principal Secretaries of State from Time to Time to empower the Inspectors General to exercise, in any Case in which he shall consider it necessary, the Powers of the Board in regard to enforcing any General Regulations made by the Board, or in regard to providing the requisite Accommodation for Lunatics in any District, or in regard to the Citation and Examination of Witnesses, and generally any of the special Powers of the Board which the Circumstances of the particular Case may seem to require; and from and after the same Period of Five Years the Power of granting Licences

After Five Years Secretary of State may empower the Inspector General to exercise Powers of Board.

under

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under this Act shall be vested in the Sheriff, who shall exercise all the Powers of the Board in that Matter: Provided always, that no Licence shall be granted without a Certificate from the Inspectors General that it should be granted, and no Licence shall be continued if the Inspectors General report to the Sheriff that it ought to be discontinued; and the Sheriff Clerk shall receive and account in Exchequer for all the Fees and Duties herein-before provided in respect of Licences.

Oath to be taken  
by Officers be-  
fore acting.

XXIV. Every Person appointed to be Secretary, Clerk, or Medical or District Inspector under this Act shall, before he acts in the Execution of his Duty as such Secretary, Clerk, or Inspector, take an Oath to the following Effect; (that is to say),

‘ I A.B. do swear, That I will faithfully execute all such Trusts and Duties as shall be committed to my Charge as Secretary [or as Clerk, or as Medical or District Inspector, as the Case may be,] to the Board of Lunacy for Scotland, and that I will keep secret all such Matters as shall come to my Knowledge in the Execution of the Duties of the said Office (except when required by legal Authority to divulge the same).  
So help me GOD.’

And which Oath it shall be lawful for the Chairman of the Board to administer.

Sheriff to visit  
and inspect  
Asylums.

XXV. It shall be lawful for the Sheriff at all Times to visit and inspect, either alone or with some Medical Person, every Public, Private, and District Asylum and House within his Jurisdiction in which any Lunatic is kept or detained under any Order of the Sheriff, and to institute Inquiry into the Care and Management of such Asylums and Houses, and into the Conduct of the Superintendents, Medical Persons, Officers, and Servants therein or connected therewith, and he shall insert in the Patient Book of such Asylum or House any Observations which he may deem necessary.

Justices of the  
Peace to visit  
and inspect  
Asylums.

XXVI. It shall be lawful for the Justices of the Peace of every County to appoint, at a Quarter Sessions of the Peace to be held annually on the same Day on which the *Michaelmas* Meeting of the Commissioners of Supply takes place, any Three of their Number to visit and inspect any Public, Private, or District Asylum situated in such County, and insert in the Patients Book of such Asylum such Observations as they may deem necessary.

Licences for  
Private Asy-  
lums, and  
Orders, and  
Certificates.

And with respect to the licensing of Private Asylums, and to Orders for the Reception of Lunatics, and Medical Certificates, under this Act, be it enacted:

On Application  
for Licence,  
Plan of the  
House to be  
exhibited.

XXVII. All Private Asylums shall be licensed by the Board, such Licences being granted to the Superintendent of the Asylum; and all Applications for Licences to keep Private Asylums, and Applications for Leave to transfer any Licence from any one House or Asylum to another, shall be made to the Board; and with the Application there shall be laid before them a Statement of the Name and Qualification of the Superintendent, with a Plan, upon such Scale as the Board shall direct, of any House used or proposed to be used as a Private Asylum, showing accurately the Number and Dimensions of the Apartments, and Offices, and Airing Places, and the Courts, Gardens, and other Accommodations, with a Statement as to the Supply of Water, and all further Particulars which the Board may require to be communicated; and such Application shall state also the greatest Number of Lunatics of each Sex proposed to be received into such House; and if any Alteration shall at any Time be made on any such House and Premises between the first granting of any Licence for the same and the subsequent Renewals of such Licence, such Alterations shall be fully and distinctly stated and exhibited upon a Plan when the Application for the Renewal is made.

Licences to be  
granted by the  
Board accord-  
ing to Form in  
Schedule (B).

XXVIII. Every Licence to be granted by the Board shall be according to the Form in the Schedule (B.) hereunto annexed, or as near thereto as conveniently may be, and shall bear a Stamp denoting a Duty of Ten Shillings, and shall be granted for such Period, not exceeding Thirteen Months, as the Board shall think fit; and for every Licence to be so granted (exclusive of the Sum to be paid for the Stamp) there shall be paid to the Secretary the Sum of Ten Shillings and no more for every Patient, not being a Pauper, and the Sum of Two Shillings and Sixpence and no more for every Patient, being a Pauper, proposed to be received into such House, and if the total Amount of such Sums payable to the Secretary shall not amount to the Sum of Fifteen Pounds, then so much more for each Patient in proportion to the above Charges of Ten Shillings and Two Shillings and Sixpence as will make up the Sum of Fifteen Pounds; and no such Licence shall be delivered until the Sum of Fifteen Pounds at least shall be paid for the same: Provided always, that if the Period for which the Licence is granted shall be less than Thirteen Months, it shall be lawful for the Board to reduce the Payment proportionably as they shall think just, and the said Duty of Ten Shillings shall be under the Care and Management of the Commissioners of Inland Revenue, and be subject to all the Rules and Regulations applicable to Stamp Duties.

In case of Re-  
fusal to renew  
Licence, exist-  
ing Licence  
may be con-  
tinued for a  
Time.

XXIX. In any Case in which the Board shall refuse to grant Renewal of a Licence, the Board may continue, without any further Payment, such existing Licence for a Period not exceeding Three Months from the Date at which the same would expire; and during the Period of such Continuation the Asylum in respect of which the Application is made, and the Superintendent, Medical Persons, Officers, and Servants thereof, shall be under and subject to all the Regulations imposed upon such Asylums by this Act in the same Manner as if the existing Licence had been renewed.

Licence and  
Patients may be  
transferred.

XXX. If any Person to whom any Licence shall have been granted under this or the said recited Acts shall become incapable of keeping, or be desirous to discontinue keeping, the Asylum in respect of which such Licence was granted, or shall die, it shall be lawful to the Board, on Application to that Effect,



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Effect, to transfer such Licence, if the Board shall think fit, for the Term then unexpired of such Licence, to such Person as the Board shall in Writing approve, and such Licence shall be held to be unexpired and good, and efficient from its original Date; and in case of a Licence granted to Two or more Persons, such Licence, in the event of the Death of any One or more of such Persons, shall, subject to the Provisions of this Act, remain in force to the Survivors or Survivor of such Persons until the Expiration thereof.

XXXI. For every Order to be granted by the Sheriff for the Admission of a Patient, not being a Pauper, into any Public Asylum, there shall be paid for the general Purposes of this Act the Sum of Five Shillings; and for every such Order for the Admission of a Pauper Patient there shall be paid for the like Purpose the Sum of Two Shillings and Sixpence; and such Sums shall be paid to the Sheriff Clerk, and shall, from Time to Time as the Board shall direct, be remitted by the Sheriff Clerk to the Secretary; and every Sheriff Clerk failing to make such Remittance shall be subject to a Penalty not exceeding Ten Pounds for each Offence.

Sums to be paid for Orders of Admission to Public Asylums.

XXXII. All Monies received for Licences, and for Orders of Admission, and for Searches to be made in pursuance of this Act, as after mentioned, shall be retained by the Secretary, and be applied by him in or towards defraying the Salaries and also the travelling and other reasonable Expenses of the Commissioners, and the Salaries and Allowances of the Secretary and Clerk, and of the Inspectors and Medical Persons employed by the Board or by the Sheriff in examining and visiting Lunatics, or Persons supposed to be Lunatics, as well before as after their Detention, and the Expenses attending the same, and the Expense of providing a Place for the Office of the Board, and for the necessary Accommodation of them, and the Secretary, Officers, and Servants of the Establishment, and also Stationery, Postages, and other Office Expenses; and in the event of there being in any Year any Surplus of such Monies, after providing for the Salaries and Expenses aforesaid, such Surplus shall be paid to and divided among the District Boards, for the Purposes of this Act, in the Proportion of the Sums raised by each such District Board for the Purposes of this Act in the Year in which such Surplus arises; and all Monies payable and that shall be paid under this Act to the Board or the Secretary shall be lodged in an Account to be opened in one of the Banks of Issue in *Scotland*, and the Payments thereof shall be made by Orders which shall be signed by the Board; provided that the Accounts for all such Expenditure shall be audited, passed, and authenticated as the Board may direct.

Monies received for Licences, &c. to be applied in Payment of Salaries and other Expenses of Act.

XXXIII. It shall be lawful for the Commissioners of Her Majesty's Treasury, and they are hereby directed and empowered, from Time to Time, on Application to them by the Board, to cause to be issued and paid to the Secretary, out of Monies to be voted for that Purpose by Parliament, such a Sum of Money as the Board shall in such Application have certified to be requisite to pay and discharge so much of the Salaries, Costs, Charges, and Expenses herein-before directed to be paid out of the Monies received for Licences, and otherwise as aforesaid, as such Monies shall in each or any Year be inadequate to pay, and the Secretary shall thereupon apply such Money, under the Directions of the Board, in or towards the Payment or Discharge of such Salaries, Costs, Charges, and Expenses respectively; and it shall be lawful for the Commissioners of Her Majesty's Treasury, from Time to Time, on the Recommendation of the Board, to advance by way of *Imprest to the Secretary* such Sum or Sums of Money as to such Commissioners of Her Majesty's Treasury may appear requisite and reasonable for or towards the Payment or Discharge of all or any such Salaries, Costs, Charges, or Expenses as aforesaid, such Sum or Sums to be accounted for in the then next Account to be furnished to the said Commissioners of Her Majesty's Treasury under this Act.

Balance of Payments over Receipts may be paid out of Monies to be voted by Parliament.

XXXIV. It shall be lawful for the Sheriff to grant Orders for the Reception of Lunatics into any Public, Private, or District Asylum or House in Terms of this Act; but no such Order shall be granted unless upon a Petition subscribed by the Party applying for the same, accompanied by a Statement of Particulars in the Form of Schedule (C.) hereunto annexed, and also accompanied by Certificates in the Form of Schedule (D.) hereunto annexed, bearing Date within Fourteen clear Days next preceding the Date of the Petition, under the Hands of Two Medical Persons, one of whom may be the Medical Superintendent or Consulting Physician of a Public or District Asylum; and such Orders shall be in the Form of Schedule (E.) hereunto annexed; and no Superintendent of any such Public, Private, or District Asylum or House shall receive or detain any Person as a Lunatic therein, unless there shall be produced to and left with such Superintendent such Order by the Sheriff, dated within Fourteen Days prior to the Reception of such Lunatic, or, if such Order be granted by the Sheriff of *Orkney* and *Shetland*, within Twenty-one Days prior thereto; provided that the Superintendent of any such Public, Private, or District Asylum or House may receive and detain therein, for any Period not exceeding Twenty-four Hours, any Person as a Lunatic whose Case is duly certified by One Medical Person to be a Case of Emergency.

Lunatic to be admitted by Order of Sheriff, and on Medical Certificates.

XXXV. Every Medical Person signing any Certificate under or for the Purposes of this Act shall specify therein the Facts upon which he has formed his Opinion that the Person to whom such Certificate relates is an insane Person, an Idiot, or a Person of unsound Mind, and distinguish in such Certificate Facts observed by himself from Facts communicated to him by others; and no Person shall be received into any Asylum or House in Terms of this Act under any Certificate which purports to be founded only upon Facts communicated by others.

Medical Certificate to specify Facts on which Opinion of Insanity has been formed.

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Orders and Medical Certificates may be amended.

XXXVI. If, after the Reception of any Lunatic, it appear that any Order or Medical Certificate upon which he was received is in any respect incorrect or defective, such Order or Medical Certificate may be amended by the Person signing the same, at any Time within Fourteen Days after the Reception of such Lunatic; provided nevertheless, that no such Amendment shall have any Force or Effect unless the same shall receive the Sanction of the Board.

Copies of Orders, Medical Certificates, &c., to be sent to the Board.

XXXVII. The Superintendent of every Public, Private, or District Asylum or House in Terms of this Act shall, after Two clear Days and before the Expiration of Fourteen clear Days from the Day on which any Patient shall have been received, transmit to the Board, along with a Copy of the Order, and Medical Certificates, and Petition and Statement accompanying the same, on which such Person shall have been received, a Notice of such Admission, and a Report, signed by the Medical Attendant of such Asylum, or by the Medical Attendant of the Lunatic in such House, according to the Form in Schedule (F.) hereunto annexed; and every Superintendent of any such Asylum or House who shall neglect to transmit as aforesaid such Copy, Notice, and Report shall be guilty of an Offence, and shall for every such Offence be liable in a Penalty not exceeding Twenty Pounds; and the Sheriff Clerk shall, within Seven Days after any such Order shall have been granted, send to the Board a Notice, stating the Party by whom the Application was made, and the Party to whom the Order applied, the Medical Persons granting the Certificates, the Sheriff by whom the Order was granted, and the Asylum or House to which it was addressed; and any Sheriff Clerk failing to send such Notice within such Time shall for every such Neglect forfeit a Sum not exceeding Ten Pounds.

No Certificate to be granted without Examination.

XXXVIII. If any Person shall grant any such Certificate or Statement as aforesaid without having seen and carefully examined the Person to whom it relates, at the Time and in the Manner specified in such Certificate, with a view to ascertain the Condition of such Person to the best of his Knowledge and Power, he shall be guilty of an Offence, and shall for every such Offence be liable in a Penalty not exceeding Fifty Pounds; and if any Person shall wilfully and falsely grant any such Certificate to the Effect of any Person being a Lunatic, the Person so granting such Certificate shall be guilty of an Offence, and for every such Offence be liable in a Penalty not exceeding Three hundred Pounds, or be liable to Imprisonment for any Period not exceeding Twelve Months.

Penalty on granting false Certificate.

Penalty for receiving Lunatics in unlicensed Houses or without the required Order.

XXXIX. Any Person who shall be convicted of receiving, concealing, detaining, or harbouring any Lunatic, or any Person as such, in any Asylum or House kept for the Reception and Care of Lunatics requiring to be licensed in Terms of this Act, but which shall not be so licensed, and any Person who shall be convicted of sending or delivering any Lunatic, or Person as such, for Custody in any such Asylum or House, knowing the same not to be so licensed, and any Person who shall be convicted of receiving, detaining, or harbouring any Lunatic, or Person as such, in any Public or Private or District Asylum or House, without an Order, where such Order is by this Act required, or notwithstanding an Order to liberate in Terms of this Act, and any Person who shall be convicted of sending or delivering any Lunatic, or any Person as such, for Custody in any Public, Private, or District Asylum or House, without an Order, where such Order is by this Act required, shall severally be guilty of an Offence, and shall for every such Offence be liable in a Penalty not exceeding One hundred Pounds, or to be imprisoned for any Space not exceeding Twelve Months.

Board may grant an Order for Search of Records as to whether any particular Person has been confined as a Lunatic within Twelve Months.

XL. If any Person shall apply to the Board in order to be informed whether any particular Person is confined in any Asylum or House by this Act made subject to the Visitation of the Board, the Board, if they shall think it reasonable to permit such Inquiry to be made, shall issue an Order to the Secretary, and the Secretary shall, on Receipt of such Order, and on Payment to him of a Sum not exceeding Seven Shillings, (to be applied for the Purposes of this Act,) make search amongst the Returns made in pursuance of this Act, whether the Person inquired after is or has been within the last Twelve Calendar Months confined in any such Asylum or House; and if it shall appear that such Person is or has been so confined, the Secretary shall deliver to the Person so applying a Statement in Writing specifying the Situation of the Asylum or House in which the Person so inquired after appears to be or to have been confined, and also (so far as the Secretary can ascertain from any Register or Return in his Possession) the Name of the Superintendent or Principal Officer of such Asylum or House, and the Date of the Admission of such Person into such Asylum or House, and (in case of his having been removed or discharged) the Date of his Removal or Discharge therefrom.

As to Lunatic received into any Private House.

XLI. No Person shall receive or keep any One Lunatic, or Person alleged to be a Lunatic, in any Private House in which not more than One Lunatic is kept, without the like Order by the Sheriff and Medical Certificates as are required in respect of the Reception of a Lunatic into a Private Asylum, unless such House shall be the Dwelling Place or temporary Private Lodging of such Lunatic; and any Person who shall so receive any Lunatic shall, within Seven clear Days thereafter, transmit to the Board a Copy of the Order and Medical Certificates, and Petition and Statement accompanying the same, on which such Lunatic shall have been received, stating the Date of Reception, the Situation of the House, and the Christian Name and Surname of the Owner and Occupier thereof and of the Medical Person attending upon such Patient, and shall also upon the First Day of *January* in every Year, or within Seven Days thereafter, transmit to the Board a Certificate, signed by a Medical Person, describing the State of the Health, mental and bodily, of the Lunatic; and every such Lunatic shall be visited

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visited at least once in every Fortnight, unless the Board shall otherwise regulate such Visits, by a Medical Person, who shall enter in a Book to be kept at such House the Date of each Visit, and the Condition of the mental and bodily Health of the Lunatic at each such Visit; and it shall be in the Power of the Board to order such Inspection and Visitation of every such House from Time to Time as to them shall seem proper; provided that this Enactment shall not apply to any Case where the Party so received and kept has been sent to any such House for the Purpose of temporary Residence only, not exceeding Six Months, and under the Certificate of a Medical Person, which Certificate shall be in the Form of Schedule (G.) hereunto annexed; and every Person who shall receive and keep in any unlicensed House, excepting as before mentioned, any Lunatic, or Person alleged to be a Lunatic, without such Order and Medical Certificates, or who, having so received and kept such Lunatic, shall not transmit to the Board such Copies and Statements as aforesaid, or shall fail to cause or permit such Lunatic to be visited as aforesaid and such Book to be kept, and every Medical Person who shall knowingly make a false Entry in such Book, shall severally be guilty of an Offence, and shall be liable in a Penalty not exceeding Fifty Pounds, or be liable to be imprisoned for any Period not exceeding Three Months.

XLII. It shall be in the Power of the Board to order such Visitation and Inspection as they may deem proper of every House in which any Lunatic is detained by Order of the Sheriff, though not a Public, Private, or District Asylum, and, if the Board shall see Cause, by reason of improper Treatment of such Lunatic, to transfer such Lunatic to any other such House, or to any Public, Private, or District Asylum, as may be deemed most expedient; and the Expense of maintaining such Lunatic in such other House, or Public, Private, or District Asylum, shall be chargeable on the Property of such Lunatic (if he any have), or on the Party or Parish legally bound for his Maintenance and Support.

House where Lunatic detained under Order of the Sheriff may be visited by the Board.

XLIII. If any Occupier or Inmate of any Private House shall keep or detain therein, without an Order by the Sheriff, any Person as a Lunatic, although One of the Family or a Relative of such Occupier or Inmate, beyond the Period of a Year after the Malady becoming apparent and confirmed, and where it has been such as to require during any Part of such Period Coercion or Restraint, such Occupier or Inmate, or the Medical Person attending such Lunatic or Person so detained, shall intimate such Detention to the Board, and shall transmit to the Board a written Certificate, signed by One Medical Person, of the Condition of the Person so detained, and shall state to the Board the Reasons which render it desirable that such Person should remain under private Care; and if the Board shall have reason to believe or suspect that any Lunatic, or any Person treated as a Lunatic, of whose Condition no such Intimation shall have been made, is detained or kept or is dwelling in any Private House, and that the Malady of such Person has endured for any Period beyond a Year after the same has become apparent and confirmed, and is such as to have required Coercion or Restraint, or if such Intimation shall have been made, and the Reasons stated appear to the Board to be insufficient, and they shall be of opinion that it is necessary that Inquiry should be made into the Case, they shall apply to the Sheriff, who shall have Power to make such Inquiry as he thinks fit; and if upon such Inquiry it shall appear that such Person is a Lunatic, and has been so for a Space exceeding a Year after the Malady shall have become apparent and confirmed, and such as to have required Coercion or Restraint, and that there are Circumstances rendering the Removal of such Lunatic to the Care of an Asylum necessary or expedient, it shall be lawful for the Sheriff to grant Warrant for the Removal of such Lunatic to an Asylum, and the Order of the Sheriff shall be sufficient Authority to the Proprietor or the Keeper of any Public or other Asylum to which the Lunatic shall be sent to receive and detain such Lunatic accordingly; and any Person who shall, in the contrary hereof, keep, harbour, or conceal, or be aiding in the keeping, harbouring, or concealing of any Person as a Lunatic, without such Intimation thereof to the Board as aforesaid, or otherwise than under the Authority of this Act, and any Medical Person attending on such Person confined as a Lunatic beyond such Period who shall wilfully neglect to disclose the Condition of such Person so confined to the Board, shall severally be guilty of an Offence, and shall for every such Offence be liable in a Penalty not exceeding Two hundred Pounds, or to be imprisoned for any Period not exceeding Three Months.

Board may order Examination of Lunatics in Private Houses.

XLIV. If the Superintendent of any Asylum shall have obtained Leave to transfer the Licence granted to such Superintendent from one House or Building to another House or Building, and shall be desirous on that Account, or for other good Cause, to be submitted to the Board, and of which they shall judge, to transfer the Patients under the Care of such Superintendent to such other House or Building, and shall make Application to the Board to that Effect, it shall be lawful for the Board on being satisfied that due Notice has been given of such Application to the Persons respectively on whose Application the several Patients proposed to be transferred were confined, to grant written Authority for the Transfer of such Patients accordingly, without any new or additional Order from the Sheriff, or new or additional Medical Certificates; and such Superintendent shall, within Eight Days after such Transfer, transmit to the Commissioner a List of the Patients transferred, and in case of Failure so to do shall be guilty of an Offence, and shall be liable in a Penalty not exceeding Fifty Pounds.

Patients may be transferred.

XLV. In every Asylum licensed for One hundred Patients or more there shall be a Medical Person resident therein as the Medical Attendant thereof; and every Asylum licensed for more than Fifty and less than One hundred Patients, in case there shall be no resident Medical Person therein, shall be visited daily by a Medical Person; and every such Asylum licensed for Fifty or less than Fifty Patients, in case there

Medical Attendance upon Asylums.

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there shall be no resident Medical Person therein, shall be visited at least twice in every Week by a Medical Person: Provided always, that it shall be lawful for the Board to decide that any Asylum shall be visited by a Medical Person at any other Times not being oftener than once a Day; provided also, that the Board shall be entitled, if they shall see Cause, to require that a resident Medical Person shall be appointed to any Asylum licensed for more than Fifty Patients.

Provision where Licence is for less than 11 Persons.

Access of Friends and others to Lunatics.

Power to Ministers and Friends of Patients to visit them, subject to Regulations of Asylum.

XLVI. Provided further, That where any Asylum is licensed to receive less than Eleven Lunatics, it shall be lawful for the Board, by written Authority, to permit that such House shall be visited by a Medical Person at such Intervals, more distant than twice in every Week, as the Board shall appoint, but not at a greater Interval than once in every Two Weeks.

And with respect to the Access of Friends and others to Lunatics, be it enacted:

XLVII. The Minister of any Parish wherein any Public, Private, or District Asylum or House in Terms of this Act is situated, or the Minister of the Congregation of any Denomination of Christians to which any Patient detained in any such Asylum or House belongs, or any Relative of any such Patient, or when such Patient is a Pauper, any Member of the Parochial Board liable to maintain such Patient, shall, subject to such general Conditions or Regulations as the Superintendent and Medical Attendant of such Asylum or House may, with the Sanction of the Board, think it proper to impose, have Liberty to visit any Patient in any such Asylum or House: Provided always, that such Superintendent and Medical Attendant may, where any special Circumstances of the Case may render it proper and expedient, refuse to admit such Minister, Relative, or other Person, or may accompany the Permission to visit any Patient with such Conditions and Regulations as the Circumstances may require; provided that in every such Case where such Refusal is complained of by the Person or Persons interested, he shall intimate such Refusal, and the Grounds of it, to the Board; and the Decision of the Board therein, after Consideration of the Matter, shall be final and conclusive; and an Entry of every such Refusal, and of the Proceedings had thereon, shall be forthwith made in the Register of such Asylum or House; and a Copy of every such Entry shall, within Two Days after the same is made, be transmitted to the Board.

Power to Board to grant Orders for Access to Patients.

XLVIII. It shall be lawful for the Board at any Time to give an Order in Writing for the Admission to any Patient confined in any House or Asylum of any Relation or Friend of such Patient (or of any Medical or other Person whom any Relation or Friend of such Patient shall desire to be admitted to him), and such Order of Admission may be either for a single Admission, or for an Admission for any limited Number of Times, or for Admission generally at all reasonable Times, and either with or without any Restriction as to such Admission or Admissions being in the Presence of a Keeper or not, or otherwise; and if the Superintendent or Keeper of any such Asylum or House shall refuse Admission to or shall prevent or obstruct the Admission to any Patient of any Relation, Friend, or other Person, who shall produce such Order of Admission as aforesaid, he shall be guilty of an Offence, and shall for every such Offence be liable in a Penalty not exceeding Twenty Pounds.

District Asylums.

Districts fixed.

And with respect to District Asylums, be it enacted:

XLIX. With a view to the Erection of Asylums for the Reception and Care of Pauper Lunatics, and for the Purposes of this Act, *Scotland* shall be divided into such Districts or Divisions as are set forth and described in the Schedule (H.) hereunto annexed: Provided always, that the Board shall have the Power, on the Application of the Prison Board of any County interested, to alter or vary the said Districts, either by combining Counties or Parts of Counties, or dividing Counties, or otherwise, as they may think fit.

District Boards to be appointed.

2 & 3 Vict. c. 42.

L. Within Six Months after the passing of this Act, and thereafter at the First Meeting of the Prison Board in each Year, there shall be chosen, for each District respectively, out of the Commissioners of Supply and Magistrates of Burghs in each County respectively by the Members of the County Prison Boards of the Counties included in such District acting under the Act of the Second and Third of Her Majesty, Chapter Forty-two, a Board, to be called "The District Board," the Number of the Members whereof shall be fixed by the Board, who shall also fix the Number of the Members of each District Board to be elected by each County Prison Board respectively, and such Number shall be proportioned as nearly as may be to the real Rent of the Property situated in each County, as the same is directed to be ascertained and estimated, according to the real annual Value thereof in reference to the Assessments authorized to be levied under the said last-mentioned Act; and in the event of the Decease, or permanent Absence or Incapacity, of any of the Members of the District Board, the Vacancy thereby occasioned shall be filled up at the First Meeting after the Occurrence of such Vacancy of the County Prison Board of the County from which the Member occasioning such Vacancy was elected; and such District Board shall meet at such Times and Places as shall be fixed by the Board from Time to Time, and shall have Power to adjourn, and also appoint Committees of their Number, to whom may be delegated all or any Part of the Powers hereby committed to such District Boards; provided always, that the Meetings of such District Board shall be called and conducted in all respects as Meetings of a Prison Board are in use to be called and conducted.

Board to inquire into the Necessities of the Districts, and

LI. The Board shall, as soon as may be, make Investigation into the Population and Necessities, as regards Accommodation for the Pauper Lunatics, of the several Districts hereby established, and into the Accommodation for the Care of such Pauper Lunatics (if any) already existing for such Districts; and upon Consideration of the Result of such Investigation it shall be lawful for the Board to determine,

either

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either that the existing Accommodation for the District, with or without additional Accommodation, is sufficient, or that a District Asylum for Pauper Lunatics shall be provided for the District, and the Board shall communicate the Result of such Investigation to the District Board of such District, and may require the District Board to order Plans of the District Asylum to be prepared, together with Specifications and Estimates of the probable Expense of erecting and completing the same, or of altering or enlarging and adapting any existing Asylum, House, or Accommodation to the Purposes of a District Asylum under this Act, and to report the same, and also their Opinion of an eligible Site for such District Asylum, where a new one is to be provided, to the Board.

require Asylums to be provided.

LII. If and when the Board shall have approved of the Plan, Specification, Estimate, and Site proposed in the Report to be so made by the District Board, it shall be lawful for them to require the District Board, as soon as practicable thereafter, and within a Period not exceeding Two Years after being so required by the Board in Writing, to erect and provide a suitable District Asylum, with all the Accommodation, Upfitting, and Furniture necessary for the Reception, Confinement, and Care therein of the Pauper Lunatics of the District; and all the Powers and Provisions of the said last-mentioned Act relative to acquiring and holding Lands and Heritages shall be applicable to and be construed along with and as Part of this Act, and shall be of the like Force and Effect for enabling the District Board to acquire and hold Lands and Heritages for the Purposes of this Act as for enabling the County Prison Boards to acquire and hold Lands and Heritages for the Purposes of the said last-mentioned Act.

Board to require the District Boards to provide District Asylums.

Provisions of 2 & 3 Vict. c. 42. applied to this Act.

LIII. All the District Asylums, not otherwise vested by the Constitution or Endowment thereof, shall, subject to the Use of the same for the Purposes of this Act, as herein provided, together with the whole Moveable Property, Goods, and Effects in such District Asylums, subject to the like Use, be vested in the District Boards of the District, who shall be entitled to acquire, hold, and administer the same as aforesaid; and if, from any Change of Circumstances in a District, the Accommodation for the Lunatics of such District shall have become insufficient, it shall be lawful for the Board to call upon the District Board of such District to provide such farther Accommodation as is required, and where Enlargement or Alteration is required, to add to or alter any existing Asylum in such Manner and to such Extent as shall be necessary for the Wants of the District, and where a new District Asylum shall be necessary, to provide and erect such new District Asylum; and it shall be lawful for the District Boards to sell or dispose of the old District Asylum, and to apply the Price to be obtained for the same towards Payment of the Expense of providing and completing the new District Asylum; and the Expense of providing such new District Asylum, or such Part thereof as may be necessary, shall be raised and levied in such and the like Manner as the Expense of providing the original District Asylum is herein directed to be raised and levied.

District Asylums vested in District Boards.

And with respect to Assessments for the Purposes of this Act, be it enacted:

LIV. The Expense of providing, building, altering, enlarging, and repairing, and fitting up and furnishing District Asylums, and the whole Expense of maintaining the Establishment for the First Year after the opening of the same, and also the after Expense of altering, repairing, and keeping in repair such District Asylums, and of the Surveys, Plans, and Investigations in relation thereto, shall be ascertained by the Board from the Estimates or Reports to be made thereof by the District Boards; and the gross Amount of such Expense shall be apportioned by the Board upon the Landward Parts of Counties, and upon the Burghs respectively, within such Districts, according to the real Rent of the Lands and Heritages in Terms of the Act of the Seventeenth and Eighteenth of Her Majesty, Chapter Ninety-one, within such Landward Parts of Counties and Burghs respectively; and the Board shall give Notice to the Convener of the Commissioners of Supply of each County respectively, for such County, and to the Chief Magistrate or Administrator of the Affairs of each Burgh, for such Burgh, of the whole Sum or Proportion to be levied on such Burgh and the Landward Part of such County respectively; and the Portion of the gross Amount of such Expense which shall be apportioned as aforesaid on the several Landward Parts of Counties shall, together with such further Sum as may be necessary to cover Expenses of Assessment, Collection, and Remittance, and any Arrears where such shall occur of preceding Years, be assessed, laid on, and collected by or under the Authority of the Commissioners of Supply of each County respectively; and the Portion thereof which shall be apportioned as aforesaid on the several Burghs shall, together with such further Sum as may be necessary to cover Expenses of Assessment, Collection, and Remittance, and any Arrears where such shall occur of preceding Years, be assessed, laid on, and collected by or under the Authority of the Magistrates of each Burgh respectively, in the same Way and Manner in all respects, and upon such and the like Property, according to the real Rent of such Property, and from such Persons, and by such and the like Process and Means of Recovery, and under the like Deductions and Exemptions, and with and under the same Powers and Provisions as to any disputed Matter and otherwise, and generally in all respects as if such Portions of the said gross Amount apportioned under this Act were Portions of a gross Amount of Sums estimated in Terms of the Fortieth Section of the said Act of the Second and Third Years of Her Majesty, Chapter Forty-two, and directed by that Act to be assessed on the said Counties and Burghs respectively; and the said last-mentioned Act shall, in so far as the same is hereby made applicable to the raising Assessments for the Purposes of this Act, be construed herewith as if the same were a Part of this Act; and the Collectors or other Persons employed in reference to Assessments under the last-mentioned Act, or any other Act, may be employed,

*Assessments.*

Expense of District Asylum how to be raised.

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employed, and shall be bound to act, in the like Capacity under this Act; and the Assessments under this Act may, if thought proper by the said Commissioners of Supply and Magistrates of Burghs respectively, be assessed, laid on, and collected along with any Assessments under the said last-mentioned Act, or along with any Assessments under any other Act.

Expense of Asylums to be defrayed out of Assessment.

LV. The Commissioners of Supply in each County, or their Convener or Collector, and the Magistrates in each Burgh, or their Collector, shall, at their Risk, and free of all Expenses, remit the whole Sum apportioned on such County and Burgh respectively, within Eight Months after Notice by the Commissioners aforesaid, and in the Manner directed by the said last-mentioned Act, to or on account of the District Board, who shall apply the same in defraying the Expense to be incurred in erecting and providing such District Asylums, and fitting up and furnishing the same, and also in defraying the Expense, for a Period not exceeding One Year after the opening of such Asylum, of the Superintendent, Clerk, Officers, or Servants, and of the Medical Attendants to be employed therein; provided that the Expenses of the Superintendent and other Officers and Servants shall not be so defrayed for such Period if the Amount of the Monies to be received as herein-after provided shall be adequate to defray the same, or longer than while such Monies shall be inadequate so to do.

Special Arrangements.

And with respect to special Arrangements, be it enacted:

Property or Money held in trust for Establishment of an Asylum may be contributed in lieu of Assessment.

LVI. Where any Property or Money is or shall be mortgaged, conveyed, or made over, in trust or otherwise, for the Erection or Establishment of any Asylum or Hospital for Lunatics, for the Use of any County or Counties or Parish or Parishes, and such Property or Money shall be vested, in whole or in part, in the Hands of the Trustees of such Trust or others, they shall be entitled to apply such Money or Proceeds of such Property in Payment of the Assessments leviable for the Purposes of this Act upon such County or Counties, or Parish or Parishes, or to apply the same towards the Trust Purposes of the Mortgagor or Endowment, in the Erection of the Asylum, Hospital, or other Establishment thereby prescribed; and in such last Case such Asylum, Hospital, or other Establishment may be transferred, made over, or be otherwise made available to the District Board in which the same is situated, for the Purposes of this Act, in such and the like Manner as is herein provided in respect of any existing Asylum, Hospital, or available Accommodation in any District; and such County or Counties or Parish or Parishes shall thereupon be relieved to the Extent of the Payment made from such Assessment, or to the Extent of the Value of the Asylum, Hospital, or Accommodation, or Part thereof transferred, made over, or made available to the District Board, such Value to be fixed by the Board.

County making over Asylum to the District Board to have Deduction from Amount of Assessment.

LVII. If in any County or Counties, or Parish or Parishes, there shall be any Asylum or Hospital or other available Accommodation for Lunatics provided for such County or Counties, or Parish or Parishes, or Part thereof, the Use whereof can be validly transferred or made over, or can be made effectually available to the District Board of any District, for their exclusive Use, for the Reception and Confinement of Pauper Lunatics therein, under the Provisions of this Act, such County or Counties, or Parish or Parishes, or Part thereof, by which any such Asylum or Hospital or Accommodation shall be so transferred, made over, or be made available to the District Board, shall be entitled to Deduction from the Amount of the Assessments leviable upon such County or Counties, or Parish or Parishes, or Part thereof, to the Extent of the Value of the Asylum or Hospital or Accommodation to be thereby made over to the District Board of such District, such Value to be fixed by the Board.

Right of Accommodation may be bought up.

LVIII. If in any District there shall be any Public Asylum wherein any other District, or any Parish or Parishes or others within any other District, have any Right to Accommodation, it shall be lawful for the District Board of the District in which such Asylum is situated to apply so much of the Assessment leviable in such District under this Act as may be necessary towards the purchasing up such Right of Accommodation, by Payment of the Value thereof to the District Board of the District which has such Right, or in which any Parish or Parishes having such Right is or are situated; and the District Board receiving the same shall apply the Amount towards the procuring Accommodation for the Pauper Lunatics of the District of the District Board making such Payment; and the Parish or Parishes or others in whom such Right is vested shall be entitled to Deduction from any Assessment to be levied for the Purposes of this Act upon such Parish or Parishes or others to the Extent of the Sum to be paid as the Value of their respective Rights of Accommodation to be so purchased.

District Boards may agree with existing Asylums for the Reception of Pauper Lunatics.

LIX. In case there shall be any Asylum established in any District which shall have sufficient Accommodation for the Reception of the Pauper Lunatics of such District, or can be easily rendered adequate to the Reception of such Pauper Lunatics or any Portion of them, the District Board of such District shall, before proceeding to assess for or erect any District Asylum, contract with the Proprietors or Parties interested in any such Asylum for the Use of the whole or any Part of the same, or for the Reception and Maintenance of the Pauper Lunatics of such District, or any Portion of them, upon such Terms as shall be arranged between the District Board and such Proprietors or Parties interested; and in case of Difference between the District Board and Proprietors or Parties interested relative thereto, such Difference shall be subject to the Decision of the Board; and where any such Agreement shall be completed with a Public Asylum, the Portion of such Asylum which shall, in Terms thereof, be appropriated to the Reception of such Pauper Lunatics, shall be and remain under the Care and Management of the Proprietors or Parties interested therein, subject to the Power of Inspection and Visitation, and Power of making Regulations herein-before conferred upon the Board.

LX. The

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LX. The Trustees and Directors of the *Crichton* Royal Institution for Lunatics at *Dumfries* shall be obliged to receive in such Asylum or in the Southern Counties Asylum the Pauper Lunatics who shall be sent thereto by the Parochial Boards of the Counties of *Dumfries* and *Wigtown* and the Stewartry of *Kirkcudbright*, upon the Conditions herein provided and prescribed in respect of Pauper Lunatics sent to the District Asylums to be established in virtue of this Act; and the Monies to be received by the said Trustees and Directors shall be paid and applied towards the Expense of keeping and maintaining the said *Crichton* Royal Institution or the Southern Counties Asylum: Provided always, that if any Difference shall arise between the said Trustees and Directors and Parochial Boards, the same shall be decided by the Board.

And with respect to the borrowing of Money for the Purposes of this Act, be it enacted:

LXI. It shall be lawful for any District Board, from Time to Time, to borrow on the Security of the Assessments to be levied under this Act in and for such District, or any Part thereof, all or any of the Monies required in such District, or in any County or Burgh within the same, for the Purposes of this Act; and such Money may be so borrowed at any Rate of Interest not exceeding Five Pounds *per Centum per Annum*; and every such Security may be by Assignation in Security in the Form contained in the Schedule (K. No. 1.) to this Act annexed, or to that or to the like Effect, and shall be duly executed if signed by Three or more Members of the District Board; and every such Deed of Security shall be effectual for securing to the Person advancing the Sum of Money in such Deed expressed to be advanced, and to his Heirs, Executors, and Assignees, the Repayment thereof, with Interest for the same after such Rate and at such Time and in such Manner as in such Deed of Security provided; and the said Deeds of Security shall be numbered in the Order of Succession in which they are granted; and a Copy of each such Deed of Security shall be transmitted to the Secretary appointed under this Act; and a Memorandum of each such Deed shall be entered by the Secretary in a Book to be called the Register of Securities, to be kept by him for that Purpose; and every such Deed of Security, and the Monies secured thereby, shall be deemed to be Personal Property, and may and shall pass as such Property passes by the Law of *Scotland*, and shall be validly transferred by simple Endorsation on such Deed of Security by the Party entitled thereto for the Time being of a Transfer in the Form of the Schedule (K. No. 2.) hereunto annexed; and the Parties in right of such Deeds of Security shall be Creditors upon the Assessments thereby expressed to be assigned in Security in an equal Degree one with another, and shall not have any Preference or Priority other than is provided in such Deeds of Security under the Powers of this Act.

LXII. It shall be lawful for any District Board to make Application for any Advance of any Sum for the Purposes of this Act to the Commissioners acting in the Execution of the Act of the Fourteenth and Fifteenth Years of Her Majesty, Chapter Twenty-three, and any Act or Acts amending or continuing the same, and the said Commissioners are hereby empowered, if they think fit, to make such Advance upon the Security of any such Assignation in Security as aforesaid.

LXIII. Every District Board by whom any such Assignation in Security as aforesaid shall be granted shall annually make Payment, out of the Monies coming to its Hands under this Act, of all Interest due for the Time on the Sums contained in any such Assignations in Security, and also of a further Sum to Account of the Principal Sums contained in such Assignations in Security, being not less than One Thirtieth Part of the whole Sums contained in and due by the whole Assignations in Security granted by such District Board at the Time such Assignations in Security were made, until the whole Principal Sums for which such Assignations in Security shall have been granted, and the Interest thereof, shall be fully paid and discharged; and the said District Board shall, by Agreement with the Persons advancing any Money for the Purposes of this Act, determine the Order and Priority in which the several Sums advanced shall be respectively discharged; and every District Board so borrowing Money is hereby required to appoint a proper Person to keep an exact and regular Account of all Receipts and Payments in respect of Principal Monies borrowed as aforesaid, and the Interest thereof, in a Book or Books, separate and apart from all other Accounts; and the District Board is hereby required carefully to inspect all such Accounts, and to make such Orders for carrying the several Purposes aforesaid into execution as to them shall seem meet.

LXIV. Every District Board borrowing Money as aforesaid shall make Provision that the whole Principal Money to be so borrowed, and all Interest for the same, shall be fully paid and discharged within a Time to be limited by such Board, not exceeding Thirty Years from the Time of borrowing the same.

LXV. No Person lending Money to any District Board, and taking an Assignation in Security for securing Repayment of the same, executed in manner directed or allowed by this Act, and purporting to be made under the Authority of this Act, shall be bound to require Proof that the several Provisions of this Act have been duly complied with; and it shall not be competent to any Ratepayer or other Person to question the Validity of any such Assignation in Security on the Ground that such Provisions have not been complied with.

LXVI. In every Case where Monies shall have been borrowed under the Powers of this Act, it shall be lawful for the District Board by which such Monies shall have been borrowed (with the Consent of the Parties to whom the same shall be owing) to pay off the Monies so borrowed, and to raise and borrow the Monies necessary for that Purpose, and also to repay the said last-mentioned Monies, and the Interest thereof,

As to Pauper Lunatics to be received into the *Crichton* Institution at *Dumfries* or the Southern Counties Asylum.

*Borrowing Money.*

Power to borrow Money on Security of Assessments.

Power to Public Works Loan Commissioners to lend Money for Purposes of this Act.

Provision for Payment of the Interest on borrowed Monies and a Portion of the Principal in each Year.

Borrowed Money to be paid off in 30 Years.

Protection of Persons lending Money on Security of Assessments.

Power to raise Money to pay off Sums already borrowed.

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thereof, under the Powers of this Act, as if such Monies were borrowed under the Powers herein contained, but so nevertheless that all Monies borrowed shall be discharged within Thirty Years from the Time of first borrowing the same.

District Boards to furnish Annual Statements.

LXVII. Every District Board shall annually, and whenever required by the Board, transmit to them a full and detailed Report and Statement of all Sums falling to be paid by the District Board, whether for Principal or Interest, to the Holders of Assignations in Security granted by the District Board under this Act; and the Board shall, in each Year, in their Ascertainment of the Amount necessary to be raised within such District for the Purposes of this Act, take care to include and provide for the whole Sums so falling to be paid as aforesaid.

District Board to take charge of Asylum when finished.

LXVIII. Excepting in the Case of Public Asylums, with which Agreements shall have been made by the District Boards in Terms of this Act, when any District Asylum shall be ready for the Reception of Lunatics, and shall have been approved of and adopted by the Board as a District Asylum, the District Board is hereby required to assume the Charge of the District Asylum, and it shall be the Duty of such District Board to appoint any necessary Officers and Servants, and also a Clerk, if necessary, to the said District Board, whom, or any of them, they shall have Power to suspend or remove; and they shall also have Power to fix the Amount of the Salary or Remuneration to be paid to such Clerk, Officers, and Servants respectively; and the Management and Superintendence of such District Asylums, and the well-ordering and Discipline of the same, shall thereafter be under the Care of such District Board.

Notice of District Asylum being ready for Reception of Patients to be given.

LXIX. Upon the Completion and Approbation and Adoption of any District Asylum for Pauper Lunatics, the District Board shall forthwith cause Notice of the Day on which such District Asylum will be open for the Reception of Lunatics to be given, once in the "*Edinburgh Gazette*;" and the Day on which the Asylum is to be opened as aforesaid shall be not less than One Week subsequent to the Publication of such Notice.

District Inspectors to be appointed, and their Duty.

LXX. It shall be lawful for the District Board, in each of the several Districts constituted by this Act, to appoint Medical Persons, One or more, as may from Time to Time be sanctioned by the Board, to be the Inspector or Inspectors of such District, and such Inspector or Inspectors shall hold their Offices respectively at the Discretion of the District Board, and shall be paid such Fees as the District Board, with the Sanction of the Board, may fix; and it shall be the Duty of such Inspectors to visit the Public, Private, and District Asylums and Houses in Terms of this Act, within their respective Districts, at all such Times as they shall be called upon so to do by the District Board, or the Board, or the Sheriff, and otherwise in Terms of this Act; and upon all such Visitations of Asylums they shall enter in a Book to be kept in each such Asylum, to be called the "*Patients Book*," the Condition of the Asylum, and the general State of the Health, mental and bodily, of the Lunatics kept therein, and also the Particulars of any Case requiring Remark: Provided always, that where in any District more than One District Inspector shall be appointed, it shall not be necessary that more than One of such Inspectors shall be a Medical Person.

Unqualified Medical Persons not to practise under this Act.

LXXI. It shall not be competent to any Person not qualified in Terms of this Act as a Medical Person to practise or to be employed or to grant any Certificate under the Provisions of this Act, nor shall it be competent to any Medical Person who shall have any pecuniary or patrimonial Interest or Concern with or in any Asylum or House in Terms of this Act, or any Copartnership or Participation of Profits with any Superintendent of any such Asylum or House, or whose Father, Brother, or Son shall be Superintendent of any such Asylum or House, to practise or to be employed or to grant any Certificate under the Provisions of this Act; and any Person who shall do in the contrary of this Enactment shall be guilty of an Offence, and be liable for each Offence, in a Penalty not exceeding Fifty Pounds, or to be imprisoned for any Period not exceeding Three Months: Provided always, that any Medical Person may practise, be employed, or grant Certificates under this Act in or with reference to any Asylum or House, not being an Asylum or House in or with which such Person, or his Father, Brother, or Son, is so interested or connected as aforesaid: Provided also, that nothing in this Enactment contained shall prevent the Medical Officer of a District Asylum from granting Certificates with reference to any Lunatics of the District to which such Asylum belongs.

Provision for Neglect in execution of Act.

LXXII. In case the Convener or Commissioners of Supply of any County, or Persons appointed or directed by them, or any Magistrates of Burghs, or Persons appointed or directed by them, shall refuse or neglect to do what is herein or in the said Act of the Second and Third Years of the Reign of Her Majesty, so far as the same is made applicable to this Act, required of them respectively, or in case any Obstruction shall arise in the Execution of this Act, it shall be lawful for the Board to apply, by summary Petition, to the Court of Session, in either of the Divisions thereof, or, during the Vacation of the said Court, to the Lord Ordinary on the Bills, which Court and Lord Ordinary are hereby authorized and required to do therein as to such Court or Lord Ordinary shall seem just and necessary for the Execution of the Purposes of this Act.

Charge for Pauper Lunatics, and Application of the Monies to be received.

LXXIII. There shall be paid to the District Board, for each Pauper Lunatic sent to and detained in any District Asylum, such Sum *per Week*, and by such periodical Payments, as shall from Time to Time be fixed by the District Board, with the Approbation of the Board; and the Monies to be so paid shall be applied by the District Board of each District in defraying the Maintenance and Expenses of the Patients, the Salaries and Allowances of the Superintendent, Clerk, Officers, and Servants, and all other



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other the necessary Expenses of such District Asylum ; and if such Monies shall prove inadequate to defray such Maintenance and Expenses and Salaries, the District Board of such District shall, with the Approbation of the Board, make such additional Charge for each Pauper Lunatic kept in such District Asylum as may be necessary to make up any Deficiency which shall have arisen or may arise.

LXXIV. The District Boards shall keep regular Books and Accounts showing distinctly the Amount of the Monies received by them, and of the Outlay and Expenditure thereof, and shall also keep Minutes of the Proceedings of the District Boards in the Execution of this Act ; and at all Meetings of the District Boards Three Members thereof shall form a Quorum, and shall be capable of acting in the Execution of the Matters intrusted to such District Boards by this Act ; and the District Boards shall keep a distinct Account of all Assessments and other Monies levied or received under the Provisions of this Act, and of the Application and Disbursement of the same, in such Form and Manner as the Board shall direct ; and a Copy of the Account so kept shall be transmitted half-yearly to the Board ; and the District Boards shall also keep Minutes of their Proceedings in the Execution of this Act.

District Boards to keep Books.

LXXV. Every Pauper Lunatic detained in any District Asylum under this Act shall be deemed and held to belong and be chargeable to the Parish of the legal Settlement of such Lunatic at the Time the Order for his Reception in such Asylum was granted, and the Expense of his Maintenance in such District Asylum shall be defrayed by such Parish accordingly ; and the Residence of any Pauper Lunatic in any such District Asylum shall be deemed to be the Residence of such Lunatic in the Parish legally chargeable with the Maintenance of such Lunatic.

Pauper Lunatic to be held to belong to the Parish of his Settlement.

LXXVI. All the Expenses attending the taking and sending a Pauper Lunatic to any District Asylum in or from any Parish which is not the Parish of the Settlement of such Lunatic, including the Sum paid for the Order for Admission of such Lunatic, and the Maintenance of such Lunatic therein, shall be recoverable by the Party or Parish defraying such Expense from the Parish of the Settlement of such Lunatic ; and it shall be competent for the Sheriff of the County in and from which such Lunatic was taken and sent to ascertain and fix the Amount of the same, and the Expense so fixed shall be recoverable by summary Process from the Parish of the Settlement of the Lunatic before the Sheriff of the County in which such Parish is situated.

Parish of the Settlement to be liable in the Repayment of Expenses.

LXXVII. The Expense incurred by any Superintendent of any Asylum, or by any other Party, for or in relation to the Examination, Removal, and Maintenance of any Lunatic, shall be defrayed out of the Estate of such Lunatic, or if such Lunatic has no adequate Estate, and if such Expense shall not be borne by the Relations of such Lunatic, then the Lunatic shall be treated as a Pauper Lunatic, and such Expense shall be defrayed by the Parish of the Settlement of such Lunatic, and the Superintendent or other Party disbursing such Expense shall be entitled to recover the same from or out of the Parties or Estate liable to defray the same as aforesaid.

Expense incurred for Lunatic, from whom to be recovered.

LXXVIII. If the Parish of the Settlement of any such Pauper Lunatic cannot be ascertained, and if the Lunatic has no Means of defraying the Expense of his Maintenance, nor any Relations who can be made liable for the same, the Expenses attending the taking and sending such Lunatic, and of his Maintenance in the District Asylum, shall be defrayed by the Parish in and from which he was taken and sent, but with recourse, nevertheless, to such Parish, at any Time when it shall appear that such Expenses are legally chargeable to any other Party or Parish, against such Party or Parish, and who or which shall be liable also in Interest and Expenses ; and the Sheriff of the County in which the Parish defraying such Expenses in the first instance is situated shall certify under his Hand the Amount of such Expenses ; and such Certificate shall be final and conclusive as to such Amount, and shall not be subject to Review by any Process whatsoever under any Proceeding instituted for Recovery of the same ; and the Party entitled to recover such Expenses shall proceed as accords of Law against the Party or the Parish liable for the same, by summary Process before the Sheriff of the County within which such Party resides, or in which such Parish is situated, and the Judgment of such Sheriff shall be final : Provided always, that the Parish of Settlement shall not in any Case be liable in Repayment of the Expenses incurred in relation to any Lunatic as aforesaid, unless written Notice shall have been given by the Parish or Party disbursing the same to the Parochial Board of the Parish of Settlement, and shall then only be liable for the Expenses incurred subsequent to such Notice, and for the Year preceding.

Expenses to be paid in the first instance by the Parish in which Lunatic was committed.

Notice to Parish of Settlement.

LXXIX. In any Investigation or Dispute regarding the Settlement of any Pauper Lunatic, the Inspector of the Poor of any Parish, and the Relations of the Lunatic, and other public Officers or Parties having an Interest in the Investigation, shall, on Warrant of the Sheriff, have free Access to the Lunatic, in the Presence of Inspector of the District, or other Medical Person appointed by the Board or the Sheriff, for the Purpose of seeing or examining the Lunatic touching the Matter in question.

Access to Pauper Lunatics by Parties interested, &c.

LXXX. Where it may appear to any District Board that any Asylum under its Charge is more than sufficient for the Accommodation of all the Pauper Lunatics of the District, or for whom Accommodation therein falls to be provided, it shall be lawful for such District Board, if they think fit, having obtained the Sanction thereto of the Board, to give Notice thereof by Advertisement in some Newspaper, One or more, commonly circulated in such District or Part thereof, and to permit the Admission of so many Pauper Lunatics of any other District, and (if such District Board and the Board think fit) Lunatics not Paupers, but who may be deemed proper Objects to be admitted into a Public Asylum, as to such District Board may seem expedient ; and such District Board may at any Time rescind any such Resolution,

Where District Asylum can accommodate more than the Lunatics of the District, other Lunatics may be admitted.

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and, with the Sanction of the Board, may vary the same; and such District Board may, if they think fit, require that no Pauper Lunatic shall be admitted into such Asylum under this Enactment without an Undertaking by the Parochial Board or Inspector of the Poor of the Parish to which such Lunatic is chargeable, or, in the Case of a Lunatic not a Pauper, by the Person signing the Application for the Admission of such Lunatic, for the due Payment of the weekly Charge for the Lodging, Maintenance, Medicine, Clothing, and Care of such Lunatic during his Continuance in such Asylum, and of the Expenses of his Burial in case he die therein, as well as for the Removal of such Lunatic from such Asylum within Six Days after Notice given in Writing by the Superintendent of such Asylum; and such Lunatic, not being a Pauper, shall have the same Accommodation in all respects as the Pauper Lunatics.

*Property of Lunatics.*

Where Property of Lunatic not under judicial Management, and not properly applied for his Benefit, Application to be made to the Court.

And with respect to the Property of Lunatics, be it enacted:

LXXXI. Whenever the Board, or the Accountant of the Court of Session, shall have Reason to believe or suspect that the Property of any Person detained or taken charge of as a Lunatic is not duly protected, by being placed under the Management of a Judicial Factor, and that the same, or the Income thereof, is not duly applied for his Maintenance, the Board or Accountant, as the Case may be, shall report thereon in Writing to the Lord Advocate; and it shall be competent to the Lord Advocate, in any Case in which he shall be of opinion, either by reason of such Report, or from Inquiries made by himself or by his Order, or otherwise, that such Proceeding is expedient and proper, to make Application to the Court of Session in regard to any Person whom he believes to be detained or taken charge of as a Lunatic, setting forth that he is informed, or has Reason to believe or suspect, that the Property of such Person is not duly protected, or that the same, or the Income thereof, is not duly applied for his Maintenance, and praying the Court to cause the Matter to be investigated, and to appoint a Judicial Factor to such Lunatic, with a view to the proper Care and Protection of his Property, and to the Application of it, or the Income thereof, to his Maintenance and Support, or to do otherwise as may be just and expedient; and the Court, after such Intimation or Service, and such Investigation as they may deem fit, may appoint a Judicial Factor on the Property of such Lunatic, or may take any other Measures with a view to the Benefit of such Lunatic, and generally may do under such Application as to them shall seem proper.

Where Property of Lunatic, though under Management of Judicial Factor, not properly applied for Benefit of Lunatic, Application to be made to the Court.

LXXXII. Where in the Case of any Lunatic whose Property shall, by reason of his being a Lunatic, have been placed under the Management of a Judicial Factor, the Board, or the Accountant of the Court of Session, shall be informed or have Reason to believe or suspect that such Property, or the Income thereof, is not applied to the due Maintenance of such Lunatic, the Board or Accountant, as the Case may be, shall report thereon in Writing to the Lord Advocate; and it shall be competent to the Lord Advocate, in any Case in which he shall be of opinion, either by reason of such Report, or from Inquiries made by himself, or otherwise, that such Proceeding is expedient and proper, to make Application to the Court of Session in regard to any such Lunatic as aforesaid, setting forth that he is informed or has Reason to believe or suspect that the Property of such Lunatic, or the Income thereof, is not duly applied for the Maintenance of such Lunatic, and praying the Court to cause the Matter to be investigated, and to take such Measures with a view to the Benefit of such Lunatic, and the securing the Application of the Property or Income of such Lunatic to his due Maintenance and Support, as may be proper; and it shall be lawful for the Court to make such Orders and take such Proceedings under such Application as it may deem proper and expedient: Provided always, that nothing in this Act contained shall derogate from any Powers already possessed by the Accountant of the Court of Session, or be construed to prevent such Accountant from himself making any Investigation or taking any Proceedings which may at present be competent at his Instance.

How Expenses incurred as to Property of Lunatics to be defrayed.

LXXXIII. The Expenses attending such Inquiries and Applications as aforesaid in reference to the Property of Lunatics shall be chargeable against the Property of the Lunatics to whom they respectively relate, and may be decerned for by the Court of Session, under any such Application as aforesaid, or be otherwise recovered in due Course of Law.

Accountant of Court of Session to see that Caution for Judicial Factors to Lunatics is sufficient.

LXXXIV. In any Case in which, after the passing of this Act, Judicial Caution falls to be taken for any Judicial Factor of a Lunatic, such Caution shall not be received as sufficient until the Accountant of the Court of Session shall approve thereof by a Marking to that Effect on the Bond of Caution; and where, with reference to any Judicial Caution received prior to the passing of this Act for any such Judicial Factor, such Accountant shall have Reason to believe or suspect that the Caution found is or has become insufficient, it shall be lawful for, and the Duty of, such Accountant to inquire into the Matter, and, if he shall think proper, to call upon such Judicial Factor to find other or additional and satisfactory Caution, and failing such Caution being found, to bring the Matter under the Notice of the Court of Session, in the Division thereof by which such Judicial Factor was appointed, with a view to the Court making such Order on the Subject as to it may seem fit.

*Dangerous and Criminal Lunatics.*

Sheriff may commit Dangerous Lunatics.

And with respect to Dangerous and Criminal Lunatics, be it enacted:

LXXXV. Where any Lunatic shall have been apprehended charged with Assault or other Offence inferring Danger to the Lieges, or where any Lunatic, being in a State threatening Danger to the Lieges, shall be found at large, or in a State offensive to public Decency, it shall be lawful for the Sheriff, upon Application by the Procurator Fiscal, or Inspector of the Poor, or other Person, accompanied by a

tificate

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Certificate from any Medical Person bearing that the Lunatic is in a State threatening such Danger, forthwith to commit such Lunatic to some Place of safe Custody, and the Sheriff shall thereupon direct Notice to be given in some Newspaper circulated within the County of such Commitment, and such farther Notice as he shall think fit, and that it is intended to inquire into the Condition of such Lunatic on an early Day to be named; and the Sheriff shall accordingly proceed to take Evidence of the Condition of such Lunatic, and upon being satisfied that he is a Lunatic, and threatening to be dangerous, he shall commit the Lunatic to any Public, Private, or District Asylum; and in case there shall be no such Asylum within the Jurisdiction of the Sheriff, he shall commit such Lunatic to some such Asylum of an adjoining County; and an Order, such as is herein-before prescribed, shall be granted by the Sheriff in respect of every such Commitment; and the Person or the Parish liable in the Maintenance of such Lunatic shall be liable for the Expense of apprehending and of keeping and maintaining such Lunatic in such Asylum; and such Lunatic shall be detained in such Asylum until cured, or until Caution shall be found for his safe Custody, in which last Case it shall be lawful for the Sheriff, upon Application to that Effect, and being satisfied as to such Caution, and the Safety and Propriety of such Custody, to authorize the Delivery of the Lunatic to the Person so finding Security.

LXXXVI. If any Pauper Lunatic in respect of whom Application shall be made to the Sheriff of any County as aforesaid shall have his known Settlement in another County, then it shall be lawful for the Sheriff either to follow out the Provisions of this Act in regard to such Lunatic, or at once to transmit along with the said Application such Lunatic in safe Custody to the Sheriff of such other County, to whom it shall be lawful to proceed as if the Application had been made to him in the first instance.

Power to Sheriff to transmit Lunatic to another County.

LXXXVII. Where any Person charged under any Indictment or Criminal Libel with the Commission of any Crime shall be found insane, so that such Person cannot be tried upon such Indictment, or if upon the Trial of any Person so indicted such Person shall appear to the Jury charged with such Indictment or Criminal Libel to be insane, the Court before whom such Person shall be brought to be tried as aforesaid shall direct a Finding to that Effect to be recorded, and thereupon such Court shall order such Person to be kept in strict Custody until Her Majesty's Pleasure shall be known; and it shall be lawful for Her Majesty to give such Order for the safe Custody of such Person so found insane, during Her Pleasure, in such Place and in such Manner as to Her Majesty shall seem fit.

Provision for Cases where Insanity stands in bar of Trial.

LXXXVIII. In all Cases where it shall be given in Evidence upon the Trial of any Person charged under any Indictment or Criminal Libel with committing any Crime or Offence that such Person was insane at the Time of committing such Crime or Offence, and such Person shall be acquitted, the Jury shall be required to find specially whether such Person was insane at the Time of the committing such Crime or Offence, and to declare whether such Person was acquitted by them on account of such Insanity; and if they shall so find and declare, the Court before whom such Trial shall be had shall order such Person to be kept in strict Custody, in such Place and in such Manner as to the Court shall seem fit, until Her Majesty's Pleasure shall be known; and it shall thereupon be lawful for Her Majesty to give such Order for the safe Custody of such Person during Her Pleasure, in such Place and in such Manner as to Her Majesty shall seem fit.

Provision for Case of Lunatic acquitted of a Criminal Charge on the Ground of Insanity.

LXXXIX. If any Person, while imprisoned in any Prison or other Place of Confinement under any Sentence of Death, Transportation, Penal Servitude, or Imprisonment, or under Charge of any Crime or Offence, or under any Civil Process, shall appear to be insane, it shall be lawful for the Sheriff of the County where such Person is imprisoned to inquire, with the Aid of Two Medical Persons, as to the Insanity of such Prisoner; and if it shall be certified by such Sheriff and such Medical Persons that such Prisoner is insane, it shall be lawful for One of Her Majesty's Principal Secretaries of State, upon Receipt of such Certificate, to direct, by Warrant under his Hand, that such Person shall be removed to such Asylum as the said Secretary of State may judge proper and appoint; and every Prisoner so removed under this Act, and every Person removed previous to the Date of this Act, from Prison to an Asylum, by reason of his Insanity, shall remain in Confinement in such Asylum until it shall be duly certified to One of Her Majesty's Principal Secretaries of State, by Two Medical Persons, that such Person has become of sound Mind, whereupon the said Secretary of State is hereby authorized, if such Person shall remain subject to be continued in Custody, to issue his Warrant to the Superintendent of such Asylum, directing that such Person shall be removed back from thence to the Prison or other Place of Confinement from whence he shall have been taken, or, if the Period of Imprisonment of such Person shall have expired, that he shall be discharged.

Provision for Case of Prisoner exhibiting Insanity when in Confinement as a Prisoner.

XC. 'And whereas it may be difficult in remote Parts of the Country to obtain the Order of the Sheriff and Medical Certificates necessary for the Reception and Detention of Lunatics under this Act, in respect of Persons alleged to be dangerous Lunatics, or Persons in pauper or reduced Circumstances alleged to be Lunatics: It shall in such remote Places be lawful for any Justice of the Peace of the County in which such alleged Lunatic may be, upon being satisfied by sworn Information of the Minister or any Elder of the Parish, or other credible Person, that such alleged Lunatic is a Lunatic or a dangerous Lunatic, to grant Warrant for his Detention and Transmission in safe Custody to the nearest Town in which a Sheriff or Sheriff Substitute shall reside; and the Person in whose Custody the Lunatic is so detained and transmitted shall forthwith take all necessary and proper Steps to obtain the requisite Medical Certificates and Order of the Sheriff of the County in which he has been apprehended, or to

Provision for Detention of Lunatics in remote Places.

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which he has been conveyed, by this Act required; and such Case shall thereafter be dealt with as a Case in which the Lunatic had been transmitted under an Order in Terms of this Act.

Lunatics may be removed from one Asylum to another.

XCI. If the Procurator Fiscal or any of the Commissioners shall make Application to the Sheriff for the Removal of any Lunatic from any Asylum or House in Terms of this Act, accompanied by a Certificate of Two Medical Persons to the Effect that such Asylum or House is unsuitable for the Confinement of such Lunatic, it shall be lawful for the Sheriff thereupon to grant an Order for the Removal of such Lunatic from such Asylum or House to some other Asylum or House, either in his own or in some adjoining County: Provided always, that Intimation of the intended Application shall be given (to be proved to the Satisfaction of the Sheriff) to the Party by whom or at whose Instance such Lunatic was confined, or if such Party be dead or cannot be found, to his nearest known Relative; and the Expenses attending such Application for Removal, and attending the Keeping and Maintenance of such Lunatic in the Asylum to which he shall be so removed, shall be defrayed by the Party or Parish liable for the Expense of the Keeping and Maintenance of such Lunatic in the Asylum or House from which he shall be so removed.

Liberation of Lunatic by Release or others.

XCII. It shall be lawful for any Person, having procured and produced the Certificate of Two Medical Persons, approved by the Sheriff, of the Recovery of any Lunatic, or bearing that such Lunatic may, without Risk of Injury to the Public or to the Lunatic, be set at large, and also an Order from the Sheriff for the Liberation of the Lunatic, to require the Superintendent of the Asylum in which such Lunatic is to liberate such Lunatic, and such Lunatic shall be liberated accordingly; and it shall in like Manner be lawful for the Board, upon being satisfied by the Certificate of Two Medical Persons whom they may think fit to consult of the Recovery or Sanity of any Person confined as a Lunatic, to order the Liberation of such Person; and, previous to the Liberation of any such Person by Order of the Board or the Sheriff, Eight Days Notice in Writing shall be given of such intended Liberation to the Person at whose Instance such Lunatic was detained, or, in the Absence of such Person, to the nearest known Relative of such Lunatic, and, in the Case of a Pauper Lunatic, to the Party or Parish by whom the Expense of the Maintenance of the Pauper Lunatic was defrayed; and in all Cases of Removal or Liberation of any Lunatic the Superintendent of the Asylum shall enter or cause to be entered in the Register to be kept by such Superintendent the Particulars of the Removal or Liberation of such Lunatic, and the Date thereof, and the Authority on which such Removal or Liberation took place; and when any Lunatic has been discharged from any Asylum as incurable, the Fact of such Discharge shall thereupon be entered in the Register of the Asylum, with a Specification of the Place to which, and Person to whose Care, such Lunatic has been sent; and Copies of all such Entries shall, within Two clear Days of the same being made, be transmitted by the Superintendent to the Board.

Exception of Lunatics detained by Courts of Law.

XCIII. Provided always, That no such Removal or Liberation shall be competent or take place in regard to any Lunatic detained under the Sentence of any Court of Justice, without the Authority of such Court, or the Warrant of One of Her Majesty's Principal Secretaries of State: Provided further, that if, by the Expiration of the Period of Confinement awarded by the Sentence of any Court of Law, any Lunatic would be entitled to be set at large, and such Lunatic be then uncured, it shall be lawful, upon Certificate to that Effect by Two Medical Persons, and upon an Order granted by the Sheriff, to detain such Lunatic in the Asylum in which such Lunatic then is, or to remove him to some other Asylum, as may be proper.

Patient released to have Copy of Order, &c. on which he was confined.

XCIV. In the event of the Release from Confinement in any Asylum or House of any Person who shall consider himself to have been unjustly confined, a Copy of the Order, Petition, Statement of Particulars, and Certificates upon which he has been confined, shall, at his Request, be furnished to him or his Agent by the Clerk to the Board, without any Fee or Reward for the same.

Pauper Lunatics to be sent to a District Asylum, except under special Circumstances.

XCIV. Every Pauper Lunatic to be detained under the Powers of this Act shall be sent to the Asylum for the District in which the Parish of the Settlement of such Pauper Lunatic is situated: Provided always, that, under special Circumstances, it shall be lawful for the Parochial Board, with Consent of the Board, to dispense with the Removal of any Pauper Lunatic to such Asylum, and to provide for him in such other Manner and under such Regulations as to Inspection and otherwise as shall be sanctioned by the Board; and provided further, that the Provisions of this Act as to the requisite Licence and Order, and Returns or Reports to the Board, shall be duly complied with.

Register of Lunatics to be kept in Asylums.

XCVI. In every Public, Private, and District Asylum there shall be regularly kept a Book, to be entitled "Register of Lunatics," in which shall be distinctly set forth all the Particulars relating to every Lunatic who shall be received or detained in such Asylum in the Manner and Form set forth in the Schedule (I.) hereunto annexed; and a Copy of such Register shall be transmitted to the Board at such Times as they shall direct; and any Superintendent of any such Asylum who shall fail or neglect to keep such Book, or to transmit such Copy as so directed, shall be liable in a Penalty not exceeding Twenty Pounds for every such Offence.

Registration and Notice of Death of Lunatics.

XCVII. In case of the Death of any Lunatic in any Public, Private, or District Asylum or House in Terms of this Act, a Statement setting forth the Time and Cause of the Death, and the Duration of the Disease of which the Lunatic died, shall be prepared and signed by the Medical Person who attended the Lunatic during the Illness which terminated in Death, or who attended at the Time of such Death; and in every Public, Private, or District Asylum such Statement shall be entered in a Register to be kept

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kept in such Asylum in the Terms set forth in the Schedule (J.) hereunto annexed ; and a Copy of such Statement, certified by the Superintendent of such Asylum or House, shall within Three Days of the Date of the Death be transmitted to the Board, and also to the Party or Parish by whom the Expense of the Maintenance of the Lunatic is defrayed, and to the Person on whose Application the Lunatic was confined ; and every such Medical Person or Superintendent who shall fail in the Duties prescribed to them as aforesaid shall be guilty of an Offence, and for every such Offence be liable in a Penalty not exceeding Fifty Pounds.

XCVIII. The Board, on receiving such Copies of such Register Books and Entries, shall, after making such Examination thereof as they may deem proper, cause the same to be preserved in the Office of the Board ; and from the Reports and Returns and Copies of Registers, and other Documents transmitted to the Board, shall cause to be prepared and completed, from Time to Time, as they shall direct, a General Register of all the Lunatics who shall be kept or taken care of under the Provisions of this Act, and such Register shall exhibit the Asylum or House under this Act into which each Lunatic is received, and the Time of his Reception, and also the respective Dates of the Removal, and the Place to which and the Person to whose Care the Lunatic is removed, and also the Date of the Liberation or Death of each Lunatic ; and the Board may, at their Discretion, give Information to any Party inquiring into any of the Facts set forth in such Register, or may refuse such Information ; and no Inspection of the Contents of such Register, or of any such Copies of Register Books or Entries, shall take place without their written Authority ; and any Person making or permitting to be made any Inspection of the Contents of such Register, Register Books, or Entries, without such written Authority, shall be guilty of an Offence, and for every such Offence be liable in a Penalty not exceeding Fifty Pounds.

General Register to be kept.

XCIX. If any Superintendent, Inspector, Officer, or Servant, or other Person employed in any Public, Private, or District Asylum or House in Terms of this Act, or otherwise having the Care of any Person detained as a Lunatic Patient under this Act, shall wilfully maltreat, abuse, or neglect any Person so detained, to the Injury of such Person, or if any Person detaining or taking or having the Care or Charge, or concerned or taking part in the Custody, Care, or Treatment, of any Lunatic or Person alleged to be a Lunatic, in any way abuse, illtreat, or wilfully neglect such Lunatic or alleged Lunatic, such Superintendent, Inspector, Officer, Servant, or other Person shall be guilty of an Offence, and for every such Offence be liable in a Penalty not exceeding One hundred Pounds, or to be imprisoned for any Period not exceeding Six Months, without Prejudice to any Action for Damages at the Instance of the Party aggrieved, or of the Person on whose Application he was detained acting on his Behalf, or of any other Person having Interest, in any competent Court of Law : Provided always, that where any such Maltreatment or Abuse shall amount to an Assault, the Party committing such Offence may be prosecuted, at the Discretion of the Public Prosecutor, either for such Assault or for the Offence under this Act.

Punishment for maltreating any Lunatic.

C. It shall be lawful for the Lord Advocate of *Scotland* for the Time being at all Times to examine and inspect all the Books, Registers, Minutes, Proceedings, Reports, Returns, Accounts, and Documents of every Description kept by and in possession of the Board, who shall afford all such Information regarding every Particular under their Charge, and the Execution of the Duties therewith connected, as the Lord Advocate shall at any Time require.

Power to the Lord Advocate to inspect Books of Commissioner.

CI. Any Person who shall wilfully make any false Statement or Return or Report, or who shall wilfully make any false Representation upon any Plan or Writing to be used under this Act, or who shall refuse to give any Information which by this Act is required of him, or who shall conceal or refuse to divulge any Matter or Thing as to which Inquiry shall be made of him under this Act, shall be guilty of an Offence, and for every such Offence be liable in a Penalty not exceeding One hundred Pounds, or to be imprisoned for any Period not exceeding Twelve Months.

Penalty on false Statements, or Refusal to comply with Act.

CII. The Board shall annually, on or before the First Day of *February* in each Year, report to One of Her Majesty's Principal Secretaries of State regarding the Condition and Management of all Public, Private, and District Asylums and Houses in which any Lunatic is kept or detained under an Order of the Sheriff in Terms of this Act.

Board annually to report to Secretary of State.

CIII. *Orkney* and *Shetland*, with their respective Dependencies, shall be taken to be separate Counties for the Purposes of this Act.

As to Orkney and Shetland.

CIV. It shall be lawful for Her Majesty's Principal Secretary of State for the Home Department, at any Time, by Order in Writing under his Hand, to require the Persons or Person to whom such Order shall be directed, or any of them, to visit and examine any Person detained or taken charge of as a Lunatic, or represented to be a Lunatic, or to be under any Restraint as a Lunatic, and to make a Report to such Secretary of State of such Matters as in such Order shall be directed to be inquired into ; and all and every Person or Persons having the Care, Custody, or Charge of any Person to whom such Order in Writing applies shall give every Facility for the due Execution of such Order.

Provision for the Visitation of Lunatics under Order from Secretary of State.

CV. It shall be lawful for Her Majesty's Principal Secretary of State for the Home Department to employ the Board or any Person to inspect and inquire into the State of any Asylum, House, or Place wherein any Lunatic, or Person represented to be a Lunatic, shall be confined or alleged to be confined, and to report to him the Result of such Inspection and Inquiry ; and every such Person so employed may be paid such Sum of Money for his Attendance and Trouble as such Secretary of State shall deem

Power to Secretary of State to order a special Visitation of any Place where a Lunatic is reasonable ;

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presented to be confined.

reasonable; and every such Person so employed shall be allowed his reasonable travelling and other Expenses while so employed; and such Sum of Money for Attendance and Trouble, and such Expenses, shall be charged on and shall be paid out of any Monies to be voted for that Purpose by Parliament.

Penalties, how to be recovered.

CVI. All the Penalties and Forfeitures by this Act imposed may be sued for in the Name of the Secretary or of the Procurator Fiscal of the County in which the Offence shall have been committed or in which the Offender may be found, and may be recovered by summary Proceeding in the Name of such Secretary or Procurator Fiscal, or of any Agent appointed by the Board, upon Complaint in Writing to the Sheriff of the County in which the Offence shall have been committed, or to the Sheriff of any County in which the Offender may be found; and on such Complaint the Sheriff shall issue a Warrant for bringing the Party complained against before him, or shall issue an Order requiring such Party to appear on a Day and at a Time and Place to be named in such Order; and every such Order shall be served on the Party by delivering to him in Person, or by leaving at his usual Place of Abode, a Copy of such Order, and of the Complaint whereupon the same has proceeded; and upon the Appearance, or upon the Default to appear, of the Party, it shall be lawful for the Sheriff to proceed to the Hearing of the Complaint, and upon such Proof of the Offence as shall satisfy the Sheriff, and without any written Pleadings or Record, the Sheriff shall convict the Offender, and upon such Conviction shall decern and adjudge the Offender to pay the Penalty or Forfeiture incurred, as well as such Expenses as the Sheriff shall think fit, and shall grant Warrant for imprisoning the Offender until such Penalty or Forfeiture and Expenses shall be paid: Provided always, that such Warrant shall specify a Period at the Expiration of which the Party shall be discharged, notwithstanding such Penalty or Forfeiture and Expenses shall not have been paid, which Period shall in no Case exceed Six Months, unless herein otherwise specially provided.

Application of Penalties.

CVII. The Amount of the Penalties or Forfeitures to be so awarded and recovered in respect of any Public or Private Asylum shall be paid and applied towards the general Expenses of the Board; and the Penalties or Forfeitures to be awarded in respect of any District Asylum shall be paid to the District Board of the District in which the Offence shall have been committed, as the Case may be, to be by such District Board applied in Payment of the Expenses of the District Asylum under their Charge as aforesaid; provided that no Person shall be liable to the Payment of any Penalty or Forfeiture imposed by virtue of this Act unless such Penalty or Forfeiture shall have been prosecuted for within Six Months after the Commission or Discovery of the Offence for which it was incurred.

Informalities.

CVIII. No Proceeding for the Recovery of Penalties or Forfeitures under this Act shall be set aside for Want of Form, nor shall the same be removed by Suspension, Advocation, Appeal, or otherwise, or be in any Manner subject to Review.

As to Powers granted to Sheriffs.

CIX. The Powers and Authorities granted by this Act to Sheriffs shall be in addition and without Prejudice to the Powers and Authorities otherwise competent to Sheriffs by Law, all which Powers and Authorities, as well as the Powers hereby granted, may be exercised by them in aid and in the Execution of this Act.

Any County may constitute itself into a District under this Act.

CX. If the Prison Board of any County shall so resolve, at a Meeting to be held within Six Months after the passing of this Act, called by public Advertisement for the special Purpose of considering the Propriety of passing such Resolution, such County shall be severed from the District of which by this Act it forms Part, and be a separate District in itself; and such Resolution shall be communicated to the Board, and shall be published in the *Edinburgh Gazette* and *North British Advertiser* Newspaper by the Clerk of such Prison Board within Twenty-one Days after the passing thereof, and on being so communicated and published shall receive Effect; and such County shall then be and become a District under this Act, in the same Way and Manner as if it had been herein specially constituted such District, and the Remainder of the District from which it is so severed shall thenceforward be and become a District under this Act, in the same Way as if such County had never been joined with it.

Provisions of this Act may be enforced summarily.

CXI. It shall be competent to the Board, during the Period of Five Years from and after the First Day of *January* One thousand eight hundred and fifty-eight, and to the Inspectors General in Lunacy under this Act, or either of them, after the Expiration of such Period, to enforce the Provisions of this Act or any of them, by summary Application to the Court of Session, or to any Sheriff Court having Jurisdiction over the Respondent in such Application, and it shall not be necessary to proceed by way of ordinary Action.

Inspectors of Poor to give Intimation of Pauper Lunatics within their Parishes.

CXII. Every Inspector of the Poor shall, within Seven Days after he shall have become aware of any Pauper Lunatic being within the Parish of which he is Inspector, notify the same to the Chairman of the Parochial Board, and he shall also within the same Period intimate to the Board of Commissioners in Lunacy under this Act the Name and Residence of such Pauper Lunatic, and all the Circumstances he may have ascertained regarding his State and Condition, together with the Steps that may have been taken in reference to the Care and Custody of such Pauper Lunatic; and if any such Inspector shall fail within the said Period to make such Notification and Intimation, or either of them, he shall be liable in a Penalty of Ten Pounds.

Certain Provisions of 8 & 9 Vict. c. 83, repealed.

CXIII. Whereas by an Act passed in the Session of Parliament holden in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act for the Amendment and better Administration of the Laws relating to the Relief of the Poor in Scotland*, the Board of Supervision thereby established

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established is authorized and empowered, on any Parochial Board refusing or neglecting to provide for the Removal of an insane or fatuous poor Person to an Asylum or Establishment legally authorized to receive any Lunatic Patients, to take such Measures as may be necessary for removing such insane or fatuous poor Persons to such Lunatic Asylum or Establishment; and it is thereby provided, that under special Circumstances in particular Cases the said Board of Supervision might dispense with such Removal: The said Act, in so far as it grants such Powers to the said Board of Supervision, shall be and the same is hereby repealed.

CXIV. The assessing Clauses of this Act shall not extend to the County of *Shetland*.

Assessing  
Clauses not to  
apply to Shet-  
land.

## SCHEDULES to which the foregoing Act refers.

## SCHEDULE (A.)

## FORM of SUMMONS by the COMMISSIONERS.

In the Matter of *A.B.*, a Lunatic [*or an insane Person, or an Idiot, or a Person of unsound Mind.*]

I, one of the Board of the Commissioners in Lunacy for Scotland, in pursuance of the Provisions of an Act passed in the Twenty-first Year of the Reign of Her Majesty Queen Victoria, intituled [*insert the Title of this Act*], do hereby grant Warrant to Messengers-at-Arms and Sheriff Officers conjunctly and severally to summon, warn, and charge and each of them, personally or at their respective Dwelling Places, in common Form, to appear before me at [*insert Place*], on the Day of 18 at o'Clock noon, and then and there to testify and bear witness, so far as they and each of them know and shall be asked, concerning the aforesaid Matter, under the Penalties specified in the said Act.

Given at Edinburgh this Day of in the Year One thousand eight hundred and

*C.D.*, Commissioner.

## SCHEDULE (B.)

## FORM of LICENCE by the COMMISSIONERS.

I, one of the Board of the Commissioners in Lunacy for Scotland, do hereby certify, That *E.F.* of in the Parish of and County of has delivered to me a Plan and Description of a House and Premises proposed to be licensed for the Reception of Lunatics situated at in the County of in which it is proposed to receive Patients not exceeding in Number [*or, in the Case of a renewed Licence, has delivered to me a List of the Number of Patients now detained in a House and Premises situated at in the County of in which there are at present Patients*], and the Board having considered and approved of the same do hereby authorize and empower the said *E.F.* [*he intending or not intending to reside therein*] to use and employ the said House and Premises for the Reception of Male [*or* Female or Male and Female] Lunatics, whereof are Paupers, for the Space of Calendar Months from this Date.

Given at Edinburgh this Day of in the Year One thousand eight hundred and

*C.D.*, Commissioner.

## SCHEDULE (C.)

## FORM of STATEMENT to be lodged with a PETITION to the SHERIFF for the RECEPTION of a LUNATIC.

1. Christian Name and Surname of Patient at Length.
2. Sex and Age.
3. Married, single, or widowed.
4. Condition of Life, and previous Occupation (if any).
5. Religious Persuasion so far as known.
6. Previous Place of Abode.
7. Place where found and examined.
8. Length of Time insane.
9. Whether First Attack.
10. Age (if known) on First Attack.
11. When and where previously under Examination, and Treatment.
12. Duration of existing Attack.
13. Supposed Cause.
14. Whether subject to Epilepsy.
15. Whether

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15. Whether suicidal.  
 16. Whether dangerous to others.  
 17. Parish or Union to which the Lunatic [*if a Pauper*] is chargeable.  
 18. Christian Name and Surname and Place of Abode of nearest known Relative of the Patient, and Degree of Relationship (if known), and whether any Member of his Family known to be or to have been insane.  
 19. Special Circumstances (if any) preventing the Insertion of any of the above Particulars.
- I certify, That to the best of my Knowledge the above Particulars are correctly stated.
- Dated this                      Day of                      One thousand eight hundred and  
[To be signed by the Party applying.]

## SCHEDULE (D.)

## FORM OF MEDICAL CERTIFICATE.

I, the undersigned, [*set forth the Qualification entitling the Person certifying to grant the Certificate, e.g., being a Member of the Royal College of Physicians in Edinburgh,*] and being in actual Practice as a [*Physician, Surgeon, or otherwise, as the Case may be,*] do hereby certify on Soul and Conscience, That I have this Day at [*insert the Street and Number of the House (if any) or other like Particulars,*] in the County of                      , separately from any other Medical Practitioner visited and personally examined *A.B.* [*insert Designation and Residence, and if a Pauper state so,*] and that the said *A.B.* is a Lunatic [*or an insane Person, or an Idiot, or a Person of unsound Mind,*] and a proper Person to be detained under Care and Treatment, and that I have formed this Opinion upon the following Grounds, viz. :—

1. Facts indicating Insanity observed by myself [*state the Facts*].
2. Other Facts (*if any*) indicating Insanity communicated to me by others [*state the Information, and from whom*].

(Signed)                      [*Name and Medical Designation and Place of Abode.*]  
 Dated this                      Day of                      One thousand eight hundred and

## SCHEDULE (E.)

## FORM OF ORDER to be granted by the SHERIFF for the RECEPTION of a LUNATIC.

I, *G.H.*, Sheriff [*or Sheriff Substitute, or Steward, or Steward Substitute*] of the County [*or Stewartry*] of                      having had produced to me, with a Petition at the Instance of *I.K.* [*Name and Designation*], Certificates under the Hands of                      and                      being Two Medical Persons duly qualified in Terms of an Act [*specify this Act*], setting forth that they had separately visited and examined *A.B.* [*describe him, and if a Pauper state so,*] and that the said *A.B.* is a Lunatic, [*or an insane Person, or an Idiot, or a Person of unsound Mind,*] and a proper Person to be detained and taken care of, do hereby authorize you to receive the said *A.B.* as a Patient into the Public [*or Private*] Asylum of                      and I authorize his Transmission to the said Asylum accordingly, and I transmit to you herewith the said Medical Certificates, and a Statement regarding the said *A.B.* which accompanied the said Petition.

Dated this                      Day of                      18                      .  
(Signed)                      *G.H.*  
 To the Superintendent of the Public Asylum }  
 [*or Private Asylum*] of                      } [*Designation.*]

## SCHEDULE (F.)

## NOTICE OF ADMISSION.

I HEREBY give Notice, That *A.B.* [*describe him*] was received into this House as a Private [*or Pauper*] Patient, on the                      Day of                      , and I hereby transmit a Copy of the Order and Medical Certificates and Statement on which he was received.

Subjoined is a Report with respect to the mental and bodily Condition of the above-named Patient.  
 (Signed)                      *E.F.*, Superintendent.  
 Dated at                      this                      Day of                      One thousand eight hundred and

## REPORT.

I have this Day seen and personally examined *A.B.*, the Patient named in the above Notice, and hereby report and certify, with respect to his mental State, that [*insert Particulars*], and with respect to his bodily Health and Condition, that [*insert Particulars*].

(Signed)                      *L.M.*, Physician [*or Surgeon*].  
 Dated this                      Day of                      One thousand eight hundred and

SCHE.



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## SCHEDULE (G.)

I, *L.M.*, a Medical Person duly qualified in Terms of the Act [*specify this Act*], certify, on Soul and Conscience, That *C.D.* [*name and design the Patient*] is afflicted [*state the Nature of the Disease*], but that the Malady is not confirmed, and that I consider it expedient, with a view to his Recovery, that he should be placed [*specify the House in which the Patient is to be kept*] for a temporary Residence of [*specify a Time, not exceeding Six Months*].

## SCHEDULE (H.)

## DISTRICTS or DIVISIONS of SCOTLAND.

1. The Edinburgh District to comprise the Counties of—  
Edinburgh.  
Haddington.  
Berwick.  
Linlithgow.  
Roxburgh.  
Selkirk.  
Peebles.  
Orkney.
2. The Inverness District to comprise the Counties of—  
Sutherland.  
Ross and Cromarty.  
Inverness.  
Elgin and Nairne.
3. The Aberdeen District to comprise the Counties of—  
Caithness.  
Banff.  
Aberdeen.  
Kincardine.  
Shetland.
4. The Perth District to comprise the Countries of—  
Forfar.  
Perth.  
Fife.  
Clackmannan.  
Kinross.
5. The Dumfries District to comprise the Counties of—  
Dumfries.  
Kirkcudbright.  
Wigton.
6. The Glasgow District to comprise—  
Lanarkshire.
7. The Stirling District to comprise the Counties of—  
Argyll.  
Bute.  
Dumbarton.  
Stirling.
8. The Renfrew District to comprise the Counties of—  
Renfrew.  
Ayr.

SCHEDULE (L)  
REGISTER OF LUNATICS.

Lunatics (Scotland).

Date of last previous Admission (if any).	Number in order of Admission.	Date of Admission.	Christian and Surname at full Length.	Sex and Class.				Age.	Condition as to Marriage.			Occupation.	Previous Place of Abode.	County or Parish to which chargeable.	By whose Authority sent.	Dates of Medical Certificates, and by whom signed.	Bodily Condition.	Name of Disorder (if any).	Form of Mental Disorder.	Supposed Cause of Insanity.	Epileptics.	Congenital Idiots.	Duration of existing Attacks.			Number of previous Attacks.	Age on First Attack.	Date of Discharge, Removal, or Death.	Discharged.			Died.	Observations.			
				M.	F.	Private.	Pauper.		M.	F.	Married.												Single.	Widowed.	Years.				Months.	Weeks.	Recovered.			Believed.	Not improved.	
	1	1850. January 3	William Johnson	-	1	-	23	-	1	-	-	Carpenter	-	-	-	-	-	-	Melancholia	-	-	-	-	-	17	1850. Sept. 1	1	-	-	-	-	-	-			
	2																																			
	3																																			
	4	1852. June 9	William Johnson	-	1	-	25	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	3	1852. Dec. 2	-	-	-	-	-	-	-			
	5																																			
	6																																			
	7	1856. May 6	William Johnson	-	1	-	29	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4	1857. June 8	-	-	-	-	-	-	-			
	8																																			

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SCHEDULE (J.)  
REGISTER OF DEATHS.

Date of Death.	Date of last Admission.	Duration of Disease.	Christian and Surname at full Length.	Sex and Class.				Assigned Cause of Death.	Age at Death.		OBSERVATIONS.
				Private.		Pauper.			M.	F.	
				M.	F.	M.	F.				
1850 : September 1	1850 : January 2	—	William Johnson	-	-	-	1	-	-	23	
1852 : December 2	1852 : June 9	—	John Brown	-	1	-	-	-	-	25	
1856 : June 8	1855 : May 6	—	William Smith	-	-	-	1	-	Phthisis	27	

SCHEDULE (K.)

No. 1.

FORM of ASSIGNATION in SECURITY to be granted for MONIES BORROWED on the SECURITY of ASSESSMENTS.

Assignation in Security No. [insert Number].

WE Members of the District Board under the Act [specify this Act], in pursuance of the Powers of the said Act, do hereby, in consideration of the Sum of [specify Sum advanced], assign to [name and design Creditor], and his Heirs, Executors, and Assignees, [or as the Case may be], all the District Assessments to be raised and paid within the said District under the said Act, in Security of the Repayment of the said Sum of and of the Interest thereof after the Rate of Pounds per Centum per Annum from the Day of until Payment, which Sum is to be repayable, with the Interest at the Rate foresaid, as follows: [state the Terms of Repayment according to the Arrangement]. And we consent to Registration. In witness whereof [insert Testing Clause in common Form].

No. 2.

FORM of TRANSFER of ASSIGNATION in SECURITY.

I [Name and Designation], transfer to [Name and Designation], and his Heirs, Executors, and Assignees, an Assignation in Security, numbered [insert the Number of the Assignation], and dated [insert Date], granted by the District Board of the District to [Name and Designation], for [insert the Sum], and the Interest thereof from the Day of . And I consent to Registration. In witness whereof [insert Testing Clause in common Form].

C A P. LXXII.

An Act to render more effectual the Police in Counties and Burghs in Scotland.

[25th August 1857.]

WHEREAS an Act was passed in the Eleventh Year of King George the First (Chapter Twenty-six), "for more effectual disarming the Highlands in that Part of Great Britain called Scotland, and for the better securing the Peace and Quiet of that Part of the Kingdom," whereby the Freeholders of every Shire, County, or District in Scotland were authorized to assess the several Shires or Stewartries for raising a sufficient Fund to defray the Charges of apprehending, subsisting, and prosecuting Criminals; and another Act was passed in the Session of Parliament holden in the Second and Third Years of King William the Fourth (Chapter Sixty-five), "to amend the Representation of the People in Scotland," whereby the Collection and Application of the said Fund commonly called "Rogue Money" was transferred from the Freeholders to the Commissioners of Supply; and another Act

11 G. 1. c. 26.

2 & 3 W. 4. c. 65.

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2 & 3 Vict. c. 65. ' Act was passed in the Session of Parliament holden in the Second and Third Years of Her Majesty (Chapter Sixty-five), " to amend the Mode of assessing the Rogue Money in *Scotland*, and to extend " the Purposes of such Assessment," whereby the Commissioners of Supply of any County were authorized to levy with and as Part of the Rogue Money an additional Assessment for the Maintenance of a Constabulary or Police Force in such County, and such additional Assessments have been levied and such Force has been established in some Counties in *Scotland*: And whereas an Act was passed in the Session of Parliament holden in the Third and Fourth Years of King *William* the Fourth (Chapter Forty-six), " to enable Burghs in *Scotland* to establish a general System of Police," which Act was subsequently amended by an Act passed in the Session of Parliament holden in the Tenth and Eleventh Years of Her Majesty (Chapter Thirty-nine); and an Act was passed in the Session of Parliament holden in the Thirteenth and Fourteenth Years of Her Majesty (Chapter Thirty-three), " to make " more effectual Provision for regulating the Police of Towns and populous Places in *Scotland*, and for " paving, draining, cleansing, lighting, and improving the same;" and the Three last-recited Acts have been adopted in whole or in part in some Burghs in *Scotland*: And whereas it is expedient that further and other Provision be made for securing an efficient Police Force throughout *Scotland*: 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:

Commissioners of Supply to establish Police Force.

I. On the Twenty-ninth Day of *September*, or on some other Day thereafter not later than the Thirty-first Day of *October* One thousand eight hundred and fifty-seven the Commissioners of Supply of every County in *Scotland* shall hold a Meeting on such Day and at such Hour and Place as may be publicly notified by the Convener of the Commissioners of Supply by Advertisement at least Twenty-one Days previous to such Meeting in the *Edinburgh Gazette* and in some One or more Newspapers published in such County, or, if there be no such Newspaper, then in some One or more Newspapers published in an adjoining County or Counties, and at such Meeting or at any Adjournment thereof (not later than the said Thirty-first Day of *October*) the said Commissioners of Supply shall proceed to establish, from and after the Fifteenth Day of *March* One thousand eight hundred and fifty-eight, a sufficient Police Force for such County, and for that Purpose shall declare the Number of Constables they propose should be appointed, and the Rates of Pay which it would be expedient to pay to the Chief and other Constables, and shall report such their Proceedings in Writing to One of Her Majesty's Principal Secretaries of State.

Commissioners of Supply to appoint Police Committee to carry Act into execution.

II. The Commissioners of Supply of every County shall at their First Meeting for the Purposes of this Act, or at any Adjournment thereof as aforesaid, on the Twenty-ninth Day of *September*, or on some other Day thereafter not later than the Thirty-first Day of *October*, and in all subsequent Years at their statutory Meeting on the Thirtieth Day of *April*, appoint certain of their own Number, being not more than Fifteen and not less than Three, which Persons so appointed, along with Her Majesty's Lieutenant and the Sheriff of the County (or, in the Absence of such Sheriff, One of his Substitutes to be by him nominated for that Purpose), shall be called " The Police Committee," to manage and transact all or any Matters which such Police Committee is hereby required or authorized to do, execute, or perform; and every such Committee shall also have such or so many of the Powers and Authorities and Discretion by this Act given to and reposed in such Commissioners of Supply as such Commissioners of Supply shall think proper to delegate to such Committee; and such Police Committee shall elect One of their own Number to be their Chairman, and any Three Members of such Police Committee shall be a Quorum, and entitled to exercise all the Powers of such Police Committee; and at all Meetings of such Police Committee the Majority present and voting shall rule the Decision; and where the Votes of those present shall be equal the Chairman of the Police Committee, or in his Absence any Member, chosen by said Committee to be Preses of the Meeting, shall have a Casting Vote in addition to his own Vote; and such Committee may from Time to Time appoint Sub-Committees with such of the Powers of the said Committee as they may think fit.

Rules for Government, Pay, &c. of Constables to be made by Secretary of State.

III. Rules for the Government, Pay, Clothing, and Accoutrements and Necessaries of such Constables as may be appointed under this Act shall from Time to Time be made by One of Her Majesty's Principal Secretaries of State, but not so as to increase the Number of Men proposed to be appointed; and the Rules so made shall be sent to the Clerk of Supply for every County, and shall be by him communicated to the Chairman of the Police Committee, the Sheriff Clerk, and Justice of Peace Clerk of such County respectively; and it shall be lawful for such Secretary of State, upon the Representation of the Commissioners of Supply of the County setting forth any special Reasons, from Time to Time to suspend any Part of such Rules, or to amend or add to such Rules, so as to make them applicable to the special Circumstances of such County; and all such Rules shall be binding on all Persons whom they may concern; and Copies of all such Rules shall be laid before both Houses of Parliament within Six Weeks after the making thereof, if Parliament be then sitting, and if Parliament be not then sitting then within Six Weeks after the next Meeting of Parliament.

Chief Constable of the County to be appointed;

IV. As soon as any such Rules, as finally settled, shall have been received from the Secretary of State, the Chairman of the Police Committee of the County shall call a Meeting of the said Committee on not less than Ten or more than Twenty Days Notice, and at such Meeting or at any Adjournment thereof such Police Committee shall, subject to the Approval of One of Her Majesty's Principal Secretaries of State,

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State, appoint a Person duly qualified according' to the Rules to be Chief Constable of the County from and after the said Fifteenth Day of *March* One thousand eight hundred and fifty-eight; and in every Case of Vacancy of the Office of Chief Constable the Chairman of the Police Committee shall call a Meeting of the Police Committee as aforesaid, and at such Meeting or at any Adjournment thereof such Police Committee shall, subject to the like Approval, appoint a fit Person to be Chief Constable; and every Chief Constable may hold his Office-until dismissed by the Police Committee; and it shall be lawful to appoint the same Chief Constable for Two or more adjoining Counties, if the Commissioners of Supply of such Counties shall agree to join in such Appointment.

and may serve for more than One County.

V. It shall be lawful for the Commissioners of Supply, on the Recommendation of the Police Committee of any County, from Time to Time, with the Consent of One of Her Majesty's Principal Secretaries of State, to increase or diminish the Number of Constables appointed under this Act for such County.

Number of Constables may be increased or diminished.

VI. The Chief Constable shall, subject to the Approval of the Police Committee, appoint the other Constables to be appointed for the County, and a Superintendent to be at the Head of the Constables in each Division of the County, and may dismiss all or any of them, and shall have the general Disposition and Government of all the Constables so to be appointed, subject to such lawful Orders as he may receive from the Sheriff, or from the Justices of the Peace in General or Quarter Sessions assembled, and to the Rules established for the Government of the Force in Terms of this Act: Provided always, that in the Case of any conflicting Orders being issued by the Sheriff and Justices of the Peace assembled as aforesaid, the Orders of the Sheriff shall be followed by the Chief Constable, until the Decision of One of Her Majesty's Principal Secretaries of State shall be pronounced on the Subject, which Decision, unless in so far as the same may be afterwards altered or modified by One of Her Majesty's Principal Secretaries of State, shall be final and conclusive.

Chief Constable to appoint the other Constables.

VII. It shall be lawful for the Chief Constable of any County, with the Approval of the Sheriff or of the Justices of the County in General or Quarter Sessions assembled, (if he shall think fit,) on the Application of any Person or Persons, setting forth the Necessity thereof, to appoint and cause to be sworn in any additional Number of Constables, at any Place within the Limits of his Authority, at the Charge of the Person or Persons by whom the Application shall be made, but subject to the Orders of the Chief Constable, and for such Time as he shall think fit; and every such Constable shall have all the Powers, Privileges, and Duties of other Constables appointed under this Act: Provided always, that it shall be lawful for the Person or Persons on whose Application such Appointment shall have been made, upon giving Fourteen Days Notice in Writing to the Chief Constable, to require that the Constables so appointed shall be discontinued, and thereupon the Chief Constable shall discontinue such additional Constables.

Additional Constables may be appointed at the Cost of Individuals.

VIII. It shall be lawful for the Sheriff of any County within whose Jurisdiction the Works of any Railway, Canal, or other Public Work of a similar Nature shall be in progress of Construction, upon the Application of the Company or other Parties carrying on any such Public Work, or for any Two Justices of the Peace of such County usually acting in the District in or through which any such Public Work may be in the course of Construction, on similar Application, to direct from Time to Time the Chief Constable of such County to appoint such additional Number of Constables as such Sheriff or Justices may think fit, for the special Purpose of keeping the Peace, and for the Security of Persons and Property against Crimes and unlawful Acts, within the Limits of such Public Works, and within a Mile therefrom, and such Constables so appointed shall be specially charged with such Duties, and shall have all the Powers, Privileges, and Duties of other Constables appointed under the Act; and such Sheriff or Justices shall decern the Company or other Parties carrying on such Public Works to make Payment to the Clerk of Supply of the County of the Wages and Allowances of such Constables so appointed, at such Rate and at such Time and in such Manner as the Sheriff or Justices shall appoint: Provided always, that the Rate so paid shall not exceed the highest Rate paid for the Time to any other Constable of the County; and where the Company or other Parties carrying on any Public Work shall refuse or neglect, within Fourteen Days next after Demand thereof, to pay any such Wages and Allowances, or any Part thereof, as shall by such Sheriff or Justices have been directed to be paid, it shall be lawful for such Sheriff or Justices forthwith to cause the same to be levied, together with the Expenses of levying the same, by Pounding and Sale of the Goods and Effects of the Company or other Parties liable to pay such Wages and Allowances.

Power to appoint additional Constables to keep the Peace on Public Works.

Company or Parties carrying on such Works to pay Expenses of such Constables.

IX. The Act passed in the Session of Parliament holden in the Eighth Year of Her Majesty (Chapter Three), "for the Appointment of Constables or other Officers for keeping the Peace near Public Works in *Scotland*," shall be and the same is hereby repealed: Provided always, that the said last-mentioned Act shall continue in force for Twelve Months after the passing of this Act as regards all Constables or Peace Officers appointed and doing Duty under the said last-mentioned Act.

8 & 9 Vict. c. 3. repealed after 12 Months from Date of this Act.

X. The Chief Constable shall, subject to the Approval of the Police Committee, appoint One of the Superintendents or other Officer of the Police Force to act as his Deputy in case of his being incapable, from Illness or necessary Absence from the County, to perform the Duties of Chief Constable of the County; and the Deputy so appointed shall, in such Case as aforesaid, and also in case of any Vacancy of the Office of Chief Constable by Death or otherwise, have all the Powers, Privileges, and Duties of the

Chief Constable to appoint a Deputy.

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the Chief Constable : Provided always, that no Deputy Chief Constable shall be capable of continuing to act with the Powers of Chief Constable during any Vacancy of the Office for more than Three Months after the Vacancy has been occasioned.

Oath to be taken by Constables.

XI. The Chief Constable and other Persons so appointed shall, before the Sheriff or any Justice of the Peace for the County, take the following Oath ; *videlicet*,

‘ I HEREBY swear, That I will faithfully discharge the Duties of the Office of Constable ;’

Powers of Constables.

And shall have all the Powers and Privileges which any Constable or Police Officer duly appointed has by virtue of the Common Law, or of any Statute, made or to be made, throughout the County for which they are so appointed, and also in all detached Parts of other Counties locally situated within such County, and also in any Harbour, Bay, Loch, or Anchorage within or adjoining such County, and in every Burgh situated wholly or in part in such County, and also in any County adjoining to the County for which they are appointed ; and it shall be lawful to any Constable appointed for any One of the Border Counties of *England* or *Scotland* respectively, (that is to say,) the Counties of *Northumberland, Cumberland, Berwick, Roxburgh, or Dumfries*, to execute within any of such Counties the lawful Warrant of any Sheriff, Justice of the Peace, or other Magistrate for the Apprehension of any Person accused or convicted of a Criminal Offence committed, or for the recovering of any Goods alleged to have been stolen, within the County of which such Constable had been duly appointed One of the Constables, in like Manner as such Warrant might be executed by such Constable within the said lastly described County.

Duties of Constables.

XII. The Constables to be appointed in any County under this Act are hereby required, authorized, and empowered to guard, patrol, and watch within the County, according to such Regulations as may from Time to Time be prescribed by competent Authority under this Act, and to bring before the Sheriff or Justices of the Peace, One or more, all Persons who may be found within the County actually engaged in or committing any criminal, riotous, or disorderly Conduct or Act, including Offences committed on any Turnpike or Statute Labour Road, or otherwise, in contravention of the Provisions of the General or any Local Turnpike Act, or of the General or any Local Statute Labour Act, or accused or suspected of having committed Crimes, Delinquencies, or Offences, of whatsoever Description, and at what Place soever the same may have been or are suspected to have been committed, whether the same be of such a Kind as can competently be tried before such Sheriff or Justices, or be of a Nature requiring to be remitted for Trial before a higher Tribunal, or which, from having been committed beyond the Bounds of the County, fall to be tried in another Jurisdiction ; and such Constables shall perform all the Duties attaching to Constables or Police Officers within any County at the Date of the passing of this Act, and shall carry into effect, as far as may be, the whole Provisions and Regulations herein contained.

Constables may, in certain Cases, accept Bail or Deposit.

XIII. Upon the Apprehension of any Person charged with any Offence, such as may be competently tried by any Justice or Justices of the Peace, it shall be lawful for the Chief Constable, or any Superintendent of Police, or any Constable duly authorized by the Police Committee, and in charge for the Time being of any Station House, Strong Room, or Lock-up, to accept, but only if he shall think fit, of Bail or Deposit that such Person shall appear for Examination and Trial before the Sheriff or Justice of the Peace Court at some Time and Place to be specified, and at all after Diets of Court, and to liberate the Person so apprehended upon Bail being found to an Amount not exceeding Ten Pounds, or upon the Deposit of any Money or Article of Value to the Amount of the Bail fixed ; and such Constable or other Officer shall enter in a Book to be kept for that Purpose the Names, Residence, and Occupation of the Party, and Person or Persons, if any, accepted as Bail, and the Amount and Condition thereof, and if Deposit be accepted shall forthwith enter the same in such Book, and grant an Acknowledgment for the Money or Article so deposited ; and every such Bail shall be equally effectual and operative in all respects as if taken or accepted by any Magistrate.

Warrants and Deliverances in Criminal Proceedings to be executed by Constables.

XIV. All Warrants and Deliverances which may be issued in any Criminal Proceeding within any County by the Sheriff or any Justice or Justices of the Peace of such County, or Magistrates of Burghs forming Part of such County for the Purposes of this Act, may be served and executed, and all Services, Citations, and Executions in any Criminal Proceeding before such Sheriff, Justices, or Magistrate may be made and given by any Constable of such County appointed under this Act.

Constables to perform Police Duties.

XV. The Constables acting under this Act shall, in addition to their ordinary Duties, perform all such Duties connected with the Police in their respective Counties as the Sheriff or the Justices of the Peace of the County may from Time to Time direct and require.

Constables not to receive to their own Use Fees for Performance of their Duties.

XVI. It shall not be lawful for any Constable acting under this or any of the recited Acts to receive to his own Use any Fee for the Performance of any Act done by him in the Execution of his Duty as such Constable ; but this Enactment shall not extend to prevent the Receipt by any such Constable of any Fee or other Payment legally payable which he may be liable to account for and pay over to the Clerk of Supply of the County, or otherwise for the Use of the County.

Constables disqualified from voting at certain Elections.

XVII. No Constable appointed by virtue of this Act shall, during the Time he shall continue to be such Constable, or within Six Months after he shall have ceased to be such Constable, be capable of giving his Vote for the Election of a Member to serve in Parliament for the County in which he is so appointed,

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appointed, or any Part thereof, or for any County adjoining thereunto, or for any Royal or Parliamentary Burgh or Town within any of the said Counties; nor shall any such Constable, by Word, Message, Writing, or in any other Manner, endeavour to induce any Elector to give, or abstain from giving, his Vote for the Choice of any Person to be a Member to serve in Parliament as aforesaid; and if any such Constable shall offend therein he shall forfeit the Sum of Twenty Pounds, to be recovered by any Person who will sue for the same by Action of Debt, to be commenced within Six Months after the Commission of the Offence; and one Moiety of the Sum so recovered shall be paid to the Informer, and the other Moiety thereof to the Clerk of Supply of the County, to be by him applied for the Purposes of the Police under this Act: Provided always, that nothing in this Enactment contained shall subject any Constable to any Penalty for any Act done by him at or concerning any of the said Elections in the Discharge of his Duty.

XVIII. All Constables holding Office under this Act shall be exempt from being returned and from serving upon any Juries whatsoever, or in the Militia, nor shall they be inserted in any Jury Lists. Constables not to be Jurors, &c.

XIX. No Office or Employment as a Constable under this Act shall prevent the Holder thereof from receiving any Half Pay or Pension to which, if he did not hold or have such Office or Employment, he might be or become entitled. Constables may receive Half Pay.

XX. Every Constable appointed under this Act who shall be guilty of any Neglect or Violation of Duty in his Office of Constable, and shall be convicted thereof before the Sheriff or any Two Justices of the Peace, shall be liable to a Penalty not exceeding Ten Pounds, the Amount of which Penalty may be deducted from any Salary or Wages due to such Offender, or, in the Discretion of the Sheriff or Justices by whom he shall be convicted, he may be imprisoned, with or without Hard Labour, for any Time not exceeding One Month. Penalty on Constables for Neglect of Duty.

XXI. No Constable appointed under this Act shall be at liberty to resign his Office, or to withdraw himself from the Duties thereof, unless expressly allowed so to do, in Writing, by the Chief Constable or Superintendent under whom he may be placed, or unless he shall give to such Chief Constable or Superintendent One Month's Notice in Writing of his Intention; and every Constable who shall resign or withdraw himself without such Leave or Notice shall be liable, on being convicted thereof, to forfeit all Arrears of Pay then due to him, or to a Penalty of not more than Five Pounds. Constables not to resign without Leave or Notice.

XXII. Every Constable appointed under this Act who shall be dismissed from or shall cease to hold and exercise his Office, and who shall not forthwith deliver over all the Clothing, Accoutrements, Appointments, and other Necessaries which may have been supplied to him for the Execution of his Duty to the Chief Constable or Superintendent, or to such Person and at such Time and Place as shall be directed by the said Chief Constable or Superintendent, shall be liable, on being convicted thereof before the Sheriff or any Two Justices of the Peace, to Imprisonment, with or without Hard Labour, for any Time not exceeding One Month; and it shall be lawful for the Sheriff or any Justice of the Peace to issue his Warrant to search for and seize to the Use of the County Police all the Clothing, Accoutrements, Appointments, and other Necessaries which shall not be so delivered over, wherever the same may be found. Constables dismissed to deliver up Accoutrements, &c.

XXIII. Every Person, not being a Constable appointed under this Act, who shall have in his Possession any Article, being Part of the Clothing, Accoutrements, or Appointments supplied to any such Constable, and who shall not be able satisfactorily to account for his Possession thereof, or who shall put on the Dress, or take the Name, Designation, or Character of any Person appointed as such Constable, for the Purpose of thereby obtaining Admission into any House or other Place, or of doing or procuring to be done any Act which such Person would not be entitled to do or procure to be done of his own Authority, or for any other unlawful Purpose, shall, in addition to any other Punishment to which he may be liable for such Offence, be liable, on being convicted thereof, to a Penalty not exceeding Ten Pounds. Penalty on unlawful Possession of Accoutrements, and assuming Dress of Constables.

XXIV. If any Victualler or Keeper of any House, Shop, Room, or other Place for the Sale of any Liquors, whether spirituous or otherwise, shall knowingly harbour or entertain any Constable appointed under this Act, or permit such Constable to abide or remain in his House, Shop, Room, or other Place, to the Neglect of his Duty, during any Part of the Time appointed for his being on such Duty, every such Victualler or Keeper as aforesaid, being convicted thereof, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds. Penalty on Publicans harbouring Constables during the Hours of Duty.

XXV. No Toll shall be demanded or taken on any Turnpike Road or Bridge for any Horse or Police Van, Carriage, or Cart, passing along such Road or Bridge, in the Service of any Police Force established under the Provisions of this Act; provided, that the Constable in charge of such Horse, Van, Carriage, or Cart, if not the Chief Constable, shall produce an Order in Writing under the Hand of the Chief Constable, or shall have his Dress according to the Regulations of the Police Force at the Time of claiming the Exemption; and every Person who shall fraudulently claim or take the Benefit of the Exemption from Toll herein contained, not being lawfully entitled thereunto, shall for every such Offence be liable to a Penalty not exceeding Five Pounds, and in all such Cases the Proof of Exemption shall be upon the Person claiming the same. Horses, &c. in the Service of the Police exempted from Toll.

XXVI. Every Chief Constable shall, when so required, make Reports to the Police Committee, Sheriff, and Justices of the Peace, and Magistrates of Burghs forming Part of any County for the Purposes Chief Constable to make Reports.

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Purposes of this Act, or consolidated therewith under this Act, of all Matters which they shall respectively require of him concerning the Police of the County or Burgh respectively, and shall obey all lawful Orders and Warrants of the Sheriff and Justices in the Execution of his Duty.

Allowances to Chief Constable, &c. for necessary Expenses.

XXVII. In addition to the Salary to be paid to the Chief Constable of the County, reasonable Allowances shall be made to him for extraordinary Expenses necessarily incurred by him, and by the Constables under his Orders, in the Apprehension of Offenders; and in the Execution of his and their Duty under this Act; and all such Allowances shall be examined and audited, and, if not disallowed, paid by the Commissioners of Supply.

Expenses of County Police to be defrayed out of Police Assessments.

XXVIII. The Salaries and Allowances of the Chief Constable and other Constables, and all Expenses incurred in providing them with such Clothing, Accoutrements, and Necessaries as may be allowed by the Rules to be established under this Act, and all other Expenses incurred in putting this Act into execution, shall be defrayed by the Commissioners of Supply of the County out of the Police Assessments to be made and levied by them in Terms of this Act.

Police Assessment to be levied for the Purposes of this Act.

XXIX. The Commissioners of Supply of every County shall once in each Year impose an Assessment for the Purposes of this Act, to be called "The Police Assessment," upon all Lands and Heritages within such County, according to the yearly Value thereof, as established by the Valuation Rolls in force for the Year of Assessment, under an Act passed in the Session of Parliament holden in the Seventeenth and Eighteenth Years of Her Majesty (Chapter Ninety-one), "for the Valuation of Lands and Heritages in Scotland," and otherwise in Terms of the said last-mentioned Act, and that at such Rate in every Year as the said Commissioners shall deem necessary, in order to provide sufficient Funds for all the Purposes of this Act, including such Sum as may be requisite to cover the Expenses of Assessment, Collection, and Management, and any Arrears of preceding Years; and the said Assessment so to be aid on in each Year shall be payable, as for the Period from *Whitsunday* in such Year to *Whitsunday* in the Year immediately following, and may be levied either on the Proprietor or Tenant of all such Lands and Heritages; but such Tenant, in case of his paying such Assessment, shall be entitled to deduct the Amount from the Rent payable by him: Provided always, that the said Commissioners shall not levy Assessment in respect of any Dwelling House, Shop, or other such Premises, or any Offices or Outhouses connected therewith, which shall be unoccupied and unfurnished during the whole Period to which such Assessment applies: Provided also, that the Expenses of the Period from the Fifteenth Day of *March* One thousand eight hundred and fifty-eight to the Fifteenth Day of *May* One thousand eight hundred and fifty-eight shall be deemed to be Expenses of the Year from *Whitsunday* One thousand eight hundred and fifty-eight to *Whitsunday* One thousand eight hundred and fifty-nine.

Regulations as to Payment of small Assessments.

XXX. In the Case of Premises within any County not situated within the Landward Part of such County, let at a Rent under Four Pounds, or for a less Period than Half a Year, Deduction shall be allowed by the said Commissioners of the Assessment for each entire Period of Six Months from *Whitsunday* to *Martinmas*, or from *Martinmas* to *Whitsunday*, during which any such Premises shall be unoccupied or not furnished.

Commissioners of Supply may grant Relief for Assessment in case of Poverty. Mode of recovering Assessments.

XXXI. The Commissioners of Supply of any County may, on the Ground of Poverty or Inability of any Person liable in Police Assessment under this Act in respect of any Lands and Heritages in Value not amounting to Four Pounds *per Annum*, remit in whole or part Payment of the said Assessment by such Person in such Manner as the Commissioners shall in their Discretion think just and reasonable, but upon no other Account whatsoever.

XXXII. The whole Powers and Right of issuing summary Warrants for Recovery of the Land and Assessed Taxes shall be applicable to the Rogue Money and the Police Assessment as hereby authorized to be assessed and levied; and Sheriffs, Magistrates, Justices of the Peace, and other Judges shall grant like Warrants for the Recovery of such Rogue Money and such Police Assessment, in the like Form and under the like Penalties as is provided in regard to such Land and Assessed Taxes and other public Taxes; and all Rogue Money and Police Assessments imposed in virtue of this Act 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 Parties assessed.

Disputes as to Assessments to be summarily settled.

XXXIII. Any Dispute which may arise between the Commissioners of Supply of any County, or any Person or Persons acting under them, on the one Part, and any Person holding himself aggrieved on the other, relating to any Assessment of Rogue Money or any Police Assessment under this Act which it may not be competent or convenient to try and determine in the Sheriff's Small Debt Court, shall be determined in a summary Manner by the Sheriff of the Sheriffdom in which such Dispute shall arise, or of the Sheriffdom the Commissioners of Supply of which have laid on such Assessment; and such Sheriff shall, on a written Petition being presented to him by either of the said Parties, appoint them to appear before him, and shall then investigate the Matter in dispute in such Way as he may think proper, and decide, the same summarily, and such Decision shall be final, and shall not be liable to Appeal, or to Suspension, Advocation, or Reduction, or any other Form of Review.

Recited Act 2 & 3 Vict. c.65. repealed.

XXXIV. The recited Act of the Second and Third Years of Her Majesty (Chapter Sixty-five) shall be and the same is hereby repealed: Provided always, that any Constables appointed in any County under the said recited Act may continue to act as such Constables until the Appointment of Constables in such County under this Act; provided also, that any Assessments laid on and levied or in the course

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of Collection under the said recited Act, prior to the passing of this Act, may be levied and applied in Terms of the said recited Act as if this Act had not been made, and any Surplus of such Assessments beyond what may be required for the Purposes of the said recited Act shall be applied to the Purposes of this Act in the County from which such Assessments are levied.

As to Assessments levied prior to passing of this Act.

XXXV. In assessing for the Purposes of this Act, the Commissioners of Supply shall assess and tax the whole County in Terms of this Act, including all detached Parts of other Counties forming Part of such County for the Purposes of this Act, and excluding all detached Parts of their own County forming Parts of other Counties for the Purposes of this Act; and for the Purposes of this Act all detached Parts of Counties shall be considered as forming Part of that County by which they are surrounded, or if partly surrounded by Two or more Counties, then as forming Part of that County with which they have the longest common Boundary.

Detached Parts of Counties to be taken as Part of the County in which locally situated.

XXXVI. It shall be lawful for any Sheriff or Justice of the Peace of any County to act as Sheriff or Justice of the Peace in all Things whatsoever concerning or in anywise relating to any detached Part of any other County which is surrounded in whole or in part by the County for which such Sheriff or Justice of the Peace acts; and all Acts of such Sheriff or Justice, and of any Constable or other Officer in obedience thereto, shall be as good, and all Offenders in such detached Part may be committed for Trial, tried, convicted, and sentenced, and Judgment and Execution may be had upon them, in like Manner as if such detached Part were to all Intents and Purposes Part of the County for which such Sheriff or Justice acts; and all Constables and Officers of such detached Part are hereby required to obey the Warrants, Orders, and Acts of such Sheriff or Justice, and to perform their several Duties in respect thereof under the Pains and Penalties to which any Constable or other Officer may be liable for a Neglect of Duty.

Sheriffs and Justices may act in detached Parts of other Counties locally situate within their Counties.

XXXVII. It shall be lawful for the Commissioners of Supply of any County, for the Purpose of obtaining the Sum which ought to be contributed from any detached Part of any other County towards any Police Assessment under this Act, from Time to Time to issue a Warrant under the Hands of Two or more of them, by which Warrant they shall require the Commissioners of Supply of the County to which such detached Part belongs to pay, to them or to their Collector under this Act, out of the Money collected in such last-mentioned County by way of Police Assessment, the Amount mentioned in the Warrant; and the Persons to whom any such Warrant shall be directed shall, within Forty Days from the Delivery of such Warrant to them, pay the Amount or cause the same to be paid to the Collector of the County from which such Warrant shall have issued, and such Collector paying the same shall be allowed therefor in his Accounts with his County; and every such Warrant shall specify the Rate in the Pound at which the Sum mentioned therein shall be computed; and Delivery of a Copy of any such Warrant, certified by the Clerk of Supply or Collector under this Act of the County from which it emanates, to the Clerk of Supply or Collector under this Act of the County to the Commissioners of Supply of which such Warrant is directed, shall be held to be Delivery of such Warrant to such last-mentioned Commissioners of Supply.

Contributions to be paid on account of detached Parts of Counties.

XXXVIII. For the Purpose of reimbursing the Collector or other Person by whom any such Sum shall have been paid, the Commissioners of Supply of the County to which such detached Part belongs shall lay on a Police Assessment, at the Rate mentioned in the Warrant, upon such detached Part of their County, and such Assessment shall be levied and collected thereon in like Manner as the Police Assessment is levied and collected under this Act by the Commissioners of Supply of any County for the Expenses of the Police of their own County.

How such Contributions to be reimbursed.

XXXIX. If Payment shall not be made within the said Forty Days, according to the Exigency of the Warrant, or if it shall seem more convenient to the Commissioners of Supply of the first-mentioned County, it shall be lawful for them to levy the full Amount of the Police Assessment upon any such detached Part of another County in respect of which such Amount is demandable; and for the Purpose of levying and collecting such Assessments the Commissioners of Supply of such first-mentioned County shall have within every such detached Part of another County the same Powers which they have for levying and collecting Police Assessments under this Act within the Limits of their own County, and such Assessments may be levied and collected by the like Methods as if such detached Parts of another County were to all Intents Part of such first-mentioned County.

In case of Default in Payment, the Amount may be levied directly on the detached District.

XL. The Commissioners of Supply of every County shall from Time to Time appoint One or more Collectors of Police Assessments under this Act to act during their Pleasure; and each such Collector shall be allowed, by way of Remuneration for collecting Assessments authorized to be levied under this Act, and for the Performance of the whole Duties of his Office under this Act, a Sum not exceeding the Rate of Five Pounds *per Centum* upon all such Sums as he shall collect and receive; and each such Collector, before he shall be permitted to take upon him the Execution of the said Office, shall grant Bond, with a sufficient Surety or Sureties, to the said Commissioners, for, his Intromissions, and for the just and faithful Execution of his Office, to such an Amount as the said Commissioners shall think reasonable; and any Collector who may be convicted of wilfully secreting or not accounting to the said Commissioners for any Sum of Money received by him as Collector shall forfeit treble the Amount thereof to the said Commissioners, and that without Prejudice to any Punishment to which he may be liable in respect thereof; and any Collector of Police Assessment under this Act may act as Collector

Collector under this Act to be appointed by Commissioners of Supply.

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of any other Assessment, Rate, or Tax which is or may be leviable under any Act of Parliament or otherwise.

Collector to lodge all Monies received by him in Bank.

XLII. Every Collector of every County under this Act shall be bound to lodge all Money received by him in a Bank of Issue, or in One of the Branches of such Bank within the County, to be fixed by the said Commissioners, upon an Account to be opened in the Name of the Commissioners, and to be operated upon by the Commissioners or the Police Committee to be appointed under this Act, or any Two or more of them, or by any Person to be appointed for that Purpose by such Commissioners or Police Committee for the Purposes of this Act.

Collector, &c. to keep separate Accounts of Receipts, &c.

XLIII. The Collector of every County, and every Officer of the County, or other Person intruding with any Sums received or paid under this Act, shall keep a separate Account thereof, and shall produce the same when called upon, and at least once in every Year, to the Commissioners of Supply, by whom the same shall be examined, and, if allowed, passed.

Provision for Insolvency of Collectors.

XLIII. In case any Collector shall become insolvent, and that any Sums chargeable against him shall not be paid by him or his Cautioners or Sureties, then and in every such Case the Sum deficient shall be assessed along with and as Part of the next or any succeeding annual Assessment under this Act.

Books of Accounts and Minutes of Proceedings to be kept by Commissioners of Supply.

XLIV. Accounts of all Property, Heritable and Moveable, vested in the Commissioners of Supply for the Purposes of this Act, showing the Return of such Property, and of all Money received and disbursed, and all Orders and Proceedings of the said Commissioners, shall be kept in Books by the Clerk of Supply, Collector, or other Person who may be appointed by the Commissioners; and all such Books of Accounts and Proceedings whatsoever may at all reasonable Times be inspected and perused, without Fee or Reward, by any Person assessed, and also by any Person entitled to any Money due and owing on the Credit of such Assessment; and such Persons may take Copies of or Extracts from any of such Books, Accounts, and Proceedings, and the said respective Assessments, without Fee or Reward; and any Person in whose Custody or Power any such Books, Accounts, and Proceedings are who shall refuse Inspection thereof, or to permit Copies or Extracts to be taken as aforesaid, shall be liable to a Penalty not exceeding Ten Pounds; and in case any Person who shall be assessed shall be dissatisfied with any Accounts which shall have been made up as aforesaid, or with any of the Items or Articles contained in any such Accounts, such Person may complain against the same by Petition to the Sheriff, in which Complaint shall be specified the Grounds of Objection to such Accounts, Items, or Articles; and the Sheriff shall proceed and hear and determine the Matter of such Complaint, and his Decision shall be final.

Accounts of Receipts and Expenditure to be annually made out and published.

XLV. The Commissioners of Supply of every County shall annually, and previous to the Fifteenth Day of *March* in each Year, cause to be made out a just and accurate Account of all the Monies received and expended in the Execution of this Act, showing from what Sources such Monies have been received, and to what Purposes the same have been laid out and applied during the Year to *Whitsunday* immediately preceding; and such Account, so soon as the same shall have been audited as herein-after provided, shall be signed by the Convener or any Two of the Commissioners of Supply and the Clerk of Supply, and shall be deposited with such Clerk of Supply, who shall forthwith cause to be printed and inserted in One or more of the Newspapers published or circulating in the County, authenticated Abstracts of such yearly Accounts, and shall permit any Person assessed under this Act within such County to inspect and examine such Accounts, at all reasonable Times, without Fee or Reward.

Auditors to be appointed.

XLVI. The Commissioners of Supply of every County shall annually appoint One or more Persons, not being Commissioners, to be Auditor or Auditors of the Accounts of the Commissioners under this Act, and may pay to such Auditors a reasonable Remuneration for their Time and Trouble, not exceeding Two Guineas each for every Day they shall be fully employed on such Audit, and all such Expenses as such Auditors shall be put to attending the auditing of the said Accounts; and if any Dispute arise as to the Amount of the Remuneration and Expenses to be paid to such Auditors, it shall be settled by the Sheriff, whose Decision shall be final.

Auditors to inspect and audit Accounts, and Appeal may be taken against any Part of such Audit to the Sheriff.

XLVII. The Auditors so appointed shall attend at such Time and Place as may be fixed by the said Commissioners, and from Time to Time shall proceed to audit the Accounts of the said Commissioners for the preceding Year; and the said Commissioners shall, as soon as may be after the Twenty-fifth Day of *March* in every Year, lay before such Auditors the Accounts for the Year to Fifteenth Day of *March* preceding, accompanied with proper Vouchers in support of the same, and all Books, Papers, and Writings in their Custody or Power relating thereto; and any Person interested in the said Accounts, either as a Creditor or as a Ratepayer, may be present at the Audit of such Accounts, by himself or his Agent, and may make any Objection to any Part of such Accounts; and if such Accounts be found correct, such Auditors shall sign the same in token of their Allowance thereof; but if such Auditors think there is just Cause to disapprove of any Part of such Accounts, they shall make such Abatements from or Alterations of such Accounts as to them shall seem just, and in either Case shall ascertain and fix the Balance arising on such Accounts; and if the said Commissioners be dissatisfied with the Result of such Audit, they may appeal to the Sheriff, whose Decision shall be final: Provided always, that the said Audit shall be completed in every Year as soon as may be after the said Twenty-fifth Day of *March*, and at latest by the Thirtieth Day of *April* in such Year; provided also, that unless the Balance, as ascertained and fixed by the Auditors, shall be appealed to the Sheriff within Fourteen Days from the Date of such Ascertainment, such Balance shall be final and conclusive, and not subject to Review.

XLVIII. In

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XLVIII. In all Proceedings under this Act any Three Commissioners of Supply shall be deemed to be a Quorum of such Commissioners, and shall be entitled to exercise all the Powers conferred on the general Body of Commissioners under this Act, and the Majority present and voting shall rule the Decision; and where the Votes of those present shall be equal, the Preses of the Meeting shall have a Casting Vote in addition to his own Vote.

Quorum of Commissioners.

Preses to have Casting Vote.

XLIX. In all Meetings of Commissioners of Supply under or with reference to this Act, their Convener, or, in the Absence of the Convener, the Person who may be elected by such Meeting to act as its Preses, shall be Preses of such Meeting.

Convener to act as Preses.

L. For the Purposes of this Act the Signature of the Convener or of the Preses of a Meeting of Commissioners of Supply or of the Chairman or Preses of a Meeting of the Police Committee adhibited to any Paper or Document shall be equivalent to the Signatures of the whole Commissioners of Supply or of the whole of the Police Committee present at a Meeting thereof respectively; and the Addition to such Signature of the Word "Convener," "Chairman," or "Preses" shall be good *prima facie* Evidence that such Signature is the Signature of such Convener, Chairman, or Preses, as the Case may be, and that such Paper or Document is genuine and authentic.

Papers, &c. emanating from Commissioners of Supply and Police Committee, how to be authenticated.

LI. All Actions, Suits, or Proceedings in respect to any Matter or Thing relating to the Execution of this Act to be brought by or against the Commissioners of Supply of any County shall be in the Name of the Clerk of Supply or Collector appointed under this Act for the Time being, as the Party Pursuer or Defender representing the said Commissioners; and no such Action, Suit, or Proceeding wherein the Commissioners shall be concerned as Pursuers or Defenders in the Name of the Clerk of Supply or Collector shall cease or abate by the Death, Resignation, or Removal of any such Clerk of Supply or Collector, or by any Change in the said Commissioners; but the Clerk of Supply or Collector for the Time being shall be deemed to be the Pursuer or Defender, as the Case may be, in every such Action, Suit, or Proceeding.

Actions by or against Commissioners of Supply, how to be brought, and not to abate.

LII. It shall be lawful for the Commissioners of Supply of any County, if they think fit, on the Report of the Police Committee, and upon the Recommendation of the Chief Constable, and upon his certifying that any Constable belonging to the Police Force of the County, who is Sixty Years of Age, is incapable, from Infirmity of Mind or Body, to discharge the Duties of his Office, to order that such Constable shall receive, out of the Police Assessment to be levied as aforesaid, such Sum in gross, as a Gratuity upon his Retirement, as to the said Commissioners of Supply may seem proper.

Power to grant, out of the Superannuation Fund, Gratuities to incapacitated Constables.

LIII. It shall be lawful for the Commissioners of Supply of any County, if they think fit, on the Report of the Police Committee, to grant to any Chief Constable of the County, on his ceasing to be such Chief Constable, a Sum by way of Superannuation Allowance, and such Superannuation Allowance shall be paid out of the Police Assessments to be levied under this Act, and shall, in the Case of a County which is divided into Police Districts, be deemed Part of the general Expenditure, and be defrayed accordingly: Provided always, that no such Allowance shall be granted to any Chief Constable under Sixty Years of Age unless such Commissioners of Supply be satisfied that he is incapable, from Infirmity of Mind or Body, to discharge the Duties of his Office: Provided always, that all such Sums or Allowances shall be subject to the following Conditions, and shall not exceed the following Proportions; (that is to say,) if the Constable retiring shall have served for Fifteen Years and less than Twenty Years, a Sum which shall not be more than equal to Three Years Pay; if for Twenty Years and upwards, a Sum which shall not be more than equal to Five Years Pay: Provided also, that if any such Constable shall be disabled or killed in the actual Execution of his Office it shall be lawful to pay him or his Heirs a Sum which shall not be more than equal to Eight Years Pay, but nothing herein contained shall entitle any Constable absolutely to any Gratuity or Allowance.

Power to grant Superannuations to Chief Constables.

LIV. Upon the Appointment of Constables under this Act in any County the Power to appoint and pay, and to make Assessments for paying, any Constables under the Provisions of any Act (except as regards any Burgh within such County) other than this Act shall cease and determine, and all Sums of Money then already levied for the Purpose of such other Constables shall be applied, after defraying all Charges to which the same are then liable, in and towards the Purposes of this Act so far as regards such County: Provided always, that all Arrears of Assessments made for the Purposes aforesaid shall be levied and collected as if this Act had not been made; provided also, that nothing herein contained shall prevent or invalidate the Appointment of any Constable not paid out of County Assessments: Provided always, that in the event of any Burgh being consolidated with any County as after mentioned, it shall be lawful to stipulate that the Assessment levied within such Burgh shall be assessed in the same Way, and recovered from the same Persons, as had previously been in use in regard to the Police Assessment within such Burgh.

On Establishment of County Constabulary under this Act old Police Force to be discontinued.

LV. It shall be lawful for the Commissioners of Supply of any County, if they think fit, to order that Station Houses and Strong Rooms or Lock-ups, or any or either of them, for the temporary Confinement of Persons taken into Custody by the Constables, be provided upon such Plan as shall be approved by One of Her Majesty's Principal Secretaries of State, and for that Purpose to purchase and hold or to rent or hire Lands and Heritages, or to appropriate to that Purpose any Lands or Heritages belonging to the County which are not needed for the Purpose to which they were applied or intended to be applied before such Appropriation, and the Expense of building, purchasing, hiring, or otherwise

Station Houses and Strong Rooms or Lock-ups to be provided.

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providing, repairing, and furnishing such Station Houses and Strong Rooms or Lock-ups, and all other Expenses attending the same, shall be defrayed out of the Police Assessments to be made and levied in Terms of this Act.

Certain Provisions of 8 & 9 Vict. c. 19. incorporated with this Act.

LVI. For facilitating the Purchase of Lands and Heritages for the Purposes of this Act, the Provisions of "The Lands Clauses Consolidation (*Scotland*) Act, 1845," except the Provisions with respect to the Purchase and taking of Lands otherwise than by Agreement, shall be incorporated with this Act; and the Expression "the Promoters of the Undertaking" in the said Lands Clauses Consolidation Act shall, for the Purposes of such Incorporation, mean the Commissioners of Supply of any County.

Money may be borrowed on Credit of Police Assessments.

LVII. It shall be lawful for the Commissioners of Supply of any County to borrow Money for the Purpose of purchasing any such Lands and Heritages, or of building any such Station Houses and Strong Rooms or Lock-ups, and to charge the future Police Assessments with the Amount of the Loan, and with Interest thereon: Provided always, that any Money borrowed for such Purpose shall be repaid by yearly Instalments, of not less than One Twentieth Part of the Sum borrowed, with Interest on the same, in any One Year.

Police Districts may be formed.

LVIII. It shall be lawful for the Commissioners of Supply of any County, if they shall be of opinion that a Distinction ought to be made in the Number of Constables appointed to keep the Peace in different Parts of such County, to divide such County (including any detached Portion of another County united thereto) or any Part thereof into Police Districts, consisting of such Parishes and Places, or Parts of Parishes and Places, as shall appear to them most convenient, and to declare the Number of Constables which ought to be appointed for each such Police District, and from Time to Time to alter the Extent of such Police Districts, and the Number of Constables to be appointed for each; and a Report of every such proposed Division or Alteration, and of the Number of Constables proposed for each Police District, with an Estimate of its Extent and Population, and of any other Circumstances upon which such Determination shall have been grounded, shall be sent to One of Her Majesty's Principal Secretaries of State, and, if approved by such Secretary of State, such Division or Alteration shall be deemed to be and shall be completed.

Each Police District to pay for its own Constables.

LIX. If the Secretary of State shall approve of such Division of the County or of any Part thereof into Police Districts for the Purpose aforesaid, the Expense of putting this Act into execution in such County or Part of such County shall be classed under Two Heads of General Expenditure and Local Expenditure; and the General Expenditure shall be defrayed in common by all the Districts, and the Local Expenditure, consisting of the Expense of the Salaries and Clothing of the Constables appointed for each District, and such other Expenses as the Commissioners of Supply, subject to the Approval of the Secretary of State, shall direct to be included under this Head, shall be defrayed by each Police District separately; and the Assessments under this Act shall be assessed and levied in such Police District accordingly: Provided always, that, notwithstanding the Division of any County or Part of any County into Police Districts, the Constables of all such Districts shall continue as Part of the same Force, and be subject to the same Authority, and be liable, if required, to perform the same Duty, in any Part of the County or elsewhere, as if no such Division into Police Districts had been made.

Her Majesty may, by Order in Council, require separate Police Districts to be constituted in Counties.

LX. In case it shall appear to Her Majesty in Council, upon the Petition of Persons contributing, or who, on the Establishment of a Constabulary under this Act, will be liable to contribute, to the Police Assessment of any County for the Purposes of this Act, that a Distinction ought to be made in the Number of Constables to be appointed to keep the Peace in different Parts of such County, it shall be lawful for Her Majesty, by the Advice of Her Privy Council, to order and require the Commissioners of Supply of such County to exercise the Powers given by this Act for the Division of such County into Police Districts; and such Commissioners of Supply shall thereupon, in manner directed by this Act, and subject to such Approval as herein mentioned, divide such County into such Police Districts as shall appear to them most convenient, and declare the Number of Constables which ought to be appointed for each Police District; and in the event of such Police Districts or Number of Constables as so declared not being approved by the Secretary of State, he shall fix and apportion the same; and the Extent of such Districts, and the Number of Constables appointed for each, may be altered as in this Act provided; and the Expenses to be defrayed by each such Police District shall be ascertained in the Manner provided by this Act, and the Assessments imposed and levied therein accordingly: Provided, that Notice of every such Petition, and of the Time when it shall please Her Majesty to order that the same be taken into consideration by Her Privy Council, shall be published in the *Edinburgh Gazette* One Month at least before such Petition shall be considered.

Burghs may agree to consolidate their Police with County Police.

LXI. It shall be lawful for the Commissioners of Supply of any County, and for the Magistrates and Town Council of any Burgh situated in or adjoining to such County, to agree together for the Consolidation of the County and Burgh Police Establishments; and in every such Case all the Constables appointed either for the County or the Burgh shall have all the Powers, Privileges and Duties throughout the County and the Burgh and the adjoining Counties which Constables appointed for any County have within such County or adjoining Counties under this Act, and all the Provisions of this Act shall be taken to apply to the Burgh Constables as well as to the County Constables; and the Magistrates and Council of the Burgh shall thereupon forthwith, and thereafter annually on or before the Thirtieth Day

of

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of *April*, appoint to be Members of the Police Committee herein-before mentioned One or more of their Number as may have been fixed in such Agreement, who, while the Agreement subsists, shall have the like Powers, as Members of such Committee, with the Members appointed by the Commissioners of Supply; and every such Agreement which shall have been agreed to by the Commissioners of Supply of the County on the one hand, and by the Magistrates and Town Council of the Burgh on the other hand, shall be binding on both Parties as soon as a Memorandum of such Agreement shall be signed by the Convener of the Commissioners of Supply and Clerk of Supply of the County on behalf of the County, and by the Chief Magistrate and Town Clerk of the Burgh on behalf of the Burgh; and when any such Agreement shall have been made between any County and any Burgh, either Party shall be empowered to put an end thereunto without the Consent of the other Party, after Six Months Notice in Writing shall have been given to the other Party; such Notice, if given by the County, to be signed by the Convener of the Commissioners of Supply and Clerk of Supply of the County, and, if given by the Burgh, to be signed by the Chief Magistrate and Town Clerk of the Burgh: Provided always, that no such Notice shall be given by the County or by the Burgh, unless in either Case such Notice shall be agreed upon by a Majority of Three Fourths of a Meeting of the Commissioners of Supply of the County specially convened for the Purpose, or at One or other of the statutory Meetings of the Commissioners of Supply, Fourteen Days Notice having been given of the Intention to bring such Subject before the Meeting, or Three Fourths of the Magistrates and Town Council of the Burgh; and no such Notice shall be given by any County or Burgh without Consent of One of Her Majesty's Principal Secretaries of State.

LXII. In all Cases where the Establishment of County and Burgh Constables shall be consolidated into One Police Establishment, the Chief Constable of the County shall have the general Disposition and Government of all such Constables, subject to the Provisions herein-after contained, and at his Pleasure may dismiss all or any of them; and whenever the Chief Constable shall dismiss One of the Burgh Constables he shall report the Fact, with his Reasons for the Dismissal, to the Chief Magistrate of the Burgh; and the Police Authorities of the Burgh having Power to that Effect shall forthwith appoint another Constable properly qualified, unless Provision shall be made in such Agreement that all Constables shall be appointed by the Chief Constable; and no Burgh Constable who shall have been dismissed by the Chief Constable shall be capable of being reappointed for the same Burgh without the Consent of the Chief Constable; and no Constable of any Burgh whose Establishment of Constables is consolidated with the Establishment of County Constables shall be dismissed by any Police Authority of the Burgh during the Time that any Agreement for such Consolidation shall be in force.

LXIII. In case it be represented to One of Her Majesty's Principal Secretaries of State by the Magistrates and Town Council of any Burgh that Application has been made by such Magistrates and Council to the Commissioners of Supply of any County in or adjoining to which such Burgh is situated, to consolidate the Police of such County and Burgh in the Manner provided by this Act, and that such Consolidation has not been effected, it shall be lawful for such Secretary of State to inquire into the Terms of Consolidation proposed, and to report thereon to Her Majesty in Council; and it shall be lawful for Her Majesty, with the Advice of Her Privy Council, to fix the Terms and Conditions and Date upon and from which such Consolidation shall take effect; and thereupon the Provisions of this Act shall become applicable as if such Consolidation had been effected by an Agreement made under this Act; and it shall be lawful for Her Majesty, with the Advice of Her Privy Council, at any Time and from Time to Time to vary the Terms of any such Consolidation, or at any Time to determine such Consolidation upon such Terms as to Her Majesty in Council shall seem just.

LXIV. The Sheriffs of Counties and Magistrates of Burghs shall in the Month of *October* in every Year transmit to One of Her Majesty's Principal Secretaries of State a Statement, in such Form as One of such Secretaries may from Time to Time direct, for the Year ending the Twenty-ninth Day of *September* then last, of the Number of Offences reported to the Police within all Counties and Burghs respectively, the Number of Persons apprehended by the Police, the Nature of the Charges against them, the Result of the Proceedings taken thereupon, and any other Particulars relating to the State of Crime within such Counties and Burghs which such Sheriffs or Magistrates may think it material to furnish, and a classified Abstract of all such Reports shall be annually prepared and laid before Parliament.

LXV. It shall be lawful for Her Majesty, by Warrant under Her Royal Sign Manual, to appoint, during Her Majesty's Pleasure, One Inspector under this Act, to visit and inquire into the State and Efficiency of the Police appointed for every County and Burgh, and also into the State of the Police Stations, Charge Rooms, Cells, or Lock-ups, and other Premises occupied for the Use of such Police; and the Inspector so appointed shall report generally upon such Matters to One of Her Majesty's Principal Secretaries of State, who shall cause such Report to be laid before Parliament; and such Inspector shall be paid, out of such Money as may be provided by Parliament for the Purpose, such Salary and Allowances as may be determined by the Commissioners of Her Majesty's Treasury.

LXVI. Upon the Certificate of One of Her Majesty's Principal Secretaries of State that the Police of any County or Burgh has been maintained in a State of Efficiency in point of Numbers and Discipline for the Year or Period ending on the Fifteenth Day of *March* in each Year, it shall be lawful for the Commissioners of Her Majesty's Treasury to pay, from Time to Time, out of any Monies to be provided

Provisions for Government of County and Burgh Police when consolidated.

Her Majesty in Council, on Representation from Burghs, may arrange Terms of Consolidation of Police with Counties.

Annual Statement as to Crime in Counties and Burghs to be furnished to Secretary of State.

Her Majesty may appoint Inspector of Police.

On Certificate of Secretary of State that an efficient Police has been esta-

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blished in any County or Burgh, One Fourth of the Charge for Pay and Clothing to be paid by the Treasury;

Burgh not to be paid such Sum where Population less than 5,000, &c.

Recovery of Penalties under this Act.

Application of Penalties.

Parishes of Cumbernauld and Kirkintilloch to be considered as Part of County of Dumbarton.

Parishes of Tulliallan and Culross, and Perthshire Portions of Logie, to be considered as Part of County of Clackmannan, and Perthshire Portions of Fossoway and Muckhart as Part of County of Kinross.

provided by Parliament for the Purpose, such a Sum towards the Expenses of such Police for the Year mentioned in such Certificate as shall not exceed One Fourth of the Charge for their Pay and Clothing: Provided, that before any such Certificate shall be finally withheld in respect of the Police of any County or Burgh, the Report of the Inspector relating to the Police of such County or Burgh shall be sent to the Commissioners of Supply of such County, or to the Magistrates or other Police Authority of such Burgh, who may address any Statement relating thereto to the Secretary of State; and in every Case in which such Certificate is withheld a Statement of the Grounds on which the Secretary of State has withheld such Certificate, together with any such Statement of the Commissioners of Supply or Magistrates or other Police Authority as aforesaid, shall be laid before Parliament.

LXVII. No such Sum as aforesaid shall be paid towards the Pay and Clothing of the Police of any Burgh, not being consolidated with the Police of a County under this Act, the Population of which Burgh, according to the last Parliamentary Enumeration for the Time being, does not exceed Five thousand.

LXVIII. Every Penalty imposed by this Act may, unless otherwise specially provided, be recovered by summary Proceeding upon Complaint in Writing made in Name of any Chief Constable or Superintendent of Police, or Constable, or Clerk of Supply, to the Sheriff or Justices of the Peace of the County in which the Offence shall have been committed, or to the Sheriff or Justices of the Peace of any County in which the Offender may be found; and on such Complaint being made such Sheriff or Justices shall issue a Warrant or Order requiring the Party complained against to appear on a Day and at a Time and Place to be named in such Order; and every such Order shall be served on the Party offending either in Person or by leaving with some Inmate at his usual Place of Abode a Copy of such Order, and of the Complaint whereupon the same has proceeded, and either upon the Appearance or upon the Default to appear of the Party offending it shall be lawful for the Sheriff or Justices to proceed to the Hearing of the Complaint, and upon Proof of the Offence, either by the Confession of the Party complained against, or other legal Evidence, and without any written Pleadings or Record of Evidence, to convict the Offender, and upon such Conviction to decern and adjudge the Offender to pay the Penalty incurred, as well as such Expenses as the Sheriff or Justices shall think fit, and to grant Warrant for imprisoning the Offender until such Penalty and Expenses shall be paid: Provided always, that such Warrant shall specify the Amount of such Penalty and Expenses, and shall also specify a Period at the Expiration of which the Party shall be discharged, notwithstanding such Penalty or Expenses shall not have been paid, which Period shall in no Case exceed Three Months.

LXIX. The Sheriff or Justices by whom every Penalty shall be imposed by virtue of this Act shall award such Penalty to be applied for the Purposes of this Act within the County in which the Offence was committed, and shall order the same to be paid over to the Complainer, or to some other Person for that Purpose: Provided always, that no Person shall be liable to the Payment of any Penalty imposed by virtue of this Act unless such Penalty shall have been prosecuted for within Six Months after the Commission of the Offence for which it has been incurred.

LXX. The Parishes of *Cumbernauld* and *Kirkintilloch* shall be considered as forming Part of the County of *Dumbarton*, unless a Majority of Two Thirds of the Commissioners of Supply of the County, and of Two Thirds of the Commissioners of Supply qualified within the said Parishes, shall be of opinion that it would be more for the public Advantage that they should, for the Purposes of this Act, be considered as forming Part of the County of *Stirling* or of the County of *Lanark*, in which Case they shall form Part of such One of the said Counties as shall be agreed to by the Majority of Commissioners of Supply as aforesaid.

LXXI. For the Purposes of this Act, the Parishes of *Tulliallan* and *Culross*, and the *Perthshire* Portions of the Parish of *Logie*, shall be considered as forming Part of the County of *Clackmannan*, and the *Perthshire* Portions of the Parishes of *Fossoway* and *Muckhart* shall be considered as forming Part of the County of *Kinross*: Provided always, that if the Heritors and Ratepayers of the *Perthshire* Portion of the Parish of *Logie* shall, within Six Months after the passing of this Act, at a Meeting specially called by public Advertisement, upon the Requisition of not fewer than Five of their Number, to consider the Provisions of this Act, resolve that it is expedient that such Portion of the Parish shall be connected with the County of *Perth*, then such Portion of the Parish shall be connected with such County for the Purposes of this Act; and if the Heritors and Ratepayers of the Parishes of *Fossoway* and *Muckhart* shall, at a Meeting called in like Manner upon the Requisition of a like Number of such Heritors and Ratepayers, resolve that it is expedient that the *Perthshire* Portions of such Parishes shall be connected with the County of *Perth*, then they shall be connected with such County accordingly for the Purposes of this Act; and if the Heritors and Ratepayers of the Parishes of *Tulliallan* and *Culross* shall, at a Meeting called in like Manner, and within a like Time, upon the Requisition of a like Number of such Heritors and Ratepayers, resolve that it is expedient that such Parishes shall be connected with the County of *Perth*, then they shall be connected with such County accordingly; and if the Heritors and Ratepayers of the Parish of *Alva* shall, at a Meeting called in like Manner, and within a like Time, upon the Requisition of a like Number of such Heritors and Ratepayers, resolve that it is expedient that such Parish shall be connected with the County of *Stirling*, then such Parish shall be connected with the County of *Stirling* accordingly.

LXXII. It

*Police (Scotland).**Smoke Nuisance (Scotland) Abatement.*

LXXII. It shall be lawful for any Burgh which may not, at the passing of this Act, have a Police Act or an Establishment of Police under the said recited Acts of Third and Fourth of King *William* the Fourth, Chapter Forty-six, or of the Thirteenth and Fourteenth of Her Majesty, Chapter Thirty-three, to establish a Police therein, under the Provisions of the said recited Acts or either of them, within Six Months after the passing of this Act; and in the event of such an Establishment of Police being therein adopted within the said Period, such Burgh shall not be deemed, for the Purposes of this Act, to form Part of the County within which it is situated.

Burghs not having a Police Establishment may adopt One within Six Months.

LXXIII. If under this Act any Burgh being a Royal or Parliamentary Burgh or Burgh of Barony or Regality, containing by the Government Census immediately preceding more than Two thousand Inhabitants, shall be comprehended in and form Part of any County or District for the Purposes of this Act, the Chief Magistrate of such Burgh shall be an *ex officio* Member of the Police Committee of the County or District: Provided always, that there shall never be more than Two such Members of any Police Committee, and if more than Two such Burghs shall be so comprehended, the Chief Magistrates of such Burghs shall be Members of the Committee in annual Rotation, the Chief Magistrates of the Two Burghs which contain the greatest Amount of Population, as shown on such Census, being Members of the Committee for the Year commencing on the First Day of *November* next, and the like Order being observed annually in regard to the Chief Magistrates of the other Burghs respectively.

In Royal Burghs, &c. containing more than Two thousand Inhabitants, Chief Magistrate to be an *ex officio* Member of Police Committee.

LXXIV. Nothing in this Act shall impair or diminish the Powers or Jurisdiction of the Magistrates of any Royal or Parliamentary Burgh or any Burgh of Barony or Regality which may form Part of any County or District under this Act; and such Magistrates shall be entitled to require any Constable appointed to be on Duty within such Burgh to execute their lawful Orders and Warrants relative to and within the Limits of such Burgh; and such Magistrates shall have the like Jurisdiction in respect of Neglect or Violation of Duty on the Part of a Constable within Burgh as is herein-before conferred on the Sheriff or Two Justices.

Act not to diminish Powers of Magistrates of Burghs which may form Part of any District under this Act.

LXXV. If within Six Months after the Date of this Act the Inspector shall report to One of Her Majesty's Principal Secretaries of State that any Burgh maintains out of the Common Good of the Burgh, or any Funds other than Assessment, a complete and efficient Police Force for the Purposes of such Burgh, such Burgh shall be considered and dealt with, as long as the Inspector shall continue so to report but no longer, as if it maintained a separate Police Force under a Police Act.

How Burghs maintaining efficient Police to be dealt with.

LXXVI. This Act shall not extend to *Orkney* or *Shetland*, unless Her Majesty in Council, on the Application of the Lord Advocate, or of the Sheriff Principal of the County, or of the Commissioners of Supply of *Orkney* or *Shetland*, shall so direct.

As to Act extending to *Orkney* or *Shetland*.

LXXVII. This Act shall not affect any Police Force maintained in respect of any Railway, Canal, or navigable River under Private or Local Acts of Parliament.

Not to affect certain Police.

LXXVIII. The following Words and Expressions, when used in this Act, shall in the Construction thereof be interpreted as follows, except where the Nature of the Provision or the Context shall exclude or be repugnant to such Construction; (that is to say,) the Word "County" shall include Stewartry, and shall extend to all Harbours, Bays, Lochs, or Anchorages within the County or Stewartry, and also all Burghs and Places within the County or Stewartry, not being a Burgh or Town which has a Police Act, or an Establishment of Police under the Provisions of the recited Act of the Third and Fourth of King *William* the Fourth (Chapter Forty-six), or of the recited Act of the Thirteenth and Fourteenth of Her Majesty (Chapter Thirty-three); the Word "Burgh" shall mean a Royal or Parliamentary or other Burgh or Town which has a Police Act, or an Establishment of Police under the Provisions of one or other of the Two last-mentioned Acts; the Expression "Landward Part of a County" shall include and apply to a County, exclusive of the Burghs situated therein; the Word "Sheriff," and the Words "the Sheriff," shall include Sheriff Substitute as well as Sheriff; the Expression "Lands and Heritages" shall have the like Signification as in the said Act of the Seventeenth and Eighteenth Years of Her Majesty (Chapter Ninety-one); the Expression "Commissioners of Supply" or "Commissioners of Supply of the County," shall mean the Commissioners of Supply of the County, exclusive of any Burgh or detached Part of any other County adjoining or locally situated within the same, and inclusive of any detached Part of such first-mentioned County locally situated in any other County; the Word "Constable" shall include "Chief Constable" and "Superintendent of Police," and every Grade of Constable or Police Officer; the Words "Clerk of Supply" shall extend and apply to any Person executing the Duties of Clerk of Supply, or who may be appointed by the Commissioners of Supply to be Clerk of Supply for the Purposes of this Act; the Words "Sheriff Clerk" shall extend to and apply to any Person executing the Duties of Sheriff Clerk; and the Word "Month" shall mean "Calendar Month."

Interpretation of Terms.

## C A P. LXXIII.

An Act for the Abatement of the Nuisance arising from the Smoke of Furnaces in *Scotland*.

[25th August 1857.]

WHEREAS it is expedient to make Provision for the Abatement of the Nuisance arising from the Smoke of Furnaces in *Scotland*: Be it therefore enacted by the Queen's most Excellent Majesty,

by

*Smoke Nuisance (Scotland) Abatement.*

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:

From and after  
1st Aug. 1858,  
all Furnaces  
within the  
Limits of the  
Act to consume  
their own  
Smoke.

I. From and after the First Day of *August* One thousand eight hundred and fifty-eight, every Furnace employed or to be employed in the working of Engines by Steam, whether locomotive or otherwise, in any Place to which this Act shall apply, or on board of any Steam Vessel stopping at or in any such Place, or in or at any Port, Pier, Landing Place, or Harbour within the same, or when plying on any Part of a River which at such Part shall not exceed a Quarter of a Mile in Breadth, and every Furnace employed or to be employed in any Mill, Factory, Distillery, Brewhouse, Sugar Refinery, Bakehouse, Gasworks, Waterworks, (although a Steam Engine be not employed therein,) or in any Public Bath or Wash-house within the same, although such Public Bath or Wash-house shall not be used for the Purposes of Trade or Manufacture, shall in all Cases be constructed or altered so as to consume or burn the Smoke arising from such Furnace; and if any Person or Company shall, after the First Day of *August* One thousand eight hundred and fifty-eight, use in any such Place, or on board of any such Steam Vessel, any such Furnace which shall not be constructed so as to consume or burn its own Smoke, or shall so negligently use any such Furnace as that the Smoke arising therefrom shall not be effectually consumed or burnt, every Person or Company so offending, being the Owner or Occupier of the Premises or the Owner of the Locomotive Engine in which any such Furnace shall be, or being a Foreman or other Person employed by such Owner or Occupier in connexion with such Furnace, or being the Owner or Master or other Person in charge for the Time being of any such Steam Vessel, shall, upon a summary Conviction for such Offence before the Sheriff or Sheriff Substitute of the County, or any Two Justices having Jurisdiction within the Place within which, or adjacent to the Port, Pier, Landing Place, River, or Harbour in which, the Offence against this Act is alleged to have been committed, where such Place is not a Burgh, and where such Place is a Burgh then before the Sheriff or Substitute of the County within which or within any Part of which the same shall be situate, or before the Magistrate of such Burgh, forfeit and pay a Sum not more than Five Pounds nor less than Forty Shillings, and upon a Second Conviction for such Offence the Sum of Ten Pounds, and for each subsequent Conviction a Sum double the Amount of the Penalty imposed for the last preceding Conviction, and shall also pay to the Local Authority the whole Costs incurred in the Proceedings for the Recovery of any such Penalty.

Power to remit  
Penalties where  
Furnaces have  
been so con-  
structed or  
altered as to  
consume, as far  
as possible, all  
Smoke arising  
from the same.

II. Provided always, That the Words "consume or burn the Smoke" shall not be held in all Cases to mean "consume or burn all the Smoke;" and that the Sheriff, Sheriff Substitute, Magistrates, or Justices before whom any Person shall be summoned may remit the Penalties enacted by this Act, if he or they shall be of opinion that such Person has so constructed or altered his Furnace as to consume or burn as far as possible all the Smoke arising from such Furnace, and has carefully attended to the same, and consumed or burned as far as possible the Smoke arising from such Furnace; and it shall be lawful for such Sheriff, Sheriff Substitute, Magistrates, or Justices, with the Consent of such Person, on the Hearing of the Petition herein-after mentioned, to appoint a competent Person to examine such Furnace, and to report thereupon whether it has been so constructed or altered.

No Complaint  
to be brought  
except by Local  
Authority, &c.

III. Provided always, That no Complaint shall be brought against any Person for the Recovery of any Penalty under this Act, except by the Local Authority, or by the Owner or Occupier of Premises with reference to which the Furnace is so situate as to create an Annoyance to the Occupiers of such Premises, and in either Case with the Concurrence of the Lord Advocate.

All Complaints  
brought and all  
Applications to  
Sheriff, &c. to  
be by summary  
Petition, &c.

IV. All Complaints which shall be brought, and all Applications to the Sheriff, Sheriff Substitute, Magistrates, or Justices to enforce any Provision of this Act, shall be by summary Petition, and such Petition shall refer to the Clauses of this Act on which it is founded, without setting forth the same; and the Sheriff, Sheriff Substitute, Magistrates, or Justices shall thereupon appoint the Petition to be answered within Three Days, or may order the Parties to attend him or them in Person forthwith, and on advising such Answer, or hearing the Parties, may at once decern, or may, if either Party desire it, order Proof to be led on any specific Points, and shall in that Case appoint a Day, not more than Five Days thereafter, for hearing such Proof, and if the Proof be not on that Day completed, may adjourn the same from Time to Time until completed, and within Three Days after such Completion shall give Decree, and may find the Party complained of liable in Expenses, and may grant Warrant for the Recovery of the Penalties and Expenses decerned for, and failing Payment within Eight Days after Conviction, by Pounding, and Imprisonment for a Period at the Discretion of the Sheriff, Sheriff Substitute, Magistrates, or Justices, not exceeding Fourteen Days.

No written  
Pleadings,  
&c. allowed.

V. No written Pleadings, other than the Petition and Answers (when ordered), shall be allowed; and the Sheriff, Sheriff Substitute, Magistrates, or Justices shall take Notes of the Evidence in like Manner as in Civil Proofs: Provided always, that no Decree under this Act against any Party shall bar his Right to Relief against any other Party legally liable therein.

Justices, &c.  
not to act where  
Expense of al-  
tering Furnace,  
&c. will exceed  
a certain Sum.

VI. Where it shall appear to the Magistrates or Justices before whom any Party may be cited under this Act that the Cost of the Operations necessary to alter or amend any Furnace complained of will exceed the Sum of Twenty-five Pounds, they shall certify or endorse their Opinion to that Effect on the Petition, and sign the same, and it shall thereupon be incompetent for the Local Authority to proceed further before them in the Matter of such Petition, without Prejudice nevertheless to his instituting Proceedings of new in the same Matter before the Sheriff or Sheriff Substitute,

VII. Wher



*Episcopal and Capitular Estates Management Act Continuance.**Jurisdiction in Siam.*

VII. Where it shall appear to the Sheriff Substitute that the Cost of the Operations necessary to alter or amend any Furnace complained of will exceed the Sum of Twenty-five Pounds, he shall certify an Opinion to that Effect in the Decree, and the Parties shall thereupon be entitled to appeal to the Sheriff, on lodging within Three Days after the Decree a Note of Appeal with the Sheriff Clerk, and serving the same on the opposite Party, and such Note shall operate as a Sist of Execution until the Appeal be determined; and on such Note being lodged the Sheriff Clerk shall transmit the Process, together with the Sheriff Substitute's Notes of the Evidence, to the Sheriff, who shall thereupon proceed to give Judgment as aforesaid; and in the event of either Party being dissatisfied with such Judgment he or they shall be entitled to present a Note of Appeal to the Lord Ordinary on the Bills, for Relief against such Judgment, provided such Note be lodged in the Bill Chamber, and a Copy thereof served on the opposite Party within Eight Days of the Date of the Sentence complained against, which Note shall in like Manner operate as a Sist of Execution until a Judgment be pronounced by the Lord Ordinary, which Judgment shall be final, and in no Case subject to Review.

Appeal in certain Cases.

VIII. It shall be competent to the Sheriff, Sheriff Substitute, Magistrates, or Justices to award Expenses against the Local Authority, or against any Party complaining with Concourse as aforesaid, in any Case in which he or they may think fit, and such Expenses shall be paid accordingly.

How Expense to be awarded.

IX. No Appeal from nor Suspension of any Decree or Sentence under this Act shall be competent, nor shall any Decree or Sentence be subject to any Review whatever, save in Cases certified as aforesaid.

No Appeal.

X. Notices and Petitions under this Act may be served by delivering the same to or at the Residence of the Parties to whom they are addressed, or on whom they are intended to be served, and in the Case of Companies at their nearest Office, Station, or Place of Business, or by being put into the Post Office duly addressed to the Parties as aforesaid, or they may be served by delivering the same or a true Copy thereof to some Person upon the Premises, or One of the Crew of such Steam Vessel.

Service of Notices and Petitions.

XI. In case of any Complaint under this Act to which Two or more Parties, whether as Owners or Occupiers of Premises, or Owners of such Steam Vessel or Locomotive, may be jointly answerable, it shall be sufficient to proceed against any one or more of them, without proceeding against the others or other of them; but nothing herein contained shall prevent the Parties so proceeded against from recovering Relief in any Case in which they would now be entitled to Relief by Law.

One or more joint Owners may be proceeded against alone.

XII. All Charges and Expenses incurred by the Local Authority in any Proceeding under this Act, in any Place to which this Act shall apply, and not recovered as herein-before provided, may be defrayed out of an Assessment to be levied along with, and in like Manner and under like Powers, which are hereby given, as the Assessment for the Relief of the Poor of the Parish or Place in which the Penalties may have been incurred, or, where there is no such Assessment, by an Assessment levied in such Manner as an Assessment might have been levied for the Relief of the Poor.

As to Expenses incurred in executing this Act.

XIII. All Moneys recovered by a Local Authority under this Act shall be applied towards the Expense of executing and enforcing this Act, and any Surplus which may thereafter remain shall be paid to the Parochial Board of the Parish or Combination of Parishes in which the Premises complained of may have been situated, and shall by them be applied in aid of the Rates or Funds for the Relief of the Poor of such Parish or Combination of Parishes.

How Moneys recovered under this Act to be applied.

XIV. In this Act the Word "Place" shall mean every City or Royal Burgh in *Scotland* and shall include the whole Area contained within the Parliamentary or Police Limits or Boundaries thereof, provided the same comprehend a Population of not less than Two thousand, and shall also mean and include every Burgh of Barony, Burgh of Regality, containing a similar Amount of Population, according to the Census for the Time being presented to both Houses of Parliament by Command of Her Majesty; and the Expression "Local Authority" shall mean the Procurator Fiscal of the Burgh or County, or of any District thereof, or the Commissioners of Police acting under any Local or General Act of Parliament within any such Place or any Part thereof.

Interpretation of Terms.

## C A P. LXXIV.

An Act to continue the Act concerning the Management of Episcopal and Capitular Estates in *England*.

[25th August 1857.]

[14 &amp; 15 Vict. c. 104., as amended by 17 &amp; 18 Vict. c. 116., further continued until 1st January 1860].

## C A P. LXXV.

An Act to confirm an Order in Council concerning the Exercise of Jurisdiction in Matters arising within the Kingdom of *Siam*.

[25th August 1857.]

‘ WHEREAS by an Act passed in the Session holden in the Sixth and Seventh Years of Her Majesty, Chapter Ninety-four, “to remove Doubts as to the Exercise of Power and Jurisdiction  
‘ “by Her Majesty within divers Countries and Places out of Her Majesty's Dominions, and to render  
‘ “the same more effectual,” it was enacted that it should be lawful for Her Majesty to hold, exercise,  
‘ and enjoy any Power or Jurisdiction which Her Majesty then had or might at any Time thereafter  
‘ have within any Country or Place out of Her Majesty's Dominions, in the same and as ample a Manner

6 &amp; 7 Vict. c. 94.

20 &amp; 21 Vict.

4 S

as

*Jurisdiction in Siam.**Charitable Trusts Acts Continuance.*

Order in Council, dated 28th July 1856.

‘ as if Her Majesty had acquired such Power or Jurisdiction by the Cession or Conquest of Territory :  
 ‘ And whereas, to make Provision for the due Exercise of the Jurisdiction possessed by Her Majesty in  
 ‘ the Dominions of the Kings of *Siam*, Her Majesty, by an Order in Council, dated the Twenty-eighth  
 ‘ Day of *July* One thousand eight hundred and fifty-six, and expressed to be made in pursuance of the  
 ‘ above-recited Act, vested certain Powers and Authorities in Her Majesty’s Consul appointed to reside  
 ‘ in the Kingdom of *Siam* for the Peace, Order, and good Government of Her Majesty’s Subjects being  
 ‘ within the Dominions of the Kings of *Siam*, and particularly Authority to hear and determine any  
 ‘ Suits of a Civil Nature arising in those Dominions between a *British* Subject and a Subject of the  
 ‘ Kings of *Siam* or a Subject or Citizen of a Foreign State in Amity with Her Majesty, or between  
 ‘ *British* Subjects, subject to an Appeal, expressed to be given by the said Order, to the Supreme Court  
 ‘ in Her Majesty’s Possession of *Singapore*, and also Authority to try *British* Subjects charged with  
 ‘ having committed Crimes or Offences within the Dominions of the Kings of *Siam*, and Power also to  
 ‘ cause any *British* Subject charged with the Commission of any Crime or Offence, the Cognizance  
 ‘ whereof might appertain to such Consul, to be sent to Her Majesty’s Possession of *Singapore* for Trial  
 ‘ before the Supreme Court of the said Possession; and in the said Order in Council are contained  
 ‘ Provisions in relation to the Trial by the said Supreme Court of the *British* Subjects so sent for Trial,  
 ‘ and also for the Exercise by the said Supreme Court, concurrently with Her Majesty’s Consul in *Siam*,  
 ‘ of Authority and Jurisdiction in regard to all Suits of a Civil Nature between *British* Subjects arising  
 ‘ within the Dominions of the Kings of *Siam* : And whereas Doubts have arisen whether all the Juris-  
 ‘ diction intended to be vested by the said Order in Council in the Supreme Court of *Singapore* can be  
 ‘ effectually vested in the said Court without the Authority of Parliament, and it is expedient that the  
 ‘ said Order should be confirmed as herein-after mentioned :’ Be it enacted by the Queen’s most Excellent  
 Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in  
 this present Parliament assembled, and by the Authority of the same, as follows :

Order in Council confirmed.

I. The said Order in Council is hereby confirmed, and shall have the same Force and Effect as if every Article and Provision therein had been enacted by the Authority of Parliament : Provided always, that it shall and may be lawful for Her Majesty, by Order in Council, at any Time hereafter to amend, alter, or vary the said Order in Council, and from Time to Time by any fresh Order or Orders in Council, to make such other Rules and Regulations touching the Administration of Justice by the said Supreme Court at *Singapore*, under the said recited Order, as to Her Majesty in Council shall seem right.

## C A P. LXXVI.

An Act further to continue for a limited Time the Exemption of certain Charities from the Operation of the Charitable Trusts Acts. [25th August 1857.]

16 & 17 Vict. c. 137.

‘ **W**HEREAS by “The Charitable Trusts Act, 1853,” it was provided that that Act should not, for  
 ‘ the Period of Two Years from the passing thereof, extend or be in any Manner applied to  
 ‘ Charities or Institutions the Funds or Income of which were applicable exclusively for the Benefit of  
 ‘ Persons of the Roman Catholic Persuasion, and which were under the Superintendence or Control of  
 ‘ Persons of that Persuasion : And whereas by “The Charitable Trusts Amendment Act, 1855,” such  
 ‘ Charities or Institutions as aforesaid were exempted in like Manner from the Operation of the said  
 ‘ Amendment Act, and the Exemption so extended was continued until the First Day of *September* One  
 ‘ thousand eight hundred and fifty-six, and has since been extended to the First Day of *September* One  
 ‘ thousand eight hundred and fifty-seven : And whereas it is expedient that such Exemption should be  
 ‘ continued as herein-after mentioned :’ Be it therefore enacted by the Queen’s most Excellent Majesty,  
 by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present  
 Parliament assembled, and by the Authority of the same, as follows :

18 & 19 Vict. c. 124.

19 & 20 Vict. c. 76.

Exemption continued until 1st Sept. 1858.

I. That the said Acts shall not, until the First Day of *September* One thousand eight hundred and fifty-eight, extend or be in any Manner applied to the Charities or Institutions aforesaid.

## C A P. LXXVII.

An Act to amend the Law relating to Probates and Letters of Administration in *England*.

[25th August 1857.]

‘ **W**HEREAS it is expedient that all Jurisdiction in relation to the Grant and Revocation of Probates  
 ‘ of Wills and Letters of Administration in *England* should be exercised, in the Name of Her  
 ‘ Majesty, by One Court :’ Be it enacted by the Queen’s most Excellent Majesty, by and with the  
 Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament  
 assembled, and by the Authority of the same, as follows :

Commence-  
ment of Act.

I. This Act (except where otherwise specially provided) shall come into operation on such Day, not sooner than the First Day of *January* One thousand eight hundred and fifty-eight, as Her Majesty shall by Order in Council appoint, provided that such Order shall be made One Month at least previously to the Day so to be appointed.

II. In

*Probates and Letters of Administration.*

II. In the Construction of this Act, unless the Context be inconsistent with the Meaning hereby assigned—

“Will” shall comprehend “Testament” and all other Testamentary Instruments of which Probate may now be granted :

“Administration” shall comprehend all Letters of Administration of the Effects of deceased Persons, whether with or without the Will annexed, and whether granted for general, special, or limited Purposes :

“Matters and Causes Testamentary” shall comprehend all Matters and Causes relating to the Grant and Revocation of Probate of Wills or of Administration :

“Common Form Business” shall mean the Business of obtaining Probate and Administration where there is no Contention as to the Right thereto, including the passing of Probates and Administrations through the Court of Probate in contentious Cases when the Contest is terminated, and all Business of a non-contentious Nature to be taken in the Court in Matters of Testacy and Intestacy, not being Proceedings in any Suit, and also the Business of lodging Caveats against the Grant of Probate or Administration.

III. The voluntary and contentious Jurisdiction and Authority of all Ecclesiastical, Royal Peculiar, Peculiar, Manorial, and other Courts and Persons in *England*, now having Jurisdiction or Authority to grant or revoke Probate of Wills or Letters of Administration of the Effects of deceased Persons, shall in respect of such Matters absolutely cease ; and no Jurisdiction or Authority in relation to any Matters or Causes Testamentary, or to any Matter arising out of or connected with the Grant or Revocation of Probate or Administration, shall belong to or be exercised by any such Court or Person.

IV. The voluntary and contentious Jurisdiction and Authority in relation to the granting or revoking Probate of Wills and Letters of Administration of the Effects of deceased Persons now vested in or which can be exercised by any Court or Person in *England*, together with full Authority to hear and determine all Questions relating to Matters and Causes Testamentary, shall belong to and be vested in Her Majesty, and shall, except as herein-after is mentioned, be exercised in the Name of Her Majesty in a Court to be called the Court of Probate, and to hold its ordinary Sittings and to have its Principal Registry at such Place or Places in *London* or *Middlesex* as Her Majesty in Council shall from Time to Time appoint.

V. There shall be One Judge of Her Majesty’s Court of Probate ; and it shall be lawful for Her Majesty from Time to Time, by Letters Patent under the Great Seal of the United Kingdom, to appoint a Person, being or having been an Advocate of Ten Years Standing, or a Barrister-at-Law of Fifteen Years Standing, to be such Judge.

VI. The Judge of the Court of Probate shall hold his Office during good Behaviour, provided that it shall be lawful for Her Majesty to remove any such Judge from his Office upon an Address of both Houses of Parliament.

VII. Every Judge of the Court of Probate shall, before executing any of the Duties of his Office, take the following Oath, which the Lord Chancellor or the Master of the Rolls for the Time being is hereby respectively authorized and required to administer :

‘ I, A.B. do solemnly and sincerely promise and swear, That I will duly and faithfully, and to the best of my Skill and Power, execute the Office of Judge of the Court of Probate. So help me GOD.’

VIII. The Judge shall have Rank and Precedence with the Puisne Judges of Her Majesty’s Superior Courts of Common Law at *Westminster* according to the Date of his Appointment, and he shall have a Secretary and Usher, to be from Time to Time appointed and removed by him at his Pleasure.

IX. There shall be paid to the Judge the net yearly Salary of Four thousand Pounds, and to his Secretary the net yearly Salary of Three hundred Pounds, and to his Usher the net yearly Salary of One hundred and fifty Pounds.

X. Upon the next Vacancy in the Office of Judge of the High Court of Admiralty of *England* it shall be lawful for Her Majesty, if She so think fit, to appoint the Person then being Judge of the Court of Probate to be also Judge of the said Court of Admiralty, or in case the Office of Judge of the Court of Probate become vacant before the Office of Judge of the Court of Admiralty, the Judge of the Court of Admiralty may, with his Consent, be appointed to and hold also the Office of Judge of the Court of Probate, and after the Union of the said Two Offices they shall be thenceforth held by the same Person.

XI. From and after the Union under this Act of the Two Offices of Judge of the Court of Probate and Judge of the Court of Admiralty in the same Person, the said yearly Salary of Four thousand Pounds payable under this Act shall be increased to Five thousand Pounds, and the Salary now payable to the Judge of the Court of Admiralty shall cease.

XII. Her Majesty, by Letters Patent under the Great Seal of the United Kingdom, may grant unto any Person executing the Office of Judge of Her Majesty’s Court of Probate an Annuity, not exceeding Two thousand Pounds, or if such Person be also executing the Office of Judge of the said Court of Admiralty, not exceeding Three thousand five hundred Pounds, to commence immediately after the Day when the Person to whom such Annuity shall be granted shall resign the said Office or Offices, and to continue during his natural Life ; provided that Her Majesty may, in and by such Letters Patent, limit the Duration of Payment of such Annuity, or any Part thereof, to such Periods of Time during the natural Life of such Person

*Probates and Letters of Administration.*

Person in which he shall not exercise any Office of Profit under Her Majesty, so that such Annuity, together with the Salary and Profits of such other Office, shall together not exceed in the whole the said Sum of Two thousand Pounds or Three thousand five hundred Pounds, as the Case may be: Provided also, that no Annuity granted to any Person having executed the Office of Judge under this Act, except the present Judge of the Prerogative Court, shall be valid unless such Person shall have held such Office for the Period of Fifteen Years, or have held such Office and any of the Offices of Judge in any of the Superior Courts of Law or Equity or the High Court of Admiralty for Periods amounting together to Fifteen Years, or shall be afflicted with some permanent Infirmary disabling him from the due Execution of his Office, which shall be distinctly recited in the said Grant.

District Registries to be established.

XIII. There shall be established for each of the Districts specified in Schedule (A.) to this Act, and at the Places respectively mentioned in such Schedule, a Public Registry attached to and under the Control of the Court of Probate, herein-after referred to as "The District Registry."

Appointment of Officers of the Court of Probate.

XIV. There shall be Three Registrars, Two Record Keepers, and One Sealer for the Principal Registry of the Court of Probate, and there shall be One District Registrar for each District Registry herein-after referred to as the District Registrar, and there shall be so many Clerks and other Officers for the Court and the Principal Registry as the Judge of the Court, with the Sanction of the Commissioners of Her Majesty's Treasury, may from Time to Time think fit: Provided, that if at any Time it appear to Her Majesty in Council that the Duties of the Registrars of the Principal Registry of the Court of Probate can be performed by Two Registrars, it shall be lawful for Her Majesty by Order in Council to direct that the Number of Registrars for such Principal Registry be reduced accordingly.

As to Appointment of the First Officers of the Principal Registry.

XV. *Charles Dyneley* Esquire, *John Iggulden* Esquire, and *William F. Gostling* Esquire, the present Deputy Registrars of the Prerogative Court of *Canterbury*, shall, if willing to accept the Office, be the First Registrars of the Principal Registry of the Court of Probate; *Joseph Todd* and *John Smith*, the present Record Keepers of the said Prerogative Court, shall, if willing to accept the Office, be the First Record Keepers at the said Principal Registry; and *William John Berry*, the present Sealer of the said Prerogative Court, shall, if willing to accept the Office, be the First Sealer at the said Principal Registry; and *George Jarvis Foster*, Clerk of the Papers in the said Prerogative Court, shall, if willing to accept the Office, be the First Clerk of Papers at the said Principal Registry.

Clerks and Officers of Prerogative Court to be transferred to like Offices in Court of Probate.

XVI. The other Clerks and Officers now employed in the said Prerogative Court shall be transferred to such Situations in the Court of Probate and the Principal Registry thereof as the Lord Chancellor may in that Behalf direct, so that their Duties may be such as, in the Opinion of the said Lord Chancellor, may be as nearly as possible similar to those which they have heretofore discharged in the said Prerogative Court: Provided always, that no such Clerk or other Officer shall be so transferred whom the said Lord Chancellor shall consider to be from Age, Infirmary, or other Cause, incompetent to the Discharge of his Duties.

Existing Diocesan Registrars to be entitled to be appointed District Registrars at the same Places

XVII. The Registrar or Deputy Registrar (as the Case may be) now executing in Person the Duties of Registrar of a Diocesan or other Court exercising Testamentary Jurisdiction at any Place at which a District Registry is to be established under this Act, or where there is more than One such Registrar or Deputy Registrar so acting such One of them as the Judge shall select, shall be appointed the First District Registrar for such District, save where the Judge shall consider such Registrar or Deputy Registrar, or all such Registrars or Deputy Registrars if more than One, to be from Age, Infirmary, or other Cause incompetent to the Discharge of the Duties of District Registrar; provided that where there is now more than One such Registrar or Deputy Registrar competent to the Discharge of the Duties, the Judge may appoint them or more than One of them to hold such Office of District Registrar jointly with Benefit of Survivorship.

As to Appointment to Offices. Salaries of Officers.

XVIII. The Registrars, District Registrars, and other Officers of the Court of Probate, except as herein provided, shall be appointed by the Judge: There shall be paid to the several Officers mentioned in Schedule (B.) to this Act the several Salaries set opposite to their respective Titles in the same Schedule, and the said District Registrars shall, for the Performance of their Duties under this Act, including the Services of any Clerks they may employ, be entitled to take in respect of the Business in their respective District Registries such Fees as shall be fixed as herein-after provided; and, except as aforesaid, there shall be paid to the several Clerks and other Officers appointed under this Act such Salaries or other Remuneration as the Judge, with the Consent of the Commissioners of Her Majesty's Treasury, shall from Time to Time in each Case direct.

Tenure of Office of Officers.

XIX. The Registrars and District Registrars shall hold their Offices during good Behaviour, subject to be removed by Order of the Lord Chancellor for some reasonable Cause to be in such Order expressed; and the other Officers of the Court may be removed by the Judge, with the Sanction of the Lord Chancellor.

Qualification of Registrars and District Registrars.

XX. No Person shall be appointed a Registrar or District Registrar who shall not be or have been an Advocate, Barrister-at-Law, Proctor, Solicitor, or Attorney-at-Law, unless at the Time of the passing of this Act he is performing in Person the Duties of Registrar or Deputy Registrar of some Ecclesiastical Court in *England*, or is acting as Articled Clerk or Paid Clerk to a Proctor in *Doctors Commons*,

or

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or as Officer or Clerk in the Office of the said Prerogative Court, or of the Prerogative Court of *York*, or of any Diocesan Court.

XXI. All Registrars, District Registrars, Officers, and Clerks of the Court of Probate shall execute their respective Offices in Person and not by Deputy; and no Registrar of the Principal Registry of the Court, nor any Officer or Clerk in the Principal Registry thereof, shall during the Time of his holding such Office directly or indirectly practise as an Advocate, Barrister, Proctor, Solicitor, or Attorney, or receive or participate in the Fees of any other Person so practising.

XXII. The Judge shall cause to be made Seals for the Court of Probate, that is to say, One Seal to be used in its Principal Registry, and separate Seals to be used in the several District Registries, and may cause the same respectively from Time to Time to be broken, altered, and renewed at his Discretion; and all Probates, Letters of Administration, Orders, and other Instruments, and Exemplifications and Copies thereof, respectively, purporting to be sealed with any Seal of the Court of Probate, shall in all Parts of the United Kingdom be received in Evidence without further Proof thereof.

XXIII. The Court of Probate shall be a Court of Record, and such Court shall have the same Powers, and its Grants and Orders shall have the same Effect, throughout all *England*, and in relation to the Personal Estate in all Parts of *England* of deceased Persons, as the Prerogative Court of the Archbishop of *Canterbury* and its Grants and Orders respectively now have in the Province of *Canterbury*, or in the Parts of such Province within its Jurisdiction, and in relation to those Matters and Causes Testamentary and those Effects of deceased Persons which are within the Jurisdiction of the said Prerogative Court; and all Duties which, by Statute or otherwise, are imposed on or should be performed by Ordinaries generally, or on or by the said Prerogative Court, in respect of Probates, Administrations, or Matters or Causes Testamentary within their respective Jurisdictions, shall be performed by the Court of Probate: Provided that no Suits for Legacies, or Suits for the Distribution of Residues, shall be entertained by the Court, or by any Court or Person whose Jurisdiction as to Matters and Causes Testamentary is hereby abolished.

XXIV. The Court of Probate may require the Attendance of any Party in Person, or of any Person whom it may think fit to examine or cause to be examined in any Suit or other Proceeding in respect of Matters or Causes Testamentary, and may examine or cause to be examined upon Oath or Affirmation, as the Case may require, Parties and Witnesses by Word of Mouth, and may, either before or after or with or without such Examination, cause them or any of them to be examined on Interrogatories, or receive their or any of their Affidavits or solemn Affirmations, as the Case may be; and the Court may by Writ require such Attendance, and order to be produced before itself or otherwise any Deeds, Evidences, or Writings, in the same Form, or nearly as may be, as that in which a Writ of Subpœna ad testificandum, or of Subpœna duces tecum, is now issued by any of Her Majesty's Superior Courts of Law at *Westminster*; and every Person disobeying any such Writ shall be considered as in Contempt of the Court, and also be liable to forfeit a Sum not exceeding One hundred Pounds.

XXV. The Court of Probate shall have the like Powers, Jurisdiction, and Authority for enforcing the Attendance of Persons required by it as aforesaid, and for punishing Persons failing, neglecting, or refusing to produce Deeds, Evidences, or Writings, or refusing to appear or to be sworn, or make Affirmation or Declaration, or to give Evidence, or guilty of Contempt, and generally for enforcing all Orders, Decrees, and Judgments made or given by the Court under this Act, and otherwise in relation to the Matters to be inquired into and done by or under the Orders of the Court under this Act, as are by Law vested in the High Court of Chancery for such Purposes in relation to any Suit or Matter depending in such Court.

XXVI. The Court of Probate may, on Motion or Petition, or otherwise, in a summary Way, whether any Suit or other Proceeding shall or shall not be pending in the Court with respect to any Probate or Administration, order any Person to produce and bring into the Principal or any District Registry, or otherwise as the Court may direct, any Paper or Writing being or purporting to be testamentary, which may be shown to be in the Possession or under the Control of such Person; and if it be not shown that any such Paper or Writing is in the Possession or under the Control of such Person, but it shall appear that there are reasonable Grounds for believing that he has the Knowledge of any such Paper or Writing, the Court may direct such Person to attend for the Purpose of being examined in open Court, or upon Interrogatories respecting the same, and such Person shall be bound to answer such Questions or Interrogatories, and, if so ordered, to produce and bring in such Paper or Writing, and shall be subject to the like Process of Contempt in case of Default in not attending or in not answering such Questions or Interrogatories, or not bringing in such Paper or Writing, as he would have been subject to in case he had been a Party to a Suit in the Court and had made such Default; and the Costs of any such Motion, Petition, or other Proceeding shall be in the Discretion of the Court.

XXVII. The Registrars and District Registrars shall respectively have full Power to administer Oaths; and all Persons who at the Commencement of this Act shall be acting as Surrogates of any Ecclesiastical Court, and any other Persons whom the Judge shall, under the Seal of the Court, from Time to Time appoint, shall respectively have full Power to administer Oaths and perform such other Duties in reference to Matters and Causes Testamentary as may be assigned to them from Time to Time by the Rules and Orders under this Act; and the Persons so appointed shall be styled "Commissioners of

Officers of Court to perform Duties in Person.

Registrars, &c. not to act as Proctors, &c.

Power to Judge to cause Seals of the Court to be provided.

The Court to have throughout all *England* the same Powers as the Prerogative Court within the Province of *Canterbury*.

Suits for Legacies or Distribution not to be entertained.

Power to examine Witnesses.

As to Production of Deeds, &c.

Powers of the Court to enforce Orders.

Order to produce any Instrument purporting to be testamentary.

Registrars, &c. to have Power to administer Oaths.

Power to appoint, also, Commissioners of

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to administer  
Oaths, &c.

of Her Majesty's Court of Probate :” Provided, that any Party required to be examined, or any Person called as a Witness or required or desiring to make an Affidavit or Deposition under or for the Purposes of this Act, shall be permitted to make his solemn Affirmation or Declaration instead of being sworn in the Circumstances and Manner in which a Person called as a Witness or desiring to make an Affidavit or Deposition would be permitted so to do under the Common Law Procedure Act, 1854, in Cases within the Provisions of that Act; and any Person who shall wilfully give false Evidence, or who shall wilfully swear, affirm, or declare falsely in any Affidavit or Deposition before the Court of Probate, or before any Registrar, District Registrar, or Commissioner of the Court, shall be liable to the Penalties and Consequences of wilful and corrupt Perjury.

Penalty on  
forging or  
counterfeiting  
Seals or Signa-  
tures of Officers.

XXVIII. If any Person forge the Signature of any Registrar, District Registrar, or Commissioner for taking Oaths, or forge or counterfeit any Seal of the Court of Probate, or knowingly use or concur in using any such forged or counterfeit Signature or Seal, or tender in Evidence any Document with a false or counterfeit Signature of such Registrar, District Registrar, or Commissioner, or with a false or counterfeit Seal, knowing the same Signature or Seal to be false or counterfeit, every such Person shall be guilty of Felony, and shall upon Conviction be liable to Penal Servitude for the Term of his Life or any Term not less than Seven Years, or to Imprisonment for any Term not exceeding Three Years, with or without Hard Labour.

Practice of  
the Court.

XXIX. The Practice of the Court of Probate shall, except where otherwise provided by this Act, or by the Rules or Orders to be from Time to Time made under this Act, be, so far as the Circumstances of the Case will admit, according to the present Practice in the Prerogative Court.

Rules and Or-  
ders to be made  
for regulating  
the Procedure  
of the Court.

XXX. And to the Intent and End that the Procedure and Practice of the Court may be of the most simple and expeditious Character, it shall be lawful for the Lord Chancellor, at any Time after the passing of this Act, with the Advice and Assistance of the Lord Chief Justice of the Court of Queen's Bench, or any One of the Judges of the Superior Courts of Law to be by such Chief Justice named in that Behalf, and of the Judge of the said Prerogative Court, to make Rules and Orders, to take effect when this Act shall come into operation, for regulating the Procedure and Practice of the Court, and the Duties of the Registrars, District Registrars, and other Officers thereof, and for determining what shall be deemed contentious and what shall be deemed non-contentious Business, and, subject to the express Provisions of this Act, for fixing and regulating the Time and Manner of appealing from the Decisions of the said Court, and generally for carrying the Provisions of this Act into effect; and after the Time when this Act shall come into operation it shall be lawful for the Judge of the Court of Probate from Time to Time, with the Concurrence of the Lord Chancellor and the said Lord Chief Justice, or any One of the Judges of the Superior Courts of Law to be by such Chief Justice named in this Behalf, to repeal, amend, add to, or alter any such Rules and Orders as to him, with such Concurrence as aforesaid, may seem fit.

Mode of taking  
Evidence in  
contentious  
Matters.

XXXI. Subject to the Regulations to be established by such Rules and Orders as aforesaid, the Witnesses, and where necessary the Parties, in all contentious Matters where their Attendance can be had, shall be examined orally by or before the Judge in open Court: Provided always, that, subject to any such Regulations as aforesaid, the Parties shall be at liberty to verify their respective Cases, in whole or in part, by Affidavit, but so that the Deponent in every such Affidavit shall, on the Application of the opposite Party, be subject to be cross-examined by or on behalf of such opposite Party orally in open Court as aforesaid, and after such Cross-examination may be re-examined orally in open Court as aforesaid by or on behalf of the Party by whom such Affidavit was filed.

Court may issue  
Commissions or  
give Orders for  
Examination of  
Witnesses  
abroad, or who  
are unable to  
attend.

XXXII. Provided, That where a Witness in any such Matter is out of the Jurisdiction of the Court, or where, by reason of his Illness or otherwise, the Court shall not think fit to enforce the Attendance of the Witness in open Court, it shall be lawful for the Court to order a Commission to issue for the Examination of such Witness on Oath, upon Interrogatories or otherwise, or if the Witness be within the Jurisdiction of the Court to order the Examination of such Witness on Oath, upon Interrogatories or otherwise, before any Officer of the said Court, or other Person to be named in such Order for the Purpose; and all the Powers given to the Courts of Law at *Westminster* by the Acts of the Thirteenth Year of King *George* the Third, Chapter Sixty-three, and of the First Year of King *William* the Fourth, Chapter Twenty-two, for enabling the Courts of Law at *Westminster* to issue Commissions and give Orders for the Examination of Witnesses in Actions depending in such Courts, and to enforce such Examination, and all the Provisions of the said Acts, and of any other Acts for enforcing or otherwise applicable to such Examination, and the Witnesses examined, shall extend and be applicable to the said Court of Probate and to the Examination of Witnesses under the Commissions and Orders of the said Court, and to the Witnesses examined, as if such Court were One of the Courts of Law at *Westminster*, and the Matter before it were an Action pending in such Court.

What Rules of  
Evidence to be  
observed.

XXXIII. The Rules of Evidence observed in the Superior Courts of Common Law at *Westminster* shall be applicable to and observed in the Trial of all Questions of Fact in the Court of Probate.

When Common  
Law Judges  
may sit.

XXXIV. It shall be lawful for the Judge of the Court of Probate to sit, with the Assistance of any Judge or Judges of any of the Superior Courts of Law at *Westminster*, who, upon the Request of the Judge of the Court of Probate, may find it convenient to attend for that Purpose.

XXXV. It

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XXXV. It shall be lawful for the Court of Probate to cause any Question of Fact arising in any Suit or Proceeding under this Act to be tried by a Special or Common Jury before the Court itself, or by means of an Issue to be directed to any of the Superior Courts of Common Law, in the same Manner as an Issue may now be directed by the Court of Chancery, and such Question shall be so tried by a Jury in any Case where an Heir-at-Law, cited or otherwise made Party to the Suit or Proceeding, makes Application to the Court of Probate for that Purpose; and in any other Case where all the Parties to the Suit or Proceeding concur in such an Application, and where any Party or Parties other than such Heir-at-Law make a like Application (the other Party or Parties not concurring therein), and the Court shall refuse to cause such Question to be tried by a Jury, such Refusal of the Court shall be subject to Appeal as herein provided.

Court may cause Questions of Fact to be tried by a Jury before itself, or direct an Issue to a Court of Law.

XXXVI. When the Court shall order a Question of Fact to be tried before itself by a Jury, the Court may make all such Rules and Orders upon the Sheriff or any other Person for procuring the Attendance of a Special or Common Jury for the Trial of such Question as may now be made by any of the Superior Courts of Common Law at *Westminster*, and may also make any other Orders which to such Court may seem requisite; and every such Jury shall consist of Persons possessing the Qualifications, and shall be struck, summoned, balloted for, and called in like Manner as if such Jury were a Jury for the Trial of any Cause in any of the said Superior Courts; and every Jurymen so summoned shall be entitled to the same Rights, and subject to the same Duties and Liabilities, as if he had been duly summoned for the Trial of any such Cause in any of the said Superior Courts; and every Party to any such Proceeding shall be entitled to the same Rights as to Challenge and otherwise as if he were a Party to any such Cause; and generally for all Purposes of or auxiliary to the Trial of Questions of Fact by a Jury before the Court itself, and in respect of new Trials thereof, and also for all Purposes in relation to or consequential upon the Direction of Issues, the Court of Probate shall have the same Jurisdiction, Powers, and Authority in all respects as belong to any Superior Court of Common Law, or to any Judge thereof, or to the High Court of Chancery, or any Judge thereof, for the like Purposes.

Powers of the Court for the Trial of Questions by a Jury.

XXXVII. When any such Question shall be so ordered to be tried by a Jury before the Court itself, such Question shall be reduced into Writing in such Form as the Court shall direct, and at the Trial the Jury shall be sworn to try the said Question, and a true Verdict to give thereon according to the Evidence; and upon every such Trial the Court of Probate shall have the same Powers, Jurisdiction, and Authority as belong to any Judge of any of the said Superior Courts sitting at *Nisi Prius*.

Question to be stated, and Jury sworn to try it. Authority of Court on Trial.

XXXVIII. Where the Court of Probate directs an Issue, it shall be lawful for such Court to direct such Issue to be tried either before a Judge of Assize in any County or at the Sittings for the Trial of Causes in *London* or *Middlesex*, and either by a Special or Common Jury, in like Manner as is now done by the Court of Chancery.

Court may direct where Issues shall be tried.

XXXIX. Any Person considering himself aggrieved by any final or interlocutory Decree or Order of the Court of Probate may appeal therefrom to the House of Lords: Provided always, that no Appeal from any interlocutory Order of the Court of Probate shall be made without Leave of the Court of Probate first obtained, but on the Hearing of an Appeal from any final Decree all interlocutory Orders complained of shall be considered as under Appeal as well as the final Decree.

Appeal to the House of Lords.

XL. All Persons who at the Time of the passing of this Act have been admitted Advocates in any of the Ecclesiastical Courts shall be entitled to practise as Advocates or Counsel in all Matters and Causes whatsoever in the Court of Probate; and all Serjeants and Barristers-at-Law shall be entitled to practise as Advocates or Counsel in all contentious Matters and Causes in the said Court; and such Persons who have been so admitted Advocates and Serjeants and Barristers-at-Law shall have respectively the same Rank and Precedence which they now have before the Judicial Committee of the Privy Council, unless and until Her Majesty shall otherwise order.

Advocates admitted to practise. Barristers may practise in contentious Causes.

XLI. All Persons who at the Time of the passing of this Act have been admitted as Advocates as aforesaid shall be entitled to practise as Counsel in any of Her Majesty's Courts of Law or Equity in *England*, with the same Eligibility to Appointments, under Acts of Parliament or otherwise, as if they had respectively been duly called to the Degree of Barrister-at-Law on the Days on which they respectively were so admitted as Advocates, and with the same Rank and Precedence which they now have before the said Judicial Committee, unless and until Her Majesty shall otherwise order.

Advocates admitted to practise as Barristers.

XLII. Every Person who at the Time of the passing of this Act is actually admitted and practising as a Proctor in the Courts in *Doctors Commons*, or in the Prerogative Court of *York*, or in any Diocesan Court, or in any Archidiaconal Court, having previously duly served under Articles of Clerkship either to an Attorney or Proctor, may, upon his Application, at any Time within One Year after the passing of this Act, be admitted a Proctor of the Court of Probate, without Payment of any Fee or Stamp Duty.

Proctors admitted to practise.

XLIII. Every Person who at the Time of the Commencement of this Act is acting as Registrar or Deputy Registrar of any Ecclesiastical Court, or is actually admitted and practising as a Proctor in the Courts in *Doctors Commons*, or in any Ecclesiastical Court in *England* or *Wales*, may, within One Year after the passing of this Act, be admitted, without the Payment of any Stamp Duty, Fee, Charge, or Gratuity whatsoever, as a Solicitor of the High Court of Chancery, upon the Production of his Appointment or Admission as such Registrar, Deputy Registrar, or Proctor, or an official Certificate thereof; and upon the Production of an official Certificate that such Appointment or Admission continued in force at the

Admission of Registrars and Proctors as Solicitors.

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the Time of the passing of this Act, and upon signing the Roll of Solicitors of the High Court of Chancery, but not otherwise, such Person shall be entitled to be admitted as a Solicitor of such Court, and to be afterwards in like Manner admitted and enrolled as an Attorney of Her Majesty's Superior Courts.

Admission of  
Articled Clerks  
to Proctors as  
Solicitors.

XLIV. Every Person who at the Time of the Commencement of this Act has served or is actually serving as an Articled Clerk to a Proctor entitled to take such Articled Clerk, and who has not been admitted as a Proctor, shall be entitled to be admitted as a Solicitor of the High Court of Chancery, in the same Manner, and subject to the same Rules and Regulations, and upon the same Conditions as if he had before the Commencement of this Act been articled to a Solicitor or to an Attorney-at-Law; and such Admission shall entitle such Articled Clerk so admitted as a Solicitor to be afterwards in like Manner admitted and enrolled as an Attorney of Her Majesty's Superior Courts: Provided, that if any such Proctor to whom any such Clerk is now articled shall retire from Practice after the passing of this Act, he shall and is hereby required to transfer such Articled Clerk to some other Proctor, or to a Solicitor, or to an Attorney-at-Law, for the unexpired Term of his Articles of Clerkship; provided that the Court shall at any Time have the same Power to transfer such Clerk, during the unexpired Term of his Articles of Clerkship, to any other Proctor, or to a Solicitor, or to an Attorney-at-Law, as the Judge of the Prerogative Court now has in respect to Clerks articled to Proctors practising in the Court of Arches.

Practitioners.

XLV. All Solicitors and Attornies-at-Law may practise in the Court of Probate, and the Laws and Statutes now in force concerning Solicitors and Attornies shall extend to Solicitors and Attornies practising in the said Court; and the Commissioners for taking Oaths in the High Court of Chancery shall be Commissioners for taking Oaths in the Court of Probate.

When Probates  
and Adminis-  
tration may be  
granted by Dis-  
trict Registrars.

XLVI. Probate of a Will or Letters of Administration may, upon Application for that Purpose to the District Registry, be granted in Common Form by the District Registrar in the Name of the Court of Probate and under the Seal appointed to be used in such District Registry, if it shall appear by Affidavit of the Person or some or One of the Persons applying for the same that the Testator or Intestate, as the Case may be, at the Time of his Death had a fixed Place of Abode within the District in which the Application is made, such Place of Abode being stated in the Affidavit, and such Probate or Letters of Administration shall have effect over the Personal Estate of the Deceased in all Parts of *England* accordingly.

Affidavit to be  
conclusive for  
authorizing  
Grant of  
Probate.

XLVII. Such Affidavit shall be conclusive for the Purpose of authorizing the Grant, by the District Registrar, of Probate or Administration; and no such Grant of Probate or Administration shall be liable to be recalled, revoked, or otherwise impeached by reason that the Testator or Intestate had no fixed Place of Abode within the District at the Time of his Death; and every Probate and Administration granted by any such District Registrar shall effectually discharge and protect all Persons paying to or dealing with any Executor or Administrator thereunder, notwithstanding the Want of or Defect in such Affidavit, as is hereby required.

District Regis-  
trars not to  
make Grants  
where there is  
Contention, &c.

XLVIII. The District Registrar shall not grant Probate or Administration in any Case in which there is Contention as to the Grant until such Contention is terminated or disposed of by Decree or otherwise, or in which it otherwise appears to him that Probate or Administration ought not to be granted in Common Form.

As to Trans-  
mission of  
Notice of Ap-  
plication for  
Grants of Pro-  
bate, &c. to  
District Regis-  
trar.

XLIX. Notice of every Application to any District Registrar for the Grant of Probate or Administration shall be transmitted by such District Registrar to the Registrars of the Principal Registry by the next Post after such Application shall have been made; and such Notice shall specify the Name and Description, or Addition (if any), of the Testator or Intestate, the Time of his Death, and the Place of his Abode at his Decease, as stated in the Affidavit made in support of such Application, and the Name of the Person by whom the Application has been made, and such other Particulars as may be directed by Rules or Orders under this Act; and no Probate or Administration shall be granted in pursuance of such Application until such District Registrar shall have received a Certificate, under the Hand of One of the Registrars of the Principal Registry, that no other Application appears to have been made in respect of the Goods of the same deceased Person, which Certificate the said Registrar of the Principal Registry shall forward as soon as may be to the District Registrar; all such Notices in respect of Applications in the District Registries shall be filed and kept in the Principal Registry, and the Registrars of the Principal Registry shall, with reference to every such Notice, examine all Notices of such Applications which may have been received from the several other District Registries, and the Applications which may have been made for Grants of Probate or Administration at the Principal Registry, so far as it may appear necessary to ascertain whether or no Application for Probate or Administration, in respect of the Goods of the same deceased Person, may have been made in more than One Registry, and shall communicate with the District Registrars as Occasion may require in relation to such Applications.

District Regis-  
trar in case of  
Doubt as to  
Grant to take  
the Directions  
of the Judge.

L. In every Case where it appears to a District Registrar that it is doubtful whether the Probate or Letters of Administration which may be applied for should or should not be granted, or where any Question arises in relation to the Grant, or Application for the Grant, of any Probate or Administration, the District Registrar shall transmit a Statement of the Matter in question to the Registrars of the Court of Probate, who shall obtain the Directions of the Judge in relation thereto, and the Judge may direct the District Registrar to proceed in the Matter of the Application according to such Instructions



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as to the Judge may seem necessary, or may forbid any further Proceeding by the District Registrar in relation to the Matter of such Application, leaving the Party applying for the Grant in question to make Application to the Court of Probate through its Principal Registry, or, if the Case be within its Jurisdiction, to a County Court.

LI. On the First *Thursday* of every Month, or oftener if required by any Rules or Orders to be made in that Behalf, every District Registrar shall transmit to the Registrars of the Principal Registry a List, in such Form and containing such Particulars as may be from Time to Time required by the Court of Probate, or by any Rules or Orders under this Act, of the Grants of Probate and Administration made by such District Registrar up to the last preceding *Saturday*, and not included in a previous Return, and also a Copy, certified by the District Registrar to be a correct Copy, of every Will to which any such Probate or Administration relates.

District Registrars to transmit Lists of Probates and Administrations and Copies of Wills.

LII. Every District Registrar shall file and preserve all original Wills of which Probate or Letters of Administration with the Will annexed may be granted by him, in the Public Registry of the District, subject to such Regulations as the Judge of the Court of Probate may from Time to Time make in relation to the due Preservation thereof, and the convenient Inspection of the same.

District Registrars to preserve original Wills.

LIII. Caveats against the Grant of Probates or Administrations may be lodged in the Principal Registry or in any District Registry, and (subject to any Rules or Orders under this Act) the Practice and Procedure under such Caveats in the Court of Probate shall, as near as may be, correspond with the Practice and Procedure under Caveats now in use in the Prerogative Court of *Canterbury*, and immediately upon a Caveat being lodged in any District Registry, the District Registrar shall send a Copy thereof to the Registrars to be entered among the Caveats in the Principal Registry; and immediately upon a Caveat being entered in the Principal Registry, Notice thereof shall be given to the District Registrar of the District, if any, in which it is alleged the Deceased resided at the Time of his Decease, and to any other District Registrar to whom it may appear to the Registrar of the Principal Registry expedient to transmit the same.

As to Caveats.

LIV. Where it shall appear by Affidavit of the Person or some or One of the Persons applying for Probate or Letters of Administration that the Testator or Intestate had at the Time of his Death his fixed Place of Abode in One of the Districts specified in Schedule (A.) to this Act, and that the Personal Estate in respect of which such Probate or Letters of Administration should be granted under this Act, exclusive of what the Deceased shall have been possessed of or entitled to as a Trustee, and not beneficially, but without deducting anything on account of the Debts due and owing from the Deceased, is under the Value of Two hundred Pounds, and that the Deceased at the Time of his Death was not seised or entitled beneficially of or to any Real Estate, or that the Value of the Real Estate of or to which he was seised or entitled beneficially at the Time of his Death was under the Value of Three hundred Pounds, the Judge of the County Court having Jurisdiction in the Place in which it shall be sworn that the Deceased had at the Time of his Death his fixed Place of Abode shall have the contentious Jurisdiction and Authority of the Court of Probate in respect of Questions as to the Grant and Revocation of Probate of the Will or Letters of Administration of the Effects of such deceased Person, in case there be any Contention in relation thereto.

Where Personalty is under 200*l.*, and Real Property is under 300*l.*, County Court to have Jurisdiction.

LV. On a Decree being made by a Judge of a County Court for the Grant or Revocation of a Probate or Administration in any such Cause, the Registrar of the County Court shall transmit to the District Registrar of the District in which it shall have been sworn that the Deceased had at the Time of his Decease his fixed Place of Abode a Certificate under the Seal of the County Court of such Decree having been made, and thereupon, on the Application of the Party or Parties in favour of whom such Decree shall have been made, a Probate or Administration in compliance with such Decree shall be issued from such District Registry; or, as the Case may require, the Probate or Letters of Administration theretofore granted shall be recalled or varied by the District Registrar according to the Effect of such Decree.

Registrar of County Court to transmit Certificate of Decree for Grant or Revocation of Probate.

LVI. The Judge of any County Court before whom any disputed Question shall be raised relating to Matters and Causes Testamentary under this Act shall, subject to the Rules and Orders under this Act, have all the Jurisdiction, Power, and Authority to decide the same and enforce Judgment therein, and to enforce Orders in relation thereto, as if the same had been an ordinary Action in the County Court.

Judge of County Court to decide Causes, &c. as in other Cases.

LVII. The Affidavit as to the Place of Abode and State of the Property of a Testator or Intestate which is to give contentious Jurisdiction to the Judge of a County Court under the previous Provisions shall, except as herein-after provided, be conclusive for the Purpose of authorizing the Exercise of such Jurisdiction, and the Grant or Revocation of Probate or Administration in compliance with the Decree of such Judge; and no such Grant of Probate or Administration shall be liable to be recalled, revoked, or otherwise impeached by reason that the Testator or Intestate had no fixed Place of Abode within the Jurisdiction of such Judge or within any of the said Districts at the Time of his Death, or by reason that the Personal Estate sworn to be under the Value of Two hundred Pounds did in fact amount to or exceed that Value, or that the Value of the Real Estate of or to which the Deceased was seised or entitled beneficially at the Time of his Death amounted to or exceeded Three hundred Pounds: Provided, that where it shall be shown to the Judge of a County Court before whom any Matter is pending under this Act that the Place of Abode or State of the Property of the Testator or Intestate in respect

Affidavit of the Facts giving the County Court Jurisdiction to be conclusive, unless disproved while the Matter is pending.

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of whose Will or Estate he may have been applied to for Grant or Revocation of Probate or Administration has not been correctly stated in the Affidavit, and if correctly stated would not have authorized him to exercise such contentious Jurisdiction, he shall stay all further Proceedings in his Court in the Matter, leaving any Party to apply to the Court of Probate for such Grant or Revocation, and making such Order as to the Costs of the Proceedings before him as he may think just.

As to Appeals from County Court.

LVIII. Any Party who shall be dissatisfied with the Determination of the Judge of the County Court in point of Law, or upon the Admission or Rejection of any Evidence in any Matter or Cause under this Act, may appeal from the same to the Court of Probate, in such Manner and subject to such Regulations as may be provided by the Rules and Orders to be made under this Act, and the Decision of the Court of Probate on such Appeal shall be final.

Not obligatory to apply for Probate, &c. to District Registries or County Court, but may in every Case be made to Court of Probate.

LIX. It shall not be obligatory on any Person to apply for Probate or Administration to any District Registry, or through any County Court, but in every Case such Application may be made through the Principal Registry of the Court of Probate, wherever the Testator or Intestate may at the Time of his Death have had his fixed Place of Abode: Provided, that where in any contentious Matter arising out of any such Application it is shown to the Court of Probate that the State of the Property and Place of Abode of the Deceased were such as to give contentious Jurisdiction to the Judge of a County Court, the Court of Probate may send the Cause to such County Court, and the Judge thereof shall proceed therein as if such Application and Cause had been made to and arisen in his Court in the first instance.

Rules and Orders for regulating the Procedure of County Courts under the Act to be made by the Judges now having Authority for the like Purpose.

LX. For regulating the Procedure and Practice of the County Courts, and the Judges, Registrars, and Officers thereof, in relation to their Jurisdiction and Proceedings under this Act, Rules and Orders may be from Time to Time framed, amended, and certified by the County Court Judges appointed for the Time being to frame Rules and Orders for regulating the Practice of the County Courts under the Act of the Session holden in the Nineteenth and Twentieth Years of Her Majesty, Chapter One hundred and eight, and shall be subject to be allowed or disallowed or altered, and shall be in force from the Day named for that Purpose by the Lord Chancellor, as in the said Act is provided in relation to other Rules and Orders regulating the Practice of the same Courts; and for establishing Rules and Orders to be in force when this Act comes into operation, the Power given by this Enactment shall be exercised as soon as conveniently may be after the passing of this Act.

Where a Will affecting Real Estate is proved in solemn Form, &c., the Heir and Persons interested in the Real Estate to be cited.

LXI. Where Proceedings are taken under this Act for proving a Will in solemn Form, or for revoking the Probate of a Will, on the Ground of the Invalidity thereof, or where in any other contentious Cause or Matter under this Act the Validity of a Will is disputed, unless in the several Cases aforesaid the Will affects only Personal Estate, the Heir-at-Law, Devisees and other Persons having or pretending Interest in the Real Estate affected by the Will shall, subject to the Provisions of this Act, and to the Rules and Orders under this Act, be cited to see Proceedings, or otherwise summoned in like Manner as the Next of Kin or others having or pretending Interest in the Personal Estate affected by a Will should be cited or summoned, and may be permitted to become Parties, or intervene for their respective Interests in such Real Estate, subject to such Rules and Orders, and to the Discretion of the Court.

Where the Will is proved in solemn Form, or its Validity otherwise decided on, the Decree of the Court to be binding on the Persons interested in the Real Estate.

LXII. Where Probate of such Will is granted after such Proof in solemn Form, or where the Validity of the Will is otherwise declared by the Decree or Order in such contentious Cause or Matter as aforesaid, the Probate, Decree, or Order respectively shall enure for the Benefit of all Persons interested in the Real Estate affected by such Will, and the Probate Copy of such Will, or the Letters of Administration with such Will annexed, or a Copy thereof respectively, stamped with the Seal of Her Majesty's Court of Probate, shall in all Courts, and in all Suits and Proceedings affecting Real Estate, of whatever Tenure, (save Proceedings by way of Appeal under this Act, or for the Revocation of such Probate or Administration,) be received as conclusive Evidence of the Validity and Contents of such Will, in like Manner as a Probate is received in Evidence in Matters relating to the Personal Estate; and where Probate is refused or revoked, on the Ground of the Invalidity of the Will, or the Invalidity of the Will is otherwise declared by Decree or Order under this Act, such Decree or Order shall enure for the Benefit of the Heir-at-Law or other Persons against whose Interest in Real Estate such Will might operate, and such Will shall not be received in Evidence in any Suit or Proceeding in relation to Real Estate, save in any Proceeding by way of Appeal from such Decrees or Orders.

Heir in certain Cases not to be cited, and where not cited not to be affected by Probate.

LXIII. Nothing herein contained shall make it necessary to cite the Heir-at-Law or other Persons having or pretending Interest in the Real Estate of a deceased Person, unless it is shown to the Court and the Court is satisfied that the Deceased was at the Time of his Decease seized of or entitled to or had Power to appoint by Will some Real Estate beneficially, or in any Case where the Will propounded or of which the Validity is in question would not in the Opinion of the Court, though established as to Personalty, affect Real Estate, but in every such Case, and in any other Case in which the Court may, with reference to the Circumstances of the Property of the Deceased or otherwise, think fit, the Court may proceed without citing the Heir or other Persons interested in Real Estate; provided that the Probate, Decree, or Order of the Court shall not in any Case affect the Heir or any Person in respect of his Interest in Real Estate, unless such Heir or Person has been cited or made Party to the Proceedings, or derives Title under or through a Person so cited or made Party.

Probate or Office Copy to

LXIV. In any Action at Law or Suit in Equity, where, according to the existing Law, it would be necessary to produce and prove an original Will in order to establish a Devise or other Testamentary Disposition

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Disposition of or affecting Real Estate, it shall be lawful for the Party intending to establish in Proof such Devise or other Testamentary Disposition to give to the opposite Party, Ten Days at least before the Trial or other Proceeding in which the said Proof shall be intended to be adduced, Notice that he intends at the said Trial or other Proceeding to give in Evidence as Proof of the Devise or other Testamentary Disposition the Probate of the said Will or the Letters of Administration with the Will annexed, or a Copy thereof stamped with any Seal of the Court of Probate; and in every such Case such Probate or Letters of Administration, or Copy thereof respectively, stamped as aforesaid, shall be sufficient Evidence of such Will and of its Validity and Contents, notwithstanding the same may not have been proved in solemn Form, or have been otherwise declared valid in a contentious Cause or Matter, as herein provided, unless the Party receiving such Notice shall, within Four Days after such Receipt, give Notice that he disputes the Validity of such Devise or other Testamentary Disposition.

LXV. In every Case in which, in any such Action or Suit, the original Will shall be produced and proved, it shall be lawful for the Court or Judge before whom such Evidence shall be given to direct by which of the Parties the Costs thereof shall be paid.

LXVI. There shall be One Place of Deposit under the Control of the Court of Probate, at such Place in *London* or *Middlesex* as Her Majesty may by Order in Council direct, in which all the original Wills brought into the Court or of which Probate or Administration with the Will annexed is granted under this Act in the Principal Registry thereof, and Copies of all Wills the Originals whereof are to be preserved in the District Registries, and such other Documents as the Court may direct, shall be deposited and preserved, and may be inspected under the Control of the Court and subject to the Rules and Orders under this Act.

LXVII. The Judge shall cause to be made from Time to Time in the Principal Registry of the Court of Probate Calendars of the Grants of Probate and Administration in the Principal Registry, and in the several District Registries of the Court, for such Periods as the Judge may think fit, each such Calendar to contain a Note of every Probate or Administration with the Will annexed granted within the Period therein specified, and also a Note of every other Administration granted within the same Period, such respective Notes setting forth the Dates of such Grants, the Registry in which the Grants were made, the Names of the Testators and Intestates, the Place and Time of Death, the Names and Descriptions of the Executors and Administrators, and the Value of the Effects; and the Calendars to be so made shall be printed as the same are from Time to Time completed.

LXVIII. The Registrars shall cause a printed Copy of every Calendar to be transmitted through the Post or otherwise to each of the District Registries, and to the Office of Her Majesty's Prerogative in *Dublin*, the Office of the Commissary of the County of *Midlothian* in *Edinburgh*, and such other Offices, if any, as the Court of Probate shall from Time to Time by Rule or Order direct; and every printed Copy of a Calendar so transmitted as aforesaid shall be kept in the Registry or Office to which it is transmitted, and may be inspected by any Person on Payment of a Fee of One Shilling for each Search, without reference to the Number of Calendars inspected.

LXIX. An official Copy of the whole or any Part of a Will, or an official Certificate of the Grant of any Letters of Administration, may be obtained from the Registry or District Registry where the Will has been proved or the Administration granted, on the Payment of such Fees as shall be fixed for the same by the Rules and Orders under this Act.

LXX. Pending any Suit touching the Validity of the Will of any deceased Person, or for obtaining, recalling, or revoking any Probate or any Grant of Administration, the Court of Probate may appoint an Administrator of the Personal Estate of such deceased Person; and the Administrator so appointed shall have all the Rights and Powers of a General Administrator, other than the Right of distributing the Residue of such Personal Estate; and every such Administrator shall be subject to the immediate Control of the Court, and act under its Direction.

LXXI. It shall be lawful for the Court of Probate to appoint any Administrator appointed as aforesaid or any other Person to be Receiver of the Real Estate of any deceased Person pending any Suit in the Court touching the Validity of any Will of such deceased Person by which his Real Estate may be affected, and such Receiver shall have such Power to receive all Rents and Profits of such Real Estate, and such Powers of letting and managing such Real Estate, as the Court may direct.

LXXII. The Court of Probate may direct that Administrators and Receivers appointed pending Suits involving Matters and Causes Testamentary shall receive out of the Personal and Real Estate of the Deceased such reasonable Remuneration as the Court think fit.

LXXIII. Where a Person has died or shall die wholly intestate as to his Personal Estate, or leaving a Will affecting Personal Estate, but without having appointed an Executor thereof willing and competent to take Probate, or where the Executor shall at the Time of the Death of such Person be resident out of the United Kingdom of *Great Britain* and *Ireland*, and it shall appear to the Court to be necessary or convenient in any such Case, by reason of the Insolvency of the Estate of the Deceased, or other special Circumstances, to appoint some Person to be the Administrator of the Personal Estate of the Deceased, or of any Part of such Personal Estate, other than the Person who if this Act had not been passed would by Law have been entitled to a Grant of Administration of such Personal Estate, it shall not be obligatory upon the Court to grant Administration of the Personal Estate of such deceased Person

be Evidence of the Will in Suits concerning Real Estate, save where the Validity of the Will is put in issue.

As to Costs of Proof of Will.

Place of Deposit of original Wills.

Judge to cause Calendars to be made from Time to Time in the Principal Registry and to be printed.

Registrar to transmit printed Copies to certain Offices.

Official Copy of whole or Part of Will may be obtained.

Administration pendente lite.

Receiver of Real Estate pendente lite.

Remuneration to Administrators pendente lite, &c.

Power as to Appointment of Administrator.

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to the Person who if this Act had not passed would by Law have been entitled to a Grant thereof, but it shall be lawful for the Court, in its Discretion, to appoint such Person as the Court shall think fit to be such Administrator upon his giving such Security (if any) as the Court shall direct, and every such Administration may be limited as the Court shall think fit.

38 G. 3 c. 87.  
extended to  
Administrators.

LXXIV. The Provisions of an Act passed in the Thirty-eighth Year of His late Majesty King *George the Third*, Chapter Eighty-seven, shall apply (in like Manner) to all Cases where Letters of Administration have been granted, and the Person to whom such Administration shall have been granted shall be out of the Jurisdiction of Her Majesty's Courts of Law and Equity.

When Power to  
sue as an Exe-  
cutor to cease.

LXXV. After any Grant of Administration, no Person shall have Power to sue or prosecute any Suit, or otherwise act as Executor of the Deceased, as to the Personal Estate comprised in or affected by such Grant of Administration, until such Administration shall have been recalled or revoked.

Revocation of  
temporary  
Grants not to  
prejudice Ac-  
tions or Suits.

LXXVI. Where before the Revocation of any temporary Administration any Proceedings at Law or in Equity have been commenced by or against any Administrator so appointed, the Court in which such Proceedings are pending may order that a Suggestion be made upon the Record of the Revocation of such Administration, and of the Grant of Probate or Administration which shall have been made consequent thereupon, and that the Proceedings shall be continued in the Name of the new Executor or Administrator, in like Manner as if the Proceeding had been originally commenced by or against such new Executor or Administrator, but subject to such Conditions and Variations, if any, as such Court may direct.

Payments under  
revoked Pro-  
bates or Ad-  
ministration to  
be valid.

LXXVII. Where any Probate or Administration is revoked under this Act, all Payments *bonâ fide* made to any Executor or Administrator under such Probate or Administration, before the Revocation thereof, shall be a legal Discharge to the Person making the same; and the Executor or Administrator who shall have acted under any such revoked Probate or Administration may retain and reimburse himself in respect of any Payments made by him which the Person to whom Probate or Administration shall be afterwards granted might have lawfully made.

Indemnity to  
Persons, &c.  
making Pay-  
ment upon Pro-  
bates.

LXXVIII. All Persons and Corporations making or permitting to be made any Payment or Transfer *bonâ fide*, upon any Probate or Letters of Administration granted in respect of the Estate of any deceased Person under the Authority of this Act, shall be indemnified and protected in so doing, notwithstanding any Defect or Circumstance whatsoever affecting the Validity of such Probate or Letters of Administration.

Rights of an  
Executor re-  
nouncing Pro-  
bate to cease.

LXXIX. Where any Person, after the Commencement of this Act, renounces Probate of the Will of which he is appointed Executor or One of the Executors, the Rights of such Person in respect of the Executorship shall wholly cease, and the Representation to the Testator and the Administration of his Effects shall and may, without any further Renunciation, go, devolve, and be committed in like Manner as if such Person had not been appointed Executor.

Sureties to Ad-  
ministration  
Bonds.

LXXX. So much of an Act passed in the Twenty-first Year of King *Henry the Eighth*, Chapter Five, and of an Act passed in the Twenty-second and Twenty-third Years of King *Charles the Second*, Chapter Ten, and of an Act passed in the First Year of King *James the Second*, Chapter Seventeen, as requires any Surety, Bond, or other Security to be taken from a Person to whom Administration shall be committed, shall be repealed.

Persons to,  
whom Grant of  
Administrations  
shall be com-  
mitted shall  
give Bond.

LXXXI. Every Person to whom any Grant of Administration shall be committed shall give Bond to the Judge of the Court of Probate to enure for the Benefit of the Judge for the Time being, and, if the Court of Probate or (in the Case of a Grant from the District Registry) the District Registrar shall require, with One or more Surety or Sureties, conditioned for duly collecting, getting in, and administering the Personal Estate of the Deceased, which Bond shall be in such Form as the Judge shall from Time to Time by any general or special Order direct: Provided that it shall not be necessary for the Solicitor for the Affairs of the Treasury or the Solicitor of the Duchy of *Lancaster* applying for or obtaining Administration to the Use or Benefit of Her Majesty to give any such Bond as aforesaid.

Penalty on  
Bonds.

LXXXII. Such Bond shall be in a Penalty of double the Amount under which the Estate and Effects of the Deceased shall be sworn, unless the Court or District Registrar, as the Case may be, shall in any Case think fit to direct the same to be reduced, in which Case it shall be lawful for the Court or District Registrar so to do, and the Court or District Registrar may also direct that more Bonds than One shall be given, so as to limit the Liability of any Surety to such Amount as the Court or District Registrar shall think reasonable.

Power of Court  
to assign Bond.

LXXXIII. The Court may, on Application made on Motion or Petition in a summary Way, and on being satisfied that the Condition of any such Bond has been broken, order One of the Registrars of the Court to assign the same to some Person, to be named in such Order, and such Person, his Executors or Administrators, shall thereupon be entitled to sue on the said Bond, in his own Name, both at Law and in Equity, as if the same had been originally given to him instead of to the Judge of the Court, and shall be entitled to recover thereon as Trustee for all Persons interested the full Amount recoverable in respect of any Breach of the Condition of the said Bond.

Pending Suits  
transferred to  
Court of Pro-  
bate.

LXXXIV. All Suits, whether original or by way of Appeal, which at the Commencement of this Act shall be pending in any Court in *England* respecting any Grant of Probate or Administration, shall be transferred, with all the Proceedings therein, to the Court of Probate, there to be dealt with and decided

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decided according to the Rules and Practice of the said Court, except so far as such Court may think it expedient to adopt, for the Purposes of such transferred Suits or any of them, the Rules or Practice of the Court in which the same shall have been pending, to which End the Court of Probate shall, for the Purposes of such Suits, have all the Jurisdiction, Power, and Authority possessed by the Court from which such Suit shall be transferred; but this Enactment shall not apply to Proceedings by way of Appeal pending before Her Majesty in Council, which Proceedings shall be carried on and prosecuted in the same Manner in all respects as if this Act had not passed; and every Person who if this Act had not passed might have appealed to Her Majesty in Council against any Proceeding, Decree, or Sentence of any Court respecting the Grant of any Probate or Administration, may, notwithstanding this Act, appeal to Her Majesty in Council against such Proceeding, Decree, or Sentence: Provided also, that Her Majesty in Council may remit to the Court of Probate any Cause or Proceeding pending by way of Appeal as aforesaid, or to be brought before Her Majesty in Council upon Appeal as aforesaid, with such Directions as the Justice of the Case may require.

Not to apply to Appeals pending before Her Majesty in Council.

LXXXV. Provided, That if at the Commencement of this Act any Cause which would be transferred to the Court of Probate under the Enactment herein-before contained shall have been heard before any Judge having Jurisdiction in relation to such Cause before the Commencement of this Act, and shall be standing for Judgment, such Judge may, at any Time within Six Weeks after the Commencement of this Act, give in to One of the Registrars of the Court a written Judgment thereon, signed by him, and a Decree or Order, as the Case may require, shall be drawn up in pursuance of such Judgment; and every such Decree or Order shall have the same Force and Effect as if it had been drawn up in pursuance of a Judgment of the Court of Probate on the Day on which the same shall so be delivered to the Registrar, and shall be subject to Appeal under this Act.

Power to Judges whose Jurisdiction is determined to deliver written Judgments.

LXXXVI. All Grants of Probates and Administrations made before the Commencement of this Act, which may be void or voidable by reason only that the Courts from which respectively the same were obtained had not Jurisdiction to make such Grants, shall be as valid as if the same had been obtained from Courts entitled to make such Grants: Provided, that any such Grants of Probate or Administration shall not be made valid by this Act when the same shall before the Commencement of this Act have been revoked or determined by any Court of competent Jurisdiction to have been void; nor shall this Act prejudice or affect any Proceedings pending at the Time of the passing of this Act in which the Validity of any such Probate or Administration shall be in question: If the Result of such Proceeding shall be to invalidate the same, such Probate or Administration shall not be rendered valid by this Act; and if such Proceedings abate or become defective by reason of the Death of any Party, any Person who but for this Act would have any Right by reason of the Invalidity of such Probate or Administration shall retain such Right, and may commence Proceedings for enforcing the same within Six Calendar Months after the Death of such Party.

Void and voidable Probates and Administrations.

LXXXVII. Legal Grants of Probate and Administration made before the Commencement of this Act, and Grants of Probate and Administration made legal by this Act, shall have the same Force and Effect as if they had been granted under this Act, but in every such Case there shall be due and payable to Her Majesty such further Stamp Duty, if any, as would have been chargeable on any Probate or Administration which but for this Act would or ought to have been obtained in respect of the Personal Estate not covered by the Grant; and all Inventories and Accounts in respect thereof shall be returnable to the Court of Chancery, and all Bonds taken in respect thereof may be enforced by or under the Authority of the Court of Chancery, at the Discretion of the Court.

Probates and Administrations granted before this Act comes into operation.

LXXXVIII. Provided that where any Probate or Administration has been granted before the Commencement of this Act, and the Deceased had Personal Estate in *England* not within the Limits of the Jurisdiction of the Court by which the Probate or Administration was granted, or otherwise not within the Operation of the Grant, it shall be lawful for the Court of Probate to grant Probate or Administration only in respect of such Personal Estate not covered by any former Probate or Administration, and such Grant may be limited accordingly.

Probate or Administration may be granted of Personal Estate not affected by the former Grants.

LXXXIX. The Acting Judge and Registrar of every Court, and other Person now having Jurisdiction to grant Probate or Administration, and every Person having the Custody of the Documents and Papers of or belonging to such Court or Person, shall, upon receiving a Requisition for that Purpose, under the Seal of the Court of Probate, from a Registrar, and at the Time and in the Manner mentioned in such Requisition, transmit to the Court of Probate, or to such other Place as in such Requisition shall be specified, all Records, Wills, Grants, Probates, Letters of Administration, Administration Bonds, Notes of Administration, Court Books, Calendars, Deeds, Processes, Acts, Proceedings, Writs, Documents, and every other Instrument relating exclusively or principally to Matters or Causes Testamentary, to be deposited and arranged in the Registry of each District or in the Principal Registry, as the Case may require, so as to be easy of Reference, under the Control and Direction of the Court.

Judges of present Ecclesiastical Courts and others to transmit all Wills, &c. to the Registry.

XC. No Judge, Registrar, or other Person who shall wilfully refuse or neglect so to transmit such Records, Wills, Grants, Probates, Letters of Administration, Administration Bonds, Notes of Administration, Court Books, Calendars, Deeds, Processes, Acts, Proceedings, Writs, Documents, or any other Instrument relating to Matters or Causes Testamentary, shall be entitled to any Compensation under this Act, and every Judge, Registrar, or other Person so refusing or neglecting shall be liable to a

Penalty for Default.

Penalty

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Penalty of One hundred Pounds, to be sued for and recovered, together with full Costs of Suit, in any of Her Majesty's Superior Courts, by the Registrars.

Depositories for safe Custody of the Wills of living Persons.

XCI. One or more safe and convenient Depository or Depositories shall be provided, under the Control and Directions of the Court of Probate, for all such Wills of living Persons as shall be deposited therein for safe Custody; and all Persons may deposit their Wills in such Depository upon Payment of such Fees and under such Regulations as the Judge shall from Time to Time by any Order direct.

This Act not to affect the Stamp Duties on Probates and Administrations.

XCII. Nothing in this Act contained shall affect the Stamp Duties now by Law payable upon Probates and Administrations; and all the Clauses, Provisions, Rules, Regulations, and Directions contained in any Act of Parliament relating to the said Duties, and to Wills, Probates of Wills, and Letters of Administration, for securing the said Duties, not superseded by or inconsistent with the express Provisions of this Act, shall be in full Force, and shall be observed, applied, and put in execution for securing the Duties payable on Probates of Wills and Letters of Administration granted under this Act, as if such Duties had been granted by this Act, and the said Clauses, Provisions, Rules, and Regulations relating thereto were herein repeated and specially enacted.

The Registrars to deliver Copies of Wills, &c. to the Commissioners of Inland Revenue.

XCIII. The Registrars of the Court of Probate shall, within such Period as the Judge shall direct after Probate of any Will or Letters of Administration shall have been granted, deliver or cause to be delivered to the Commissioners of Inland Revenue, or their proper Officer, the following Documents respectively; that is to say, in the Case of a Probate or Administration with a Will annexed a Copy of the Will and the original Affidavit, and in the Case of Letters of Administration without a Will annexed such original Affidavit, and in every Case of Letters of Administration a Copy or Extract thereof, and in every Case such Certificate or Note of the Grant as the said Commissioners may require.

Sections 8 and 9 of 53 G. 3. c. 127. repealed in part as to the Court of Probate.

XCIV. 'Whereas by an Act passed in the Fifty-third Year of King George the Third, Chapter One hundred and twenty-seven, it is enacted, that if any Proctor of any Ecclesiastical Court shall act as such, or permit his Name to be used in any Suit appertaining to the Office of a Proctor, or in obtaining Probates of Wills or Letters of Administration, for or on account or for the Profit or Benefit of any Person not entitled to act as a Proctor, or shall permit any such Person to participate in such Profit or Benefit, such Proctor shall be subject to certain Penalties therein mentioned; and it is also therein further enacted, that if any Person shall, in his own Name, or in that of any other Person, do or perform any Act whatever belonging to the Office of a Proctor in consideration of any Gain, Fee, or Reward, or with a view to participate in the Benefit to be derived from the Office, Functions, or Practice of a Proctor, without being admitted and enrolled, every such Person shall be subject to certain other Penalties therein mentioned: Be it enacted, Nothing in the said Act contained shall prevent any Proctor of the Court of Probate from acting as Agent of any Attorney or Solicitor in relation to any Matter Testamentary, or from allowing him to participate in the Profits of and incident thereto.

Fees to be taken by Officers of Court and by Officers of County Courts.

XCIV. The Lord Chancellor, with such Assistance as is herein-before provided as to Rules and Orders to be made in pursuance of this Act, shall, as soon as conveniently may be after the passing of this Act, fix a Table or Tables of Fees to be taken by the Officers of the Court of Probate, and the Proctors, Solicitors, and Attornies practising therein, including the District Registrars, and the Proctors, Solicitors, and Attornies practising in District Registries, and of Fees to be taken by the Officers of the County Courts, in respect of Business under this Act, and of Fees to be payable in respect of Searches, Inspection, and Printed and other Copies of and Extracts from Records, Wills, and other Documents in the Custody or under the Control of the Court of Probate, and the Judge of the Court of Probate, with such Concurrence as is herein-before provided in respect of the Amendment of Rules and Orders, is hereby empowered, from Time to Time after this Act shall come into operation, to add to, reduce, alter, or amend such Table or Tables of Fees, as he may see fit: Provided that such Tables of Fees and every Alteration of the same, except so far as respects the Fees which are to be taken by District Registrars, Proctors, and others, for their own Remuneration and to their own Use, shall be subject to the Approval of the Commissioners of Her Majesty's Treasury; and every such Table of Fees, and every Addition, Reduction, Alteration, or Amendment to, in, or of the same, shall be published in the *London Gazette*; and no other Fees than those specified and allowed in such Tables of Fees shall be demanded or taken by such Officers, and Proctors, Solicitors, and Attornies.

Taxation of Costs.

XCVI. The Bill of any Proctor, Attorney, or Solicitor, for any Fees, Charges, or Disbursements in respect of any Business transacted in the Court of Probate, whether contentious or otherwise, or any Matters connected therewith, shall, as well between Proctor or Attorney or Solicitor and Client as between Party and Party, be subject to Taxation by any One of the Registrars of the said Court, and the Mode in which any such Bill shall be referred for Taxation, and by whom the Costs of Taxation shall be paid, shall be regulated by the Rules and Orders to be made under this Act, and the Certificate of the Registrar of the Amount at which such Bill is taxed shall be subject to Appeal to the Judge of the said Court.

Fees not to be paid in Money, but by Stamps.

XCVII. None of the Fees payable to the Officers of the Court of Probate, or of any County Court, in respect of Business under this Act, except the Fees of the District Registrars (which are to be taken as their Remuneration, and for their own Use), the Fees of Proctors, Solicitors, and Attornies, and such Fees as may be authorized to be taken for their own Use by Surrogates and Commissioners for administering

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nistering Oaths, shall be received in Money; but every such Fee shall be collected and received by a Stamp denoting the Amount of the Fee which otherwise would be payable.

XCVIII. The Fees to be collected by means of Stamps under the Provisions of this Act shall be deemed "Stamp Duties," and shall be placed under the Management of the Commissioners of Inland Revenue, to be collected and paid into the Exchequer under the same Laws and Regulations as those made in respect of the other Duties of "Stamps," and the Provisions in the several Acts for the Time being in force relating to Stamps under the Care or Management of the Commissioners of Inland Revenue shall in all Cases not hereby expressly provided for be of full Force and Effect with respect to the Stamps to be provided under or by virtue of this Act, and to the Vellum, Parchment, or Paper on or to which the same Stamps shall be impressed or affixed, and be applied and put in execution for collecting and securing the Sums of Money denoted thereby, and for preventing, detecting, and punishing all Frauds, Forgeries, and other Offences relating thereto, as fully and effectually to all Intents and Purposes as if such Provisions had been herein repeated and specially enacted with reference to the said last-mentioned Stamps and Sums of Money respectively; but a separate and distinct Account of all Money received in respect of the said last-mentioned Stamps for every Year ending the Thirty-first Day of *March* shall be laid before both Houses of Parliament within One Month after the Termination of such Year of Accounts, or, if Parliament be not then sitting, within One Month after the Commencement of the next Session of Parliament.

XCIX. No Document which under this Act, and any Table of Fees for the Time being in force under this Act, ought to have a Stamp in respect of such Fee impressed thereon or affixed thereto, shall be received or filed or be used in relation to any Proceeding in the Court of Probate, or be of any Validity for any Purpose whatsoever, unless or until the same shall have the proper Stamp impressed thereon or affixed thereto: Provided that if any Time it shall appear that any such Document has through Mistake or Inadvertence been received, or filed, or used without having such Stamp impressed thereon or affixed thereto, it shall be lawful for the Judge of the Court of Probate, if he think fit, to order that such Stamp shall be impressed thereon or affixed thereto, and thereupon, when a Stamp shall have been impressed on such Document or affixed thereto in compliance with any such Order, such Document and every Proceeding in reference thereto shall be as valid and effectual as if such Stamp had been impressed thereon or affixed thereto in the first instance.

C. If any Officer of the Court of Probate, or any other Person employed under this Act, shall do or commit or connive at any fraudulent Act or Practice in relation to any Stamp to be used under the Provisions of this Act, or to any Fee or Sum of Money to be collected, or which ought to be collected, by means of any such Stamp, or if any such Officer or Person shall be guilty of any wilful Act, Neglect, or Omission whereby any Fee or Money which ought to be collected by means of a Stamp under this Act shall be lost, or the Payment thereof evaded, every such Officer or Person so offending shall be dismissed from his Office or Employment if the Judge of the Court of Probate shall think fit so to order.

CI. The Salary of the Judge of the Court of Probate, and any retiring Annuity granted to a Judge of the Court of Probate under this Act, and all Compensations payable under this Act, shall be charged on and payable out of the Consolidated Fund of the United Kingdom.

CII. It shall be lawful for the Commissioners of Her Majesty's Treasury, out of such Monies as may be provided and appropriated by Parliament for the Purpose, to cause to be paid all Salaries payable to the Registrars, Clerks, and other Officers under this Act, and all necessary Expenses of the Court of Probate and its Registries, and other Expenses which may be incurred in carrying the Provisions of this Act into effect (except such Salary, retiring Annuity, and Compensations as are herein-before charged on the said Consolidated Fund).

CIII. It shall be lawful for the Commissioners of the Treasury to grant to any Archdeacons, Judges, Deputy Judges, Registrars, Deputy Registrars, and other Persons holding Office in the Courts now exercising Jurisdiction in Matters and Causes Testamentary who may sustain any Loss of Emoluments by reason of the passing of this Act, and who are not transferred or appointed by or under this Act to Offices of equal Value in the Court of Probate, such Compensation as, having regard to the Tenure of their respective Offices and Appointments, and to the Provisions of the Act of the Session holden in the Sixth and Seventh Years of King *William* the Fourth, Chapter Seventy-seven, Section Twenty-five, and of the Act of the Session holden in the Tenth and Eleventh Years of Her Majesty, Chapter Ninety-eight, Section Nine, and the several subsequent Acts continuing the Provisions of the said Acts respectively, the said Commissioners deem just and proper to be awarded: Provided that where Persons whose Claims in respect of Offices, held for Life or otherwise, are excluded by the said Provisions, have executed in Person the Duties of such Offices, the said Provisions shall not be deemed to prevent the said Commissioners from granting to such Persons such Compensation as the said Commissioners would deem just and proper to be awarded on the Abolition or Reduction of the Emoluments of like Offices, if held at the Pleasure of the Crown; and it shall be lawful for the said Commissioners to grant to all managing and other Clerks who have been continuously employed in the Offices of Registrars of the said Courts for Fifteen Years and upwards immediately before the passing of this Act, and may sustain any Loss of Emoluments as aforesaid, and are not transferred or appointed as aforesaid, such Compensation as the said Commissioners

Provisions of Acts relating to Stamps to be applicable to Stamps for collecting Fees.

No Document to be received or used unless stamped.

Officers of the Court may be dismissed for Fraud or wilful Neglect in relation to Stamps.

As to Salary of Judge and Compensations.

Salaries, &c. not charged on Consolidated Fund to be paid out of Monies to be provided by Parliament.

Compensation to Registrars, &c. of existing Courts.

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sioners may deem just and proper: Provided always, that if any Person to whom any yearly Sum is awarded for Compensation as aforesaid is or shall be appointed to any Office or Situation under this Act, or in the Public Service, the Payment of such Compensation shall be suspended so long as he continues to receive the Salary or Emoluments of such Office or Situation, if the Amount thereof be equal to or greater than the Amount of Emoluments in respect of the Loss whereof Compensation is awarded; and if the Amount of such last-mentioned Emoluments be greater than the Salary or Emoluments of such Office or Situation, no more of such Compensation shall be paid than will, with such Salary or Emoluments, be equal to the Emoluments in respect of the Loss whereof such Compensation is payable.

Persons receiving Compensation to continue to discharge the remaining Duties of their Offices.

Compensation to Proctors.

CIV. Any Person to whom Compensation is awarded under this Act in respect of the Loss of Emoluments of any Office, and who at the passing of this Act shall have been discharging or liable to discharge in respect of such Office Duties other than those in Matters and Causes Testamentary, shall, so long as he shall receive such Compensation, be bound to discharge such other Duties on the same Terms on which, whether gratuitously or otherwise, he discharged or was liable to discharge the same before the passing of this Act.

CV. 'Whereas the Fees or Emoluments of the Persons now practising as Proctors in the Courts now exercising Jurisdiction in Matters and Causes Testamentary may be damaged by the Abolition of the exclusive Rights and Privileges which they have hitherto enjoyed as such Proctors in such Courts: Be it enacted, That the Commissioners of Her Majesty's Treasury, by Examination on Oath or otherwise, which Oath they are hereby authorized to administer, may inquire into and may, by the Production of such Evidence as they shall think fit to require, ascertain and absolutely determine the net annual Amount of the Profits arising from the Transaction of Business by Proctors in Matters and Causes Testamentary, on an average of Five Years immediately preceding the Commencement of this Act, or of such Proportion of Five Years as shall have elapsed since each and every such Proctor was admitted to practise in such Courts, and shall award to each and every such Proctor a Sum of Money or annual Payment during the Term of his natural Life of such Amount as shall be equal in Value to One Half of the net Profits derived by such Proctor in respect of Matters and Causes Testamentary upon the said Average of Five Years immediately preceding the Commencement of this Act, or of such Proportion of the said Five Years as shall have elapsed since the Admission of each and every such Proctor to practise in the Courts now exercising Jurisdiction in Matters and Causes Testamentary.

Compensation to Proctors in Partnership.

CVI. 'And whereas divers Proctors practising in the Courts now exercising Jurisdiction in Matters and Causes Testamentary now are or may at the Commencement of this Act be associated together in Partnership: Be it therefore enacted, That in all such Cases the Commissioners of Her Majesty's Treasury shall inquire into and ascertain the Terms or Conditions of such Partnerships, and shall absolutely determine and award Compensation in respect thereof as herein-before provided to each of such Partnerships, in like Manner as if all the Emoluments thereof had been derived by One Individual, and shall apportion such Compensation among the Members of each such Partnership, with or without Benefit of Survivorship, Regard being had to the existing Terms and Conditions of the same.

For the Protection of the Interests of Viscount Canterbury.

CVII. 'And whereas the Most Reverend *Charles* late Archbishop of *Canterbury*, by virtue of the Power given by an Act of the Ninth Year of King *George* the Fourth, "to authorize the Lord Archbishop of *Canterbury* for the Time being to appoint a Person or Persons to the Office of Registrar of "his Prerogative, without a previous Surrender of the existing Grant or Grants of the said Office," did, by Letters Patent under his Archiepiscopal Seal, dated the Twenty-first Day of *June* One thousand eight hundred and twenty-eight, with the Confirmation of the Dean and Chapter of the Cathedral and Metropolitan Church of *Christ, Canterbury*, grant the said Office of Registrar of his Prerogative to the Right Honourable *Charles Manners Sutton*, now Viscount *Canterbury*, then *Charles Manners Sutton*, Esquire, the eldest Son and next Heir Male of the Right Honourable *Charles Manners Sutton*, late Viscount *Canterbury*, for his Life, subject and without Prejudice to the Estates and Interests, Rights and Privileges, of the Reverend *George Moore* and *Robert Moore* (who then held the said Office by virtue of such Grant as therein mentioned), and the Survivor of them: And whereas by an Act passed in the Session of Parliament held in the Second and Third Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for settling and securing Annuities on the Right Honourable Charles Manners Sutton and on his next Heir Male, in consideration of the eminent Services of the said Right Honourable Charles Manners Sutton*, it was enacted, that an Annuity of Four thousand Pounds should be payable out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* to the said Right Honourable *Charles Manners Sutton* late Viscount *Canterbury* during his Life, and that after the Decease of the said *Charles* late Viscount *Canterbury* One Annuity of Three thousand Pounds be payable out of the said Consolidated Fund to the then Heir Male of the Body of the said *Charles* late Viscount *Canterbury*, during the natural Life of such Heir Male; and it was further enacted, that, in the event of the said *Charles* now Viscount *Canterbury* having succeeded to and being in the Possession of the said Annuity of Three thousand Pounds, and afterwards becoming entitled to the full Possession of the said Office of Registrar of the Prerogative of the Lord Archbishop of *Canterbury*, and to the Fees, Perquisites, Profits, and Emoluments thereof (provided the same should exceed the annual Sum of Three thousand Pounds), then and in either of the Cases aforesaid the said Annuity of Three thousand Pounds should

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' cease



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' cease and determine and be no longer payable to the said *Charles* now Viscount *Canterbury*: Provided nevertheless, that if the said Fees, Perquisites, Profits, and Emoluments of the said Office of Registrar should not produce the net annual Sum of Three thousand Pounds to the said *Charles* now Viscount *Canterbury*, then there should be issued and paid out of the said Consolidated Fund such a Sum of Money annually as, together with the said Fees, Perquisites, Profits, and Emoluments, would make a clear annual Income to the said *Charles* now Viscount *Canterbury* of Three thousand Pounds: And whereas the said *Charles* now Viscount *Canterbury*, upon the Decease of the said *Charles* late Viscount *Canterbury*, succeeded to and is now in possession of the Annuity of Three thousand Pounds, but he is not yet in possession of the said Office of Registrar: There shall be awarded to the said *Charles* now Viscount *Canterbury*, as a Compensation for the Fees, Perquisites, Profits, and Emoluments of the said Office of Registrar of the Prerogative of the Lord Archbishop of *Canterbury*, an Annuity to be calculated upon the average yearly net Receipts of the legal Fees, Perquisites, Profits, and Emoluments of the said Office during such Period next preceding the Time when this Act shall come into operation as the Commissioners of Her Majesty's Treasury shall think proper; and such Annuity shall commence from the Time of this Act coming into operation, if the said *Charles* Viscount *Canterbury* shall then be in possession of the said Office, and if not, then from the Time at which the said *Charles* Viscount *Canterbury* would have become entitled, but for the passing of this Act, to the full Possession of the said Office, and to the Receipt of the Fees, Perquisites, Profits, and Emoluments thereof, and shall be paid to the said *Charles* Viscount *Canterbury* thenceforth during his Life; provided that if the said Annuity by way of Compensation shall exceed the annual Sum of Three thousand Pounds, then the said Annuity of Three thousand Pounds payable under the last-recited Act to the said *Charles* Viscount *Canterbury* shall, from and after the Commencement of the said Annuity by way of Compensation, cease and determine, and shall not be payable to the said *Charles* Viscount *Canterbury*; and in case the Annuity awarded by way of Compensation shall be less than the net annual Sum of Three thousand Pounds, the Provision contained in the said recited Act passed in the Session of Parliament held in the Second and Third Years of His late Majesty King *William* the Fourth, for the Payment unto the Heir Male of the Body of the said *Charles* Viscount *Canterbury*, out of the said Consolidated Fund, of such a Sum of Money annually as, together with the said Fees, Perquisites, Profits, and Emoluments, would make up a clear Income to him of Three thousand Pounds, shall, from and after the Commencement of the said Annuity by way of Compensation, be applicable to and be in force for the Purpose of making up, together with the said Annuity so to be awarded in lieu of such Fees, Perquisites, Profits, and Emoluments as aforesaid, a clear annual Income of Three thousand Pounds to the said *Charles* now Viscount *Canterbury* during his Life.

CVIII. All the Claim, Title, and Interest which at the Time of the passing of this Act the Reverend *Robert Moore*, Clerk, has or is entitled to in or in respect of the Building at present used as the Public Registry of the Prerogative Court, shall at the Time appointed for the Commencement of this Act vest in the Registrars for the Time being of the Court, subject to the Payment of such Rents, and the Performance and Fulfilment of such Contracts in respect thereof, as the said *Robert Moore*, his Executors or Administrators, shall be subject to at the Time of such vesting.

The Registry of Prerogative Court of *Canterbury* to vest in Registrars of the Court.

CIX. In case Sir *John Dodson*, the present Judge of the Prerogative Court of *Canterbury* and Dean of the Court of Arches, be not appointed the First Judge of the Court of Probate, there shall be paid to him during his natural Life, as well by way of retiring Pension as of Salary as Dean of the Court of Arches, the net yearly Sum of Two thousand Pounds, to commence from the Time appointed for the coming into operation of this Act, and to be paid out of the Fund and in manner herein provided for the Payment of Compensations.

Compensation to Sir *J. Dodson* in case he be not appointed Judge of Court of Probate.

CX. There shall be a Clerk or so many Clerks in each District Registry, and there shall be paid to such Clerk or Clerks such Salary or respective Salaries, as the Judge of the Court, with the Sanction of the Commissioners of Her Majesty's Treasury, may from Time to Time think fit to direct; and it shall be lawful for such Judge to prescribe from Time to Time the Qualifications which shall be possessed by Persons appointed to be Clerks in such District Registries, and generally to regulate the Establishment of such District Registries with reference to the Duties to be performed therein; and the Clerk or Clerks in each District Registry shall be appointed by the District Registrar, with the Approval of the Judge; and every such Clerk may be removed by such Judge, or by the District Registrar with the Approval of the Judge.

Establishments in District Registries.

CXI. Each District Registrar shall, out of the Fees taken by him in respect of the Business in his respective District Registry, pay the Salary or Salaries of the Clerk or Clerks in such Registry, and the Residue of such Fees shall be retained by such District Registrar to his own Use; and every District Registrar shall keep an Account of all Fees so taken by him as aforesaid, and shall within One Month after the End of each Year render to the Commissioners of Her Majesty's Treasury a faithful Account in Writing of all such Fees received by him during such Year: Provided that it shall be lawful for the Commissioners of Her Majesty's Treasury, at any Time after the Commencement of this Act, to order that the District Registrars under this Act, or any of them, shall be paid by Salaries instead of Fees, and to fix the Salaries to be payable to them respectively; and thereupon all Fees payable to the District Registrars so ordered to be paid by Salaries shall be accounted for and paid into the Exchequer at such Times and

Fees payable to District Registrars.

District Registrars may be paid by Salaries instead of Fees.

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under such Regulations as the Commissioners of Her Majesty's Treasury shall direct, and shall be carried to and form Part of the Consolidated Fund of the United Kingdom, and the Salaries of such District Registrars and of their Clerks shall be paid out of such Monies as shall be provided by Parliament for that Purpose, and no such District Registrar shall be deemed to have any Claim to Compensation on account of any Diminution of his Emoluments by reason of any such Order.

Compensation to Clerical Surrogates, &c.

CXII. It shall be lawful for the Commissioners of the Treasury to grant to every Clerical Surrogate or other Clerical Person who, at the Time of the passing of this Act, shall have been appointed Surrogate in either of the Provinces of *Canterbury* or *York*, such Compensation for any Loss the said Surrogates or Persons may sustain by the passing of this Act as the said Commissioners deem just and proper to be awarded; the said Commissioners having regard in awarding such Compensation to the Circumstance of the said Clerical Surrogates not being able to follow any other professional Employment in lieu of the said Office of Surrogate.

Persons receiving Compensation to be liable to be called upon to fill Offices, &c.

CXIII. That every Person to whom any Compensation shall be granted under this Act shall at all Times when called upon be liable to fill any public Office or Situation in *England* under the Crown for which his previous Services in any Office abolished by this Act may render him eligible; and that if he shall decline when called upon so to do to take upon himself such Office or Situation, and execute the Duties thereof satisfactorily, being in a competent State of Health, he shall forfeit his Right to any Compensation or Allowances which may have been granted to him in respect of such previous Services.

Publication of Accounts.

CXIV. The Commissioners of Her Majesty's Treasury shall cause to be prepared in each Year ending *December* Thirty-one a Return of all Fees and Monies levied in such Year under the Authority of this Act; also a Return of the annual Salaries of the Judge of the said Court of Probate, and of the Registrars, Deputy Registrars, Clerks, and all others holding Offices either in *London* or in the Country Districts, with an Account of all the incidental Expenses relating to the Offices aforesaid, whether such Salaries and Expenses be defrayed out of Fees or out of any other Monies; also a Return of all Superannuations, Pensions, Annuities, Retiring Allowances and Compensations made payable under this Act in each Year, stating the gross Amount and the Amount in detail of such Charges: Provided always, that all such Returns aforesaid shall be presented to both Houses of Parliament on or before the Thirty-first Day of *March* in each Year, if Parliament is then sitting, and if Parliament is not sitting, then such Returns shall be presented within One Month of the First Meeting of Parliament after the Thirty-first Day of *March* in each Year: Provided also, that every District Registrar shall keep an Account of all Fees so taken by him as aforesaid, and shall within One Month after the End of each Year render to the Commissioners of Her Majesty's Treasury a faithful Account in Writing of all such Fees received by him during such Year.

Provision if Judge a Privy Councillor.

CXV. The Judge of the Court if a Privy Councillor shall be a Member of the Judicial Committee of the Privy Council.

College of Doctors of Law may let, sell, &c. their Real and Personal Estate, and lay out Monies in Purchase of other Estates, &c.

CXVI. And whereas, with reference to the Abolition of the Jurisdiction hereby abolished and otherwise, it is expedient to give, confirm, or extend certain Powers to or of "The College of Doctors of Law exercent in the Ecclesiastical and Admiralty Courts," incorporated under that Style and Title by Letters Patent, dated the Twenty-second Day of *June*, in the Eighth Year of His late Majesty King *George* the Third: Be it enacted, That it shall be lawful for the said College from Time to Time hereafter to let, sell, or exchange for other Real or Personal Estate, or both, all or any Part of the Real and Personal Estate which shall for the Time being belong to the said College, either directly or through the Medium of any Trustee or Trustees, and to lay out the Monies to be received on any such Sale or Exchange, or otherwise, belonging to the said College as aforesaid, in the Purchase of other Real or Personal Estate, or both, but so that the said College shall not at any One Time hold or enjoy Real Estate of a yearly Value exceeding One thousand Pounds in the whole, and to pay, apply, and dispose of the Income of all the Real and Personal Estate which shall for the Time being belong to the said College as aforesaid to or for the Benefit of such Body or Bodies Politic or Corporate, or Person or Persons, whether being or including, or not being or including, the said College, and all or any individual Members or Member thereof for the Time being, and generally for such Purposes and in such Manner as the said College shall think fit; and further, to alien and dispose of all or any Part of such Real and Personal Estate, and the Proceeds of any Sale thereof, either by way of Donation, voluntary Disposition, or otherwise, unto, between, or amongst any Body or Bodies Politic or Corporate, or any Person or Persons whatsoever, whether being or not being a Member or Members of the said College: Provided always, that no Donation or other voluntary Disposition of the Corpus, or any Part of the Corpus, of the Real and Personal Estate of the said College to any Person or Persons being a Member or Members thereof at the Time of such Donation or other voluntary Disposition shall be effectual without the previous Consent thereto of a Majority of the Members of the said College present at any Meeting of the College, and the Receipt of the Treasurer for the Time being of the said College shall be an effectual Discharge for all gross annual and other Sums which shall for the Time being belong or be payable to the said College.

College may surrender their Charter, and

CXVII. It shall be lawful for the said College, at any Time after a Resolution to that Effect shall have been come to at a Meeting of the College, by a Majority of the Members present at such Meeting, to surrender and yield up to Her Majesty, Her Heirs or Successors, at such Time as in such Resolution shall

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shall be determined, the Charter of Incorporation of the said College, and all Franchises and Privileges thereby conferred, or which shall for the Time being belong to the said College; and upon and by such Surrender the said Corporation shall be dissolved, and shall cease to exist, for all Purposes whatsoever, (except so far as its Existence may be requisite for the Saving of the Rights of Her Majesty, Her Heirs and Successors, and of all and every Person and Persons, Body and Bodies Politic or Corporate, whatsoever other than the said College,) and all Real and Personal Estate which at the Time of such Dissolution of the said College shall belong to the said College for its own Use and Benefit, either directly or through the Medium of any Trustee or Trustees, shall thenceforth belong, for all the Estate and Interest therein which at the Time of such Dissolution belonged to the said College absolutely, to all the Persons who at the Time of such Dissolution thereof shall be the President and Fellowes of the said College, in equal Shares as Tenants in Common, to and for their own Use and Benefit respectively, but subject to any Charges or Incumbrances affecting the same at the Time of such Dissolution, and all Real and Personal Estate of which the said College at the Time of such Dissolution thereof be seised or possessed, upon any Trust or Trusts, shall thereupon become vested in the Four Persons who at the Time of such Dissolution shall be the President and Three Senior Fellowes of the said College, as joint Tenants, their Heirs, Executors, or Administrators, according to the Nature of the Real and Personal Estates respectively, upon the Trust or Trusts affecting the same respectively.

upon such Surrender shall be dissolved.

CXVIII. It shall be lawful for the Commissioners of Her Majesty's Treasury, out of such Monies as may be provided and appropriated by Parliament for that Purpose, to cause to be purchased, erected, hired, or otherwise provided such Offices and Buildings as may be suitable for the District Registries and Depository or Depositories for Wills, and such Buildings, if any, as may be necessary for the Court and Principal Registry, in addition to the Building by this Act vested in the said Registrars, or after the Determination of their Interest in such Building.

Treasury to provide the Buildings for Registries, &c.

CXIX. All Rules and Orders to be made under this Act concerning Procedure and Practice, and the Table of Fees to be fixed under this Act, and all Alterations thereof to be from Time to Time made, shall be laid before both Houses of Parliament within One Month after the making thereof if Parliament be then sitting, or if Parliament be not then sitting, within One Month after the Commencement of the then next Session of Parliament.

Rules and Orders to be laid before Parliament.

SCHEDULE (A.)

DISTRICTS and PLACES of DISTRICT REGISTRIES throughout ENGLAND and WALES.

Districts.	Places of District Registries.	Districts.	Places of District Registries.
County of Northumberland (a)	Newcastle-on-Tyne.	Counties of Flint, Denbigh, and Merioneth.	St. Asaph.
County of Durham	Durham.	County of Derby	Derby.
Counties of Cumberland and Westmoreland.	Carlisle.	County of Nottingham (d)	Nottingham.
West Riding of the County of York.	Wakefield.	Counties of Leicester and Rutland.	Leicester.
North Riding ditto	York.	County of Lincoln (e)	Lincoln.
East Riding ditto (b) including the City of York and Ainsty		Shrewsbury.	
County of Lancaster, except the Hundred of Salford and West Derby and the City of Manchester.	Lancaster.	Northern Division of Northampton, and Counties of Huntingdon and Cambridge. (f)	Peterborough.
City of Manchester and Hundred of Salford.	Manchester.	County of Norfolk (g)	Norwich.
Hundred of West Derby in Lancashire.	Liverpool.	Eastern Division of the County of Suffolk and North Division of the County of Essex.	Ipswich.
County of Chester (c)	Chester.	Western Division of the County of Suffolk.	Bury St. Edmunds.
Counties of Carnarvon and Anglesea.	Bangor.	County of Bedford and Southern Division of Northamptonshire. (h)	Northampton.

(a) Including the Towns and Counties of Newcastle-on-Tyne and Berwick-upon-Tweed.

(b) Including the Town and County of Kingston-on-Hull.

(c) Including the City of Chester.

(d) Including the Town of Nottingham.

(e) Including the City of Lincoln.

(f) Including the University of Cambridge.

(g) Including the City of Norwich.

(h) Including the Town of Northampton.

Probates and Letters of Administration.		Joint Stock Companies.		
Districts.	Places of District Registries.	Districts.	Places of District Registries.	
County of Warwick (i) -	Birmingham.	Eastern Division of the County of Somerset, except the present Bath County Court District, and the Part in Somersetshire of the present Bristol County Court District.	Wells.	
County of Stafford (h) -	Lichfield.			
Counties of Radnor, Brecknock, and Hereford.	Hereford.			
Counties of Cardigan, Carmarthen (l), and Pembroke (m) with the Deaneries of East and West Gower in the County of Glamorgan.	Carmarthen.			
Counties of Glamorgan (with the Exception of the Deaneries of East and West Gower) and Monmouth.	Llandaff.		Western Division of the County of Somerset.	Taunton.
County of Worcester (n) -	Worcester.		County of Devon (q) - -	Exeter.
County of Gloucester (o), except the present Bristol County Court District.	Gloucester.		County of Cornwall - -	Bodmin.
Bristol and Bath present County Court Districts.	Bristol.		County of Wilts - -	Salisbury.
Counties of Oxford (p), Berks, Bucks.	Oxford.		County of Dorset (r) - -	Blandford.
			County of Hants (s) - -	Winchester.
		Eastern Division of the County of Sussex. (t)	Lewes.	
		Western Division of the County of Sussex.	Chichester.	
		East Division of the County of Kent. (u)	Canterbury.	

The Divisions of Counties referred to in the Schedule are the Divisions of the same Counties described for Election Purposes in the Act of the Second and Third Years of King William the Fourth, Chapter Sixty-four, and the Cities and Towns herein referred to are to be taken to include the Counties of such Cities and Towns as are Counties of themselves.

- (i) Including the City of Coventry.
- (h) Including the City of Lichfield.
- (l) Including the Town of Carmarthen.
- (m) Including the Town of Haverfordwest.
- (n) Including the City of Worcester.
- (o) Including the City of Gloucester.
- (p) Including the University of Oxford.

- (q) Including the City of Exeter.
- (r) Including the Town of Poole.
- (s) Including the Town of Southampton and Isle of Wight.
- (t) Including such of the Cinque Ports and their Dependencies as are locally situate in the County of Sussex.
- (u) Including the City of Canterbury and such of the Cinque Ports and their Dependencies as are locally situate in the County of Kent.

SCHEDULE (B.)

	Annual Salary.
The Three Registrars in London, each - - - - -	£1,500
The Record Keepers, each - - - - -	600
The Sealer - - - - -	300

C A P. LXXVIII.

An Act to amend the Act Seven and Eight *Victoria*, Chapter One hundred and eleven, for facilitating the winding up the Affairs of Joint Stock Companies unable to meet their pecuniary Engagements, and also the "Joint Stock Companies Winding-up Acts, 1848 and 1849." [25th August 1857.]

WHEREAS it is expedient to amend the Act Seven and Eight *Victoria*, Chapter One hundred and eleven, intituled *An Act for facilitating the winding up the Affairs of Joint Stock Companies unable to meet their pecuniary Engagements*, and also to amend the "Joint Stock Companies Winding-up Acts, 1848 and 1849," and also to make Provision for the more equal Distribution amongst Creditors as well of the Assets to arise from the separate Estates or Contributions of Shareholders in any Company as of the joint Assets thereof: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Judge or Master by Advertisement may call Meetings of Creditors to appoint Representative of Creditors.

I. In all Cases in which an Order heretofore has been or hereafter shall be made for the Dissolution and Winding up or for the winding up of any Company, it shall be lawful for the Judge or Master charged with the winding up of any Company, at the Instance of any Creditor of such Company or otherwise, in all Cases in which it shall appear expedient, and for the Benefit of the Parties interested, in and by the Advertisement for Proof of Debts required by the Seventy-second Section of the "Joint Stock Companies Winding-up Act, 1848," or by subsequent Advertisements, or by Notice transmitted to each of the Creditors by Post, as directed by the said Two before-mentioned Acts, from Time to Time to call upon the Creditors

*Joint Stock Companies.*

Creditors of the Company to meet before such Judge or Master at such Time and Place as shall be fixed by him, for the Purpose of appointing One or more Person or Persons other than the Official Manager to represent all the Creditors of the said Company in and about the said Proceedings before him, or in and about so many and such of the same Proceedings as to such Judge or Master shall from Time to Time seem expedient; and it shall be lawful for Two Thirds in Value of the Creditors present at such Meetings, whose Debts shall have been proved before the said Judge or Master, or who shall previously to such Meeting have lodged an Affidavit of their Debt before him, and who would be entitled to vote in the Choice of Assignees under a Bankruptcy, by themselves or by some Person authorized by any Letter or Writing under the Hand of such Creditor, and which Letter or Writing shall require no Stamp Duty to be paid thereon, to choose some Person or Persons to represent all the Creditors of any such Company accordingly; and the Proceedings of such Meeting shall be conducted before and by the said Judge or Master in the same Manner as would be the Case if the said Creditors were proceeding to the Election of Assignees in Bankruptcy; provided, that the said Judge or Master may reject any Person or Persons so chosen who shall appear to him unfit to be such Representative or Representatives, or may remove any such Representative or Representatives, and upon such Rejection or Removal a new Choice of a Representative or Representatives shall be made in like Manner; and from and after the issuing of any such Advertisement as aforesaid all the Creditors of the said Company shall be deemed Parties to the Winding-up: Provided always, that in case such Company heretofore has been or hereafter shall be adjudged bankrupt, the Assignees of the Estate and Effects of such Bankrupt Company shall be deemed and taken to be and they are hereby constituted (without such Advertisement or Meeting as herein-before mentioned) the Representatives of the Creditors for the Purposes of this Act, and shall have and exercise the same Rights and Powers as are hereby given to or vested in such Representative or Representatives; and provided also, that if any such Representative or Representatives of the Creditors shall have been chosen or appointed in the Matter of the winding up of any Company before the Appointment of Assignees under the Adjudication of Bankruptcy against the same Company, then upon such Appointment of Assignees the Rights, Powers, and Authorities of such Representative or Representatives shall cease and determine, and the same Rights, Powers, and Authorities shall thereupon become vested in and may lawfully be had and exercised by such Assignees as aforesaid; and such Representative or Representatives shall be entitled to his or their reasonable Costs in the Matter of the winding up of such Company.

II. Whenever any such Company heretofore has been or hereafter shall be declared bankrupt, and no Winding-up Order shall have been made before such Company shall have become bankrupt, the Assignees may, with the Leave of the Court of Bankruptcy first obtained, after Notice to such Creditors, and subject to such Condition (if any) as to obtaining the Consent of Creditors, or any Proportion of them, as the said Court shall think fit to direct, and whether the whole of the Assets of such Company shall have been collected or converted or not, and having regard to the Sufficiency of the Assets of the Company for Payment of the Debts or Liabilities of such Company, and also to the Solvency and Means of the several Shareholders or Members of such Company, or any One or more of them, or to such other Matters as the said Court may deem material, accept and take from all or any or either of the Shareholders or Members of such Company such reasonable Sum or Sums in discharge and satisfaction of the Liability of all and every the Shareholders and Members, or any or either of them, to the Debts and Liabilities of such Company, in such Manner and at such Times as the Assignees for the Time being of the Estate of such Company shall think fit, or make any other Compromise, Composition, or other Arrangement in the Matter; and all such Sum or Sums as shall be payable thereunder shall be paid to and received by the Official Assignee, and shall be applied as Part of the Estate and Effects of such Company; and the said Court shall, at the Request of the Assignees for the Time being of such Company, give to the several Shareholders and Members, or such of them as shall be so discharged, a Certificate under the Hand and Seal of the Commissioner, setting forth the Circumstances of such Discharge, so far as he may deem the same material, and such Certificate shall thenceforth operate to all Intents and Purposes as an absolute Release to the Shareholders and Members to whom the same shall relate, and may be by them pleaded and used in bar and in discharge of any Action, Execution, or other Proceeding by any Creditor whose Debt or Claim is by Law provable under such Bankruptcy; and every such Shareholder and Member shall be entitled, as between himself and the other Shareholders or Members of the Company, to Credit in respect of such Sum or Sums as shall by such Certificate be declared to have been paid by him.

III. It shall be lawful for such Representatives or Representative as herein-before mentioned to join and concur or take part in all the Proceedings in and about the winding up of the said Company, or such of the same Proceedings as the Judge or Master shall deem expedient for the Interest of the Creditors, and also, subject as herein-after is mentioned, and so far as the Creditors of the said Company are concerned, to make or enter into, take part in, consent to, or approve of any Compromise, Composition, or Arbitration or other Arrangement, whether for the Discharge and Satisfaction of the Liability of all and every the Shareholders and Members, or any or either of them, to the Debts and Liabilities of such Company or otherwise, as such Representatives or Representative for the Time being shall think fit, and the Certificate of the Judge or Master shall be deemed and taken as full and sufficient Evidence and Proof of every such Compromise, Composition, Arbitration, or other Arrangement, and of any Discharge or Release which may have been thereby effected; and it shall also be lawful for such Representatives or Representative as herein-before mentioned (subject as aforesaid) to take part in, consent to, or approve of

After such Advertisement, Creditors to be deemed Parties to Winding-up. Assignees of Bankrupt Companies to be such Representatives.

Where Company bankrupt, and no Winding-up Order, Assignees may compromise with Shareholders, so as to bind all the Creditors.

Representatives of Creditors may concur in Proceedings, and in Compromises.

*Joint Stock Companies.*

of any Compromise, Composition, Arbitration, or other Arrangement which the Official Manager may propose to make or enter into with the Debtors or Creditors of the said Company or otherwise in respect of its Estate or Affairs; and all the Creditors of the said Company, whether their Debts shall have been then proved or not, shall, subject to the Provisions herein-after contained, be fully and effectually bound by the Acts of such Representatives or Representative as to all such Matters as are authorized by this Act.

All Creditors to be bound thereby.

Compromise, &c. to be subject to Consent of Creditors, if required by Judge or Master.

Creditors Rights against Third Persons not to be prejudiced.

IV. No such Compromise, Composition, Arbitration, or other Arrangement as in the last Section mentioned shall be valid as against the Creditors of the Company, unless the same be made with the Consent of such Representatives, and with Leave of the Judge or Master, who shall give Leave to the Official Manager to be heard thereon; and every such Compromise, Composition, Arbitration, or other Arrangement shall be subject to such Conditions (if any) as to Payment of the Costs of any Actions, Suits, or other Proceedings, and as to obtaining the Consent of Creditors or any Proportion of them, as the said Judge or Master shall think fit to direct.

V. No Creditor or Claimant shall be prejudiced or affected by any Compromise, Composition, Arbitration, or other Arrangement herein-before authorized, or by carrying the same into effect, as to his Right or Remedy against any Person other than the Members and Contributories thereof, to whom the same shall relate, nor otherwise than may be provided thereby; and in the event of any such Compromise, Composition, or other Arrangement as mentioned in the Second and Third Sections of this Act being made with the Contributories or alleged Contributories of the said Company, or any or either of them, whereby or in consequence whereof all or any of such Contributories may be or become discharged from further Liability to the Creditors of the said Company, then and thereupon the Creditors of the said Company, as regards their Rights and Remedies against the Persons, Property, and Effects of any Persons who were Shareholders of the said Company at the Times when the respective Debts or Causes of Action of such Creditors arose, shall be in the same Position, and have the same Remedies against such former Shareholders as last aforesaid, their Persons, Property, and Effects, as if such Creditors had obtained Execution on a Judgment Order or Decree for the Amount of their respective Debts against the Persons, Property, and Effects of the Contributories of the said Company who shall be or become so discharged as aforesaid, and had been unable thereby or otherwise to obtain Satisfaction of such Judgment Decree or Order, or Debts, from such Execution or from such Contributories beyond the Amount received by such Creditors respectively on account of his or their Debts out of the Monies so paid or satisfied by the said Contributories or any of them under such Composition, Compromise, or Agreement as aforesaid.

Proceedings under this Act subject to Appeal.

VI. All Orders, Directions, Reports, and other Proceedings of or before the Judge or Master under this Act shall be subject to the Appeals given by the Two aforesaid "Joint Stock Companies Winding-up Acts, 1848 and 1849;" and all Orders, Directions, Reports, and other Proceedings of or before the Court of Bankruptcy under this Act shall be subject to the Appeals given by the Bankrupt Law Consolidation Act, 1849.

After Advertisements for Representative, Creditors not to sue at Law without Leave of Judge or Master, and Time is not to run against them.

VII. When any such Company heretofore has been or hereafter shall be adjudicated bankrupt, then, if or so soon as Creditors Assignees shall have been appointed, or, when any such Company shall not have been or be adjudicated bankrupt, then after the Judge or Master shall by Advertisement have called on the Creditors to appoint a Representative or Representatives as herein-before mentioned, no such Action as is mentioned in the Seventy-third Section of the said "Joint Stock Companies Winding-up Act, 1848," shall be commenced or proceeded with, otherwise than for the Purpose of making the Company bankrupt, nor shall any Execution or Scire facias be issued or proceeded with against the Person, Property, or Effects of any Member or Members for the Time being of such Company, or any former Member or Members thereof, except by Leave of the Court of Bankruptcy where such Company has been made bankrupt before an Order shall have been made for winding up the Company, or of the said Judge or Master where such Company has not been made bankrupt before such Order shall have been made; and no Time which shall elapse after the Appointment of Creditors Assignees as aforesaid, or after the said Creditors shall be so called on, shall be reckoned as Part of the Time which by virtue of any Statute of Limitations or otherwise is or shall be limited for commencing or prosecuting any Action, Suit, Step, or Proceeding against the Company, or the Persons being Members or Contributories thereof, or any former Members or Contributories thereof, with reference to or in respect of any Debt or Demand which might be discharged or affected by any such Compromise, Composition, Arbitration, or other Arrangement as is herein-before mentioned.

Court may require Security.

VIII. On the Hearing of the Application of any Creditor of any such Company for Leave to commence or proceed with any such Action (otherwise than as aforesaid), or to issue or proceed with a Writ of Scire facias or Execution as aforesaid, it shall be a sufficient Ground for refusing such Leave if the Person against whom or against whose Property or Effects such Action, Scire facias, or Execution shall be sought to be commenced, issued, or proceeded with shall give or shall have given to the Official Assignee, in case such Company shall have been declared bankrupt before an Order shall have been made for winding up the Company, or to the Official Manager in case such Company shall not have been declared bankrupt before such Order shall have been made, Security to the Satisfaction of the Court of Bankruptcy or of the Master or Judge, as the Case may be, for Payment of such Sum or Sums of Money, and upon such Terms, and to be applied in such Manner, as the said Court or the said Master

or

*Joint Stock Companies.**Probates and Letters of Administration (Ireland).*

or Judge shall require, having regard to the Debts and Liabilities of such Company and to the Circumstances of the Case, and upon Payment of such Costs as the said Court of Bankruptcy or the said Master or Judge may think fit: Provided always, that such Security to the Official Manager shall be subject to the Consent of the Representative (if any) for the Time being of the Creditors of such Company, or if there shall be no such Representative at the Time of giving such Security, then the same shall be subject to the Consent of the Representative of such Creditors when appointed.

IX. The Provisions contained in the Thirty-eighth, Fortieth, and Forty-eighth Sections of the "Joint Stock Companies Winding-up Act, 1848," shall extend to and comprise Creditors or Persons who have claimed to be Creditors of the said Company as well as Contributories and alleged Contributories; and after the Judge or Master shall have called on the Creditors to appoint a Representative or Representatives, as herein-before mentioned, such Creditors and Persons who have claimed to be Creditors shall be entitled to attend the Proceedings, and to submit such Proposals, and to inspect such Books, as in the said Sections of the said Act are mentioned.

Creditors to be at liberty to attend Proceedings and inspect Books of Company.

X. It shall be lawful for the Judge or Master of the High Court of Chancery in *England* acting in the winding up of any Company to appoint any Person in *Ireland*, and it shall be lawful for the Master of the High Court of Chancery in *Ireland* acting as aforesaid to appoint any Person in *England*, other than or in addition to the Commissioners, Judges, and other Persons named in the Twentieth Section of "The Joint Stock Companies Winding-up Act, 1849," to be Commissioners for the Purposes and with the same Powers and Authorities as in the said Twentieth Section of the last-mentioned Winding-up Act are named or referred to in that Behalf.

Judge or Master may appoint Commissioners for receiving Evidence.

XI. Nothing in this Act contained shall apply to or affect the Rights and Remedies of any Creditor (unless with his own Consent) under or in respect of any Judgment obtained against any Shareholder in *Ireland*, which Judgment has been prior to the passing of this Act duly registered in manner required by the Act passed in the Session of Parliament holden in the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, intituled *An Act to amend the Laws relating to Judgments in Ireland*, or who shall have actually levied Execution or taken Proceedings to obtain an Attachment; but no such Creditor claiming to retain the Benefit of such registered Judgment, Execution, or Attachment, and not to be affected by any Compromise under this Act, shall be entitled to receive any further Dividend, or to have recourse to any other Remedy or Proceeding, other than such Right and Remedies as he may have in respect of such Judgment, Execution, or Attachment against the Lands which are affected by the same, until all the other Creditors shall have been paid in full.

Rights of Creditor under Judgment obtained in *Ireland* not to be affected.

XII. 'And whereas the Dissolution and Winding-up of unincorporated Companies for working Mines within and subject to the Jurisdiction of the Stannaries can now in most Cases be conveniently, cheaply, and expeditiously effected in the Court of the Vice-Warden of the Stannaries: Be it enacted, That no Petition shall hereafter be filed in the Court of Chancery under the Joint Stock Companies Winding-up Acts, 1848, 1849, by any Adventurer or Shareholder in such a Company, except upon special Application to that Court, alleging and showing to the Satisfaction of the Court that the Company cannot be effectually dissolved or wound up in the Court of the Vice-Warden, or unless the Vice-Warden shall certify to the Court of Chancery that the Jurisdiction and Powers of his Court are, under the Circumstances, insufficient effectually to dissolve or wind up the same.

Petitions for winding-up certain Mining Companies not to be filed in Court of Chancery, except upon Application to Court of Stannaries, &c.

XIII. In all Cases where such a Petition shall, upon such Application or Certificate, be filed in the Court of Chancery, the Proof of Debts and Creditors Claims, the Sale of Machinery and other Effects of the Company within the Stannaries, and the Distribution of the Proceeds of such Sales, shall be effected (under the general Direction of the Court of Chancery), but by and through the immediate Agency of the Vice-Warden or Registrar of his Court, unless it shall appear to the Court of Chancery to be more conducive to the Interests or Convenience of Adventurers and Creditors, or to the saving of Time or Expense, that such Proceedings or any of them shall take place in the ordinary Course and Practice of the Court of Chancery under the Winding-up Acts above referred to.

In Cases where such Petitions are filed, Proof of Debts, Sales of Effects, &c., to be effected through Court of Stannaries.

XIV. This Act shall be taken and construed as a Part of the said "Joint Stock Companies Winding-up Acts, 1848 and 1849."

Act deemed Part of Winding-up Acts.

XV. The Words Shareholder, Member, Contributory, and alleged Contributory shall be severally taken to include all Contributories or alleged Contributories within the Meaning of the said "Joint Stock Companies Winding-up Acts, 1848 and 1849," and also all Persons who may apprehend or desire to be discharged from Responsibility in respect of the Debts, Liabilities, or Obligations of the Company.

Interpretation of Terms.

XVI. In citing this Act in other Acts of Parliament, and in legal Instruments and in legal Proceedings, it shall be sufficient to use the Expression "The Joint Stock Companies Winding-up Amendment Act, 1857."

Short Title of Act.

## C A P. LXXIX.

An Act to amend the Law relating to Probates and Letters of Administration in *Ireland*.

[25th August 1857.]

' WHEREAS it is expedient to amend the Law relating to Probates and Letters of Administration, and that all Jurisdiction in relation to the Grant and Revocation of Probates of Wills and Letters of Administration in *Ireland* should be exercised, in the Name of Her Majesty, by One Court: Be it enacted

*Probates and Letters of Administration (Ireland).*

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

Commence-  
ment of Act.

I. This Act (except where otherwise specially provided) shall come into operation on such Day, not sooner than the First Day of *January* One thousand eight hundred and fifty-eight, as the Lord Lieutenant shall by Order in Council appoint, provided that such Order shall be made One Month at least previously to the Day so to be appointed.

Interpretation  
of Terms.

II. In the Construction of this Act, unless the Context be inconsistent with the Meaning hereby assigned—

“Will” shall comprehend “Testament” and all other Testamentary Instruments of which Probate may now be granted:

“Administration” shall comprehend all Letters of Administration of the Effects of deceased Persons, whether with or without the Will annexed, and whether granted for general, special, or limited Purposes:

“Matters and Causes Testamentary” shall comprehend all Matters and Causes relating to the Grant and Revocation of Probate of Wills or of Administration:

“Common Form Business” shall mean the Business of obtaining Probate and Administration where there is no Contention as to the Right thereto, including the passing of Probates and Administrations through the Court of Probate in contentious Cases when the Contest is terminated, and all Business of a non-contentious Nature to be taken in the Court in Matters of Testacy and Intestacy, not being Proceedings in any Suit, and also the Business of lodging Caveats against the Grant of Probate or Administration:

“The Court” shall mean Her Majesty's Court of Probate hereby established, and shall also include the Judge of the said Court:

“The Judge” shall mean the Judge of the said Court:

“The Court of Chancery” shall mean the High Court of Chancery in *Ireland*:

“Accountant General” shall mean the Accountant General in the High Court of Chancery in *Ireland*:

“The Prerogative Court” shall mean Her Majesty's Court of Prerogative in *Ireland*:

“Lord Chancellor” shall comprehend the Lord Chancellor and Lords Commissioners for the Custody of the Great Seal of *Ireland* for the Time being:

“Lord Lieutenant” shall include the Lords Justices or other Chief Governor or Governors of *Ireland*:

“Person” shall mean a Body Politic, Corporate, or Collegiate, as well as an Individual:

“Superior Courts” shall mean Her Majesty's Superior Courts of Record at *Dublin*:

“The Testamentary Office” shall mean the Public Registry attached or belonging to Her Majesty's Court of Probate under this Act, and the Offices connected therewith:

“The District Office” shall mean the Public Registry attaching or belonging to Her Majesty's Court of Probate in each District hereby established:

“The Registrar” shall mean the Principal Registrar and other Registrars of the Testamentary Office:

“District Registrar” shall mean the Registrar of each District Office hereby established.

III. This Act may be cited as “The Probates and Letters of Administration Act (*Ireland*), 1857.”

IV. This Act shall not extend to *England* or *Scotland*, except where expressly mentioned.

V. The voluntary and contentious Jurisdiction and Authority of all Ecclesiastical, Royal Peculiar, Peculiar, Manorial, and other Courts and Persons in *Ireland*, now having Jurisdiction or Authority to grant or revoke Probate of Wills or Letters of Administration of the Effects of deceased Persons, shall in respect of such Matters absolutely cease; and no Jurisdiction or Authority in relation to any Matters or Causes Testamentary, or to any Matter arising out of or connected with the Grant or Revocation of Probate or Administration, shall belong to or be exercised by any such Court or Person.

VI. The voluntary and contentious Jurisdiction and Authority in relation to the granting or revoking Probate of Wills and Letters of Administration of the Effects of deceased Persons now vested in or which can be exercised by any Court or Person in *Ireland*, together with full Authority to hear and determine all Questions relating to Matters and Causes Testamentary, shall belong to and be vested in Her Majesty, and shall, except as herein-after is mentioned, be exercised in the Name of Her Majesty in a Court to be called “The Court of Probate,” and to hold its ordinary Sittings and to have its Principal Registry at such Place or Places in *Dublin* as the Lord Lieutenant in Council shall from Time to Time appoint.

VII. There shall be One Judge of Her Majesty's Court of Probate; and it shall be lawful for Her Majesty from Time to Time, by Letters Patent under the Great Seal of *Ireland*, to appoint a Person, being or having been a Barrister-at-Law of Fifteen Years Standing, to be such Judge: Provided, that the Person who, at the Time of the passing of this Act, may be the Judge of the Prerogative Court, shall be the First Judge of Her Majesty's Court of Probate; and provided, that no Person holding the said Office of Judge shall be capable of being elected or being a Member of the present or any future House of Commons.

VIII. The

Short Title of  
Act.

Extent of Act.  
Testamentary  
Jurisdiction of  
Ecclesiastical  
and other  
Courts abo-  
lished.

Testamentary  
Jurisdiction to  
be exercised by  
a Court of Pro-  
bate.

Power to Her  
Majesty to ap-  
point Judge of  
Court of Pro-  
bate; First  
Judge to be  
present Judge  
of Prerogative  
Court.



*Probates and Letters of Administration (Ireland).*

VIII. The Judge shall hold his Office during good Behaviour, provided that it shall be lawful for Her Majesty to remove any such Judge from his Office upon an Address of both Houses of Parliament.

IX. Every Judge of the Court shall, before executing any of the Duties of his Office, take the following Oath, which the Lord Chancellor or the Master of the Rolls in *Ireland* for the Time being is hereby respectively authorized and required to administer:

‘ I *A.B.* do solemnly and sincerely promise and swear, That I will duly and faithfully, and to the best of my Skill and Power, execute the Office of Judge of the Court of Probate: So help me GOD.’

X. The Judge shall have Rank and Precedence with the Puisne Judges of Her Majesty’s Superior Courts according to the Date of his Appointment; and he shall have a Secretary and Usher, to be from Time to Time appointed and removed by him at his Pleasure.

XI. The Judge shall be One of “The Commissioners of Charitable Donations and Bequests for *Ireland*,” under Statute Seventh and Eighth *Victoria*, Chapter Ninety-seven, in lieu of “The Judge of Her Majesty’s Court of Prerogative for Causes Ecclesiastical and Court of Faculties in and throughout *Ireland*.”

XII. There shall be paid to the Judge the net yearly Salary of Three thousand five hundred Pounds, and to his Secretary the net yearly Salary of Three hundred Pounds, and to his Usher the net yearly Salary of Seventy-five Pounds.

XIII. From and after the Period at which this Act shall come into operation, so much of the Statute passed in the Session of Parliament holden in the Seventh and Eighth Years of the Reign of King *George* the Fourth, Chapter Forty-four, as relates to the Payment of a Salary of Three thousand Pounds to the Judge of the Prerogative Court and Court of Faculties in *Ireland* shall be and is hereby repealed.

XIV. Upon the next Vacancy in the Office of Judge of the High Court of Admiralty in *Ireland*, it shall be lawful for Her Majesty, if She so think fit, to appoint the Person then being Judge of the Court of Probate to be also Judge of the said Court of Admiralty, and after the Union of the said Two Offices they shall be thenceforth held by the same Person.

XV. Her Majesty, by Letters Patent under the Great Seal of the United Kingdom, may grant unto any Person executing the Office of Judge of Her Majesty’s Court of Probate an Annuity, not exceeding Two thousand three hundred and thirty-three Pounds Six Shillings and Eightpence, to commence immediately after the Day when the Person to whom such Annuity shall be granted shall resign the said Office or Offices, and to continue during his natural Life; provided that Her Majesty may, in and by such Letters Patent, limit the Duration of Payment of such Annuity, or any Part thereof, to such Periods of Time during the natural Life of such Person in which he shall not exercise any Office of Profit under Her Majesty, so that such Annuity, together with the Salary and Profits of such other Office, shall together not exceed in the whole the said Sum of Two thousand three hundred and thirty-three Pounds Six Shillings and Eightpence: Provided also, that no Annuity granted to any Person having executed the Office of Judge under this Act, except the present Judge of the Prerogative Court, shall be valid unless such Person shall have held such Office for the Period of Fifteen Years, or have held such Office and any of the Offices of Judge in any of the Superior Courts of Law or Equity for Periods amounting together to Fifteen Years, or shall be afflicted with some permanent Infirmary disabling him from the due Execution of his Office, which shall be distinctly recited in the said Grant.

XVI. There shall be established for each of the Districts specified in Schedule (A.) to this Act, and at the Places respectively mentioned in such Schedule, a Public Registry attached to and under the Control of the Court of Probate, herein-after referred to as “The District Registry.”

XVII. It shall be lawful for the Lord Lieutenant in Council from Time to Time to alter the said Districts or any One or more of them, and add to or reduce the Number thereof, and to direct that the District Registry shall be held at such Place within the District as to the Lord Lieutenant in Council shall appear most convenient and suitable.

XVIII. There shall be Two Registrars, One Record Keeper, and One Clerk of the Seal for the Principal Registry of the Court of Probate, and there shall be One District Registrar for each District Registry, herein-after referred to as the District Registrar, and there shall be so many Clerks and other Officers for the Court and the Principal Registry as the Judge of the Court, with the Sanction of the Commissioners of Her Majesty’s Treasury, may from Time to Time think fit: Provided, that if at any Time it appear to the Lord Lieutenant in Council that the Duties of the Registrars of the Principal Registry of the Court of Probate can be performed by One Registrar, it shall be lawful for the Lord Lieutenant by Order in Council to direct that the Number of Registrars for such Principal Registry be reduced accordingly.

XIX. *Maurice Keatinge*, One of the present Deputy Registrars of the Prerogative Court, and *William Wiley*, Esquire, LL.D., One of the Advocates in the said Prerogative Court, shall be the First Registrars of the Principal Registry of the Court of Probate; the present Clerk of the Records of the said Prerogative Court shall be the First Record Keeper at the said Principal Registry; and the present Senior Clerk and Clerk of the Seal of the said Prerogative Court shall, if willing to accept the Office, be the First Clerk of the Seal at the said Principal Registry.

XX. Such of the other Clerks and Officers now employed in the said Prerogative Court (whose Services shall be necessary) shall be transferred to such Situations in the Court of Probate and the

Judge’s Tenure of Office.

Judge, before acting, to take the following Oath.

Rank, &c. of Judge, &c.

The Judge to be a Commissioner of Charitable Donations and Bequests.

Salaries of Judge, Secretary, and Usher.

Repeal of 7 & 8 G. 4. c. 44. as to certain Salaries.

Judge may be Judge of Admiralty Court on next Vacancy.

Retiring Pensions of Judges.

District Registries to be established.

Lord Lieutenant may alter Districts.

Appointment of Officers of the Court of Probate.

As to Appointment of the First Officers of the Principal Registry.

Clerks and Officers of Prerogative Court.

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to be transferred to like Offices in Court of Probate. Principal Registry thereof as the Judge may in that Behalf direct, so that their Duties may be such as, in the Opinion of the said Judge, may be as nearly as possible similar to those which they have heretofore discharged in the said Prerogative Court: Provided always, that no such Clerk or other Officer shall be so transferred whom the Judge shall consider to be from Age, Infirmity, or other Cause incompetent to the Discharge of his Duties.

Existing Diocesan Registrars to be entitled to be appointed District Registrars at the same Places. XXI. The Registrar or Deputy Registrar (as the Case may be) now executing in Person the Duties of Registrar of a Diocesan or other Court within the District which a District Registry is to be established under this Act, or where there is more than One such Registrar or Deputy Registrar so acting such One of them as the Judge shall select, shall be appointed the First District Registrar for such District, save where the Judge shall consider such Registrar or Deputy Registrar, or all such Registrars or Deputy Registrars if more than One, to be from Age, Infirmity, or other Cause incompetent to the Discharge of the Duties of District Registrar.

Clerk of Peace to be appointed District Registrar in certain Cases. XXII. In case there shall be no Person competent to fill the Office of District Registrar for any District within the Meaning of the last preceding Section, and also on the Death, Resignation, or Removal of any Person appointed to fill such Office, the Judge shall appoint the Clerk of the Peace for the County or County of a City in which the District Registry is situate, or if he shall be from any Cause incompetent or shall be removed then some other Clerk of the Peace within the District, to be the District Registrar, and the Office of such Clerk of the Peace shall be the District Registry.

As to Appointment to Offices. Salaries of Officers. XXIII. The Registrars and other Officers of the Court of Probate, except as herein-before provided, shall be appointed by the Judge, but subject to the Approval of the Lord Chancellor: There shall be paid to the several Officers mentioned in Schedule B. to this Act, the several Salaries set opposite to their respective Titles in the same Schedule, and the said District Registrars shall, as the Remuneration for the Performance of their Duties under this Act, including the Services of any Clerks they may employ, be entitled to take in respect of the Business in their respective District Registries such Fees as shall be fixed as herein-after provided; and, except as aforesaid, there shall be paid to the several Clerks and other Officers appointed under this Act such Salaries or other Remuneration as the Judge, with the Approval of the Lord Chancellor and the Consent of the Commissioners of Her Majesty's Treasury, shall from Time to Time in each Case direct.

Tenure of Office of Officers. XXIV. The Registrars and District Registrars shall hold their Offices during good Behaviour, subject to be removed by Order of the Lord Chancellor for some reasonable Cause to be in such Order expressed; and the other Officers of the Court may be removed by the Judge, with the Sanction of the Lord Chancellor.

Qualification of Registrars and District Registrars. XXV. No Person shall be appointed a Registrar who shall not be or have been an Advocate, Barrister-at-Law, Proctor, Solicitor, or Attorney-at-Law, unless at the Time of the passing of this Act he is performing in Person the Duties of Registrar or Deputy Registrar of some Ecclesiastical Court in *Ireland*.

Officers to perform Duties in Person, Registrars, &c. not to act as Proctors, &c. XXVI. All Registrars, District Registrars, Officers, and Clerks of the Court shall execute their respective Offices in Person, and not by Deputy; and no Registrar of the Principal Registry of the Court, nor any Officer or Clerk in the Principal Registry thereof, shall during the Time of his holding such Office directly or indirectly practise as an Advocate, Barrister, Proctor, Solicitor, or Attorney, or receive or participate in the Fees of any other Person so practising.

Power to Judge to cause Seals of the Court to be provided. XXVII. The Judge shall cause to be made Seals for the Court of Probate, that is to say, One Seal to be used in its Principal Registry, and separate Seals to be used in the several District Registries, and may cause the same respectively from Time to Time to be broken, altered, and renewed at his Discretion; and all Probates, Letters of Administration, Orders, and other Instruments, and Exemplifications and Copies thereof respectively, purporting to be sealed with any Seal of the Court of Probate, shall in all Parts of the United Kingdom be received in Evidence without further Proof thereof.

The Court to have throughout all Ireland the same Powers as the Prerogative Court. XXVIII. The Court shall be a Court of Record, and shall have the same Powers, and its Grants and Orders shall have the same Effect, throughout all *Ireland*, and in relation to the Personal Estate in all Parts of *Ireland* of deceased Persons, as the Prerogative Court and its Grants and Orders respectively now have in relation to those Matters and Causes Testamentary and those Effects of deceased Persons which are within the Jurisdiction of the said Prerogative Court; and all Duties which, by Statute or otherwise, are imposed on or should be performed by Ordinaries generally, or on or by the said Prerogative Court, in respect of Probates, Administrations, or Matters or Causes Testamentary within their respective Jurisdictions, shall be performed by the Court of Probate: Provided that no Suits for Legacies, or Suits for the Distribution of Residues, shall be entertained by the Court, or by any Court or Person whose Jurisdiction as to Matters and Causes Testamentary is hereby abolished.

Suits for Legacies, &c. not to be entertained. Power to examine Witnesses. XXIX. The Court may require the Attendance of any Party in Person, or of any Person whom it may think fit to examine or cause to be examined in any Suit or other Proceeding in respect of Matters or Causes Testamentary, or may examine or cause to be examined upon Oath or Affirmation, as the Case may require, Parties and Witnesses by Word of Mouth, and may, either before or after or with or without such Examination, cause them or any of them to be examined on Interrogatories, or receive their or any of their Affidavits or solemn Affirmations, as the Case may be; and the Court may by Writ require such Attendance, and order to be produced before itself or otherwise any Deeds, Evidences, or Writings,

As to Production of Deeds, &c.

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Writings, in the same Form, or nearly as may be, as that in which a Writ of Subpœna ad testificandum, or of Subpœna duces tecum, is now issued by any of the Superior Courts of Law; and every Person disobeying any such Writ shall be considered as in Contempt of the Court, and also be liable to forfeit a Sum not exceeding One hundred Pounds.

XXX. The Court shall have the like Powers, Jurisdiction, and Authority for enforcing the Attendance of Persons required by it as aforesaid, and for punishing Persons failing, neglecting, or refusing to produce Deeds, Evidences, or Writings, or refusing to appear or to be sworn, or make Affirmation or Declaration, or to give Evidence, or guilty of Contempt, and generally for enforcing all Orders, Decrees, and Judgments made or given by the Court under this Act, and otherwise in relation to the Matters to be inquired into and done by or under the Orders of the Court under this Act, as are by Law vested in the Court of Chancery for such Purposes in relation to any Suit or Matter depending in such Court.

XXXI. The Court may, on Motion or Petition, or otherwise, in a summary Way, whether any Suit or other Proceeding shall or shall not be pending in the Court with respect to any Probate or Administration, order any Person to produce and bring into the Principal or any District Registry, or otherwise as the Court may direct, any Paper or Writing being or purporting to be testamentary, which may be shown to be in the Possession or under the Control of such Person; and if it be not shown that any such Paper or Writing is in the Possession or under the Control of such Person, but it shall appear that there are reasonable Grounds for believing that he has the Knowledge of any such Paper or Writing, the Court may direct such Person to attend for the Purpose of being examined in open Court, or upon Interrogatories respecting the same, and such Person shall be bound to answer such Questions or Interrogatories, and, if so ordered, to produce and bring in such Paper or Writing, and shall be subject to the like Process of Contempt in case of Default in not attending or in not answering such Questions or Interrogatories, or not bringing in such Paper or Writing, as he would have been subject to in case he had been a Party to a Suit in the Court and had made such Default; and the Costs of any such Motion, Petition, or other Proceeding shall be in the Discretion of the Court.

XXXII. The Registrars and District Registrars shall respectively have full Power to administer Oaths; and all Persons who at the Commencement of this Act shall be acting as Surrogates of any Ecclesiastical Court, and any other Persons whom the Judge shall, under the Seal of the Court, from Time to Time appoint, shall respectively have full Power to administer Oaths and perform such other Duties in reference to Matters and Causes Testamentary as may be assigned to them from Time to Time by the Rules and Orders under this Act; and the Persons so appointed shall be styled "Commissioners of Her Majesty's Court of Probate:" Provided, that any Party required to be examined, or any Person called as a Witness or required or desiring to make an Affidavit or Deposition under or for the Purposes of this Act, shall be permitted to make his solemn Affirmation or Declaration instead of being sworn, in the Circumstances and Manner in which a Person called as a Witness so desiring to make an Affidavit or Deposition in any of the Superior Courts would now be permitted so to do; and any Person who shall wilfully give false Evidence, or who shall wilfully swear, affirm, or declare falsely in any Affidavit or Deposition before the Court of Probate, or before any Registrar, District Registrar, or Commissioner of the Court, shall be liable to the Penalties and Consequences of wilful and corrupt Perjury.

XXXIII. If any Person forge the Signature of any Registrar, District Registrar, or Commissioner for taking Oaths, or forge or counterfeit any Seal of the Court of Probate, or knowingly use or concur in using any such forged or counterfeit Signature or Seal, or tender in Evidence any Document with a false or counterfeit Signature of such Registrar, District Registrar, or Commissioner, or with a false or counterfeit Seal, knowing the same Signature or Seal to be false or counterfeit, every such Person shall be guilty of Felony, and shall upon Conviction be liable to Penal Servitude for the Term of his Life or any Term not less than Seven Years, or to Imprisonment for any Term not exceeding Three Years with or without Hard Labour.

XXXIV. The Practice of the Court of Probate shall, except where otherwise provided by this Act, or by the Rules or Orders to be from Time to Time made under this Act, be, so far as the Circumstances of the Case will admit, according to the present Practice in the Prerogative Court.

XXXV. And to the Intent and End that the Procedure and Practice of the Court may be of the most simple and expeditious Character, it shall be lawful for the Lord Chancellor, at any Time after the passing of this Act, with the Advice and Assistance of the Lord Chief Justice of the Court of Queen's Bench, or any One of the Judges of the Superior Courts of Law to be by such Chief Justice named in that Behalf, and of the Judge of the said Prerogative Court, to make Rules and Orders, to take effect when this Act shall come into operation, for regulating the Procedure and Practice of the Court, and the Duties of the Registrars, District Registrars, and other Officers thereof, and for determining what shall be deemed contentious and what shall be deemed non-contentious Business, and, subject to the express Provisions of this Act, for fixing and regulating the Time and Manner of appealing from the Decisions of the said Court, and generally for carrying the Provisions of this Act into effect; and, after the Time when this Act shall come into operation, it shall be lawful for the Judge of the Court of Probate from Time to Time, with the Concurrence of the Lord Chancellor and the said

Powers of the Court to enforce Orders.

Order to produce any Instrument purporting to be testamentary.

Registrars, &c. to have Power to administer Oaths.

Power to appoint, also, Commissioners to administer Oaths, &c.

Penalty on forging or counterfeiting Seals or Signatures of Officers.

Practice of the Court.

Rules and Orders to be made for regulating the Procedure of the Court.

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Lord Chief Justice, or any One of the Judges of the Superior Courts of Law to be by such Chief Justice named in this Behalf, to repeal, amend, or alter any such Rules and Orders, or make other Orders in lieu thereof, as to him, with such Concurrence as aforesaid, may seem fit.

Mode of taking Evidence in contentious Matters.

XXXVI. Subject to the Regulations to be established by such Rules and Orders as aforesaid, the Witnesses, and where necessary the Parties, in all contentious Matters where their Attendance can be had, shall be examined orally by or before the Judge in open Court: Provided always, that, subject to any such Regulations as aforesaid, the Parties shall be at liberty to verify their respective Cases, in whole or in part, by Affidavit, but so that the Deponent in every such Affidavit shall, on the Application of the opposite Party, be subject to be cross-examined by or on behalf of such opposite Party, orally in open Court as aforesaid, and after such Cross-examination may be re-examined orally in open Court as aforesaid by or on behalf of the Party by whom such Affidavit was filed.

Court may issue Commissions or give Orders for Examination of Witnesses abroad, or unable to attend.

3 & 4 Vict. c. 105.

XXXVII. Provided, That where a Witness in any such Matter is out of the Jurisdiction of the Court, or where, by reason of his Illness or otherwise, the Court shall not think fit to enforce the Attendance of the Witness in open Court, it shall be lawful for the Court to order a Commission to issue for the Examination of such Witness on Oath, upon Interrogatories or otherwise, or if the Witness be within the Jurisdiction of the Court to order the Examination of such Witness on Oath, upon Interrogatories or otherwise, before any Officer of the said Court, or other Person to be named in such Order for the Purpose; and all the Powers given to the Courts of Law at *Dublin* by the Act of the Session of Parliament held in the Third and Fourth Years of the Reign of Her Majesty Queen *Victoria*, Chapter One hundred and five, for enabling the Courts of Law at *Dublin* to issue Commissions and give Orders for the Examination of Witnesses in Actions depending in such Courts, and to enforce such Examination, and all the Provisions of the said Acts, and of any other Acts for enforcing or otherwise applicable to such Examination, and the Witnesses examined, shall extend and be applicable to the said Court of Probate and to the Examination of Witnesses under the Commissions and Orders of the said Court, and to the Witnesses examined, as if such Court were One of the Courts of Law at *Dublin*, and the Matter before it were an Action pending in such Court.

What Rules of Evidence to be observed.

Common Law Judges may sit.

XXXVIII. The Rules of Evidence observed in the Superior Courts of Common Law shall be applicable to and observed in the Trial of all Questions of Fact in the Court of Probate.

XXXIX. It shall be lawful for the Judge of the Court to sit, with the Assistance of any Judge or Judges of any of the Superior Courts of Law, who, upon the Request of the Lord Chancellor, may find it convenient to attend for that Purpose.

Provision in case of Absence of Judge, &c.

XL. In case of Illness or unavoidable Absence of the Judge, or in any Suit or Matter in which the Judge, his Wife, or Child, or any Member of his Family, shall have an Interest, such other Judge of any of the Superior Courts of Law who, on the Request of the Lord Chancellor, shall find it convenient to attend, may sit for the Judge of the Court and exercise all his Powers.

Court may cause Questions of Fact to be tried by a Jury before itself, or direct an Issue to a Court of Law.

XLI. It shall be lawful for the Court of Probate to cause any Question of Fact arising in any Suit or Proceeding under this Act to be tried by a Special or Common Jury before the Court itself, or by means of an Issue to be directed to any of the Superior Courts of Common Law, in the same Manner as an Issue may now be directed by the Court of Chancery, and such Question shall be so tried by a Jury in any Case where an Heir-at-Law, cited or otherwise made Party to the Suit or Proceeding, makes Application to the Court of Probate for that Purpose; and in any other Case where all the Parties to the Suit or Proceeding concur in such an Application, and where any Party or Parties other than such Heir-at-Law make a like Application (the other Party or Parties not concurring therein), and the Court shall refuse to cause such Question to be tried by a Jury, such Refusal of the Court shall be subject to Appeal as herein provided.

Powers of the Court for the Trial of Questions by a Jury.

XLII. When the Court shall order a Question of Fact to be tried before itself by a Jury, the Court may make all such Rules and Orders upon the Sheriff or any other Person for procuring the Attendance of a Special or Common Jury for the Trial of such Question as may now be made by any of the Superior Courts of Common Law at *Dublin*, and may also make any other Orders which to such Court may seem requisite; and every such Jury shall consist of Persons possessing the like Qualifications, and shall be struck, summoned, balloted for, and called in like Manner as if such Jury were a Jury for the Trial of any Cause in any of the said Superior Courts; and every Juryman so summoned shall be entitled to the same Rights and subject to the same Duties and Liabilities as if he had been duly summoned for the Trial of any such Cause in any of the said Superior Courts; and every Party to any such Proceeding shall be entitled to the same Rights as to Challenge and otherwise as if he were a Party to any such Cause; and generally for all Purposes of or auxiliary to the Trial of Questions of Fact by a Jury before the Court itself, and in respect of new Trials thereof, and also for all Purposes in relation to or consequential upon the Direction of Issues, the Court of Probate shall have the same Jurisdiction, Powers, and Authority in all respects as belong to any Superior Court of Common Law, or to any Judge thereof, or to the High Court of Chancery, or any Judge thereof, for the like Purposes.

Question to be stated, and Jury sworn to try it.

XLIII. When any such Question shall be so ordered to be tried by a Jury before the Court itself, such Question shall be reduced into Writing in such Form as the Court shall direct, and at the Trial the Jury shall be sworn to try the said Question, and a true Verdict to give thereon according to the Evidence; and

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and upon every such Trial the Court of Probate shall have the same Powers, Jurisdiction, and Authority as belong to any Judge of any of the said Superior Courts sitting at Nisi Prius. Authority of Court on Trial.

XLIV. Where the Court of Probate directs an Issue, it shall be lawful for such Court to direct such Issue to be tried in any Court of Common Law, and either before a Judge of Assize in any County or at the Sittings for the Trial of Causes in *Dublin*, and either by a Special or Common Jury, in like Manner as is now done by the Court of Chancery. Court may direct Issues to try any Fact.

XLV. Any Person considering himself aggrieved by any final or interlocutory Decree or Order of the Court of Probate may appeal therefrom to the Court of Appeal in Chancery, and thence to the House of Lords: Provided always, that no Appeal from any interlocutory Order of the Court of Probate shall be made without Leave of the Court of Probate first obtained, but on the Hearing of an Appeal from any final Decree all interlocutory Orders complained of shall be considered as under Appeal as well as the final Decree. Appeal to the House of Lords.

XLVI. All Persons who at the Time of the passing of this Act have been admitted Advocates in the Prerogative Court, and all Barristers-at-Law, shall be entitled to practise as Advocates or Counsel in all Matters and Causes in the said Court. Advocates and Barristers may practise.

XLVII. Every Person who at the Time of the passing of this Act is actually admitted and practising as a Proctor in the Prerogative Court may, upon his Application, at any Time within One Year after the passing of this Act, be admitted a Proctor of the Court of Probate, without Payment of any Fee or Stamp Duty. Proctors admitted to practise.

XLVIII. Every Person who at the Time of the passing of this Act is actually admitted and practising as a Proctor of the Court of Prerogative or any other Ecclesiastical Court in *Ireland* may, within One Year after the passing of this Act, be admitted, without the Payment of any Stamp Duty, Fee, Charge, or Gratuity whatsoever, as a Solicitor of the High Court of Chancery, upon the Production of his Appointment or Admission as such Registrar, Deputy Registrar, or Proctor, or an Official Certificate thereof; and upon the Production of an Official Certificate that such Appointment or Admission continued in force at the Time of the passing of this Act, and upon signing the Roll of Solicitors of the High Court of Chancery, but not otherwise, such Person shall be entitled to be admitted as a Solicitor of such Court, and to be afterwards in like Manner admitted and enrolled as an Attorney of Her Majesty's Superior Courts. Admission of Proctors as Solicitors.

XLIX. All Persons now or hereafter admitted to practise in any Ecclesiastical Court in *Ireland*, and all Solicitors and Attornies-at-Law, may practise in the Court, and the Laws and Statutes now in force concerning Solicitors and Attornies shall extend to Solicitors and Attornies practising in the Court: The Commissioners for taking Oaths in the High Court of Chancery shall be Commissioners for taking Oaths in the Court. Practitioners.

L. Probate of a Will or Letters of Administration may, upon Application for that Purpose to the District Registry, be granted in Common Form by the District Registrar in the Name of the Court of Probate and under the Seal appointed to be used in such District Registry, if it shall appear by Affidavit of the Person or some or One of the Persons applying for the same that the Testator or Intestate, as the Case may be, at the Time of his Death had a fixed Place of Abode within the District in which the Application is made, such Place of Abode being stated in the Affidavit; and all Grants of Probate and Letters of Administration granted by such District Registrars shall be deemed Grants by the Court, and shall have effect over the Personal Estate of the Deceased in all Parts of *Ireland* accordingly. When Probates and Administration may be granted by District Registrars.

LI. Such Affidavit shall be conclusive for the Purpose of authorizing the Grant, by the District Registrar, of Probate or Administration; and no such Grant of Probate or Administration shall be liable to be recalled, revoked, or otherwise impeached by reason that the Testator or Intestate had no fixed Place of Abode within the District at the Time of his Death; and every Probate and Administration granted by any such District Registrar shall effectually discharge and protect all Persons paying to or dealing with any Executor or Administrator thereunder, notwithstanding the Want of or Defect in such Affidavit as is hereby required. Affidavit to be conclusive for authorizing Grant of Probate.

LII. The District Registrar shall not grant Probate or Administration in any Case in which there is Contention as to the Grant until such Contention is terminated or disposed of by Decree or otherwise, or in which it otherwise appears to him that Probate or Administration ought not to be granted in Common Form. District Registrars not to make Grants where there is Contention, &c.

LIII. Notice of every Application to any District Registrar for the Grant of Probate or Administration shall be transmitted by such District Registrar to the Registrars of the Principal Registry by the next Post after such Application shall have been made; and such Notice shall specify the Name and Description, or Addition (if any), of the Testator or Intestate, the Time of his Death, and the Place of his Abode at his Decease, as stated in the Affidavit made in support of such Application, and the Name of the Person by whom the Application has been made, and such other Particulars as may be directed by Rules or Orders under this Act; and no Probate or Administration shall be granted in pursuance of such Application until such District Registrar shall have received a Certificate, under the Hand of One of the Registrars of the Principal Registry, that no other Application appears to have been made in respect of the Goods of the same deceased Person, which Certificate the said Registrar of the Principal Registry shall forward as soon as may be to the District Registrar; all such Notices, in respect of Applications in

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in the District Registries; shall be filed and kept in the Principal Registry, and the Registrars of the Principal Registry shall, with reference to every such Notice, examine all Notices of such Applications which may have been received from the several other District Registries, and the Applications which may have been made for Grants of Probate or Administration at the Principal Registry, so far as it may appear necessary to ascertain whether or no Application for Probate or Administration, in respect of the Goods of the same deceased Person, may have been made in more than One Registry, and shall communicate with the District Registrars as Occasion may require in relation to such Applications.

District Registrar in case of Doubt as to Grant to take the Directions of the Judge.

LIV. In every Case where it appears to a District Registrar that it is doubtful whether the Probate or Letters of Administration which may be applied for should or should not be granted, or where any Question arises in relation to the Grant, or Application for the Grant, of any Probate or Administration, the District Registrar shall transmit a Statement of the Matter in question to the Registrars of the Court of Probate, who shall obtain the Directions of the Judge in relation thereto, and the Judge may direct the District Registrar to proceed in the Manner of the Application according to such Instructions as to the Judge may seem necessary, or may forbid any further Proceeding by the District Registrar in relation to the Matter of such Application, leaving the Party applying for the Grant in question to make Application to the Court of Probate through its Principal Registry, or, if the Case be within its Jurisdiction, to the Court of the Assistant Barrister.

District Registrars to transmit Lists of Probates and Administrations, and Copies of Wills.

LV. On the First and Third *Thursday* of every Month, or oftener if required by any Rules or Orders to be made in that Behalf, every District Registrar shall transmit to the Registrars of the Principal Registry a List, in such Form and containing such Particulars as may be from Time to Time required by the Court of Probate, or by any Rules or Orders under this Act, of the Grants of Probate and Administration made by such District Registrar up to the last preceding *Saturday*, and not included in a previous Return, and also a Copy, certified by the District Registrar to be a correct Copy, of every Will to which any such Probate or Administration relates.

District Registrars to preserve original Wills.

LVI. Every District Registrar shall file and preserve all original Wills of which Probate or Letters of Administration with the Will annexed may be granted by him, in the Public Registry of the District, subject to such Regulations as the Judge of the Court of Probate may from Time to Time make in relation to the due Preservation thereof, and the convenient Inspection of the same.

As to Caveats.

LVII. Caveats against the Grant of Probates or Administrations may be lodged in the Principal Registry or in any District Registry, and (subject to any Rules or Orders under this Act) the Practice and Procedure under such Caveats in the Court of Probate shall, as near as may be, correspond with the Practice and Procedure under Caveats now in use in the Prerogative Court; and immediately upon a Caveat being lodged in any District Registry, the District Registrar shall send a Copy thereof to the Registrars to be entered among the Caveats in the Principal Registry; and immediately upon a Caveat being entered in the Principal Registry, Notice thereof shall be given to the District Registrar of the District, if any, in which it is alleged the Deceased resided at the Time of his Decease, and to any other District Registrar to whom it may appear to the Registrar of the Principal Registry expedient to transmit the same.

Where Personalty is under 200*l.*, and Real Property under 300*l.*, Assistant Barrister to have Jurisdiction.

LVIII. Where it shall appear by Affidavit of the Person or some or One of the Persons applying for Probate or Letters of Administration that the Testator or Intestate had at the Time of his Death his fixed Place of Abode in One of the Districts specified in Schedule (A.) to this Act, and that the Personal Estate in respect of which such Probate or Letters of Administration should be granted under this Act, exclusive of what the Deceased shall have been possessed of or entitled to as a Trustee, and not beneficially, but without deducting anything on account of the Debts due and owing from the Deceased, is under the Value of Two hundred Pounds, and that the Deceased at the Time of his Death was not seised or entitled beneficially of or to any Real Estate, or that the Value of the Real Estate of or to which he was seised or entitled beneficially at the Time of his Death was under the Value of Three hundred Pounds, the Assistant Barrister having Jurisdiction in the Place in which it shall be sworn that the Deceased had at the Time of his Death his fixed Place of Abode shall have the contentious Jurisdiction and Authority of the Court of Probate in respect of Questions as to the Grant and Revocation of Probate of the Will or Letters of Administration of the Effects of such deceased Person in case there be any Contention in relation thereto.

Clerk of the Peace of the County Court to transmit Certificate of Decree for Grant or Revocation of Probate.

LIX. On a Decree being made by an Assistant Barrister for the Grant or Revocation of a Probate or Administration in any such Cause, the Clerk of the Peace of the County shall transmit to the District Registrar of the District in which it shall have been sworn that the Deceased had at the Time of his Decease his fixed Place of Abode a Certificate of such Decree having been made, and thereupon, on the Application of the Party or Parties in favour of whom such Decree shall have been made, a Probate or Administration in compliance with such Decree shall be issued from such District Registry; or, as the Case may require, the Probate or Letters of Administration theretofore granted shall be recalled or varied by the District Registrar according to the Effect of such Decree.

The Assistant Barrister to decide Causes and enforce

LX. The Assistant Barrister before whom any disputed Question shall be raised relating to Matters and Causes Testamentary under this Act shall, subject to the Rules and Orders under this Act, have all the Jurisdiction, Power, and Authority to decide the same and enforce Judgment therein, and to enforce

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enforce Orders in relation thereto, as if the same had been an ordinary Action in the Court of such Assistant Barrister.

LXI. The Affidavit as to the Place of Abode and State of the Property of a Testator or Intestate which is to give contentious Jurisdiction to the Assistant Barrister under the previous Provisions shall, except as herein-after provided, be conclusive for the Purpose of authorizing the Exercise of such Jurisdiction, and the Grant or Revocation of Probate or Administration in compliance with the Decree of such Judge; and no such Grant of Probate or Administration shall be liable to be recalled, revoked, or otherwise impeached by reason that the Testator or Intestate had no fixed Place of Abode within the Jurisdiction of such Judge or within any of the said Districts at the Time of his Death, or by reason that the Personal Estate sworn to be under the Value of Two hundred Pounds did in fact amount to or exceed that Value, or that the Value of the Real Estate of or to which the Deceased was seised or entitled beneficially at the Time of his Death amounted to or exceeded Three hundred Pounds: Provided that where it shall be shown to the Assistant Barrister before whom any Matter is pending under this Act that the Place of Abode or State of the Property of the Testator or Intestate in respect of whose Will or Estate he may have been applied to for Grant or Revocation of Probate or Administration has not been correctly stated in the Affidavit, and if correctly stated would not have authorized him to exercise such contentious Jurisdiction, he shall stay all further Proceedings in his Court in the Matter, leaving any Party to apply to the Court of Probate for such Grant or Revocation, and making such Order as to the Costs of the Proceedings before him as he may think just.

LXII. Any Party who shall be dissatisfied with the Determination of the Assistant Barrister in point of Law or upon the Admission or Rejection of any Evidence in any Matter or Cause under this Act may appeal from the same to the Court of Probate in such Manner and subject to such Regulations as may be provided by the Rules and Orders to be made under this Act, and the Decision of the Court of Probate in any such Appeal shall be final.

LXIII. It shall not be obligatory on any Person to apply for Probate or Administration to any District Registrar, or Assistant Barrister of any County, but in every Case such Application may be made through the Principal Registry of the Court of Probate, wherever the Testator or Intestate may at the Time of his Death have had his fixed Place of Abode: Provided, that where in any contentious Matter arising out of any such Application it is shown to the Court of Probate that the State of the Property and Place of Abode of the Deceased were such as to give contentious Jurisdiction to the Assistant Barrister, the Court of Probate may send the Cause to the Court of such Assistant Barrister, who shall proceed therein as if such Application and Cause had been made to and arisen in his Court in the first instance.

LXIV. It shall be lawful for the Judge of the Court, with the Assistance of Two or more of the Assistant Barristers to be for that Purpose named by the Lord Chancellor, from Time to Time to make Rules and Orders for regulating the Procedure and Practice of the Assistant Barristers Courts, and the Judges and Officers thereof, in relation to their Jurisdiction and Proceedings under this Act.

LXV. Where Proceedings are taken under this Act for proving a Will in solemn Form, or for revoking the Probate of a Will, on the Ground of the Invalidity thereof, or where in any other contentious Cause or Matter under this Act the Validity of a Will is disputed, unless in the several Cases aforesaid the Will affects only Personal Estate, the Heir-at-Law, Devisees and other Persons having or pretending Interest in the Real Estate affected by the Will, shall, subject to the Provisions of this Act, and to the Rules and Orders under this Act, be cited to see Proceedings, or otherwise summoned in like Manner as the Next of Kin or others having or pretending Interest in the Personal Estate affected by a Will should be cited or summoned, and may be permitted to become Parties, or intervene for their respective Interests in such Real Estate, subject to such Rules and Orders, and to the Discretion of the Court.

LXVI. Where Probate of such Will is granted after such Proof in solemn Form, or where the Validity of the Will is otherwise declared by the Decree or Order in such contentious Cause or Matter as aforesaid, the Probate, Decree, or Order respectively shall enure for the Benefit of all Persons interested in the Real Estate affected by such Will, and the Probate Copy of such Will, or the Letters of Administration with such Will annexed, or a Copy thereof respectively, stamped with the Seal of Her Majesty's Court of Probate, shall in all Courts, and in all Suits and Proceedings affecting Real Estate, of whatever Tenure, (save Proceedings by way of Appeal under this Act, or for the Revocation of such Probate or Administration,) be received as conclusive Evidence of the Validity and Contents of such Will in like Manner as a Probate is received in Evidence in Matters relating to the Personal Estate; and where Probate is refused or revoked, on the Ground of the Invalidity of the Will, or the Invalidity of the Will is otherwise declared by Decree or Order under this Act, such Decree or Order shall enure for the Benefit of the Heir-at-Law or other Persons against whose Interest in Real Estate such Will might operate, and such Will shall not be received in Evidence in any Suit or Proceeding in relation to Real Estate, save in any Proceeding by way of Appeal from such Decrees or Orders.

LXVII. Nothing herein contained shall make it necessary to cite the Heir-at-Law or other Persons having or pretending Interest in the Real Estate of a deceased Person, unless it is shown to the Court and the Court is satisfied that the Deceased was at the Time of his Decease seised of or entitled to or had Power to appoint by Will some Real Estate beneficially, or in any Case where the Will propounded

Judgments as in other Cases.

Affidavit of the Facts giving the Assistant Barrister Jurisdiction to be conclusive, unless disproved while the Matter is pending.

As to Appeals from Determination of Assistant Barrister.

Not obligatory to apply for Probate, &c. to District Registries or Assistant Barrister, but may in every Case be made to Court of Probate.

Judge to make Rules, &c. regulating Assistant Barristers Courts.

Where a Will affecting Real Estate is proved in solemn Form, &c., the Heir and Persons interested in Real Estate to be cited.

Where the Will is proved in solemn Form, or its Validity otherwise decided on, the Decree of the Court to be binding on the Persons interested in the Real Estate.

Heir in certain Cases not to be cited, and where not cited not to be

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affected by  
Probate.

or of which the Validity is in question would not in the Opinion of the Court, though established as to Personalty, affect Real Estate, but in every such Case, and in any other Case in which the Court may, with reference to the Circumstances of the Property of the Deceased or otherwise, think fit, the Court may proceed without citing the Heir or other Persons interested in Real Estate; provided that the Probate, Decree, or Order of the Court shall not in any Case affect the Heir or any Person in respect of his Interest in Real Estate, unless such Heir or Person has been cited or made Party to the Proceedings, or derives Title under or through a Person so cited or made Party.

Probate or  
Office Copy  
to be Evidence  
of the Will in  
Suits concern-  
ing Real Estate,  
save where the  
Validity of the  
Will is put in  
issue.

LXVIII. In any Action at Law or Suit in Equity, where, according to the existing Law, it would be necessary to produce and prove an original Will in order to establish a Devise or other Testamentary Disposition of or affecting Real Estate, it shall be lawful for the Party intending to establish in Proof such Devise or other Testamentary Disposition to give to the opposite Party, Seven Days at least before the Trial or other Proceeding in which the said Proof shall be intended to be adduced, Notice that he intends at the said Trial or other Proceeding to give in Evidence as Proof of the Devise or other Testamentary Disposition the Probate of the said Will or the Letters of Administration with the Will annexed, or a Copy thereof stamped with any Seal of the Court of Probate; and in every such Case such Probate or Letters of Administration, or Copy thereof respectively, stamped as aforesaid, shall be sufficient Evidence of such Will and of its Validity and Contents, notwithstanding the same may not have been proved in solemn Form, or have been otherwise declared valid in a contentious Cause or Matter, as herein provided, unless the Party receiving such Notice shall, within Three Days after such Receipt, give Notice that he disputes the Validity of such Devise or other Testamentary Disposition.

As to Costs of  
Proof of Will.

LXIX. In every Case in which, in any such Action or Suit, the original Will shall be produced and proved, it shall be lawful for the Court or Judge before whom such Evidence shall be given to direct by which of the Parties the Costs thereof shall be paid.

Repeal of  
19 & 20 Vict.  
c.113. ss.31-33.

LXX. The Thirty-first, Thirty-second, and Thirty-third Sections of "The Common Law Procedure Act, 1856," are hereby repealed.

Place of Deposit  
of original  
Wills.

LXXI. There shall be One Place of Deposit under the Control of the Court, at such Place in *Dublin* as the Lord Lieutenant may by Order in Council direct, in which all the original Wills brought into the Court or of which Probate or Administration with the Will annexed is granted under this Act in the Principal Registry thereof, and Copies of all Wills, the Originals whereof are to be preserved in the District Registries, and such other Documents as the Court may direct, shall be deposited and preserved, and may be inspected under the Control of the Court and subject to the Rules and Orders under this Act.

Judge to cause  
Calendars to be  
made from  
Time to Time  
in the Principal  
Registry, and  
to be printed.

LXXII. The Judge shall cause to be made from Time to Time in the Principal Registry of the Court of Probate Calendars of the Grants of Probate and Administration in the Principal Registry, and in the several District Registries of the Court, for such Periods as the Judge may think fit, each such Calendar to contain a Note of every Probate or Administration with the Will annexed granted within the Period therein specified, and also a Note of every other Administration granted within the same Period, such respective Notes setting forth the Dates of such Grants, the Registry in which the Grants were made, the Names of the Testators and Intestates, the Place and Time of Death, the Names and Descriptions of the Executors and Administrators, and the Value of the Effects; and the Calendars to be so made shall be printed as the same are from Time to Time completed.

Registrar to  
transmit printed  
Copies to cer-  
tain Offices.

LXXIII. The Registrars shall cause a printed Copy of every Calendar to be transmitted through the Post or otherwise to each of the District Registries, and to the Office of Her Majesty's Court of Probate in *London*, the Office of the Commissary of the County of *Midlothian* in *Edinburgh*, and such other Offices, if any, as the Court of Probate shall from Time to Time by Rule or Order direct; and every printed Copy of a Calendar so transmitted as aforesaid shall be kept in the Registry or Office to which it is transmitted, and may be inspected by any Person on Payment of a Fee of One Shilling for each Search, without reference to the Number of Calendars inspected.

Official Copy of  
whole or Part  
of Will may be  
obtained.

LXXIV. An official Copy of the whole or any Part of a Will, or an official Certificate of the Grant of any Letters of Administration, may be obtained from the Registry or District Registry where the Will has been proved or the Administration granted, on the Payment of such Fees as shall be fixed for the same by the Rules and Orders under this Act.

Administration  
pendente lite.

LXXV. Pending any Suit touching the Validity of the Will of any deceased Person, or for obtaining, recalling, or revoking any Probate or any Grant of Administration, the Court of Probate may appoint an Administrator of the Personal Estate of such deceased Person; and the Administrator so appointed shall have all the Rights and Powers of a General Administrator, other than the Right of distributing the Residue of such Personal Estate; and every such Administrator shall be subject to the immediate Control of the Court, and act under its Direction.

Receiver of  
Real Estate  
pendente lite.

LXXVI. It shall be lawful for the Court of Probate to appoint any Administrator appointed as aforesaid or any other Person to be Receiver of the Real Estate of any deceased Person pending any Suit in the Court touching the Validity of any Will of such deceased Person by which his Real Estate may be affected, and such Receiver shall have such Power to receive all Rents and Profits of such Real Estate, and such Powers of letting and managing such Real Estate, as the Court may direct.

LXXVII. The



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LXXVII. The Court of Probate may direct that Administrators and Receivers appointed pending Suits involving Matters and Causes Testamentary shall receive out of the Personal and Real Estate of the Deceased such reasonable Remuneration as the Court think fit.

Remuneration to Administrators, &c.

LXXVIII. Where a Person has died or shall die wholly intestate as to his Personal Estate, or leaving a Will affecting Personal Estate, but without having appointed an Executor thereof willing and competent to take Probate, or where the Executor shall at the Time of the Death of such Person be resident out of the United Kingdom of *Great Britain and Ireland*, and it shall appear to the Court to be necessary or convenient in any such Case, by reason of the Insolvency of the Estate of the Deceased, or other special Circumstances, to appoint some Person to be the Administrator of the Personal Estate of the Deceased, or of any Part of such Personal Estate, other than the Person who if this Act had not been passed would by Law have been entitled to a Grant of Administration of such Personal Estate, it shall not be obligatory upon the Court to grant Administration of the Personal Estate of such deceased Person to the Person who if this Act had not passed would by Law have been entitled to a Grant thereof, but it shall be lawful for the Court, in its Discretion, to appoint such Person as the Court shall think fit to be such Administrator upon his giving such Security (if any) as the Court shall direct, and every such Administration may be limited as the Court shall think fit.

Power as to Appointment of Administrator.

LXXIX. 'Whereas it is expedient that the Powers given by the Act of the Thirty-eighth Year of the Reign of His late Majesty King *George the Third*, Chapter Eighty-seven, should be exercised by the Court of Probate in *Ireland*, and that the like Powers should be extended to Cases where Administrators are residing out of the Jurisdiction of Her Majesty's Courts of Law and Equity in *Ireland*?' Be it therefore enacted, That at the Expiration of Twelve Calendar Months from the Death of any Testator or Intestate, if the Executor to whom Probate has been granted or the Administrator to whom Administration has been granted by the Court be residing out of the Jurisdiction of Her Majesty's Courts of Law or Equity in *Ireland*, the Court shall, upon the Application of any Creditor, next of Kin, or Legatee, grounded upon an Affidavit, have and exercise all the Powers by the said Act given to the Ecclesiastical Courts in *England* in Cases where the Executor to whom Probate has been granted by any of such Courts is residing out of the Jurisdiction of the Courts of Law and Equity in *England*, and all the Powers by the said recited Act given to Courts of Equity in *England* shall, so far as relates to Property and to Suits in *Ireland*, be exercised by the Court of Chancery in *Ireland*, and the Powers thereby given to the Accountant General of the High Court of Chancery in *England*, or to the Secretary or Deputy Secretary of the Governor or Company of the Bank of *England*, shall be exercised by the Accountant General of the Court of Chancery in *Ireland*, and by the Officers and the Governor and Company of the Bank of *Ireland* respectively.

38 G. 3. c. 87. (England) extended to Ireland, and to apply to Administrators.

LXXX. After any Grant of Administration, no Person shall have Power to sue or prosecute any Suit, or otherwise act as Executor of the Deceased, as to the Personal Estate comprised in or affected by such Grant of Administration, until such Administration shall have been recalled or revoked.

When Power to sue as an Executor to cease.

LXXXI. Where before the Revocation of any temporary Administration any Proceedings at Law or in Equity have been commenced by or against any Administrator so appointed, the Court in which such Proceedings are pending may order that a Suggestion be made upon the Record of the Revocation of such Administration, and of the Grant of Probate or Administration which shall have been made consequent thereupon, and that the Proceedings shall be continued in the Name of the new Executor or Administrator, in like Manner as if the Proceeding had been originally commenced by or against such new Executor or Administrator, but subject to such Conditions and Variations, if any, as such Court may direct.

Revocation of temporary Grants not to prejudice Actions or Suits.

LXXXII. Where any Probate or Administration is revoked under this Act, all Payments *bonâ fide* made to any Executor or Administrator under such Probate or Administration, before the Revocation thereof, shall be a legal Discharge to the Person making the same; and the Executor or Administrator who shall have acted under any such revoked Probate or Administration may retain and reimburse himself in respect of any Payments made by him which the Person to whom Probate or Administration shall be afterwards granted might have lawfully made.

Payments under revoked Probates or Administration to be valid.

LXXXIII. All Persons and Corporations making or permitting to be made any Payment or Transfer *bonâ fide* upon any Probate or Letters of Administration granted in respect of the Estate of any deceased Person, under the Authority of this Act, shall be indemnified and protected in so doing, notwithstanding any Defect or Circumstance whatsoever affecting the Validity of such Probate or Letters of Administration.

Indemnity to Persons, &c. making Payment upon Probates.

LXXXIV. Where any Person, after the Commencement of this Act, renounces Probate of the Will of which he is appointed Executor or One of the Executors, the Rights of such Person in respect of the Executorship shall wholly cease, and the Representation to the Testator and the Administration of his Effects shall and may, without any further Renunciation, go, devolve, and be committed in like Manner as if such Person had not been appointed Executor.

Rights of an Executor renouncing Probate to cease as if he had not been named in the Will.

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Sureties to Administration Bonds.

LXXXV. So much of an Act passed by the Parliament of *Ireland* in the Seventh Year of King *William* the Third, Chapter Six, as requires any Surety, Bond, or other Security to be taken from a Person to whom Administration shall be committed, shall be repealed.

Person to whom Grant of Administration shall be committed shall give Bond.

LXXXVI. Every Person to whom any Grant of Administration shall be committed shall give Bond to the Judge of the Court to enure for the Benefit of the Judge for the Time being, and if the Court of Probate or (in the Case of a Grant from the District Registry) the District Registrar shall require, with One or more Surety or Sureties, conditioned for duly collecting, getting in, and administering the Personal Estate of the Deceased, which Bond shall be in such Form as the Judge shall from Time to Time by any general or special Order direct; provided, that it shall not be necessary for the Solicitor for the Treasury in *Ireland*, on applying for or obtaining Administration to the Use or Benefit of Her Majesty, to give any such Bond as aforesaid.

Penalty on Bond.

LXXXVII. Such Bond shall be in a Penalty of double the Amount under which the Estate and Effects of the Deceased shall be sworn, unless the Court or District Registrar, as the Case may be, shall in any Case think fit to direct the same to be reduced, in which Case it shall be lawful for the Court or District Registrar so to do, and the Court or District Registrar may also direct that more Bonds than One shall be given, so as to limit the Liability of any Surety to such Amount as the Court or District Registrar shall think reasonable.

Power of Court to assign Bond.

LXXXVIII. The Court may, on Application made on Motion or Petition in a summary Way, and on being satisfied that the Condition of any such Bond has been broken, order One of the Registrars of the Court to assign the same to some Person, to be named in such Order, and such Person, his Executors or Administrators, shall thereupon be entitled to sue on the said Bond, in his own Name, both at Law and in Equity, as if the same had been originally given to him instead of to the Judge of the Court, and shall be entitled to recover thereon as Trustee for all Persons interested the full Amount recoverable in respect of any Breach of the Condition of the said Bond.

Pending Suits transferred to Court of Probate.

LXXXIX. All Suits, whether original or by way of Appeal, which at the Commencement of this Act shall be pending in any Court in *Ireland* respecting any Grant of Probate or Administration, shall be transferred, with all the Proceedings therein, to the Court of Probate, there to be dealt with and decided according to the Rules and Practice of the said Court, except so far as such Court may think it expedient to adopt, for the Purposes of such transferred Suits or any of them, the Rules or Practice of the Court in which the same shall have been pending, to which End the Court of Probate shall, for the Purposes of such Suits, have all the Jurisdiction, Power, and Authority possessed by the Court from which such Suit shall be transferred.

Power to Judges whose Jurisdiction is determined to deliver written Judgments.

XC. Provided, That if at the Commencement of this Act any Cause which would be transferred to the Court under the Enactment herein-before contained shall have been heard before any Judge or Court having Jurisdiction in relation to such Cause before the Commencement of this Act, and shall be standing for Judgment, such Judge or Court may, at any Time within Six Weeks after the Commencement of this Act, give in to One of the Registrars of the Court a written Judgment thereon, and a Decree or Order, as the Case may require, shall be drawn up in pursuance of such Judgment; and every such Decree or Order shall have the same Force and Effect as if it had been drawn up in pursuance of a Judgment of the Court of Probate on the Day on which the same shall be so delivered to the Registrar, and shall be subject to Appeal under this Act.

Void and voidable Probates and Administrations.

XCI. All Grants of Probates and Administrations made before the Commencement of this Act, which may be void or voidable by reason only that the Courts from which respectively the same were obtained had not Jurisdiction to make such Grants, shall be as valid as if the same had been obtained from Courts entitled to make such Grants: Provided, that any such Grants of Probate or Administration shall not be made valid by this Act when the same shall before the Commencement of this Act have been revoked or determined by any Court of competent Jurisdiction to have been void; nor shall this Act prejudice or affect any Proceedings pending at the Time of the passing of this Act in which the Validity of any such Probate or Administration shall be in question: If the Result of such Proceeding shall be to invalidate the same, such Probate or Administration shall not be rendered valid by this Act; and if such Proceedings abate or become defective by reason of the Death of any Party, any Person who but for this Act would have any Right by reason of the Invalidity of such Probate or Administration shall retain such Right, and may commence Proceedings for enforcing the same within Six Calendar Months after the Death of such Party.

Probates and Administrations granted before this Act comes into operation.

XCII. Legal Grants of Probate and Administration made in *Ireland* before the Commencement of this Act, and Grants of Probate and Administration made legal by this Act, shall have the same Force and Effect as if they had been granted under this Act; but in every such Case there shall be due and payable to Her Majesty such further Stamp Duty, if any, as would have been chargeable on any Probate or Administration which, but for this Act, would or ought to have been obtained in respect of the Personal Estate not covered by the Grant; and all Inventories and Accounts in respect thereof shall be returnable to the Court of Chancery, and all Bonds taken in respect thereof may be enforced by or under the Authority of the Court of Chancery, at the Discretion of the Court.

XCIII. Provided,

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XCIII. Provided, That where any Probate or Administration has been granted before the Commencement of this Act, and the Deceased had Personal Estate in *Ireland* not within the Limits of the Jurisdiction of the Court by which the Probate or Administration was granted, or otherwise not within the Operation of the Grant, it shall be lawful for the Court to grant Probate or Administration only in respect of such Personal Estate not covered by any former Probate or Administration, and such Grant may be limited accordingly.

Probate or Administration may be granted of Personal Estate not affected by the former Grants.

XCIV. From and after the Period at which this Act shall come into operation, when any Probate or Letters of Administration to be granted by the Court of Probate in *England* shall be produced to and a Copy thereof deposited with the Registrars of the Court of Probate in *Ireland*, such Probate or Letters of Administration shall be sealed with the Seal of the said last-mentioned Court, and being duly stamped shall be of the like Force and Effect, and have the same Operation in *Ireland* as if it had been originally granted by the Court of Probate in *Ireland*.

Probates granted in *England* same as if originally granted in *Ireland* on being resealed.

XCIV. From and after the Period at which this Act shall come into operation, when any Probate or Letters of Administration to be granted by the Court of Probate in *Ireland* shall be produced to and a Copy thereof deposited with the Registrars of the Court of Probate in *England*, such Probate or Letters of Administration shall be sealed with the Seal of the last-mentioned Court, and being duly stamped shall be of the like Force and Effect and have the same Operation in *England* as if it had been originally granted by the Court of Probate in *England*.

Probates granted in *Ireland* same as if originally granted in *England* on being resealed.

XCVI. The Acting Judge and Registrar of every Court and other Person in *Ireland* now having Jurisdiction to grant Probate or Administration, and every Person having the Custody of the Documents and Papers of or belonging to such Court or Person, shall, upon receiving a Requisition for that Purpose, under the Seal of the Court of Probate, from a Registrar, and at the Time and in the Manner mentioned in such Requisition, transmit to the Court of Probate, or to such other Place as in such Requisition shall be specified, all Records, Wills, Grants, Probates, Letters of Administration, Administration Bonds, Notes of Administration, Court Books, Calendars, Deeds, Processes, Acts, Proceedings, Writs, Documents, and every other Instrument relating exclusively or principally to Matters or Causes Testamentary, to be deposited and arranged in the Registry so as to be easy of Reference, under the Control and Direction of the Court.

Judges of present Ecclesiastical Courts and others to transmit all Wills, &c. to the Registry.

XCVII. No Judge, Registrar, or other Person who shall wilfully refuse or neglect so to transmit such Records, Wills, Grants, Probates, Letters of Administration, Administration Bonds, Notes of Administration, Court Books, Calendars, Deeds, Processes, Acts, Proceedings, Writs, Documents, or any other Instrument relating to Matters or Causes Testamentary, shall be entitled to any Compensation under this Act, and every Judge, Registrar, or other Person so refusing or neglecting shall be liable to a Penalty of One hundred Pounds, to be sued for and recovered, together with full Costs of Suit, in any of Her Majesty's Superior Courts, by the Registrars.

Penalty for Default.

XCVIII. One or more safe and convenient Depository or Depositories shall be provided, under the Control and Directions of the Court of Probate, for all such Wills of living Persons as shall be deposited therein for safe Custody; and all Persons may deposit their Wills in such Depository upon Payment of such Fees and under such Regulations as the Judge shall from Time to Time by any Order direct.

As to Depositories for safe Custody of the Wills of living Persons.

XCIX. Nothing in this Act contained shall affect the Stamp Duties now by Law payable upon Probates and Administrations; and all the Clauses, Provisions, Rules, Regulations, and Directions contained in any Act of Parliament relating to the said Duties, and to Wills, Probates of Wills, and Letters of Administration, for securing the said Duties, not superseded by or inconsistent with the express Provisions of this Act, shall be in full Force, and shall be observed, applied, and put in execution for securing the Duties payable on Probates of Wills and Letters of Administration granted under this Act, as if such Duties had been granted by this Act, and the said Clauses, Provisions, Rules, and Regulations relating thereto were herein repeated and specially enacted.

This Act not to affect the Stamp Duties on Probates and Administrations.

C. The Registrars of the Court of Probate shall, within such Period as the Judge shall direct after Probate of any Will or Letters of Administration shall have been granted, deliver or cause to be delivered to the Commissioners of Inland Revenue, or their proper Officer, the following Documents respectively; that is to say, in the Case of a Probate or Administration with a Will annexed a Copy of the Will and the original Affidavit, and in the Case of Letters of Administration without a Will annexed such original Affidavit, and in every Case of Letters of Administration a Copy or Extract thereof, and in every Case such Certificate or Note of the Grant as the said Commissioners may require.

The Registrars to deliver Copies of Wills, &c. to the Commissioners of Inland Revenue.

CL. Whereas by an Act passed in the Fifty-fourth Year of King *George* the Third, Chapter Sixty-eight, it is enacted, that if any Proctor of any Ecclesiastical Court shall act as such, or permit his Name to be used in any Suit appertaining to the Office of a Proctor or in obtaining Probates of Wills or Letters of Administration, for or on account or for the Profit or Benefit of any Person not entitled to act as a Proctor, or shall permit any such Person to participate in such Profit or Benefit, such Proctor shall be subject to certain Penalties therein mentioned; and it is also therein further enacted, that if any Person shall, in his own Name, or in that of any other Person, do or perform any Act whatever belonging to the Office of a Proctor in consideration of any Gain, Fee, or Reward, or with a view to participate

Sections 9 and 10 of 54 G. 3. c. 68. repealed in part as to the Court of Probate.

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‘ in the Benefit to be derived from the Office, Functions, or Practice of a Proctor, without being admitted and enrolled, every such Person shall be subject to certain other Penalties therein mentioned:’ Be it enacted, Nothing in the said Act contained shall prevent any Proctor of the Court of Probate from acting as Agent of any Attorney or Solicitor in relation to any Matter Testamentary, or from allowing him to participate in the Profits of and incident thereto.

Table of Fees to be taken by Officers of Court and by Officers of Assistant Barristers Courts.

CII. The Lord Chancellor, with such Concurrence as is herein-before required as to Rules and Orders to be made in pursuance of this Act, shall, as soon as conveniently may be after the passing of this Act, fix a Table of Fees to be taken by the Officers of the Court of Probate and the Proctors practising therein, including the District Registrars and the Proctors practising in District Registries, and a Table of Fees to be taken by the Officers of the Assistant Barristers Courts in respect of Business under this Act, and of the Fees to be payable in respect of Searches, Inspection, and printed and other Copies of and Extracts from Records, Wills, and other Documents in the Custody or under the Control of the Court of Probate, and he is hereby empowered from Time to Time, with such Concurrence as aforesaid, to add to, reduce, alter, or amend the same as he may see fit; and he shall cause every such Table of Fees, and every Addition, Reduction, Alteration, or Amendment to, in, or of the same, to be published in the “*Dublin Gazette* ;” and no other Fees than those specified and allowed in such Tables of Fees shall be demanded or taken by such Officers and Proctors, Solicitors and Attorneys.

Taxation of Costs.

CIII. The Bill of any Proctor, Solicitor, or Attorney for any Fees, Charges, or Disbursements in respect of any Business transacted in the Court of Probate, whether contentious or otherwise, or any Matters connected therewith, shall, as well between Proctor and Client as between Party and Party, be subject to Taxation by any One of the Registrars of the said Court, and the Mode in which any such Bill shall be referred for Taxation, and by whom the Costs of Taxation shall be paid, shall be regulated by the Rules and Orders to be made under this Act, and the Certificate of the Registrar of the Amount at which such Bill is taxed shall be subject to Appeal to the Judge of the said Court.

Fees not to be paid in Money, but by Stamps.

CIV. None of the Fees payable to the Officers of the Court of Probate or of any Assistant Barrister’s Court in respect of Business under this Act, except the Fees of the District Registrars (which are to be taken as their Remuneration, and for their own Use), the Fees of Proctors, Solicitors, and Attorneys, and such Fees as may be authorized to be taken for their own Use by the Commissioners for administering Oaths, and except as herein-after mentioned, shall be received in Money, but the same shall be received by a Stamp denoting the Amount of the Fee which otherwise would be payable: Provided always, that the Judge may order any Fees which cannot in his Opinion conveniently be collected by Stamps to be received in Money.

Provisions of Acts relating to Stamps to be applicable to Stamps for collecting Fees.

CV. The Fees to be collected by means of Stamps under the Provisions of this Act shall be deemed “*Stamp Duties*,” and shall be placed under the Management of the Commissioners of Inland Revenue, to be collected and paid into the Exchequer under the same Laws and Regulations as those made in respect of the other Duties of “*Stamps* ;” and the Provisions in the several Acts for the Time being in force relating to Stamps under the Care or Management of the Commissioners of Inland Revenue shall in all Cases not hereby expressly provided for be of full Force and Effect with respect to the Stamps to be provided under or by virtue of this Act, and to the Vellum, Parchment, or Paper on or to which the same Stamps shall be impressed or affixed, and be applied and put in execution for collecting and securing the Sums of Money denoted thereby, and for preventing, detecting, and punishing all Frauds, Forgeries, and other Offences relating thereto, as fully and effectually to all Intents and Purposes as if such Provisions had been herein repeated and specially enacted with reference to the said last-mentioned Stamps and Sums of Money respectively; but a separate and distinct Account of all Money received in respect of the said last-mentioned Stamps for every Year ending the Thirty-first Day of *March* shall be laid before both Houses of Parliament within One Month after the Termination of such Year of Accounts, or, if Parliament be not then sitting, within One Month after the Commencement of the next Session of Parliament.

No Document to be received or used unless stamped.

CVI. No Document which under this Act, and any Table of Fees for the Time being in force under this Act, ought to have a Stamp in respect of such Fee impressed thereon or affixed thereto, shall be received or filed or be used in relation to any Proceeding in the Court of Probate, or be of any Validity for any Purpose whatsoever, unless or until the same shall have the proper Stamp impressed thereon or affixed thereto: Provided, that if at any Time it shall appear that any such Document has through Mistake or Inadvertence been received, or filed, or used without having such Stamp impressed thereon or affixed thereto, it shall be lawful for the Judge of the Court of Probate, if he think fit, to order that such Stamp shall be impressed thereon or affixed thereto, and thereupon, when a Stamp shall have been impressed on such Document or affixed thereto in compliance with any such Order, such Document and every Proceeding in reference thereto shall be as valid and effectual as if such Stamp had been impressed thereon or affixed thereto in the first instance.

Officers of the Court may be dismissed for Fraud, &c. relative to Stamps.

CVII. If any Officer of the Court of Probate, or any other Person employed under this Act, shall do or commit or connive at any fraudulent Act or Practice in relation to any Stamp to be used under the Provisions of this Act, or to any Fee or Sum of Money to be collected, or which ought to be collected, by means of any such Stamp, or if any such Officer or Person shall be guilty of any wilful Act, Neglect, or

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or Omission whereby any Fee or Money which ought to be collected by means of a Stamp under this Act shall be lost, or the Payment thereof evaded, every such Officer or Person so offending shall be dismissed from his Office or Employment if the Judge of the Court of Probate shall think fit so to order.

CVIII. The Salary of the Judge of the Court of Probate, and any retiring Annuity granted to a Judge of the Court of Probate under this Act, and all Compensations payable under this Act, shall be charged on and payable out of the Consolidated Fund of the United Kingdom.

CIX. It shall be lawful for the Commissioners of Her Majesty's Treasury, out of such Monies as may be provided and appropriated by Parliament for the Purpose, to cause to be paid all Salaries payable to the Registrars, Clerks, and other Officers under this Act, and all necessary Expenses of the Court of Probate and its Registries, and other Expenses which may be incurred in carrying the Provisions of this Act into effect (except such Salary, retiring Annuity, and Compensations as are herein-before charged on the said Consolidated Fund).

CX. Any Person to whom Compensation is awarded under this Act in respect of the Loss of Emoluments of any Office, and who at the passing of this Act shall have been discharging or liable to discharge in respect of such Office Duties other than those in Matters and Causes Testamentary, shall, so long as he shall receive such Compensation, be bound to discharge such other Duties on the same Terms on which, whether gratuitously or otherwise, he discharged or was liable to discharge the same before the passing of this Act.

CXI. Every Person to whom any Compensation shall be granted under this Act shall at all Times, when called upon, be liable to fill any public Office or Situation in *Ireland* under the Crown for which his previous Services in any Office abolished by this Act may render him eligible; and that if he shall decline, when called upon so to do, to take upon himself such Office or Situation, and execute the Duties thereof satisfactorily, being in a competent State of Health, he shall forfeit his Right to any Compensation or Allowances which may have been granted to him in respect of such previous Services.

CXII. 'Whereas the Fees or Emoluments of the Persons now practising as Proctors in the Courts now exercising Jurisdiction in Matters and Causes Testamentary may be damaged by the Abolition of the exclusive Rights and Privileges which they have hitherto enjoyed as such Proctors in such Courts: Be it enacted, That the Commissioners of Her Majesty's Treasury, by Examination on Oath or otherwise, which Oath they are hereby authorized to administer, may inquire into, and may, by the Production of such Evidence as they shall think fit to require, ascertain and absolutely determine the net annual Amount of the Profits arising from the Transaction of Business by Proctors in Matters and Causes Testamentary on an Average of Five Years immediately preceding the Commencement of this Act, or of such Proportion of Five Years as shall have elapsed since each and every such Proctor was admitted to practise in such Courts, and shall award to each and every such Proctor a Sum of Money or annual Payment during the Term of his natural Life of such Amount as shall be equal in Value to One Half of the net Profits derived by such Proctor in respect of Matters and Causes Testamentary upon the said Average of Five Years immediately preceding the Commencement of this Act, or of such Proportion of the said Five Years as shall have elapsed since the Admission of each and every such Proctor to practise in the Courts now exercising Jurisdiction in Matters and Causes Testamentary.

CXIII. 'And whereas divers Proctors practising in the Courts now exercising Jurisdiction in Matters and Causes Testamentary now are or may at the Commencement of this Act be associated together in Partnership: Be it therefore enacted, That in all such Cases the Commissioners of Her Majesty's Treasury shall inquire into and ascertain the Terms or Conditions of such Partnerships, and shall absolutely determine and award Compensation in respect thereof as herein-before provided to each of such Partnerships, in like Manner as if all the Emoluments thereof had been derived by One Individual, and shall apportion such Compensation among the Members of each such Partnership, with or without Benefit of Survivorship, Regard being had to the existing Terms and Conditions of the same.

CXIV. There shall be a Clerk, or so many Clerks, in each District Registry, and there shall be paid to such Clerk or Clerks such Salary or respective Salaries as the Judge of the Court, with the Sanction of the Commissioners of Her Majesty's Treasury, may from Time to Time think fit to direct; and it shall be lawful for such Judge to prescribe from Time to Time the Qualifications which shall be possessed by Persons appointed to be Clerks in such District Registries, and generally to regulate the Establishment of such District Registries with reference to the Duties to be performed therein; and the Clerk or Clerks in each District Registry shall be appointed by the District Registrar, with the Approval of the Judge; and every such Clerk may be removed by such Judge, or by the District Registrar with the Approval of the Judge.

CXV. Each District Registrar shall, out of the Fees taken by him in respect of the Business in his respective District Registry, pay the Salary or Salaries of the Clerk or Clerks in such Registry, and the Residue of such Fees shall be retained by such District Registrar to his own Use; and every District Registrar shall keep an Account of all Fees so taken by him, and shall within One Month after the End of each Year render to the Commissioners of the Treasury a faithful Account in Writing of all such Fees received by him during such Year: Provided, that it shall be lawful for the Commissioners of Her Majesty's Treasury, at any Time after the Commencement of this Act, to order that the District Regis-

As to Salary of the Judge and Compensations.

Salaries, &c. not charged on Consolidated Fund to be provided by Parliament.

Persons receiving Compensation to discharge the remaining Duties of their Offices.

Persons receiving Compensations to be liable to serve in any public Office in Ireland.

Compensation to Proctors.

Compensation to Proctors in Partnership.

Establishments in District Registries.

Fees payable to District Registrars.

District Registrars may be

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paid by Salaries  
instead of Fees.

trars under this Act, or any of them, shall be paid by Salaries instead of Fees, and to fix the Salaries to be payable to them respectively; and thereupon all Fees payable to the District Registrars so ordered to be paid by Salaries shall be accounted for and paid into the Exchequer, at such Times and under such Regulations as the Commissioners of Her Majesty's Treasury shall direct, and shall be carried to and form Part of the Consolidated Fund of the United Kingdom, and the Salaries of such District Registrars and of their Clerks shall be paid out of such Monies as shall be provided by Parliament for that Purpose, and no such District Registrar shall be deemed to have any Claim to Compensation on account of any Diminution of his Emoluments by reason of any such Order.

Publication of  
Accounts.

CXVI. The Commissioners of Her Majesty's Treasury shall cause to be prepared in each Year ending *December* Thirty-one a Return of all Fees and Monies levied in such Year, and of any other Fund under the Authority of this Act; also a Return of the annual Salaries of the Judge of the said Court of Probate, and of the Registrars, Deputy Registrars, Clerks, and all others holding Offices either in *Dublin* or in the Country Districts, with an Account of all the incidental Expenses relating to the Offices aforesaid, whether such Salaries and Expenses be defrayed out of Fees or out of any other Monies; also a Return of all Superannuations, Pensions, Annuities, Retiring Allowances, and Compensations made payable under this Act in each Year, stating the gross Amount, and the Amount in detail of such Charges: Provided always, that all such Returns aforesaid shall be presented to both Houses of Parliament on or before the Thirty-first Day of *March* in each Year, if Parliament is then sitting, and if Parliament is not sitting, then such Returns shall be presented within One Month of the First Meeting of Parliament after the Thirty-first Day of *March* in each Year.

Treasury to  
provide the  
Buildings for  
Registries, &c.

CXVII. It shall be lawful for the Commissioners of Her Majesty's Treasury, out of such Monies as may be provided and appropriated by Parliament for that Purpose, to cause to be purchased, erected, hired, or otherwise provided such Offices and Buildings as may be suitable for the District Registries and Depository or Depositories for Wills, and such Buildings, if any, as may be necessary for the Court and Principal Registry.

Accountant General of Court of Chancery to act for Court of Probate.

CXVIII. It shall be competent to the Lord Chancellor to direct that the Accountant General of the Court of Chancery shall act as Accountant General of the Court, and in such Case the Accountant General shall carry into effect the Orders of the Court in the same Manner as if they were Orders of the Court of Chancery.

Compensation to Registrars, &c. of existing Courts.

CXIX. It shall be lawful for the Commissioners of the Treasury to grant to any Judges, Deputy Judges, Vicar General, Registrars, Deputy Registrars, and other Persons holding Office in the Courts now exercising Jurisdiction in Matters and Causes Testamentary who may sustain any Loss of Emoluments by reason of the passing of this Act, and who are not transferred or appointed by or under this Act to Offices in the Court of Probate of equal Value to the Offices previously held by them, such Compensation as, having regard to the Tenure and Nature of their respective Offices and Appointments, and the Periods during which they have held and discharged the Duties of the same, the said Commissioners deem just and proper to be awarded; and it shall be lawful for the said Commissioners to grant to all managing and other Clerks who have been continuously employed in the Offices of Registrars of the said Courts for Fifteen Years and upwards immediately before the passing of this Act, and may sustain any Loss of Emoluments as aforesaid, and are not transferred or appointed as aforesaid, such Compensation as the said Commissioners may deem just and proper: And provided also, that if any Person to whom any yearly Sum is awarded for Compensation as aforesaid is or shall be appointed to any Office or Situation under this Act, or in the Public Service, the Payment of such Compensation shall be suspended so long as he continues to receive the Salary or Emoluments of such Office or Situation, if the Amount thereof be equal to or greater than the Amount of Emoluments in respect of the Loss whereof Compensation is awarded; and if the Amount of such last-mentioned Emoluments be greater than the Salary or Emoluments of such Office or Situation, no more of such Compensation shall be paid than will, with such Salary or Emoluments, be equal to the Emoluments in respect of the Loss whereof such Compensation is payable.

Compensation to A. Hawkins.

CXX. ' And whereas *Anthony Hawkins*, Esquire, One of the Deputy Registrars of the Court of Probate, and who hath served therein for a Period of Twenty-eight Years, is unwilling to accept the Office of Registrar under this Act: There shall be paid to the said *Anthony Hawkins*, by way of retiring Pension, an Annuity equivalent to the net annual Profits of his Office on an average to be taken by the Commissioners of Her Majesty's Treasury for the Three Years next preceding the passing of this Act, but not in any Case to exceed the Sum of Six hundred and fifty Pounds, to commence from the Period at which this Act shall come into operation, and to be paid out of the Fund and in the Manner herein appointed for the Payment of Compensations.

Rules and Orders to be laid before Parliament.

CXXI. All Rules and Orders to be made under this Act concerning Procedure and Practice, and the Table of Fees to be fixed under this Act, and all Alterations thereof to be from Time to Time made, shall be laid before both Houses of Parliament within One Month after the making thereof, if Parliament be then sitting, or if Parliament be not then sitting, within One Month after the Commencement of the then next Session of Parliament.

*Joint Stock Companies Act (1856) Amendment.**Burial Acts Amendment.*

## SCHEDULE (A.)

DISTRICTS and PLACES of DISTRICT REGISTRIES throughout IRELAND.

Nos.	Districts.	Places of District Registries.	Nos.	Districts.	Places of District Registries.
1	Donegal, Londonderry, and the Baronies of Strabane and Omagh in the County of Tyrone.	Londonderry.	6	Roscommon and Galway	Tuam.
2	Antrim and Down	Belfast.	7	King's County and Westmeath.	Mullingar.
3	Armagh, Louth, Monaghan, Fermanagh, and Tyrone, except the Baronies of Strabane and Omagh.	Armagh.	8	Carlow, Queen's County, and Kilkenny.	Kilkenny.
4	Mayo, Sligo, and Leitrim, except the Baronies of Mohill, Carrigallen, and Leitrim.	Ballina.	9	Waterford, Wexford, and South Riding of Tipperary.	Waterford.
5	Cavan, Longford, and the Baronies of Leitrim, Mohill, and Carrigallen, in the County of Leitrim.	Cavan.	10	Limerick, Clare, North Riding of Tipperary, and the Baronies of Clanmaurice and Irraghtic Connor in the County of Kerry.	Limerick.
			11	Cork and Kerry, except the Baronies of Clanmaurice and Irraghtic Connor in the County of Kerry.	Cork.

## SCHEDULE (B.)

The Registrars in Dublin, each	-	-	-	-	-	Annual Salary.
The Record Keeper	-	-	-	-	-	£1,000
The Clerk of the Seal	-	-	-	-	-	450
						300

## C A P. LXXX.

An Act to amend "The Joint Stock Companies Act, 1856."

[25th August 1857.]

WHEREAS it is expedient that a further Amendment should be made in "The Joint Stock Companies Act, 1856:" Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. The Joint Stock Companies Acts, 1856, 1857, shall not, nor shall either of them, be deemed to have repealed, as respects Companies already formed for the Purpose of carrying on the Business of Insurance, under the Act passed in the Eighth Year of Her present Majesty, Chapter One hundred and ten, or as respects Companies hereafter to be formed for the said Purpose, the said Act passed in the Eighth Year of Her present Majesty, Chapter One hundred and ten, or any other Act amending the same or relating to such Companies: Provided that if any Insurance Company, formed under the said Act of the Eighth Year of Her present Majesty, or the Directors of or Shareholders in any such Company have, during the Interval between the passing of the said Joint Stock Companies Act, 1856, and of this Act, acted as if the said Act of the Eighth Year of Her present Majesty had, as to such Company, been repealed by the said Joint Stock Companies Act, 1856, then so far as affects the Mutual Rights and Relations of the said Company, its Directors and Officers, and late or present Shareholders, and so far as affects any Penalties which the said Company, or its Directors, Officers, or Shareholders, may have incurred by Non-observance of the said Act of the Eighth Year of Her present Majesty, the said Act of the Eighth Year of Her present Majesty shall, as regards the Actions of the said Company, its Directors and Shareholders, during such Interval as aforesaid, be deemed to have been repealed.

Joint Stock Companies Acts, 1856, 1857, not to be deemed to repeal 7 & 8 Vict. c. 110., &c. as respects Insurance Companies. Proviso.

## C A P. LXXXI.

An Act to amend the Burial Acts.

[25th August 1857.]

WHEREAS an Act was passed in the Session holden in the Fifteenth and Sixteenth Years of Her Majesty (Chapter Eighty-five), "to amend the Laws concerning the Burial of the Dead in the Metropolis;" and an Act was passed in the Session holden in the Sixteenth and Seventeenth Years

15 & 16 Vict. c. 85.

of

*Burial Acts Amendment.*

- 16 & 17 Vict. c. 134. ' of Her Majesty (Chapter One hundred and thirty-four), " to amend the Laws concerning the Burial  
' " of the Dead in *England* beyond the Limits of the Metropolis, and to amend the Act concerning the  
' " Burial of the Dead in the Metropolis;" and an Act was passed in the Session holden in the Seven-
- 17 & 18 Vict. c. 87. ' teenth and Eighteenth Years of Her Majesty (Chapter Eighty-seven), " to make further Provision for  
' " the Burial of the Dead in *England* beyond the Limits of the Metropolis;" and Acts were passed in  
' the Session holden in the Eighteenth and Nineteenth Years of Her Majesty (Chapters Seventy-eight  
' and One hundred and twenty-eight), " to amend the Laws concerning the Burial of the Dead in  
' " *England*." And whereas it is expedient to amend the said Acts: Be it therefore 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:
- As to Approval of Acts done by a Joint Board. I. All Acts authorized to be done by any Burial Board, with the Approval, Sanction, or Authority of the Vestry or Vestries of the Parish or Parishes for which such Board is constituted, may, where a Joint Burial Board is constituted for more than Two Parishes, be done with the Approval, Sanction, or Authority (as the Case may require) of the Vestries of the Majority of such Parishes.
- Joint Burial Boards may be dissolved. II. Where the Vestries of Two or more Parishes have agreed to provide One Burial Ground for the common Use of such Parishes, such Vestries may, at any Time before such Burial Ground has been provided, determine the Union between such Parishes under such Agreement, and upon such Union being so determined all the Provisions of the said Acts and this Act shall be applicable with regard to such Parishes and the respective Burial Boards thereof as if such Union had not been formed, save that any Expenses already properly incurred by the Joint Burial Board for such Parishes shall be defrayed as provided by the said Acts.
- Burial Boards may provide more than One Burial Ground. III. Any Burial Board may, if they see fit, with the Approval of One of Her Majesty's Principal Secretaries of State, provide more than One Burial Ground, and may, if they see fit, with such Approval, instead of setting apart a Portion of any Burial Ground for the Purpose of such Portion being used as unconsecrated Ground, provide separate and distinct Grounds to be used respectively as consecrated and unconsecrated Burial Grounds: Where before the passing of this Act any Burial Board has provided more than One Burial Ground, or has (instead of setting apart a Portion of any Burial Ground for the Purpose of being used as unconsecrated Ground) provided separate and distinct Grounds as consecrated and unconsecrated Burial Grounds, such Burial Board shall be deemed to have acted lawfully and in accordance with the said Acts.
- Local Board of Health may, by Order in Council, be constituted a Burial Board. IV. In case it appear to Her Majesty in Council, upon the Petition of the Local Board of Health of any District established under the Public Health Act, or upon the Petition of any Commissioners elected by the Ratepayers, and acting under or by virtue of the Powers of any Local Act of Parliament for the Improvement of any Town, Parish, or Borough, stating that the District of such Local Board of Health or of such Commissioners is co-extensive with a District for which it is proposed to provide a Burial Ground, and that no Burial Board has been appointed for such District, and that an Order in Council has been made for closing all or any of the Burial Grounds within the said District, it shall be lawful for Her Majesty, with the Advice of Her Privy Council, in case Her Majesty see fit so to do, to order that such Local Board shall be a Burial Board for the District of such Local Board, or that such Commissioners shall be a Burial Board for the District of such Commissioners, and thereupon such Local Board or such Commissioners, as the Case may be, shall be a Burial Board for such District accordingly; and the Powers and Provisions of the Acts herein-before mentioned (except the Provisions relating to the Constitution or Appointment and Resignation of Members of Burial Boards), and the Provisions herein contained, shall extend to the District of such Board, and to such Board, or to the District of such Commissioners, and to such Commissioners, and to any Burial Ground and Places for the Reception of the Bodies of the Dead previously to Interment which may be provided by such Board or by such Commissioners, in like Manner as to any Parish or Parishes and the Burial Board thereof, and any Burial Ground and any such Places as aforesaid provided by such last-mentioned Board, save that no Approval, Sanction, or Authorization of any Vestry shall be requisite: Provided always, that Notice of such Petition, and of the Time when it shall please Her Majesty to order the same to be taken into consideration by the Privy Council, shall be published in the *London Gazette*, and in One of the Newspapers usually circulating in the District of such Local Board or of such Commissioners, One Month at least before such Petition is so considered: Provided also, that this Enactment shall not apply to any such District as aforesaid exclusively consisting of the whole or Part of One Corporate Borough within the Meaning of the Public Health Act, 1848.
- Burial Board may be established for a District not maintaining its own Poor, and which has had no separate Burial Ground. V. The Vestry, or Meeting in the Nature of a Vestry, of any Parish, new Parish, Township, or other District not separately maintaining its own Poor, and which has had no separate Burial Ground, may appoint a Burial Board; and such Vestry or Meeting, and the Burial Board appointed by it, shall exercise and have all the Powers which they might have exercised and had under the said Acts and this Act if such Parish, new Parish, Township, or District had had a separate Burial Ground before the passing of the said Act of the Eighteenth and Nineteenth Years of Her Majesty: Provided always, that all the Powers of any other Vestry or Meeting and Burial Board, if any, shall then cease and determine, so far as relates to such Parish, new Parish, Township, or District as aforesaid; and until a Burial Ground shall be so provided as aforesaid and consecrated for any new Parish or District created or to be created pursuant



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pursuant to the Provisions of the Sixth and Seventh *Victoria*, Chapter Thirty-seven, the Seventh and Eighth *Victoria*, Chapter Ninety-four, and the Nineteenth and Twentieth *Victoria*, Chapter One hundred and four, or any or either of them, and to which the said Acts, or any or either of them, may apply, the Incumbent of such new Parish or District (if any Burial Ground has been or shall be provided under the herein recited Acts for the Burial of the Dead, or any or either of them, for any Parish or Parishes out of Rates to which such new Parish or District, or any Part thereof, shall have contributed or contribute or be liable,) shall, with respect to the Burial in such last-mentioned Burial Ground of the Remains of the Parishioners or Inhabitants of such new Parish or District, or of such Part thereof as shall have contributed or contribute as aforesaid, as the Case may be, perform the same Duties, and have the same Rights, Privileges, and Authorities, and be entitled to the same Fees, and also the Clerk and Sexton of such new Parish or District shall, when necessary, respectively perform the same Duties, and be entitled to the same Fees, in respect of such Burials, as if the said Burial Ground were exclusively the Burial Ground of such new Parish or District, subject nevertheless to all Provisions to which the Incumbents, Clerks, and Sextons of original Parishes are respectively subject in and by the said Burial Acts, or any or either of them: Provided also, that nothing herein contained shall affect the Rights or Privileges of any existing Incumbent, Clerk, or Sexton without the Consent of such Incumbent, Clerk, or Sexton respectively.

VI. Where the Guardians of any Parish or Union are or shall hereafter become possessed of any Land suitable to the Purposes of a Burial Ground, and the Poor Law Board shall consent to the same being appropriated to the Reception of the dead Bodies of any poor Persons whom such Guardians shall be authorized or required by Law to bury, it shall be lawful for the Ordinary of the Diocese wherein such Land shall be situated, if he see fit, to consecrate the whole or a Part of such Land for Burial Purposes, and after Consecration the Guardians may lawfully direct any such dead Body as aforesaid to be buried therein; and the Land so consecrated shall not thenceforth be used for any other Purposes than for Burials according to the Rites of the United Church of *England* and *Ireland*, and shall be kept in decent Order; and the Fences thereof, and any Building or other Erection therein or adjoining thereto used for the Performance of the Burial Service, shall be maintained in good Repair by the Guardians, out of the Common Fund of such Parish or Union: Provided nevertheless, that the Guardians shall not be authorized to direct the Body of any poor Person to be buried in such Grounds who, or whose Husband, Wife, or Next of Kin, shall, by Letter addressed to the Master of the Workhouse or otherwise, have expressly desired Burial to take place elsewhere.

Ordinary of Diocese may consecrate the whole or Part of Land belonging to any Parish for the Burial of poor Persons.

VII. Where a Burial Ground has been provided for any Parish under any of the Acts commonly referred to or known as the Church Building Acts, and the same has been consecrated, and any Money expended in providing such Burial Ground has been borrowed on the Security of the Church Rates, it shall be lawful for the Incumbent of the Parish, with the Consent of the Ordinary and the Burial Board of such Parish, or of any Borough or District in which such Parish is wholly or in part comprised, by Instrument in Writing under the Hands and Seals of such Incumbent and Ordinary, and under the Seal of the said Burial Board, to declare that, in consideration of the Payment of the Debt by the said Burial Board, or of such Sum as shall be mutually agreed upon, with the Consent of the Persons, signified in Writing under their Hands, to whom Two Thirds of such Debt is due, the said Burial Ground shall be vested in and be under the Care and Management of such Burial Board, and thereupon the same shall be vested in and be under the Care and Management of such Board, and shall be subject to the Provisions of the herein-before recited Acts and this Act applicable to a consecrated Burial Ground or the consecrated Part of any Burial Ground provided by any Burial Board; and any Money borrowed as aforesaid, and remaining owing, and the Interest due and to become due thereon, and all Costs and Expenses occasioned by the Nonpayment thereof, or incurred in providing such Burial Ground, and then remaining unpaid, shall be charged on and paid out of such Rates or Fund as under the said last-mentioned Acts and this Act would be chargeable with the Expense of providing a Burial Ground by such Board, and such Declaration as aforesaid shall be registered in the Registry of the Diocese; and such Board may, with the Approval of the Vestry, enlarge such Burial Ground, by the Addition of Ground to be used for Burials otherwise than according to the Rites of the Church of *England*, and to be used subject to the Provisions of the Acts herein recited and of this Act in respect to the unconsecrated Portions of Burial Grounds.

Provision for Transfer to a Burial Board of a Burial Ground provided under Church Building Acts.

VIII. It shall and may be lawful for the Vestry of any Parish in which any Burial Ground closed by Order in Council may be situate, and which does not belong to such Parish, by Resolution of the Vestry at a Meeting called for that Purpose, to purchase such Burial Ground, and from the Time of such Purchase such Burial Ground shall belong to such Parish, and be subject to all the Conditions affecting the Burial Grounds of the Parish in which the same is situate.

Vestry may purchase closed Burial Ground if not belonging to Parish.

IX. And whereas by the said Act of the Eighteenth and Nineteenth Years of Her Majesty, Chapter One hundred and twenty-eight, it is enacted, that where a Parish or Place has been united with any other Parish or Place, Parishes or Places, for all or any Ecclesiastical Purposes, or where Two or more Parishes or Places have heretofore had a Church or a Burial Ground for their joint Use, or where the Inhabitants of several Parishes or Places have been accustomed to meet in One Vestry for Purposes common to such several Parishes or Places, it shall be lawful for the Vestry, or any Meeting in the

Burial Boards not to be appointed for united Parishes, &c. in Cases provided for by 18 & 19 Vict. c. 128, without

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Consent of Secretary of State, where One of the Places separately maintains its own Poor or has a Burial Ground.

‘ Nature of a Vestry, of such several Parishes or Places, in any of the Cases aforesaid, and whether any One or more of such Parishes or Places do or do not separately maintain its own Poor, to appoint a Burial Board, and from Time to Time to supply Vacancies therein, and to exercise the same Powers of Authorization, Approval, and Sanction in relation to such Burial Board, and such other Powers as, under the Acts therein recited and that Act, are vested in the Vestry of a Parish or Place separately maintaining its own Poor:’ Where any of the several Parishes or Places under the Circumstances provided for in the said Enactment separately maintains its own Poor, or has a separate Burial Ground, it shall not be lawful for the Vestry, or Meeting in the Nature of a Vestry, of such several Parishes or Places, to appoint a Burial Board under the said Enactment without the Approval of One of Her Majesty’s Principal Secretaries of State; and in case it appear to the Secretary of State that any such Parish or Place has a sufficient Burial Ground, or that otherwise it would not be expedient that the Powers given by the said Enactment should be exercised in relation to such Parish or Place, the Secretary of State may direct that such Parish or Place shall be excepted from the Operation of the said Enactment, and thereupon the same shall be excepted accordingly; and the Inhabitants of the remaining Parish or Parishes, Place or Places, may assemble in Vestry, or in a Meeting in the Nature of a Vestry, from Time to Time, and in such Vestry or Meeting may proceed in like Manner under the said Acts and this Act in all respects as if the Inhabitants of such last-mentioned Parish or Parishes, Place or Places, exclusively had a Vestry for their common Purposes, and were wholly unconnected with the Parish or Place so excepted.

Orders in Council may be made for regulating Burial Grounds, &c.

X. It shall be lawful for Her Majesty, by Order made by and with the Advice of Her Privy Council, on the Representation of One of Her Majesty’s Principal Secretaries of State, from Time to Time to establish such Regulations as to Her Majesty may seem proper for the Protection of the Public Health, and for the Maintenance of Public Decency, in respect of all Burials in common Graves in any Cemeteries named in Schedule (B.) to the Act Fifteenth and Sixteenth *Victoria*, Chapter Eighty-five, and in respect of the like Burials in any Cemetery established under the Authority of any Local Act of Parliament; and every such Order in Council shall be published in the *London Gazette*; and all Persons having the Care of such Cemeteries and Burial Grounds and Places shall conform to and obey such Regulations; and any such Person who shall violate or wilfully neglect to observe any of such Regulations shall, on summary Conviction thereof before Two Justices of the Peace, forfeit and pay any Sum not exceeding Ten Pounds: Provided always, that no such Representation shall be made in relation to any Cemetery or Burial Ground until Ten Days previous Notice in Writing of the Intention to make such Representation shall have been given to the Person or One of the Persons having the Control or Care of such Cemetery or Burial Ground.

How consecrated and unconsecrated Portions of Burial Ground to be marked.

XI. It shall not be necessary to erect or maintain any Wall or Fence between the consecrated and the unconsecrated Portions of any Burial Ground provided under the herein-before recited Acts and this Act, or any of them: Provided always, that in the Case of any Burial Ground where there shall be no such Wall or Fence, it shall be the Duty of the Burial Board having the Care of such Burial Ground to place, and from Time to Time to repair and renew, such Boundary Marks of Stone or Iron as may be sufficient to show the Boundaries of such consecrated and unconsecrated Portions respectively.

Appeal.

XII. If, upon the Application in Writing by any Burial Board to the Bishop of the Diocese for the Consecration of a Burial Ground, declared in such Writing to be in a fit and proper Condition for the Purpose of Interment according to the Rites of the United Church of *England* and *Ireland*, which Application the Board is required to make as soon as such Ground is in such fit and proper Condition, the said Bishop shall refuse to consecrate the same, it shall be lawful for such Burial Board to appeal from such Refusal to the Archbishop of the Province, who shall decide the Matter in dispute; and if the said Archbishop shall decide that the said Burial Ground is not in a fit and proper Condition as aforesaid, then the Board shall be bound to put the said Ground in a fit and proper Condition; and if the said Archbishop shall decide that the said Burial Ground is in a fit and proper Condition as aforesaid and ought to be consecrated, such Decision shall be communicated in Writing by the Archbishop to the Bishop aforesaid; and if after such Communication the said Bishop shall not within One Calendar Month consecrate the said Burial Ground, the said Archbishop shall, under his Hand and Seal, license the same for the Interment of Bodies according to the Rites of the United Church of *England* and *Ireland*, and the Licence of the said Archbishop so granted as aforesaid shall, until such Burial Ground be consecrated, operate to make lawful the Use of the same as if it had been consecrated.

Incumbent or Curate may bury in Burial Ground certified by Secretary of State prior to Consecration.

XIII. In any Burial Ground provided under the Powers of the Acts herein-before recited or this Act, respecting which One of Her Majesty’s Principal Secretaries of State shall have certified that the necessary Provisions have been complied with, it shall be lawful for the Incumbent or Incumbents of such Parish or Parishes for which such Burial Ground is provided, or his or their Curate or Curates, or such duly qualified Person as any such Incumbent may authorize, if such Incumbent, Curate, or such duly qualified Person respectively think fit, to bury in such Burial Ground prior to the Decision of the Bishop or Archbishop upon the Application for the Consecration thereof.

Section 32. of 3 G. 4. c. 126.

XIV. ‘ Whereas by Section Thirty-two of the Act of the Third Year of King *George* the Fourth, Chapter One hundred and twenty-six, it is enacted, that no Toll shall be demanded or taken by virtue of

*Burial Acts Amendment.*

‘ of that or any other Act or Acts of Parliament on any Turnpike Road of or from any Inhabitant of any Parish, Township, or Place going to or returning from attending the Funeral of any Person who shall die and be buried in the Parish, Township, or Place in which any Turnpike Road shall lie.’ From and after the First Day of *July* One thousand eight hundred and fifty-eight, or from and after the Termination of any now existing Lease of Tolls expiring before that Date, the said Enactment shall extend to exempt from Toll every Person going to or returning from attending the Funeral of any Person who shall be buried in any Burial Ground provided for the Parish, Township, or Place in which he died under the Acts herein-before recited and this Act, or any of them, or under any other Act of Parliament, although such Burial Ground be not within the Limits of the Parish, Township, or Place for which it may have been provided, or in which the Turnpike Road shall lie.

exempting Funerals from Tolls, extended to Funerals in Burial Grounds provided for the Parish, although not within its Limits.

XV. That every Person who shall wilfully destroy or injure, or cause to be destroyed or injured, any Register Book of Burials, kept according to the Provisions of this Act, or any Part or certified Copy of any Part of such Register, or shall falsely make or counterfeit, or cause to be falsely made or counterfeited, any Part of any such Register or certified Copy thereof, or shall wilfully insert or cause to be inserted in any Registry Book or certified Copy thereof any false Entry of any Burial, or shall wilfully give any false Certificate, or shall certify any Writing to be a Copy or Extract of any such Register Book, knowing the same to be false in any Part thereof, or shall forge or counterfeit the Seal of any Burial Board, shall be guilty of Felony.

Persons wilfully destroying, &c. Register Book of Burials guilty of Felony.

XVI. ‘ Whereas by the Act of the Fifty-second Year of King *George* the Third, Chapter One hundred and forty-six, Section Four, it is provided, that whenever the Ceremony of Burial shall be performed in any other Place than the Parish Church or Churchyard of any Parish (or the Chapel or Chapelyard of any Chapelry providing its own distinct Registers), and such Ceremony shall be performed by any Minister not being the Rector, Vicar, Minister, or Curate of such Parish or Chapelry, the Minister who shall perform such Ceremony of Burial shall on the same or on the next Day transmit to the Rector, Vicar, or other Minister of such Parish or Chapelry, or his Curate, a Certificate of such Burial, and the Rector, Vicar, Minister, or Curate of such Parish or Chapelry shall thereupon enter such Burial according to such Certificate in the Book kept pursuant to that Act for such Purpose: And whereas distinct Registers are by Law required to be kept in the Burial Grounds provided under the Burial Acts:’ The recited Enactment of the said Act of King *George* the Third shall not apply in any Case where the Ceremony of Burial is performed in a Burial Ground provided or to be provided under the Acts of Her Majesty herein-before recited and this Act, or any of them.

Section 4. of 52 G. 3. c. 146. not to apply to Burials in Grounds provided under the Burial Acts.

XVII. No Fees shall be charged or received by any Burial Board in respect of any Service done or Right granted in the unconsecrated Portion of any Burial Ground provided by such Board but such as are identical in Amount with the Fees charged and received in respect of the same Service or Right in the consecrated Portion of such Ground, less any such Portion of such corresponding Fees or Payments which may be received for or on account of any Incumbent, Churchwarden, Clerk, or Sexton, or of any Trustee for or on behalf of any Incumbent, Churchwarden, Clerk, or Sexton.

Fees for Service in unconsecrated Portion to be same as for consecrated Portion.

XVIII. So much of Section Twenty of the firstly herein-before recited Act as requires “that there shall be paid in every Year, in addition to the Interest of the Money borrowed and unpaid, not less than One Twentieth of the Principal Sum borrowed, until the whole is discharged,” shall be repealed, and the Provisions of the other Acts herein-before recited to which the said Section has been extended shall be construed accordingly.

Part of s. 20. of 15 & 16 Vict. c. 85. repealed.

XIX. The Clauses of the Commissioners Clauses Act, 1847, with respect to Mortgages to be executed by the Commissioners, shall be incorporated with this Act, and shall apply to Mortgages and other Securities to be executed by Burial Boards; and for the Purposes of this Act the Expression “the Commissioners” where used in the said Clauses shall mean the Burial Board acting in the Execution of the said Clauses and the Acts herein-before recited or this Act.

Clauses of 10 & 11 Vict. c. 16. with respect to Mortgages incorporated.

XX. Provided always, That for the Purpose of providing a Sinking Fund for paying off the Principal Money borrowed on Mortgages granted under any of the said Acts or this Act, the Burial Board shall once in every Year set aside, out of the Monies charged by such Mortgages, such Sum as they think proper, being a Sum equal to or exceeding One Fiftieth Part of the Principal Money so borrowed.

Sinking Fund to be provided for paying off Mortgages.

XXI. Any Burial Board or Council of a Borough may, for the Purpose of raising Money, instead of making Mortgages under any of the said Acts, grant terminable Annuities for a Life or Lives, or for any Number of Years not exceeding Thirty Years, to be paid out of the like Monies as provided with regard to the Monies secured by such Mortgages.

Power to Burial Boards to borrow Money on Annuities.

XXII. Any Money required by the Council of any Borough for the Purpose of defraying the Expense of executing the Acts herein-before recited; or any of them, or this Act, or for paying any Monies borrowed under such Act, or any Interest thereon, may be raised by such Council, if they think fit, by means of a separate Rate, to be called a Burial Rate, to be charged upon all Property within such Borough liable to be charged to the Borough Rate; and the Council of such Borough shall have all such Powers for making and levying such Rate, and all Provisions shall be applicable in respect thereof, as in the Case of a Borough Rate made under the Act passed in the Session holden in the Fifth and Sixth Years of King *William* the Fourth, Chapter Seventy-six.

Power to Councils of Boroughs to make a separate Rate for Burial and Expenses.

*Burial Acts Amendment.*

Orders in Council may be issued on Representation of Secretary of State, so as to prevent Vaults, &c. being dangerous to Health.

Trustees of closed Cemeteries empowered, with Sanction of Secretary of State, to let, lease, or sell Portions thereof which have not received Interments.

Bodies not to be removed from Burial Grounds, save under Faculty, without Licence of Secretary of State.

Burial Boards may in certain Cases purchase Cemeteries which have been closed.

Orders in Council to remain in force. Resolutions, &c. of Vestries not to be void by reason of Irregularity of Notices, &c.

XXIII. It shall be lawful for Her Majesty, upon the Representation of One of Her Majesty's Principal Secretaries of State, by and with the Advice of Her Privy Council, from Time to Time to order such Acts to be done by or under the Directions of the Churchwardens or such other Persons as may have the Care of any Vaults or Places of Burial for preventing them from becoming or continuing dangerous or injurious to the Public Health; and every such Order in Council shall be published in the *London Gazette*, and such Churchwardens or other Persons shall do or cause to be done all Acts ordered as aforesaid, and the Expenses incurred in and about the doing thereof shall be paid out of the Poor Rates of the Parish: Provided always, that no such Representation shall be made until Ten Days previous Notice of the Intention to make such Representation shall have been given to the Churchwardens or other Persons, or One of the Churchwardens or other Persons, having the Care of the Vaults or Places of Burial to which the Representation relates.

XXIV. In all Cases in which unconsecrated Land or Buildings is or are vested in a Trustee or Trustees, either under any Local Act or otherwise, for the Purposes of a Cemetery or Burial Ground, and Burials in such Cemetery or Burial Ground shall by Order in Council under the herein-before recited Acts or any of them have been ordered to be wholly or partially discontinued, it shall be lawful for the Trustee or Trustees for the Time being of such Cemetery or Burial Ground, from Time to Time, with the Sanction of One of Her Majesty's Principal Secretaries of State, to let, demise, or lease any Part or Parts in which no Interment shall have taken place of such Land or Buildings, and to renew or accept Surrenders of any Leases or Tenancies thereof, and to sell and absolutely dispose thereof for Money in gross, or for any perpetual or other Rent or Rents to be made payable thereout, and by Public Auction or Private Contract, and to sell all or any such perpetual or other Rent or Rents for Money in gross and in manner aforesaid, and for any of the Purposes aforesaid to make and execute any Contracts, Conveyances, Leases, or other Assurances, and to take any Measures and make any Arrangements which may be deemed expedient; and upon any such Lease or Sale as aforesaid a Grant or Conveyance by such Trustee or Trustees alone shall be a sufficient Assurance of the Property thereby purported to be leased or sold, and the Receipts of such Trustee or Trustees shall be effectual Discharges for the Monies therein expressed to have been received, and shall absolve any Lessee or Purchaser from having to see to or being answerable for the Application of such Monies; and the net Monies to be received by such Trustee or Trustees under any of the preceding Powers shall be applied by them in discharge of any Incumbrances affecting such Cemetery or Burial Ground, and any Debts which such Trustee or Trustees may have properly incurred in their fiduciary Capacity; and any Residue of such Monies shall, where such Land or Buildings shall have been held in trust for any Parish, be applied in such Manner, for the Benefit of such Parish, as the Vestry of such Parish shall direct; but where such Land or Buildings shall have been held in trust for the Benefit of private Persons, such Residue shall be divided by such Trustee or Trustees rateably among the Cestuique Trusts; and it shall be lawful for such Trustee or Trustees so to apply any reserved Fund in his or their Hands.

XXV. Except in the Cases where a Body is removed from one consecrated Place of Burial to another by Faculty granted by the Ordinary for that Purpose, it shall not be lawful to remove any Body, or the Remains of any Body, which may have been interred in any Place of Burial, without Licence under the Hand of One of Her Majesty's Principal Secretaries of State, and with such Precautions as such Secretary of State may prescribe as the Condition of such Licence; and any Person who shall remove any such Body or Remains, contrary to this Enactment, or who shall neglect to observe the Precautions prescribed as the Condition of the Licence for Removal; shall, on summary Conviction before any Two Justices of the Peace, forfeit and pay for every such Offence a Sum not exceeding Ten Pounds.

XXVI. Where any Cemetery in which Burials have, by Order in Council, under the herein-before recited Acts or any of them, been ordered to be discontinued, is adjoining or near to any Land appropriated or about to be appropriated by any Burial Board for the Purposes of a Burial Ground, and appears to such Board eligible for the Purpose of appropriating or erecting Buildings for or making Approaches to such Burial Ground, it shall be lawful for such Board, with the Approval of the Vestry or respective Vestries, to purchase such Cemetery; and where in the like Case any Cemetery has been so purchased before the passing of this Act, the Purchase thereof shall be deemed to have been lawful: Provided always, that, notwithstanding such Purchase, such Order in Council shall remain in full Force and Effect in relation to such Cemetery.

XXVII. No Resolution or Proceeding of any Vestry, or Meeting in the Nature of a Vestry, for the Purposes of the said recited Acts and this Act, or any of them, shall be void or voidable by reason of any Defect or Irregularity of or in Notice of such Vestry or Meeting, or any other Error in Form in the calling of such Vestry or Meeting, or in the Proceedings thereat, unless Notice in Writing of such Defect or Irregularity or Error shall have been given at such Vestry or Meeting, or within Seven Days after the Day of the holding thereof, to the Churchwardens or other Persons to whom it belongs to call Meetings of such Vestry, or such Meeting in the Nature of a Vestry, who shall thereupon call another Meeting for the Purpose of considering the previous Resolution or Proceeding or the Matter thereof; and no such Resolution and Proceeding made or taken at any such Vestry, or Meeting in the Nature of a Vestry, before the passing of this Act, which shall not have been objected to by Notice in Writing to such

*Burial Acts Amendment.**Militia.**Sale of Obscene Books, &c. Prevention.*

such Churchwardens or Persons as aforesaid, shall be deemed invalid by reason of any such Defect, Irregularity, or Error.

XXVIII. In the Construction of this Act the Expression "Burial Board" shall mean a Burial Board constituted under the herein-before recited Acts, or any of them, or under this Act.

XXIX. That the Expression "Borough" whenever used in the said Act of the Seventeenth and Eighteenth Years of Her said Majesty shall be construed to include any City, Borough, Port, Cinque Port, or Town Corporate named in the Schedules annexed to an Act passed in the Sixth Year of the Reign of King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in England and Wales*, and to any City, Borough, Port, Cinque Port, or Town Corporate incorporated by Charter granted or to be granted in pursuance of that or any subsequent Act; and the Words "Town Council of any Borough," or "Council of any Borough," wherever used in the said Act of the Seventeenth and Eighteenth years of Her said Majesty, shall (as well with respect to all past as to future Proceedings under the same Act, and for the Purpose of confirming and making valid all such past Proceedings,) be construed to mean Town Council or Council of any City, Borough, Port, Cinque Port, or Town Corporate.

XXX. The herein-before recited Acts and this Act shall be construed together as One Act.

"Burial Board."

Construction of certain Expressions used in 17 & 18 Vict. c. 87.

Recited Acts and this to be as One.

## C A P. LXXXII.

An Act to authorize the Embodying of the Militia.

[25th August 1857.]

WHEREAS the sudden Demand for the Service in *India* of a large Body of Her Majesty's Regular Forces may render it expedient to draw out and embody the Militia or some Part of the Militia of the United Kingdom: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. It shall be lawful for Her Majesty and for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* respectively, at any Time after the passing of this Act, and before the Twenty-fifth Day of *March* One thousand eight hundred and fifty-eight, to cause all or any Part of the respective Militias in *England*, *Scotland*, and *Ireland* to be drawn out and embodied in like Manner as in the respective Cases in which such Militias are now by Law authorized to be drawn out and embodied.

Power to Her Majesty, &c. to cause the Militia to be drawn out and embodied.

II. All the Provisions of the Acts relating to such respective Militias and of all other Acts now in force applicable for and in the Case of the drawing out and embodying of such Militias in the Cases in which the same may now by Law be drawn out and embodied, and to such respective Militias when so embodied, shall be applicable for and in the Case of the drawing out and embodying of such respective Militias under the Authority of this Act, and to such Militias when so embodied; and all Militiamen ordered to be drawn out and embodied under this Act shall be subject to the same Obligations of Service in all respects as if they had been ordered to be drawn out and embodied in a Case now provided for by Law.

Provisions of Acts relating to the Militia extended to this Act.

III. So much of the Acts relating to such Militias as requires that a Proclamation shall be issued for the meeting of Parliament (if the Militia be drawn out and embodied when Parliament shall be separated by an Adjournment or Prorogation which will not expire within Fourteen Days) shall not be applicable in the Case of the Militia or any Part thereof being drawn out and embodied under the Authority of this Act.

Provisions requiring the meeting of Parliament not to apply.

IV. The Pay of the Officers and Men of the Militia who may be drawn out under this Act shall commence from the Time appointed for their assembling or joining their respective Regiments, Battalions, or Corps, and not from the Date of the Order or Warrant for drawing out such Militia, subject nevertheless to the Provisions for postponing the Commencement of such Pay in the Case of any Person in such Militia who may not join his Regiment, Battalion, or Corps on the Day appointed for that Purpose.

Pay of Militia drawn out to commence from Time appointed for assembling.

V. Section Four of the Act of the Session holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter Thirteen, shall extend to any Case of drawing out and embodying the Militia in *England*, or any Part of such Militia, under the Authority of this Act.

Section 4. of 17 & 18 Vict. c. 13. to apply to this Act.

## C A P. LXXXIII.

An Act for more effectually preventing the Sale of Obscene Books, Pictures, Prints, and other Articles.

[25th August 1857.]

WHEREAS it is expedient to give additional Powers for the Suppression of the Trade in Obscene Books, Prints, Drawings, and other Obscene Articles: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. It shall be lawful for any Metropolitan Police Magistrate or other Stipendiary Magistrate, or for any Two Justices of the Peace, upon Complaint made before him or them upon Oath that the Complainant has Reason to believe, and does believe, that any Obscene Books, Papers, Writings, Prints, Pictures, Drawings, or other Representations are kept in any House, Shop, Room, or other Place within the

Justices, &c. may authorize Search of suspected Premises.

*Sale of Obscene Books, &c. Prevention.*

the Limits of the Jurisdiction of any such Magistrate or Justices, for the Purpose of Sale or Distribution, Exhibition for Purposes of Gain, lending upon Hire, or being otherwise published for Purposes of Gain, which Complainant shall also state upon Oath that One or more Articles of the like Character have been sold, distributed, exhibited, lent, or otherwise published as aforesaid, at or in connexion with such Place, so as to satisfy such Magistrate or Justices that the Belief of the said Complainant is well founded, and upon such Magistrate or Justices being also satisfied that any of such Articles so kept for any of the Purposes aforesaid are of such a Character and Description that the Publication of them would be a Misdemeanor, and proper to be prosecuted as such, to give Authority by Special Warrant to any Constable or Police Officer into such House, Shop, Room, or other Place, with such Assistance as may be necessary, to enter in the Daytime, and, if necessary, to use Force, by breaking open Doors or otherwise, and to search for and seize all such Books, Papers, Writings, Prints, Pictures, Drawings, or other Representations as aforesaid found in such House, Shop, Room, or other Place, and to carry all the Articles so seized before the Magistrate or Justices issuing the said Warrant, or some other Magistrate or Justices exercising the same Jurisdiction; and such Magistrate or Justices shall thereupon issue a Summons calling upon the Occupier of the House or other Place which may have been so entered by virtue of the said Warrant to appear within Seven Days before such Police Stipendiary Magistrate or any Two Justices in Petty Sessions for the District, to show Cause why the Articles so seized should not be destroyed; and if such Occupier or some other Person claiming to be the Owner of the said Articles shall not appear within the Time aforesaid, or shall appear, and such Magistrate or Justices shall be satisfied that such Articles or any of them are of the Character stated in the Warrant, and that such or any of them have been kept for any of the Purposes aforesaid, it shall be lawful for the said Magistrate or Justices, and he or they are hereby required, to order the Articles so seized, except such of them as he or they may consider necessary to be preserved as Evidence in some further Proceeding, to be destroyed at the Expiration of the Time herein-after allowed for lodging an Appeal, unless Notice of Appeal as herein-after mentioned be given, and such Articles shall be in the meantime impounded; and if such Magistrate or Justices shall be satisfied that the Articles seized are not of the Character stated in the Warrant, or have not been kept for any of the Purposes aforesaid, he or they shall forthwith direct them to be restored to the Occupier of the House or other Place in which they were seized.

Tender of  
Amends, &c.

II. No Plaintiff shall recover in any Action for any Irregularity, Trespass, or other wrongful Proceeding made or committed in the Execution of this Act, or in, under, or by virtue of any Authority hereby given, if Tender of sufficient Amends shall have been made by or on behalf of the Party who shall have committed such Irregularity, Trespass, or other wrongful Proceeding, before such Action brought; and in case no Tender shall have been made it shall be lawful for the Defendant in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, whereupon such Proceeding, Order, and Adjudication shall be had and made in and by such Court as in other Actions where Defendants are allowed to pay Money into Court.

Limitation of  
Actions.

III. No Action, Suit, or Information, or any other Proceeding, of what Nature soever, shall be brought against any Person for anything done or omitted to be done in pursuance of this Act, or in the Execution of the Authorities under this Act, unless Notice in Writing shall be given by the Party intending to prosecute such Action, Suit, Information, or other Proceeding, to the intended Defendant, One Calendar Month at least before prosecuting the same, nor unless such Action, Suit, Information, or other Proceeding shall be brought or commenced within Three Calendar Months next after the Act or Omission complained of, or in case there shall be a Continuation of Damage, then within Three Calendar Months next after the doing such Damage shall have ceased.

Appeal.

IV. Any Person aggrieved by any Act or Determination of such Magistrate or Justices in or concerning the Execution of this Act, may appeal to the next General or Quarter Sessions for the County, Riding, Division, City, Borough, or Place in and for which such Magistrate or Justices shall have so acted, giving to the Magistrate or Justices of the Peace whose Act or Determination shall be appealed against Notice in Writing of such Appeal, and of the Grounds thereof, within Seven Days after such Act or Determination and before the next General or Quarter Sessions, and entering within such Seven Days into a Recognizance, with sufficient Surety, before a Justice of the Peace for the County, City, Borough, or Place in which such Act or Determination shall have taken place, personally to appear and prosecute such Appeal, and to abide the Order of and pay such Costs as shall be awarded by such Court of Quarter Sessions or any Adjournment thereof, and the Court at such General or Quarter Sessions shall hear and determine the Matter of such Appeal, and shall make such Order therein as shall to the said Court seem meet; and such Court, upon hearing and finally determining such Appeal, shall and may, according to their Discretion, award such Costs to the Party appealing or appealed against as they shall think proper; and if such Appeal be dismissed or decided against the Appellant or be not prosecuted, such Court may order the Articles seized forthwith to be destroyed: Provided always, that it shall not be lawful for the Appellant on the Hearing of any such Appeal to go into or give Evidence of any other Grounds of Appeal against any such Order, Act, or Determination than those set forth in such Notice of Appeal.

Limitation of  
Act.

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

*Dulwich College.*

## C A P. LXXXIV.

An Act for confirming a Scheme of the Charity Commissioners for the College of God's Gift in *Dulwich* in the County of *Surrey*, with certain Alterations. [25th August 1857.]

WHEREAS the Charity Commissioners for *England* and *Wales*, in their Report to Her Majesty of their Proceedings during the Year One thousand eight hundred and fifty-five, have reported that they have provisionally approved and certified (among other Schemes for the Application and Management of Charities) a Scheme for the College of God's Gift in *Dulwich* in the County of *Surrey*, and such Scheme is set out in the Appendix to the said Report: And whereas it is expedient that the said Scheme, as the same, with certain Modifications thereof, is set out in the Schedule to this Act, shall take effect: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

3d Report,  
28th Feb. 1856.

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

Scheme confirmed.]

## SCHEDULE.

SCHEME for the Application and Management of the Charity called the COLLEGE OF GOD'S GIFT, in *Dulwich*, in the County of *Surrey*.

## GENERAL PROVISIONS.

1. The existing incorporation of the above-mentioned Charity, by the name of the College of God's Gift, in *Dulwich*, or by any other name, shall be dissolved; and the several offices and places of the master, warden, and fellows, brothers, and sisters of the said college shall be abolished from and after the 31st December 1857, and no new appointment shall be made to any office or place in or under the Charity according to its present constitution, after the establishment of this scheme.

Present corporation dissolved.

2. The Charity, as reconstituted by this scheme, shall be called "Alley's College of God's Gift, at *Dulwich*;" and the Archbishop of *Canterbury*, and his successors, shall continue to be the visitors of the Charity, with the same authorities, rights, and privileges as heretofore, so far as the same shall not be inconsistent with this scheme.

Archbishop of *Canterbury* to continue visitor.

3. There shall be nineteen governors of the Charity, who shall be called "The Governors of Alley's College, at *Dulwich*," and who shall have the control and management of the Charity, and the estates and property thereof, from and after the said 31st day of December 1857. Eight of such governors, herein-after called "The Elective Governors," shall be elected; and the remaining eleven, or non-elective governors, shall be appointed as herein-after provided.

Governors.

4. The vestries of the parishes of *Saint Botolph Without Bishopsgate*, *Saint Saviour Southwark*, *Saint Luke Middlesex*, and *Saint Giles Camberwell* shall each elect two of the said eight elective governors respectively; and the first election shall be made before the expiration of the month of *November* 1857. And every subsequent election shall be made by the vestry entitled to elect within three calendar months next after the occurrence of the vacancy requiring to be filled. Every elective governor shall be elected to hold office for a period of seven years, and shall be re-eligible at or subsequently to the determination of such period.

Elective governors.

5. The non-elective governors shall be appointed by the Court of Chancery, upon application to be made to the same court by Her Majesty's Attorney General, either by petition or by summons before one of the judges of the said court sitting at chambers. And the first appointment of non-elective governors shall be made as soon as conveniently may be after the establishment of this scheme; and whenever the number of non-elective governors for the time being shall be reduced by the occurrence of vacancies to eight, three suitable persons shall be appointed by the said court, upon such application as aforesaid, so as to make up the full number of eleven non-elective governors.

Non-elective governors.

One of the non-elective governors to be appointed by the Court of Chancery shall be a resident inhabitant of the township or hamlet of *Dulwich*, and shall be distinguished in his appointment as the "Dulwich Governor." And upon any vacancy in the office of the "Dulwich Governor" for the time being, some other resident inhabitant of the same township or hamlet shall be appointed by the said court to succeed to such vacancy, whether the number of non-elective governors shall then have become reduced to eight or not; but nothing herein contained shall be construed as restraining the appointment of a larger number of non-elective governors from among residents in the said township or hamlet.

6. Death, resignation, bankruptcy, or insolvency, residence out of *England*, refusal or incapacity to act, or neglect to attend any meeting of the governors for one year, shall respectively create a vacancy in the office of governor. The office of the *Dulwich Governor* shall also determine upon his ceasing to be resident in *Dulwich*.

Vacancy in office of governor.

7. All the real estate, of whatsoever tenure, and rights and privileges vested in or held in trust for the said college, or any of the members thereof, as such, (subject to the subsisting leases and charges, if any, thereof,) and the full benefit of all subsisting covenants, conditions, and securities made or entered into with or reserved to the said college, or any person or persons in trust for the same college, and

Charity estates to be vested in governors for the time being.

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and all the personal estate belonging to or held in trust for the said college, or any of the members thereof as such, and the right to sue for and recover all choses in action recoverable for the benefit of the college, or any such member as aforesaid, shall, from and after the said 31st day of December 1857, be vested in the said governors, and shall from time to time thereafter vest and continue vested in the governors of Alleyn's College at Dulwich for the time being, for the purposes and according to the provisions of this scheme, without any conveyance, assignment, or assurance; and the right to sue upon or enforce all or any covenants, conditions, or securities made, reserved, or contracted to or with the said college before its dissolution, or to or with any preceding governors of the said Charity for the benefit thereof, shall be exercisable by and in the names of the governors for the time being, as fully and effectually as the same right might be exercised by such college if not dissolved, or by such preceding governors, if still retaining their office; and in the same manner all contracts and liabilities of the said college before its dissolution, or of any preceding governors for the time being of the Charity, may be enforced against the governors thereof for the time being, to the extent of the property or assets of the Charity, but not against their private estates.

Execution of leases and other instruments.

8. Leases and other deeds and instruments for the letting or disposition of the Charity estate, or any part thereof, may be executed and made by any five of the governors for the time being on behalf and as the act of the whole of them, according to any order of the governors of the said Charity, made at any regular meeting of their body, and shall have the same effect as if executed by all the said governors; and the recital of any such order, contained in any deed or instrument by which any such lease or other disposition shall be effected, shall be *prima facie* evidence thereof upon any proceedings to which the parties to the same lease or instrument, or their respective successors in title, representatives, or assigns, shall be parties or a party.

Stock committee.

9. The governors may from time to time appoint any four persons of their number to be a stock committee, into whose names all stock belonging to the Charity may from time to time be transferred, and the dividends on all such stock shall be disposable by the governors for the time being as part of the general income of the Charity. All or any sums of stock belonging to the Charity may also be transferred into the name of "The Official Trustees of Charitable Funds," in trust for the Charity under the provisions of "The Charitable Trusts Act, 1853," and "The Charitable Trusts Amendment Act, 1855."

Transfer of the administration of Charity and its funds to governors.

10. The Charity shall continue to be managed and administered by the present governing body of the college until the said 31st day of December 1857 inclusive, and the accounts of the Charity shall be made up and finally balanced to that day. And there shall be paid to the master, warden, fellows, and poor brethren and sisters of the college respectively out of the current year's income a due proportion of the several annual or other payments to which they are respectively entitled under the present system of administration, to be calculated from the then last preceding day of payment up to the said 31st day of December 1857. And any surplus or balance of income which shall remain to the credit of the Charity after providing for and satisfying such proportion of the said several annual payments, and the requisite or proper expenses attending the management and administration of the Charity up to that time, and all trust funds held by the college, or by any of its members as such, in trust for any other charitable purposes, shall be paid and transferred on that day unto the governors to be appointed as provided by this scheme, or as they may direct, according to and to be held upon the subsisting trusts thereof.

Allowances to present members of college.

11. There shall be paid by the governors to the present master, warden, fellows, and poor brethren and sisters of the college respectively, or to such of them as shall be living on the said 31st day of December 1857, during their respective lives, out of the income of the Charity, in lieu and full satisfaction of all present and future allowances, rights, and emoluments, the following annual sums; that is to say,—

To the master, the sum of -	-	-	-	-	-	-	£ 1,015
To the warden	-	-	-	-	-	-	855
To the first and second fellows each	-	-	-	-	-	-	500
To the third and fourth fellows each	-	-	-	-	-	-	466
To each of the poor brethren and sisters	-	-	-	-	-	-	150

The said allowances or annual sums shall commence from the said 31st day of December 1857, and shall be payable half-yearly, except the allowances to the poor brethren and sisters, which shall be paid monthly, or at such other periods as the governors may think fit, and shall be apportionable in cases of the death of any of the said recipients before or in the interval between any of the said half-yearly payments.

The allowance or annual sum payable to the warden shall, in the event of his surviving the master, be increased to 1,015*l.* from the day of the master's decease; but the whole of the said allowances or annual sums shall abate in proportion in case and so often as the clear income of the Charity, after paying and providing for all necessary or proper outgoings and expenses of management, as well as the several payments and expenses directed or authorized by this scheme for the benefit or maintenance of the present poor scholars, and the college grammar school, and the servants and others attached to the present



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present establishment, shall in any year or years prove insufficient to pay the same allowances or annual sums in full.

12. Until the appointment of a chaplain as herein-after provided, the present first and other fellows of the said college shall respectively continue as heretofore to perform or provide for the performance of divine service in the chapel of the college, or in some other building to be appointed by the governors for that purpose, and to discharge the other spiritual duties heretofore and of right discharged by them respectively; but, save as aforesaid, the said master, warden, and fellows respectively shall from and after the said 31st day of December 1857 be exonerated from all obligation of residence in the said college, or the performance of any duties with respect to the Charity, and from all restriction against their respective marriages.

Performance of divine service until appointment of chaplain.

13. Until the establishment of a school in which the existing poor scholars shall be received and instructed, as contemplated by this scheme, and subject to the provisions herein contained, such poor scholars shall receive and enjoy the same instruction, maintenance, and other benefits, and shall also be entitled to the same apprenticeships and exhibitions to be respectively provided and paid out of the general income of the Charity, as such scholars respectively would have been entitled to receive and enjoy if this scheme had not been established.

Present poor scholars to receive instruction and other benefits as heretofore.

14. Subject to the provisions of this scheme, and until the governors shall otherwise direct, the college grammar school may continue to be carried on as heretofore in the buildings hitherto used for such school; and the several stipends, allowances, and other payments which have been heretofore paid and allowed out of the income of the Charity for the purposes of such school may continue to be paid and allowed as heretofore; and upon the discontinuance of the said school the governors may, if they so think fit, pay to the master thereof, out of the general income of the Charity, such a reasonable gratuity or pension in consideration of his services as they may consider proper and expedient.

Provision as to college grammar school.

15. The servants and attendants now employed in the college, upon their respective services being dispensed with in consequence of the provisions of this scheme, may respectively have any reasonable pensions or gratuities paid to them by the governors out of the income of the Charity, in such manner and subject to such conditions as the said governors shall think fit.

Present servants and attendants may be pensioned.

16. All pensions and exhibitions at present properly payable out of the income of the Charity shall continue to be paid to the present recipients thereof respectively during the tenure of their respective appointments, subject to the same rules and conditions as are now subsisting and applicable to the same respectively.

Present pensions and exhibitions to be continued.

17. The governors may appoint a clerk and a receiver (who respectively shall be removable by them at their pleasure), or they may grant the offices of clerk and receiver to one person, and they may pay to the holder of each such office, out of the income of the Charity, any reasonable stipend or allowance as a remuneration for his services. Every receiver shall, before entering upon his office, give such security for the due performance of the duties thereof as the governors shall direct.

Clerk and receiver.

18. It shall be the duty of the clerk, subject to the control and direction of the governors, to give notices of and to attend all meetings of the governors or committees of the governors, to enter and keep minutes of the proceedings at all such meetings, to keep the accounts, and to pay the bills of the Charity, to prepare and make out such statements of account relating to the Charity as the governors shall from time to time require, and to perform all such other duties appertaining to the office of clerk of the Charity as the governors shall direct.

Duties of clerk.

19. The receiver, subject to the control and direction of the governors, shall exercise a general supervision over the Charity estates and property, and the lessees thereof, and shall collect and receive the rents and income, and shall submit to the governors, so often and at such times as shall be directed by them, a report as to the state and condition of the Charity estates, and also full and particular accounts of all rents, income, and monies collected or received on account of the Charity, and of all arrears due of such rents or income; and shall perform all such other duties appertaining to the office of receiver, in respect of the Charity and its property, as the governors shall reasonably direct. And unless the governors shall otherwise direct, all rents and incomes to be received by the receiver on account of the Charity shall, immediately upon the receipt thereof, be paid over by him to the bankers of the Charity to the credit of the Charity account.

Duties of receiver.

20. There shall not be less than four meetings of the governors in every year, and such meetings shall be held on the Thursday fortnight after Lady Day, Midsummer Day, Michaelmas Day, and Christmas Day respectively, or upon such other days, being respectively within thirty days next after the said quarterly days as shall have been appointed by the governors at any preceding meeting, and the said governors shall have power to appoint all such other meetings as they shall think necessary. All meetings shall be held at the college, and at the hour of noon, unless the governors shall fix some other convenient place in Dulwich, and some other convenient hour for holding the next or any other meeting. There shall also be a first general meeting of the governors, for the general purposes and business of the Charity, on the first day of January 1858.

General meetings.

21. Any three or more governors may require the clerk to convene a special meeting of the governors for any special object to be mentioned in such requisition, and the clerk shall thereupon give notice to each governor of the holding of such meeting, specifying the time, place, and object thereof; and no

Special meetings.

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business shall be transacted at any special meeting, which shall not be specified or sufficiently indicated in the notice.

Notice of meetings.

22. Notice shall be given by the clerk to every governor seven clear days at the least previously to a general meeting, and fourteen clear days at the least previously to a special meeting; and notice of every adjourned meeting, so far as the interval between the original and adjourned meetings will permit, shall be given in like manner immediately after the adjournment to all governors not present thereat, and every notice shall specify the place and the day and hour appointed for holding the meeting. All notices required to be given to any governor shall be in writing delivered to him, or sent by the post or otherwise to his usual place of residence.

Permanent chairman.

23. There shall be a permanent chairman of the governors, who, whenever present, shall preside as chairman at all meetings of the governors, and who shall hold office until he shall cease to be a governor, or shall resign, or be appointed receiver, or be removed from being such chairman by a resolution passed at any special meeting of the governors to be convened for that purpose. The first permanent chairman shall be elected by the governors at their first meeting; and every subsequent permanent chairman shall be elected at some special meeting of the governors, to be held upon due notice after an interval of not less than twenty-eight days after the vacancy of the office.

Quorum of governors at meetings.

24. Five governors shall form a quorum at any meeting; and so soon after the time fixed for the holding of any meeting as a sufficient number of governors shall be present to form a quorum, in case the permanent chairman shall be absent, or his office shall be vacant, the governors then present shall proceed to elect a deputy chairman, who, when so elected, shall preside as the chairman at such meeting.

Resolutions of the majority to be binding.

25. The resolutions and proceedings of a majority of the governors present at any meeting shall be binding on the whole body; and no resolution or proceeding shall be subsequently revoked or altered, except at a special meeting duly convened upon notice for that purpose. The chairman presiding at any meeting shall, in the event of an equality of votes, have in addition to his original vote a second or casting vote.

Adjournment of meetings.

26. If after the space of one hour from the time appointed for holding any meeting, a sufficient number of governors shall not be in attendance to form a quorum, the permanent chairman, or in his absence any governor then present, or the clerk if no governor be present, may adjourn the meeting to a subsequent day, not less than seven days distant. Any meeting may also be adjourned at any time by the chairman thereof upon a resolution for adjournment being adopted at such meeting.

Appointment of committees.

27. The governors may at any time appoint three or more of their body to be a committee for the purpose of making any inquiry, or superintending or performing any specific acts or duties which in their judgment may be more conveniently referred to or delegated to such committee. The acts and proceedings of every such committee shall be reported to the governors from time to time at their next meeting.

Minutes of proceedings.

28. The governors shall provide and keep minute books, wherein shall be entered the names of the governors attending each meeting, and minutes of all proceedings thereat, and of all other transactions of the governors relating to the Charity. The minutes of the proceedings at each meeting shall be signed by the chairman of the meeting, and countersigned by the clerk.

Accounts.

29. The governors shall provide and cause to be kept proper account books, wherein shall be regularly entered and kept full accounts of all receipts and payments on behalf of the Charity, and such other particulars as the governors shall direct to be entered therein. All such accounts, and all accounts of the clerk and receiver, or other agents of the governors shall be examined, vouched, and audited half-yearly at the first general meeting after Midsummer Day and Christmas Day in every year, or at some adjournment of such meetings respectively, by one or more auditors, to be appointed for that purpose by the governors, and shall be signed by the chairman and two at least of the other governors present at such meeting; and a statement or sufficient abstract of such accounts, together with a statement showing the number of the boys of each description at the respective schools, and the number of exhibitioners, and the other recipients of the Charity, shall be printed and delivered annually to each governor, and to the vestry clerk of each of the said four parishes, and to such other persons as the governors shall think fit.

Bankers.

30. The governors shall from time to time appoint and employ bankers to the Charity, or for the purposes thereof; and all payments of money on account of the Charity shall be made, as far as practicable, by means of cheques or orders drawn on such bankers, to be signed at some meeting of the governors by the chairman thereof, and by one at least of the governors present thereat, and to be countersigned by the clerk.

Provision for payment of current expenses.

31. Such monies nevertheless as may from time to time be required for payment of the current expenses of the Charity may be paid or advanced by the governors for that purpose to the clerk or such other officer of the Charity, and in such manner, as they may consider expedient; and every such officer shall render to the governors, or as they shall direct, full and exact accounts of all such monies received or expended by him.

Custody of documents.

32. The governors shall provide some suitable room or place of deposit in the college, wherein shall be deposited the deeds, vouchers, account books, and documents belonging to the Charity, with proper lists

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lists or schedules thereof; and the contents of such room or place shall be examined by or under the direction of the governors at least once in each year; and such room or place shall be kept locked, and the keys thereof shall be kept in such secure custody, and under such regulations, as the governors shall from time to time prescribe.

33. The governors shall make suitable provision for the preservation and custody of the library belonging to the college, and shall appropriate annually, out of the income of the Charity, any sum not exceeding 100*l.* for binding, and the purchase of books; and subject to the superior authority and directions of the governors, the master of the college shall have the immediate charge and management of the library, and may establish suitable regulations for access thereto, and for the use of the books by the masters and boys of either school herein-after mentioned, and the officers and members of the establishment, and other persons, and generally for the management thereof. Library.

34. There shall be one chaplain, to be styled "The Chaplain of Alleyn's College of God's Gift at Dulwich," who shall be a duly qualified person in priests orders of the Established Church. The chaplain shall be appointed by the governors, who shall also have the power of removing him for neglect of duty, or other sufficient cause. The first appointment of a chaplain shall be made as soon as conveniently may be after the said 31st day of December 1857, and not later than the first general meeting to be held next after the 25th day of March 1858. Chaplain.

35. A suitable residence shall be erected or appropriated and provided by the governors at the expense of the Charity for the use of the chaplain, and such residence shall be occupied by the chaplain for the time being and his family rent free, and shall be kept in substantial repair, and all rates and taxes thereon paid by the governors out of the general income of the Charity; and the chaplain shall reside in his official residence rent free, and shall not underlet or part with possession of the same, or any part thereof, and he shall not absent himself from residence without the permission of the governors or of the master of the college acting under their authority. Chaplain's residence.

36. The chaplain shall perform divine service in the chapel attached to the college upon Sundays, and on such other days and at such time as the governors or the master of the college, with their sanction, shall from time to time direct, and he shall discharge such spiritual duties for the benefit of the several objects of the Charity as established by this scheme, and the several persons for the time being belonging or attached thereto, as the governors or the master with their sanction shall authorize and direct, and also, so far as may be lawful and convenient, all such spiritual duties for the benefit of the township or hamlet of Dulwich, and the inhabitants thereof respectively, as have been heretofore commonly performed by the first or other fellows of the college. Duties of chaplain.

37. In case an ecclesiastical district comprising the said township or hamlet of Dulwich shall hereafter be legally created, the chaplain, with the consent of the governors of the said Charity, may become the incumbent or minister of such district, subject and without prejudice to the performance of his duties under this scheme. Provision for annexation of ecclesiastical district to chaplaincy. !

38. The governors shall pay to the chaplain out of the general income of the Charity, by equal half-yearly payments, a clear annual stipend not exceeding 350*l.* and not less than 250*l.* Chaplain's stipend.

39. There shall be an organist for the purposes of the Charity, who shall be appointed by the governors, and shall be removable by them at pleasure, and who shall be paid such a reasonable annual salary out of the income of the Charity as the governors shall direct; and the duty of the organist shall be, subject to the control and direction of the master and the governors, to play the organ and generally to superintend the musical part of the services in the college chapel, and to instruct the boys in vocal music and choral singing at the schools herein-after constituted, or such of them as may be selected for that purpose by the master, and also such of the girls in the Dulwich girls school as herein-after provided. The governors may, if they so think fit, provide an official residence for the organist rent free out of the funds of the Charity. Organist.

40. The present chapel of the college shall continue to be appropriated and used as a place of divine worship for the purposes of the Charity and its establishment, and also for the inhabitants of the township or hamlet of Dulwich, in the same manner and to the same extent as heretofore; and the governors may, if they think fit, declare any number of the sittings to be free, or may require from any persons frequenting the chapel, and not being members of the Charity or its establishment, the payment of any reasonable sums by way of pew rent to be applied towards the expenses of such chapel, and the maintenance of the services thereof; provided that no such payment shall be required in respect of any pew or sitting in the chapel which shall have been annexed or appropriated to any house in the township or hamlet of Dulwich under any agreement or resolution of the college during the continuance of the term or period for which such pew or sitting shall have been so annexed or appropriated. In case the present chapel shall at any time hereafter be found insufficient or unsuitable for the purposes of the Charity and for the inhabitants of the township or hamlet of Dulwich, it may either be altered or enlarged by the governors, or a new chapel in a convenient situation for the inmates of the college may be erected and fitted up by the governors upon a plan to be approved by the visitor; provided that in the construction of such new chapel arrangements shall be made for affording to the inhabitants of the township or hamlet of Dulwich an equal extent of accommodation at least to that heretofore enjoyed by them in the present chapel. Chapel.

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chapel of the college, having regard also to the probable or eventual increase of population in the said township or hamlet.

Governors may prescribe rules and regulations.

41. Subject to the provisions of this scheme, the governors may from time to time prescribe such reasonable rules and regulations as they may think expedient for the internal government and conduct of the Charity and the establishment thereof as contemplated by this scheme, and of all officers and persons for the time being attached thereto or employed therein; and all such rules and regulations shall be observed by the persons affected thereby.

Three-fourths of net income to go to educational branch of Charity, and one-fourth to eleemosynary branch.

42. The Charity with respect to its objects shall consist of two branches, hereafter respectively called "the Educational" and "the Eleemosynary" branches; and the surplus annual income of the Charity, which shall remain after providing for and paying thereout the expenses of all necessary buildings, repairs, and insurance, and all other requisite or proper outgoings and expenses of management, as well as the stipends and salaries, and several other payments herein-before authorized or directed to be paid, and the interest and instalments of any debt payable thereout, shall be divided by the governors annually into equal fourth parts; and three of such fourth parts shall be placed by them from time to time to the account of "the educational branch" of the Charity, and (subject to the provision next herein-after contained) shall be applied and expended for the purposes thereof as herein-after directed; and the remaining one fourth part of such surplus income shall be placed by the said governors to the account of the eleemosynary branch of the Charity, and (subject to the said provision next herein-after contained) shall be applied and expended for the purposes thereof as herein-after also directed.

Surplus income of the Charity to be temporarily accumulated.

43. Provided nevertheless, that until the available surplus income of the Charity shall be sufficient for accomplishing the whole purposes hereby provided for with respect to the said educational and eleemosynary branches of the Charity respectively, or for bringing the same into active and complete operation, the amount of such surplus income as aforesaid shall be invested by the governors from time to time in the public funds or other government securities in the name of the stock committee for the time being, and the dividends thereon shall also be received and invested by them in like manner, so as to form an accumulating fund, which shall be ultimately applicable for such or the like purposes as are hereby declared of the income whence the same shall have arisen, except that if and so far as the governors may from time to time find the income for the time being sufficient for any partial accomplishment of such purposes respectively, it shall be lawful for them, with the sanction of the Board of Charity Commissioners for England and Wales, to apply the same income, or any part thereof, to such partial purposes.

For explanation and modification of this scheme.

44. If any doubt or question shall arise amongst the governors or any of them as to the proper construction or application of any of the provisions of this scheme or the management of the Charity, application may be made by the governors to the Charity Commissioners for England and Wales for their opinion and advice thereon, which opinion and advice, when given, shall be binding on the governors; and any provision in this scheme which may require to be explained or more closely adapted to the circumstances for the time being of the Charity may be explained, and adapted accordingly, by an order either of the Court of Chancery or of the Board of Charity Commissioners for England and Wales, to be made upon the application of the governors to the said Court or Board; and any provision in this scheme which shall be found inconvenient or objectionable may be modified accordingly by an order of the Court of Chancery, provided that no alteration shall be made by any such order involving a deviation from the main objects and principles of this scheme.

AS TO THE EDUCATIONAL BRANCH OF THE CHARITY.

Two schools to be established, an upper school and a lower school.

45. There shall be two schools, viz., an "Upper School," and a "Lower School," which shall be respectively established and maintained in the township or hamlet of Dulwich, out of the proportion of the income and funds of the Charity applicable to the educational branch thereof, subject and according to the provisions of this scheme.

Upper school.

46. The upper school shall be for the reception and instruction of boys as foundation scholars and day boys, and may be carried on in the present college buildings, which, for the purposes thereof, may be altered, enlarged, adapted, and fitted up by the governors, or, if necessary, new school buildings, with masters residences, playgrounds, and appurtenances, may be erected, provided, and fitted up by them, according to any plan which shall be previously approved by the Board of Charity Commissioners for England and Wales.

Head master and under master.

47. There shall be a head master of the said upper school, to be styled, "The Master of Alleyn's College of God's Gift at Dulwich," and who shall have the general control and superintendence of the educational branch of the Charity, subject to the superior authority of the governors, to whom he shall be responsible for the conduct thereof. There shall also be an under master of the same school, and such master and under master respectively shall be appointed by the governors.

Qualification of head and under master.

48. The master of the college, and the under master of the upper school, shall respectively be members of the Church of England, and graduates of one of the Universities of the United Kingdom, duly qualified to discharge the duties contemplated by this scheme; and the governors shall in all cases, previously to appointing any master or under master, advertise for candidates, and require and receive testimonials and other evidence of qualification in such manner as they may deem expedient for securing the services of the most efficient and eligible persons.

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49. The governors shall pay by equal half-yearly payments, out of the income of the educational branch of the Charity, a fixed annual salary or stipend of 400*l.* to the master of the college, and of 250*l.* to the under master of the upper school, and also, in addition to such fixed salaries or stipends, a half-yearly payment or sum of 30*s.* to the master, and 10*s.* to the under master, for every boy exceeding the number of fifty, who shall have bonâ fide attended the said school for a period of not less than three calendar months during the then preceding half year.

Salaries of head master and under master.

50. The master of the college, with the approbation of the governors, shall be at liberty from time to time to appoint such assistant masters or teachers, and such professors, lecturers, and instructors, as may be requisite and proper for the purposes of the school; and every person so appointed shall hold office during the pleasure of the governors, and shall be paid out of the income of the educational branch of the Charity such a reasonable salary or remuneration as the governors shall appoint.

Assistant masters and teachers.

51. All boys between the ages of eight and fifteen years, whose parents or next friends shall be inhabitants of any of the said four parishes of Saint Botolph, Saint Saviour, Saint Luke, and Saint Giles Camberwell, being respectively of good character and conduct, and free from any infectious disease, and able to read and write, shall, to the extent of the accommodation afforded by the said upper school, be capable of being admitted thereto as day scholars, and of partaking of the benefits and advantages thereof, subject to the provisions of this scheme, and to such rules and regulations as may be prescribed by the governors consistently therewith; but no boy shall remain in the said school after he shall have attained the age of eighteen years. Subject to such rules and regulations as aforesaid, and subject to the right of preference in favour of boys from the four parishes aforesaid, it shall be lawful for the governors, if they think it expedient, at any time, to order the admission to the said school of boys from other parishes also, provided that the accommodation afforded by the school buildings and the funds of the Charity shall be sufficient for that purpose.

Qualifications for admission of boys to upper school.

52. Every application for admission to the upper school as a day scholar shall be made in writing to the master of the college, in whom the power of admitting or rejecting applicants shall be vested in the first instance, subject to the revision and control of the governors in each case, and such applications shall be made in such form, and shall be accompanied by such testimonials and evidence of qualification, as the said master, with the sanction of the governors, shall from time to time require; and registers of the applications for admission, and also of the boys admitted to the school, specifying the respective dates of such applications and admissions respectively, and the residences of the boys, and such other particulars as the governors may direct or sanction, shall be kept by the said master, and shall be accessible to every governor.

Applications for admission to upper school.

53. Any of the day boys attending the upper school may, with the consent of the governors, be admitted as day boarders upon the payment of such sums as the governors shall from time to time direct, and subject to such other reasonable regulations as they may prescribe.

Day boys may be partially boarded.

54. There shall be so many foundation scholars in the upper school, not exceeding the number of 24 at one time, as shall be fixed and determined from time to time by the governors, having regard to the amount of the income and resources of the educational branch of the Charity and the extent of accommodation afforded by the buildings, and the said foundation scholars shall be appointed in manner herein-after mentioned, and shall hold their respective appointments during such periods and subject to such regulations and conditions as the governors may from time to time prescribe.

Foundation scholars at upper school.

55. All boys belonging to any of the four parishes, either from the upper school or the lower school hereafter constituted, between the ages of 12 and 15 years, may offer themselves as candidates for appointment as foundation scholars in the upper school, subject and according to such regulations as the governors may from time to time prescribe; and the said foundation scholars shall be elected and appointed by the governors from time to time from the candidates who shall be reported to them by the master of the college to be the most deserving, having regard to the examinations passed by such candidates respectively at the examinations herein-after directed to be held of the said schools, and to their respective characters and conduct: Provided that of the whole number of foundation scholars in the upper school not less than one third shall be so elected and appointed by examination from the foundation scholars of the lower school.

Election of foundation scholars.

56. Subject to such regulations as shall from time to time be established or approved by the governors, the foundation scholars in the upper school shall during their continuance at the same school be lodged, boarded, clothed, educated, and maintained in all respects at the entire expense of the Charity, and the governors may, if they think fit, direct that such scholars shall wear a suitable cap or other mark of distinction.

Foundation scholars to be clothed and maintained at the expense of the Charity.

57. The master of the college and the second master of the upper school shall not be at liberty to receive and board any private pupils in their respective residences.

Head master and second master not at liberty to receive and board any private pupils.

58. The governors shall have the power of dismissing and expelling any boy from the upper school for any immorality, insubordination, misconduct, or other sufficient cause; and the master may immediately suspend any boy guilty of any such misconduct from further attendance at the school until the case can be reported to the governors and decided upon by them.

Suspension and expulsion of boys.

59. An annual sum or capitation fee to be fixed and determined from time to time by the governors shall be paid by every boy attending the upper school, with the exception of the foundation scholars, and, until

Capitation fees.

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until it shall be otherwise determined by the governors, the payment shall be according to the following scale; viz. :—

For every boy under the age of fourteen years :

If belonging to any of the four parishes aforesaid, 6*l.*

If not belonging to any of the same parishes, 8*l.*

For every boy above the age of fourteen years :

If belonging to any of the four parishes aforesaid, 8*l.*

If not belonging to any of the same parishes, 10*l.*

And all such capitation fees shall be paid in advance to the governors, or to such person as they may appoint to receive the same, in such half-yearly or other payments and at such times as the governors may direct; and the governors shall be at liberty in any special cases to vary the sum to be paid by any boy, or to remit the same either partially or entirely as a reward of his superior merit, or on the ground of the greater poverty of his parents or next friends.

Application of  
capitation fees.

60. The annual amount of the capitation fees to be received from the boys as aforesaid shall be paid and applied by the governors as follows, viz., one moiety thereof shall be paid half-yearly to the master of the college, and one-fourth part thereof shall be paid half-yearly to the under master of the upper school, in augmentation of their respective stipends, and the remaining one-fourth part thereof shall be applicable to the general purposes of the said school.

Instruction in  
upper school.

61. The instruction to be afforded in the upper school shall comprise, as far as may be—

The Principles of the Christian Religion and the Reading and Study of the Holy Scriptures ;

English Literature and Composition ;

The Greek, Latin, and modern Languages, and Literature ;

History and Geography ;

Writing and Vocal Music ;

Mathematics, Algebra, Arithmetic, and Book-keeping ;

Drawing and Designing, Practical Geometry and Mensuration, and the Principles of Civil Engineering ;

Physics, Mechanics, Chemistry, and the Natural Sciences, especially with their Applications to the Industrial and Practical Arts ;

And generally such subjects as the governors shall from time to time prescribe for affording to the scholars a sound religious, moral, and useful education.

For the purposes of these several branches of instruction, the upper school may be divided into such departments or sections as the governors, or the master with their sanction, shall from time to time determine, and the buildings to be provided for or appropriated to the objects of the same school, and the fittings thereof respectively, shall be adapted to the same purposes accordingly.

The governors may also, out of the funds applicable to the educational branch of the Charity, from time to time provide such instruments, models, drawings, apparatus, and other requisites, and may employ either temporarily or otherwise such lecturers, professors, or teachers, as they shall think proper, and as the said funds shall be sufficient to provide for advancing or rendering more effective the instruction to be so given.

Discipline of  
school.

62. The course of instruction to be adopted in the upper school, and the hours of attendance, and the discipline and internal conduct and management thereof, and the holidays and vacations to be allowed therein, shall be under the direction and control of the master of the college, subject to such rules and regulations as the governors may from time to time approve.

Annual exa-  
mination.

63. There shall be an annual examination of the boys at the upper school at such time as shall be appointed by the governors, who shall appoint one or more suitable examiners, being respectively graduates of one of the Universities of the United Kingdom, to conduct such examination, and may pay such examiners respectively any reasonable sum for their trouble and expenses ; and such examination shall take place in the presence of the governors, and of the master of the college, and the under master of the school, or such of them as can conveniently attend ; and the churchwardens of the said four parishes, and such other persons as the governors or the master may think fit, shall be invited to attend the same ; and suitable prizes may be provided and distributed by the governors upon every such examination to the boys who shall be reported to them by the master of the college as deserving the same.

Not more than  
eight exhibi-  
tions of 100*l.*  
each.

64. Whenever the income and resources of the educational branch of the Charity shall, in the judgment of the governors, permit, it shall be lawful for the governors to establish and pay out of such income any number of exhibitions or scholarships, not exceeding eight in the whole, and not exceeding the amount of one hundred pounds per annum each ; and such exhibitions or scholarships, when vacant, shall be open to the competition of all the boys at the upper school at the annual examination aforesaid, and may be awarded by the governors to the boys who shall appear to be most deserving thereof, having regard to the result of the said examination, and to the general character and conduct of such boys respectively : Provided that no boy shall be eligible for such exhibition who has not for the period of two years immediately preceding been educated in the upper or lower school.

Exhibitions  
tenable for five  
years.

65. Each exhibition or scholarship shall be tenable for five years, or for any less period, to be determined by the governors ; provided that the holder shall during his tenure thereof continue to be resident at

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at one of the English Universities, or to be a bonâ fide student of some learned or scientific profession or of the fine arts, with a view to the professional practice thereof, and shall continue to conduct himself with propriety and to the satisfaction of the governors.

66. The lower school shall be for the instruction and benefit of boys as foundation scholars and day boys, and shall be established and carried on in suitable buildings and premises, to be constructed or provided and fitted up for that purpose by the governors in Dulwich, according to a plan to be previously approved by the Board of Charity Commissioners for England and Wales; and the buildings of the present college grammar school may, if thought expedient, and subject to the like approval, be appropriated and altered, enlarged and fitted up, by the governors for the purpose of the said lower school. Lower school.

67. There shall be a master of the lower school to be appointed by the governors, who shall be a member of the Church of England, duly qualified to discharge the duties contemplated by this scheme; and the governors, previously to appointing any such master, shall advertise for candidates, and receive such testimonials and evidence of qualification as they may deem expedient for securing the services of the most efficient and eligible master. Master of the lower school.

68. The master of the lower school shall be paid by the governors by half-yearly payments out of the income of the educational branch of the Charity a fixed annual stipend of 200*l.*, and also an additional half-yearly sum of 20*s.* for every boy exceeding the number of fifty who shall have bonâ fide attended the same school for a period of not less than three calendar months during the then preceding half-year. Stipend to master of the lower school.

69. The governors, upon the recommendation of the master of the college, may from time to time appoint such and so many persons as assistant masters, teachers, and instructors for the purposes of the lower school as in their opinion may be requisite or proper, having regard to the requirements of the same school, and the income and resources of the educational branch of the Charity; and every such person may be paid by the governors such a salary or remuneration as the governors may think proper, and every person to be so appointed shall hold office during the pleasure of the governors. Assistant masters or teachers.

70. There shall be so many "foundation scholars" in the lower school as shall be fixed and determined from time to time by the governors, having regard to the amount of the income and resources for the time being of the educational branch of the Charity. Foundation scholars at lower school.

71. The foundation scholars at the lower school shall be appointed by the governors, and boys between the ages of eight and twelve years, of good character, free from infectious disease, and able to read and write, and being poor orphans having lost one or both parents, or in default of such then the children of poor deserving parents resident in any of the said several parishes of St. Botolph, St. Saviour, St. Luke, and St. Giles Camberwell, shall be eligible to be so appointed, but so that an equal number of the said foundation scholars shall be taken from each of the said parishes. The age up to which the foundation scholars may remain in the lower school may be fixed and determined from time to time by the governors, provided that no boy shall be allowed to remain as a foundation scholar in the same school after the age of sixteen years. Qualification of foundation scholars.

72. The foundation scholars at the lower school shall be elected from time to time from amongst boys duly qualified as aforesaid, upon an examination and inquiry to be instituted by the governors, or by a committee of not less than three of their number, to be appointed for that purpose; and every such election shall be held either at Dulwich or at the respective parishes from which the scholars are to be elected, and shall take place at such times and be subject to such rules and regulations as may be prescribed by the said governors; and previously to every such election sufficient notice shall be given by the governors in such of the said parishes as may be interested therein, and in any manner and form which the governors may consider best calculated to ensure publicity, specifying the number of vacancies to be filled up, and the qualifications required from candidates, and the time and place at which the election will take place; and in making every such election the merits, qualifications, and claims of the candidates in regard to their respective proficiency, abilities, and general character, and the circumstances and character of their respective parents, shall be taken into due consideration by the governors. Election of foundation scholars.

73. The governors may appoint any fit and proper person to examine the candidates at every such election, and may pay to such person out of the funds of the Charity any reasonable remuneration for his trouble and expenses, or they may authorize the master of the lower school, or the master of the college, or the under master of the upper school to act as the examiner upon any such occasion gratuitously; and so far as conveniently may be, and subject to such regulations as the governors may prescribe, every such examination may be attended by all parishioners of the parish for which the election in question shall be held, and by any other persons whom the said governors may think fit or expedient to admit to attend the same. Examination of candidates.

74. The foundation scholars at the lower school shall be lodged and boarded in suitable buildings attached to the same school, to be provided and fitted up by the governors for that purpose, and shall also be clothed, maintained, and educated at the same school at the entire expense of the Charity, in accordance with such rules and regulations as may be prescribed by the governors in that behalf. Foundation scholars to be clothed, educated, and maintained at expense of Charity.

75. Subject to the regulation and control of the governors, and to the extent of accommodation afforded by the school, all boys above the age of eight years, the children of the industrial or poorer classes resident in any of the four parishes aforesaid, being respectively of good character and able to Day boys at lower school.

read

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read and write, and not suffering from any infectious disorder, shall be admissible to the lower school as day boys; but no such boy shall remain at the school after the age of sixteen years.

Applications  
for admission  
as day boys.

76. Every application for admission as a day boy to the lower school shall be made to the master of the same school, who shall keep a register of all such applications and of the boys admitted to the school, which register shall always be open to the inspection of every governor and of the master of the college.

Capitation fees.

77. A capitation fee to be fixed by the governors from time to time, but not exceeding 5s. a quarter for each boy under fourteen years of age, and 10s. a quarter for each boy above that age, shall be paid by the parents or friends of every day boy attending the lower school to the governors, or to any person appointed by them to receive the same; but the governors may in particular cases, if they see fit, as a reward of superior merit, or on the ground of the poverty of any boy or his friends, or for sufficient special reasons, excuse the payment of such capitation fees either wholly or in part. All such capitation fees shall be paid in advance quarterly, or at such other times as the governors may direct, and shall be paid and applied by the governors as follows, viz., one moiety of the amount thereof shall be paid half-yearly to the master of the lower school in augmentation of his stipend, and the remaining moiety shall be applied towards increasing the stipend or remuneration of the assistant masters or teachers of the said school respectively (if any), or for the general purposes of the same school, as the governors in their discretion shall think fit.

Provision for  
partially board-  
ing day boys.

78. Any of the day boys attending the lower school may, with the consent of the governors, be admitted as day boarders, and may thereupon be boarded with the foundation scholars of the same school upon the payment of such a sum for defraying the expense as the governors may from time to time direct, and subject to such other reasonable regulations as they may prescribe.

Instruction in  
lower school.

79. The instruction to be given in the lower school shall comprise, as far as may be—

The Principles of the Christian Religion, and the Reading and Study of the Holy Scriptures;

Spelling, Reading, and Writing;

English Grammar and Composition, and the Latin and modern Languages;

General History and Geography;

Vocal Music;

Arithmetic, Algebra, Mathematics, and the Elements of Practical Geometry and of Mensuration;

Elementary Instruction in the Laws of Physics, Mechanics, Chemistry, and the Natural Sciences;

Elementary Freehand and Mechanical Drawing.

The instruction in these subjects shall bear especially on their application to the Industrial Arts, and to them may be added such subjects as the governors shall from time to time prescribe for affording to the scholars a sound religious, moral, and useful education, adapted to their probable occupations or stations in life.

For the purposes aforesaid the lower school may be divided into such departments or sections as the governors, or the master with their sanction, shall from time to time determine, and the buildings to be provided for or appropriated to the objects of the same school, and the fittings thereof shall be adapted to the same several purposes accordingly.

\*The governors may also from time to time, for the benefit of the lower school, make any such provision for promoting or rendering more effectual the instruction to be given therein, and particularly in any branches of physical or mechanical science as are authorized to be made by them for the benefit of the upper school for the like purposes, so far as in their judgment such provision shall be required, and the funds of the educational branch of the Charity properly applicable to this purpose will permit.

Suspension and  
expulsion of  
boys.

80. The boys at the lower school shall be liable to dismissal and expulsion by the governors for any breach of the rules of the school, or for theft, immorality, insubordination, or misconduct, or other sufficient cause. And upon the occurrence of any such offence or occasion, the master of the same school shall report the same to the master of the college, who shall have power to inquire into the same, and if he shall so think fit, to suspend the offender from further attendance at the school until the case shall have been reported by him to the governors, and decided upon by them.

Provision for  
the general superin-  
tendence and  
discipline of  
lower school.

81. The discipline and course of instruction to be adopted at the lower school, and the internal regulation and management thereof, shall be committed to the master of the same school, subject, nevertheless, to the general superintendence and direction of the master of the college, who shall be at liberty at all times to visit and inquire into the state and condition of the said lower school, and shall, at least once in each year, make a report thereon to the governors, and subject also to the orders and regulations of the governors.

Annual exam-  
ination.

82. There shall be an annual examination of the boys at the lower school at such time as shall be appointed by the governors, who shall appoint some fit and proper examiner to conduct such examination, and may pay to him any reasonable remuneration for his trouble and expenses; and such examination shall take place in the presence of the governors, and of the masters of the upper and lower schools, or such of them as can conveniently attend, and the churchwardens of the said four parishes, and such other persons as the governors or the master of the college may from time to time think fit, shall be invited to attend the same. With the approbation of the governors, either the master of the college or the second master of the upper school may act as the examiner at any such annual examination gratuitously.



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83. The governors may yearly, upon the occasion of such examination as last aforesaid, distribute suitable prizes, to be provided out of the income and funds of the educational branch of the Charity, among the boys at the lower school who shall be found to be most deserving thereof, having regard to the results of the said examination and to the general character and conduct of such boys, according to a report thereof to be made to the governors by the master of the college in concurrence with the master of the lower school; and the governors may also yearly, upon the occasion of such annual examination, award and pay out of the same income and funds, to or for the benefit of a limited number of such boys as last aforesaid who shall be then leaving the school (but not exceeding the number of six in the whole during any one year), a gratuity or sum not exceeding 40*l.* in each case for the purpose of apprenticing or advancing such boys respectively in the world in such manner and subject to such conditions and regulations as the governors may prescribe: Provided that one third at least of the boys receiving such benefit shall be taken every year from the most deserving of the foundation scholars of the lower school, if a sufficient number of the foundation scholars should be then leaving the school.

Prizes and  
apprenticing  
gifts.

84. Whenever the income and resources of the educational branch of the Charity shall in the judgment of the governors permit, any number of exhibitions or scholarships, not exceeding twelve in the whole, and not exceeding the amount of 40*l.* per annum each, may be awarded and paid by the said governors out of such income to or for the benefit of such boys as herein-after mentioned upon their leaving the lower school, and any such exhibition or scholarship shall be tenable by the boy to whom it shall be so awarded for a period not exceeding four years from the time of his leaving the school, provided that he shall continue to conduct himself with propriety and to the satisfaction of the governors; but no more than three such exhibitions or scholarships shall be awarded or filled up in any one year.

Exhibitions or  
scholarships  
for the lower  
school.

85. The said exhibitions or scholarships to the extent of the disposable vacancies for the time being therein shall be open to the competition of all boys at the lower school (as well foundation scholars as day boys) at the annual examination for the same schools, and shall be awarded by the governors to the boys who shall be found to be most deserving thereof, having regard to the result of the said examination, and to the general character and conduct of the boys, according to a report to be made to the governors by the master of the college in concurrence with the master of the lower school; but no boy shall be entitled to or receive any such exhibition or scholarship in addition to a gratuity for his apprenticeship or advancement as aforesaid: Provided also, that no boy shall be eligible for such exhibition or scholarship who has not for the period of two years immediately preceding been educated in the said lower school.

Competition  
for such exhi-  
bitions.

86. Suitable residences, with all proper fittings and appurtenances, shall be provided by the governors for the persons holding the respective offices of master of the college and under master and master of the said upper and lower schools, and the same persons respectively shall reside in their respective official residences rent-free, and shall have the occupation and use thereof in respect of their official character and duties, and not as tenants, and shall, if removed from office, deliver up possession of their said respective residences at such time and to such person as the governors may require or direct; and no master shall underlet or permit any person, except himself and his family, to occupy his official residence or any part thereof. The said official residences, with their respective appurtenances, shall be kept in proper repair, and all rates and taxes thereon shall be paid by the governors out of the income of the Charity.

Masters to re-  
side in and not  
to underlet  
their resi-  
dences.

87. The master of the college and the under master and master of the said upper and lower schools respectively shall give their whole time and personal attention to the duties of their respective offices, and shall not respectively during their respective tenure of office accept or hold any benefice having the cure of souls, or any office or appointment which in the opinion of the governors may interfere with the proper performance of their respective duties under this scheme.

Masters not to  
have other  
employments.

88. The master of the college and the under master and master of the said upper and lower schools respectively, previously to entering into office under the provisions of this scheme, shall respectively sign a declaration to be entered in the minute book of the governors, which may be in the following form, or as near thereto as conveniently may be, *i.e.* :—

Declaration to  
be signed by  
masters on  
entering into  
office.

“ I, \_\_\_\_\_ declare, That I will always to the best of my ability discharge the duties of \_\_\_\_\_ during my tenure of that office according to the provisions of the scheme for the regulation of Alleyn's College of God's Gift at Dulwich, and that in case I shall be removed from my office by the governors according to the provisions of the same scheme, I will acquiesce in such removal, and will thereupon relinquish all claim to such office and its future emoluments, and upon any such removal, or upon any avoidance of my office, possession of my official residence with its appurtenances may be forthwith taken by the governors, or any person appointed by them to take possession of the same.”

89. The master of the college, and the under master of the upper school, and the master of the lower school respectively, shall be liable to be removed from their respective offices by the resolution of the governors present at a special meeting, to be called for the express purpose of considering the expediency of such removal upon a requisition of at least three governors, provided that the resolution for

Removal of  
masters.

*Dulwich College.*

such removal shall be carried at such meeting by at least two-thirds of the governors present, and that the number of governors voting for the removal shall not be less than seven, and provided that the notice of meeting shall in this special case have been given to every governor by the space of at least one calendar month previously to the holding thereof, and that notice thereof shall have been also given in like manner by the same space previously to the master whose removal shall be proposed, and that such resolution shall be entered on the minutes and signed by the governors voting for the same.

Removal of head and under masters.

90. The master of the college, and the under master of the upper school, and the master of the lower school, shall also respectively be removable by the governors under the provisions of "The Charitable Trusts Act, 1853," and the governors may assign to any master or under master, upon his removal under this or the last foregoing clause, or upon his retirement, such a reasonable annual allowance by way of retiring pension, to be paid out of the income of the educational branch of the charity, as the Board of Charity Commissioners for England and Wales shall sanction.

Masters' salaries apportionable in case of death, &c.

91. Any master of the college, and any under master or master of the said upper and lower schools respectively, who may die, resign, or be removed from office under the provisions of this scheme in the interval between any two half-yearly days of payment, shall respectively be entitled to a due proportion of his salary or stipend, and of the portion of capitation fees, if any, payable to him under the provisions of this scheme from the previous half-yearly day of payment thereof up to the day of his death, resignation, or removal.

Provision as to the religious instruction.

92. Prayers taken from the Liturgy of the Church of England, or of which the form shall have been approved by the visitor, shall be said daily in each of the said schools when the same shall meet. The religious instruction in both the schools shall be in accordance with the doctrines of the Church of England, and shall be given under the general direction of the master of the college to all boys, except that instruction in the Church Catechism, or in any distinctive doctrines of the Church of England, shall not be given to boys whose parents, or persons standing in loco parentis (being respectively persons not in communion with that church), shall state in writing to the master of the college that they object to such last-mentioned instruction upon conscientious grounds; and all the boys, except those last aforesaid, shall also attend divine service at the chapel of the college on Sundays, and on such other days and at such times as may be directed by the master of the college, subject to the approbation of the governors. The exemption from attending divine service at the chapel of the college on Sundays may also be extended by the governors or the master, if found necessary or convenient, to any day boys attending the schools from other places than Dulwich; but care shall be taken, as far as possible, that all boys who shall, by virtue of the said exception, be exempted from attendance at the said chapel as aforesaid, shall regularly attend some other place of religious public worship on Sundays.

Boarding establishment.

93. Every establishment which may be set up by any person or persons for the purpose of lodging or boarding boys at the upper or lower school shall be under the superintendence of the master of the college, subject to any rules and regulations which may be made by the governors.

Attendants and servants.

94. The governors may appoint from time to time such attendants and servants as may be found to be required for any of the purposes of the said respective schools at such reasonable salaries to be paid out of the income of the educational branch of the Charity as the governors may think fit, and may remove any such attendants and servants at pleasure.

Present poor scholars to be admitted as foundation scholars.

95. The present poor scholars at the college, or such of them (if any) as may retain their respective appointments when this scheme shall come into operation, shall be entitled to be admitted in the first instance as foundation scholars either at the upper or lower schools as the governors may determine and direct in each case.

Preference in favour of inhabitants of Dulwich for admission to schools.

96. In the appointment or admission of boys from the parish of Camberwell to either of the said schools, under any of the provisions of this scheme, boys being the children of resident inhabitants of the township or hamlet of Dulwich, and being otherwise duly qualified for appointment or admission, shall always be entitled to and have a preference, *cæteris paribus*, over boys being the children of persons resident in any other part of the said parish of Camberwell. Provided nevertheless, that the preference hereby given shall take effect and be acted upon in those cases only where the merits and qualifications of the respective candidates for appointment or admission independently of their place of residence shall be equal in the judgment of the governors, whose decision in case of any dispute or difference as to the application or effect of this provision shall be conclusive upon all parties.

Schools subject to H. M. Inspectors of Schools.

97. The schools shall respectively be subject to inspection by Her Majesty's Inspectors of Schools.

Provision for increase of number of foundation scholars and exhibitioners.

98. It shall be lawful for the governors from time to time, with the sanction of the Court of Chancery or the Board of Charity Commissioners for England and Wales, to be obtained upon application to such Court or Board, to increase the number of foundation scholars or exhibitioners at or from both or either of the said schools to such an extent as the amount of the income and resources of the educational branch of the Charity for the time being, and other circumstances, may render proper and expedient.

Surplus income.

99. The annual surplus income (if any) of the educational branch of the Charity which shall not be applied or required for the purposes herein-before expressed, shall be invested by the governors from time to time in the public funds or other Government securities, in the names of the stock committee or in the name of the Official Trustees of Charitable Funds, and the dividends and income to arise from such investments shall be applicable as part of the income of the educational branch of the Charity.

As

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## AS TO THE ELEEMOSYNARY BRANCH.

100. There shall be such a number of almspeople belonging to the Charity as shall be determined by the governors from time to time, having regard to the amount of income available for the support of the eleemosynary branch of the Charity, and the extent of accommodation afforded by the buildings to be erected for that purpose according to this scheme; but the number of such almspeople for whom accommodation shall be provided by the governors in the first instance shall not exceed twenty-four. Almspeople.

101. Suitable residences with gardens, if the same can be conveniently attached to them, and all necessary and proper fittings and conveniences, shall be erected or appropriated and provided by the governors for the reception and accommodation of the said almspeople upon the Charity estate if practicable, or elsewhere at Dulwich, and according to plans to be approved by the Board of Charity Commissioners for England and Wales. Residences for almspeople.

102. The present poor brethren and sisters belonging to the Charity, or any of them, who may continue to hold their respective appointments after the 31st day of December next, shall be entitled to be placed, in the first instance, in the residences to be erected or appropriated and fitted up in accordance with the provisions of this scheme; and until sufficient residences shall be erected and fitted up for such poor brethren and sisters, and in case of and from and after their removal from the college, the governors shall provide them with fit residences or make such other provision for their location and domiciles as shall be just and expedient. Provision for locating present poor brethren and sisters.

103. One half of the almspeople shall be poor men to be called "Brethren," and the other half of such almspeople shall be poor women to be called "Sisters," and both classes shall be selected, so far as practicable, from among respectable persons, either married or single, who shall have fallen from better circumstances into indigence, and who shall be of the age of sixty years or upwards; and the said almspeople shall always be chosen and appointed from among residents in the said four parishes of Saint Botolph Without Bishopsgate, Saint Saviour Southwark, Saint Luke Middlesex, and Saint Giles Camberwell, respectively, in the proportion of one-fourth of the whole number of such almspeople from each of the said several parishes respectively. Qualification of almspeople.

104. The right of appointing the almspeople shall be vested in the governors, but for the purpose of every such appointment the vestry of the parish from which the appointment is to be made shall submit to the governors the names of three persons duly qualified as aforesaid as candidates, with all proper information and evidences as to their qualification, condition, character, and circumstances, and so far as regards the candidates to be so submitted from the parish of Camberwell, having due regard to the preference herein-after reserved in favour of persons resident in the township or hamlet of Dulwich, and one of such candidates, if found duly qualified and eligible, shall thereupon be selected and appointed by the governors to fill the vacancy; but the governors may, if and so often as they shall think fit, on the ground of disqualification, or any other reasonable cause to be assigned by them, reject all or any of the three candidates to be so submitted to them for the purpose of any such appointment, and require other candidates to be submitted to them as aforesaid, in the respective places of any so rejected. In any case of the refusal or omission of the vestry to submit to the governors the names of proper candidates within twenty-eight days next after a notification made to them or to their clerk by order of the governors of a vacancy to be filled, or next after the rejection by the governors according to the preceding provision of any candidates or candidate for the said vacancy, the governors shall be at liberty to appoint any duly qualified person to fill such vacancy. Appointment of almspeople.

105. The almspeople, during the tenure of their respective appointments, shall have the use and occupation of their respective residences, together with such fittings and furniture (if any) as may be provided by the governors, rent-free, and a weekly stipend to be fixed and determined from time to time by the governors, but not exceeding twenty shillings per week, shall be paid to each almsperson out of the income of the eleemosynary branch of the Charity. Weekly allowances to almspeople.

106. The chaplain of the college, subject to the superior authority and direction of the governors, shall have the immediate supervision and control of the almspeople, and shall take care that proper discipline and order is observed by them, and he shall half-yearly or more frequently report to the governors as to the state and condition of the almspeople and the eleemosynary branch of the Charity generally. Chaplain to have supervision of almspeople.

107. Whenever the income of the eleemosynary branch of the Charity, after providing for the establishment and maintenance of twenty-four almspeople, shall be sufficient for the following purpose, the governors shall appoint from time to time as out-pensioners any number of persons not exceeding the number of almspeople for the time being, and not exceeding thirty-two in the whole. The number of such pensioners of either sex shall, so far as possible, be equal; and so far as may be convenient and practicable the several provisions herein contained with regard to the qualification of the said almspeople, and the proportion of the whole number to be appointed from the poor of each of the said four parishes respectively, and the mode of their election and appointment, and the tenure of their appointments, shall be applicable to the pensioners contemplated by this provision, except that such pensioners, shall be eligible after the age of fifty years. The governors may pay to each pensioner during the tenure of his Pensioners.

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or her appointment, out of the last-mentioned income, a weekly or other periodical sum at the rate of ten shillings per week.

Removal and suspension of almspeople.

108. The governors shall have the power of removing and dismissing any almsperson or pensioner for disqualification, immorality, insubordination, misconduct, or other sufficient cause, and the master of the college may at any time suspend any almsperson or pensioner guilty of any such misconduct from the receipt of any allowance or benefit from the Charity until the case can be reported to the governors and decided upon by them.

Preference in favour of Dulwich for appointment as almspeople and pensioners.

109. In the appointment of any almsperson or pensioner from among residents in the parish of Camberwell under the provisions of this scheme, poor persons resident in the said township or hamlet of Dulwich, being otherwise duly qualified as required by this scheme, shall always be entitled to and have a preference, *ceteris paribus*, over poor persons resident in other parts of the said parish, and the nominations to be made by the vestry of the said parish of Camberwell shall in all cases be made in accordance with this provision; provided nevertheless, that the preference hereby given shall take effect and be acted upon in those cases only where the qualifications and claims of the respective candidates in accordance with this scheme, independently of their place of residence, shall be equal according to the judgment of the governors, whose decision in case of any dispute or difference as to the application or effect of this provision shall be conclusive as between all parties.

Surplus income.

110. The annual surplus income (if any) of the eleemosynary branch of the Charity which shall not be applied or required for the purposes herein-before expressed, or any of them, shall be invested by the governors from time to time in the public funds or other Government securities, in the names of the stock committee or in the name of the Official Trustees of Charitable Funds, and the dividends and income to arise from such investments shall be applicable as part of the income of the eleemosynary branch of the Charity.

## AS TO THE PICTURES AND OTHER MINOR FOUNDATIONS.

Provision for preservation and custody of pictures.

111. Provision shall be made by the governors, with the sanction of the President and Council of the Royal Academy, for the preservation and custody of the collection of pictures and other works of art bequeathed to the college by the respective wills of Sir Peter Francis Bourgeois and Margaret Desenfans, and all accretions or additions (if any) to such collection, in the present gallery, and, if necessary, in some additional gallery to be erected or otherwise provided for the purpose at the College at Dulwich, and subject to such regulations for making the same accessible to the public, and for other purposes, as the governors, with the like sanction or approval, may determine or direct.

Endowments of picture gallery.

112. All sums of stock, securities for money, and other property vested in or held by the college, or any person or persons in trust for the custody or preservation of the said pictures or works of art, or for any object or purpose connected therewith, or so much thereof as shall not have been already vested in the said governors by virtue of the provisions herein-before contained, shall be transferred to the governors hereby established, or to any four persons of their number to be appointed by them for that purpose, or as to such stock to the Official Trustees of Charitable Funds, and shall be placed by the governors to a separate account, to be called "The Picture Gallery Endowment Account," and the same stock, securities, and premises, and the dividends and income arising therefrom, shall be applicable primarily to the purposes of placing, preserving, and guarding the said pictures and works of art, but such purposes may include the erection, providing, appropriation, and fitting of any additional gallery which may be erected or provided in pursuance of the foregoing provision, and of keeping the same in repair. In case the services of the present curator and doorkeeper of the picture gallery, or of either of them, shall be dispensed with by the governors, a suitable yearly allowance or pension shall be assigned to them respectively during their respective lives, in consideration of their past services, such respective allowances or pensions to be paid by the governors half-yearly out of the income of the Picture Gallery Endowment.

Surplus income of picture gallery endowment.

113. The annual surplus income (if any) arising from the said Picture Gallery Endowment shall be applied by the governors in or towards providing instruction in drawing or designing for the boys at the two schools constituted by this scheme, and until so applied shall be accumulated and invested as part of the surplus income of the said educational branch of the Charity.

John Whitfield's gift.

114. The sum of 666*l.* 13*s.* 4*d.*, 3*l.* per cent. reduced Bank Annuities, bequeathed by John Whitfield, Esquire, by his will dated the 24th of April 1826, to the master and warden of the said College and their successors, upon trust to lay out the interest thereof annually in bread and potatoes, or other necessaries, and distribute the same in the months of December, January, and February in each year unto and among such twenty poor widows in the hamlet of Dulwich as the said master and warden should in their discretion consider most to stand in need of such assistance, and in proportion to the number of their respective families and wants, together with all accretions or additions, if any, to such bequest, shall be transferred to the Official Trustees of Charitable Funds, in trust for John Whitfield's Charity, Dulwich; and the chairman for the time being of the governors, and the master, and the chaplain for the time being of Alleyn's College of God's Gift at Dulwich as hereby constituted, shall be the trustees for the management and distribution of the said last-mentioned charity, and the income thereof

thereof shall be paid over from time to time to such trustees, or any one or more of them, in order that the same may be applied and distributed by them, or the majority of them, in accordance with the trusts declared by the said will.

115. The rents, dividends, and income arising from the estates and other property constituting the endowment of the school founded by James Allen, by indenture dated on or about the 31st of August 1741, for the benefit of the children of poor persons resident in the town of Dulwich, or within one mile thereof, and all accumulations of income and other funds belonging to the said endowment, shall be placed by the governors to a separate account, to be called "The Dulwich Girls' School Account." The chairman for the time being of the governors and the master and the chaplain for the time being of the said college shall be the trustees for the administration of the said last-mentioned school, which shall be established and carried on as a school for the instruction of girls being the children of poor persons resident in the hamlet of Dulwich and its immediate vicinity, subject to such regulations as may be prescribed by the said trustees, or the majority of them, with the sanction of the said Board of Charity Commissioners for England and Wales; and the organist of the college shall instruct in vocal music and choral singing such girls in the said school as the trustees may select; and the rents and income arising from the said endowment shall be paid over to the said trustees in trust for the purposes of the same school, and the governors of the said college shall be at liberty to appropriate in perpetuity a suitable piece of land out of the college estate as a site for school buildings for the said last-mentioned school, and any accumulations which have been already made, or may hereafter be made, out of the rents or income of the said endowment, may be applied by the said trustees in or towards erecting and fitting up suitable buildings for the purposes of the said school.

James Allen's gift, or Dulwich girls' school.

## C A P. LXXXV.

An Act to amend the Law relating to Divorce and Matrimonial Causes in *England*.

[28th August 1857.]

WHEREAS it is expedient to amend the Law relating to Divorce, and to constitute a Court with exclusive Jurisdiction in Matters Matrimonial in *England*, and with Authority in certain Cases to decree the Dissolution of a Marriage: 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. This Act shall come into operation on such Day, not sooner than the First Day of *January* One thousand eight hundred and fifty-eight, as Her Majesty shall by Order in Council appoint, provided that such Order be made One Month at least previously to the Day so to be appointed.

Commencement of Act.

II. As soon as this Act shall come into operation, all Jurisdiction now exercisable by any Ecclesiastical Court in *England* in respect of Divorces à *Mensâ et Thoro*, Suits of Nullity of Marriage, Suits of Jactitation of Marriage, Suits for Restitution of Conjugal Rights, and in all Causes, Suits, and Matters Matrimonial, shall cease to be so exercisable, except so far as relates to the granting of Marriage Licences, which may be granted as if this Act had not been passed.

Jurisdiction in Matters Matrimonial now vested in Ecclesiastical Courts to cease.

III. Any Decree or Order of any Ecclesiastical Court of competent Jurisdiction which shall have been made before this Act comes into operation, in any Cause or Matter Matrimonial, may be enforced or otherwise dealt with by the Court for Divorce and Matrimonial Causes herein-after mentioned, in the same Way as if it had been originally made by the said Court under this Act.

Court may enforce Decrees, &c. before Act takes effect.

IV. All Suits and Proceedings in Causes and Matters Matrimonial which at the Time when this Act comes into operation shall be pending in any Ecclesiastical Court in *England* shall be transferred to, dealt with, and decided by the said Court for Divorce and Matrimonial Causes as if the same had been originally instituted in the said Court.

As to Suits pending when this Act comes into operation.

V. Provided, That if at the Time when this Act comes into operation any Cause or Matter which would be transferred to the said Court for Divorce and Matrimonial Causes under the Enactment herein-before contained shall have been heard before any Judge having Jurisdiction in relation to such Cause or Matter, and be then standing for Judgment, such Judge may at any Time within Six Weeks after the Time when this Act comes into operation give in to One of the Registrars attending the Court for Divorce and Matrimonial Causes a written Judgment thereon signed by him; and a Decree or Order, as the Case may require, shall be drawn up in pursuance of such Judgment, and every such Decree or Order shall have the same Force and Effect as if it had been drawn up in pursuance of a Judgment of the Court for Divorce and Matrimonial Causes on the Day on which the same was delivered to the Registrar, and shall be subject to Appeal under this Act.

Power to Judges whose Jurisdiction is determined to deliver written Judgments.

VI. As soon as this Act shall come into operation, all Jurisdiction now vested in or exercisable by any Ecclesiastical Court or Person in *England* in respect of Divorces à *Mensâ et Thoro*, Suits of Nullity of Marriage, Suits for Restitution of Conjugal Rights, or Jactitation of Marriage, and in all Causes, Suits, and Matters Matrimonial, except in respect of Marriage Licences, shall belong to and be vested in Her Majesty, and such Jurisdiction, together with the Jurisdiction conferred by this Act, shall be exercised in the Name of Her Majesty in a Court of Record to be called "The Court for Divorce and Matrimonial Causes."

Jurisdiction over Causes Matrimonial to be exercised by the Court for Divorce and Matrimonial Causes.

VII. No

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Decree for Divorce à Mensâ et Thoro abolished, &c.

Judges of the Court.

Judge of Court of Probate to be Judge Ordinary, and shall have full Authority, &c.

Petitions for Dissolution of a Marriage, how to be heard.

Who to act as Judge during Absence of the Judge Ordinary.

Sittings of the Court.

Seal of the Court.

Officers of the Court.

Advocates, &c. of Ecclesiastical and Superior Courts may practise in the Court.

Judicial Separation may be obtained for Adultery, &c.

Application for Restitution of Conjugal Rights or Judicial Separation may be made by Husband or Wife by Petition to Court, &c.

Powers of Judges of Assize for Purposes of deciding Applications under Authority of this Act.

VII. No Decree shall hereafter be made for a Divorce à *Mensâ et Thoro*, but in all Cases in which a Decree for a Divorce à *Mensâ et Thoro* might now be pronounced the Court may pronounce a Decree for a Judicial Separation, which shall have the same Force and the same Consequences as a Divorce à *Mensâ et Thoro* now has.

VIII. The Lord Chancellor, the Lord Chief Justice of the Court of Queen's Bench, the Lord Chief Justice of the Court of Common Pleas, the Lord Chief Baron of the Court of Exchequer, the Senior Puisne Judge for the Time being in each of the Three last-mentioned Courts, and the Judge of Her Majesty's Court of Probate constituted by any Act of the present Session, shall be the Judges of the said Court.

IX. The Judge of the Court of Probate shall be called the Judge Ordinary of the said Court, and shall have full Authority, either alone or with One or more of the other Judges of the said Court, to hear and determine all Matters arising therein, except Petitions for the dissolving of or annulling Marriage, and Applications for new Trials of Questions or Issues before a Jury, Bills of Exception, Special Verdicts, and Special Cases, and, except as aforesaid, may exercise all the Powers and Authority of the said Court.

X. All Petitions, either for the Dissolution or for a Sentence of Nullity of Marriage, and Applications for new Trials of Questions or Issues before a Jury, shall be heard and determined by Three or more Judges of the said Court, of whom the Judge of the Court of Probate shall be One.

XI. During the temporary Absence of the Judge Ordinary, the Lord Chancellor may by Writing under his Hand authorize the Master of the Rolls, the Judge of the Admiralty Court, or either of the Lords Justices, or any Vice-Chancellor, or any Judge of the Superior Courts of Law at *Westminster*, to act as Judge Ordinary of the said Court for Divorce and Matrimonial Causes, and the Master of the Rolls, the Judge of the Admiralty Court, Lord Justice, Vice-Chancellor, or Judge of the Superior Courts, shall, when so acting, have and exercise all the Jurisdiction, Power, and Authority which might have been exercised by the Judge Ordinary.

XII. The Court for Divorce and Matrimonial Causes shall hold its Sittings at such Place or Places in *London* or *Middlesex* or elsewhere as Her Majesty in Council shall from Time to Time appoint.

XIII. The Lord Chancellor shall direct a Seal to be made for the said Court, and may direct the same to be broken, altered, and renewed, at his Discretion; and all Decrees and Orders, or Copies of Decrees or Orders, of the said Court, sealed with the said Seal, shall be received in Evidence.

XIV. The Registrars and other Officers of the Principal Registry of the Court of Probate shall attend the Sittings of the Court for Divorce and Matrimonial Causes, and assist in the Proceedings thereof, as shall be directed by the Rules and Orders under this Act.

XV. All Persons admitted to practise as Advocates or Proctors respectively in any Ecclesiastical Court in *England*, and all Barristers, Attornies, and Solicitors entitled to practise in the Superior Courts at *Westminster*, shall be entitled to practise in the Court of Divorce and Matrimonial Causes; and such Advocates and Barristers shall have the same relative Rank and Precedence which they now have in the Judicial Committee of the Privy Council, unless and until Her Majesty shall otherwise order.

XVI. A Sentence of Judicial Separation (which shall have the Effect of a Divorce à *Mensâ et Thoro* under the existing Law, and such other legal Effect as herein mentioned,) may be obtained, either by the Husband or the Wife, on the Ground of Adultery, or Cruelty, or Desertion without Cause for Two Years and upwards.

XVII. Application for Restitution of Conjugal Rights or for Judicial Separation on any one of the Grounds aforesaid may be made by either Husband or Wife, by Petition to the Court, or to any Judge of Assize at the Assizes held for the County in which the Husband and Wife reside or last resided together, and which Judge of Assize is hereby authorized and required to hear and determine such Petition, according to the Rules and Regulations which shall be made under the Authority of this Act; and the Court or Judge to which such Petition is addressed, on being satisfied of the Truth of the Allegations therein contained, and that there is no legal Ground why the same should not be granted, may decree such Restitution of Conjugal Rights or Judicial Separation accordingly, and where the Application is by the Wife may make any Order for Alimony which shall be deemed just: Provided always, that any Judge of Assize to whom such Petition shall be presented may refer the same to any of Her Majesty's Counsel or Serjeant at Law named in the Commission of Assize or Nisi Prius, and such Counsel or Serjeant shall, for the Purpose of deciding upon the Matters of such Petition, have all the Powers that any such Judge would have had by virtue of this Act or otherwise.

XVIII. For the Purpose of hearing and deciding all Applications under the Authority of this Act, the Judge of Assize or Person nominated by him as aforesaid shall be entitled to avail himself of the Services of all Officers, and use and exercise all Powers and Authorities, which the Court of Assize may employ, use, and exercise for the Determination of Causes and other Matters now usually heard and decided by them respectively, and the said Judge of Assize or other Person shall also for the Purpose have and be entitled to exercise all the Powers and Authorities hereby given to the Court for the hearing and deciding Applications made to it, and also the Powers hereby given to the Court to make Provision touching the Custody, Maintenance, and Education of Children; and every Order made by any Judge of Assize or other Person under the Authority of this Act may, on the Application of the Person obtaining the

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the same, be entered as an Order of the Court, and when so entered shall have the same Force and Effect, and be enforced in the same Manner, as if such Order had been originally made by the Court.

XIX. The Court shall from Time to Time fix and regulate the Fees which shall be payable upon all Proceedings under any Application to a Judge of Assize under this Act; and such Fees shall be received in Money, for their own Benefit, by the Persons to whom or for whose Use the same shall be directed to be paid.

The Court to regulate Fees on Proceedings before Judges, &c.

XX. Any Order so entered as aforesaid may be reviewed, and either altered or reversed on Appeal to the Judge Ordinary of the Court, but such Appeal shall not stay the intermediate Execution of the Order, unless the Judge Ordinary shall so direct, who shall have Power, if such Appeal be dismissed or abandoned, to order the Appellant to pay to the other Party the full Costs incurred by reason of such Appeal.

Orders may be reviewed.

XXI. A Wife deserted by her Husband may at any Time after such Desertion, if resident within the Metropolitan District, apply to a Police Magistrate, or if resident in the Country to Justices in Petty Sessions, or in either Case to the Court, for an Order to protect any Money or Property she may acquire by her own lawful Industry, and Property which she may become possessed of, after such Desertion, against her Husband or his Creditors, or any Person claiming under him; and such Magistrate or Justices or Court, if satisfied of the Fact of such Desertion, and that the same was without reasonable Cause, and that the Wife is maintaining herself by her own Industry or Property, may make and give to the Wife an Order protecting her Earnings and Property acquired since the Commencement of such Desertion, from her Husband and all Creditors and Persons claiming under him, and such Earnings and Property shall belong to the Wife as if she were a Feme Sole: Provided always, that every such Order, if made by a Police Magistrate or Justices at Petty Sessions, shall, within Ten Days after the making thereof, be entered with the Registrar of the County Court within whose Jurisdiction the Wife is resident; and that it shall be lawful for the Husband, and any Creditor or other Person claiming under him, to apply to the Court, or to the Magistrate or Justices by whom such Order was made, for the Discharge thereof: Provided also, that if the Husband or any Creditor or other Person claiming under the Husband shall seize or continue to hold any Property of the Wife after Notice of any such Order, he shall be liable, at the Suit of the Wife (which she is hereby empowered to bring), to restore the specific Property, and also for a Sum equal to double the Value of the Property so seized or held after such Notice as aforesaid: If any such Order of Protection be made, the Wife shall during the Continuance thereof be and be deemed to have been, during such Desertion of her, in the like Position in all respects, with regard to Property and Contracts, and suing and being sued, as she would be under this Act if she obtained a Decree of Judicial Separation.

Wife deserted by her Husband may apply to a Police Magistrate or Justices in Petty Sessions for Protection.

XXII. In all Suits and Proceedings, other than Proceedings to dissolve any Marriage, the said Court shall proceed and act and give Relief on Principles and Rules which in the Opinion of the said Court shall be as nearly as may be conformable to the Principles and Rules on which the Ecclesiastical Courts have heretofore acted and given Relief, but subject to the Provisions herein contained and to the Rules and Orders under this Act.

Court to act on Principles of the Ecclesiastical Courts.

XXIII. Any Husband or Wife, upon the Application of whose Wife or Husband, as the Case may be, a Decree of Judicial Separation has been pronounced, may, at any Time thereafter, present a Petition to the Court praying for a Reversal of such Decree on the Ground that it was obtained in his or her Absence, and that there was reasonable Ground for the alleged Desertion, where Desertion was the Ground of such Decree; and the Court may, on being satisfied of the Truth of the Allegations of such Petition, reverse the Decree accordingly, but the Reversal thereof shall not prejudice or affect the Rights or Remedies which any other Person would have had in case such Reversal had not been decreed, in respect of any Debts, Contracts, or Acts of the Wife incurred, entered into, or done between the Times of the Sentence of Separation and of the Reversal thereof.

Decree of Separation obtained during the Absence of Husband or Wife may be reversed.

XXIV. In all Cases in which the Court shall make any Decree or Order for Alimony, it may direct the same to be paid either to the Wife herself or to any Trustee on her Behalf, to be approved by the Court, and may impose any Terms or Restrictions which to the Court may seem expedient, and may from Time to Time appoint a new Trustee, if for any Reason it shall appear to the Court expedient so to do.

Court may direct Payment of Alimony to Wife, &c.

XXV. In every Case of a Judicial Separation the Wife shall, from the Date of the Sentence and whilst the Separation shall continue, be considered as a Feme Sole with respect to Property of every Description which she may acquire of which may come to or devolve upon her; and such Property may be disposed of by her in all respects as a Feme Sole, and on her Decease the same shall, in case she shall die intestate, go as the same would have gone if her Husband had been then dead; provided, that if any such Wife should again cohabit with her Husband, all such Property as she may be entitled to when such Cohabitation shall take place shall be held to her separate Use, subject, however, to any Agreement in Writing made between herself and her Husband whilst separate.

In case of Judicial Separation the Wife to be considered a Feme Sole with respect to Property she may acquire, &c.;

XXVI. In every Case of a Judicial Separation the Wife shall, whilst so separated, be considered as a Feme Sole for the Purposes of Contract, and Wrongs and Injuries, and suing and being sued in any Civil Proceeding; and her Husband shall not be liable in respect of any Engagement or Contract she may have entered into, or for any wrongful Act or Omission by her, or for any Costs she may incur as Plaintiff or Defendant; provided, that where upon any such Judicial Separation Alimony has been decreed or

also, for Purposes of Contract and suing.

ordered

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ordered to be paid to the Wife, and the same shall not be duly paid by the Husband, he shall be liable for Necessaries supplied for her Use; provided also, that nothing shall prevent the Wife from joining, at any Time during such Separation, in the Exercise of any joint Power given to herself and her Husband.

On Adultery of Wife or Incest, &c. of Husband, Petition for Dissolution of Marriage may be presented.

XXVII. It shall be lawful for any Husband to present a Petition to the said Court, praying that his Marriage may be dissolved, on the Ground that his Wife has since the Celebration thereof been guilty of Adultery; and it shall be lawful for any Wife to present a Petition to the said Court, praying that her Marriage may be dissolved, on the Ground that since the Celebration thereof her Husband has been guilty of incestuous Adultery, or of Bigamy with Adultery, or of Rape, or of Sodomy or Bestiality, or of Adultery coupled with such Cruelty as without Adultery would have entitled her to a Divorce *à Mensâ et Thoro*, or of Adultery coupled with Desertion, without reasonable Excuse, for Two Years or upwards; and every such Petition shall state as distinctly as the Nature of the Case permits the Facts on which the Claim to have such Marriage dissolved is founded: Provided that for the Purposes of this Act incestuous Adultery shall be taken to mean Adultery committed by a Husband with a Woman with whom if his Wife were dead he could not lawfully contract Marriage by reason of her being within the prohibited Degrees of Consanguinity or Affinity; and Bigamy shall be taken to mean Marriage of any Person, being married, to any other Person during the Life of the former Husband or Wife, whether the Second Marriage shall have taken place within the Dominions of Her Majesty or elsewhere.

As to "Incestuous Adultery."

Adulterer to be a Co-Respondent.

XXVIII. Upon any such Petition presented by a Husband the Petitioner shall make the alleged Adulterer a Co-Respondent to the said Petition, unless on special Grounds, to be allowed by the Court, he shall be excused from so doing; and on every Petition presented by a Wife for Dissolution of Marriage the Court, if it see fit, may direct that the Person with whom the Husband is alleged to have committed Adultery be made a Respondent; and the Parties or either of them may insist on having the contested Matters of Fact tried by a Jury as herein-after mentioned.

Cause may be tried by a Jury.

Court to be satisfied of Absence of Collusion.

XXIX. Upon any such Petition for the Dissolution of a Marriage, it shall be the Duty of the Court to satisfy itself, so far as it reasonably can, not only as to the Facts alleged, but also whether or no the Petitioner has been in any Manner accessory to or conniving at the Adultery, or has condoned the same, and shall also inquire into any Counter-charge which may be made against the Petitioner.

Dismissal of Petition.

XXX. In case the Court, on the Evidence in relation to any such Petition, shall not be satisfied that the alleged Adultery has been committed, or shall find that the Petitioner has during the Marriage been accessory to or conniving at the Adultery of the other Party to the Marriage, or has condoned the Adultery complained of, or that the Petition is presented or prosecuted in collusion with either of the Respondents, then and in any of the said Cases the Court shall dismiss the said Petition.

Power to Court to pronounce Decree for dissolving Marriage.

XXXI. In case the Court shall be satisfied on the Evidence that the Case of the Petitioner has been proved, and shall not find that the Petitioner has been in any Manner accessory to or conniving at the Adultery of the other Party to the Marriage, or has condoned the Adultery complained of, or that the Petition is presented or prosecuted in collusion with either of the Respondents, then the Court shall pronounce a Decree declaring such Marriage to be dissolved: Provided always, that the Court shall not be bound to pronounce such Decree if it shall find that the Petitioner has during the Marriage been guilty of Adultery, or if the Petitioner shall, in the Opinion of the Court, have been guilty of unreasonable Delay in presenting or prosecuting such Petition, or of Cruelty towards the other Party to the Marriage, or of having deserted or wilfully separated himself or herself from the other Party before the Adultery complained of, and without reasonable Excuse, or of such wilful Neglect or Misconduct as has conducted to the Adultery.

Alimony.

XXXII. The Court may, if it shall think fit, on any such Decree, order that the Husband shall to the Satisfaction of the Court secure to the Wife such gross Sum of Money, or such annual Sum of Money for any Term not exceeding her own Life, as, having regard to her Fortune (if any), to the Ability of the Husband, and to the Conduct of the Parties, it shall deem reasonable, and for that Purpose may refer it to any one of the Conveyancing Counsel of the Court of Chancery to settle and approve of a proper Deed or Instrument to be executed by all necessary Parties; and the said Court may in such Case, if it shall see fit, suspend the pronouncing of its Decree until such Deed shall have been duly executed; and upon any Petition for Dissolution of Marriage the Court shall have the same Power to make interim Orders for Payment of Money, by way of Alimony or otherwise, to the Wife, as it would have in a Suit instituted for Judicial Separation.

Husband may claim Damages from Adulterers.

XXXIII. Any Husband may, either in a Petition for Dissolution of Marriage or for Judicial Separation, or in a Petition limited to such Object only, claim Damages from any Person on the Ground of his having committed Adultery with the Wife of such Petitioner, and such Petition shall be served on the alleged Adulterer and the Wife, unless the Court shall dispense with such Service, or direct some other Service to be substituted; and the Claim made by every such Petition shall be heard and tried on the same Principles, in the same Manner, and subject to the same or the like Rules and Regulations as Actions for Criminal Conversation are now tried and decided in Courts of Common Law; and all the Enactments herein contained with reference to the Hearing and Decision of Petitions to the Court shall, so far as may be necessary, be deemed applicable to the Hearing and Decision of Petitions presented under this Enactment; and the Damages to be recovered on any such Petition shall in all Cases be ascertained by the Verdict of a Jury, although the Respondents or either of them may not appear; and

after



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after the Verdict has been given the Court shall have power to direct in what Manner such Damages shall be paid or applied, and to direct that the whole or any Part thereof shall be settled for the Benefit of the Children (if any) of the Marriage, or as a Provision for the Maintenance of the Wife.

XXXIV. Whenever in any Petition presented by a Husband the alleged Adulterer shall have been made a Co-Respondent, and the Adultery shall have been established, it shall be lawful for the Court to order the Adulterer to pay the whole or any Part of the Costs of the Proceedings.

XXXV. In any Suit or other Proceeding for obtaining a Judicial Separation or a Decree of Nullity of Marriage, and on any Petition for dissolving a Marriage, the Court may from Time to Time, before making its final Decree, make such interim Orders, and may make such Provision in the final Decree, as it may deem just and proper with respect to the Custody, Maintenance, and Education of the Children the Marriage of whose Parents is the Subject of such Suit or other Proceeding, and may, if it shall think fit, direct proper Proceedings to be taken for placing such Children under the Protection of the Court of Chancery.

XXXVI. In Questions of Fact arising in Proceedings under this Act it shall be lawful for, but, except as herein-before provided, not obligatory upon, the Court to direct the Truth thereof to be determined before itself, or before any One or more of the Judges of the said Court, by the Verdict of a Special or Common Jury.

XXXVII. The Court, or any Judge thereof, may make all such Rules and Orders upon the Sheriff or any other Person for procuring the Attendance of a Special or Common Jury for the Trial of such Question as may now be made by any of the Superior Courts of Common Law at *Westminster*, and may also make any other Orders which to such Court or Judge may seem requisite; and every such Jury shall consist of Persons possessing the like Qualifications, and shall be struck, summoned, balloted for, and called in like Manner, as if such Jury were a Jury for the Trial of any Cause in any of the said Superior Courts; and every Jurymen so summoned shall be entitled to the same Rights, and subject to the same Duties and Liabilities, as if he had been duly summoned for the Trial of any such Cause in any of the said Superior Courts; and every Party to any such Proceeding shall be entitled to the same Rights as to Challenge and otherwise as if he were a Party to any such Cause.

XXXVIII. When any such Question shall be so ordered to be tried such Question shall be reduced into Writing in such Form as the Court shall direct, and at the Trial the Jury shall be sworn to try the said Question, and a true Verdict to give thereon according to the Evidence; and upon every such Trial the Court or Judge shall have the same Powers, Jurisdiction, and Authority as any Judge of any of the said Superior Courts sitting at *Nisi Prius*.

XXXIX. Upon the Trial of any such Question or of any Issue under this Act a Bill of Exceptions may be tendered, and a General or Special Verdict or Verdicts, subject to a Special Case, may be returned, in like Manner as in any Cause tried in any of the said Superior Courts; and every such Bill of Exceptions, Special Verdict, and Special Case respectively shall be stated, settled, and sealed in like Manner as in any Cause tried in any of the said Superior Courts, and where the Trial shall not have been had in the Court for Divorce and Matrimonial Causes shall be returned into such Court without any Writ of Error or other Writ; and the Matter of Law in every such Bill of Exceptions, Special Verdict, and Special Case shall be heard and determined by the full Courts, subject to such Right of Appeal as is herein-after given in other Cases.

XL. It shall be lawful for the Court to direct One or more Issue or Issues to be tried in any Court of Common Law, and either before a Judge of Assize in any County or at the Sittings for the Trial of Causes in *London* or *Middlesex*, and either by a Special or Common Jury, in like Manner as is now done by the Court of Chancery.

XLI. Every Person seeking a Decree of Nullity of Marriage, or a Decree of Judicial Separation, or a Dissolution of Marriage, or Decree in a Suit of Jactitation of Marriage, shall, together with the Petition or other Application for the same, file an Affidavit verifying the same so far as he or she is able to do so, and stating that there is not any Collusion or Connivance between the Deponent and the other Party to the Marriage.

XLII. Every such Petition shall be served on the Party to be affected thereby, either within or without Her Majesty's Dominions, in such Manner as the Court shall by any General or Special Order from Time to Time direct, and for that Purpose the Court shall have all the Powers conferred by any Statute on the Court of Chancery: Provided always, that the said Court may dispense with such Service altogether in case it shall seem necessary or expedient so to do.

XLIII. The Court may, if it shall think fit, order the Attendance of the Petitioner, and may examine him or her, or permit him or her to be examined or cross-examined on Oath on the Hearing of any Petition, but no such Petitioner shall be bound to answer any Question tending to show that he or she has been guilty of Adultery.

XLIV. The Court may from Time to Time adjourn the Hearing of any such Petition, and may require further Evidence thereon, if it shall see fit so to do.

XLV. In any Case in which the Court shall pronounce a Sentence of Divorce or Judicial Separation for Adultery of the Wife, if it shall be made appear to the Court that the Wife is entitled to any Property either in possession or reversion, it shall be lawful for the Court, if it shall think proper, to order

Court may order Adulterer to pay Costs.

Power to Court to make Orders as to Custody of Children.

Questions of Fact may be tried before the Court.

Where a Question is ordered to be tried a Jury may be summoned as in the Common Law Courts.

Rights to Challenge.

Jury may try such Question. Judge to have same Powers as at *Nisi Prius*.

Bill of Exceptions, Special Verdict, and Special Case.

Court may direct Issues to try any Fact.

Affidavit in support of a Petition.

Service of Petition.

Examination of Petitioner.

Adjournment.

Court may order Settlement of Property for Benefit of innocent Party and such

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Children of  
Marriage.

Mode of taking  
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Court may  
issue Commis-  
sions or give  
Orders for  
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Appeal from  
the Judge Or-  
dinary to the  
full Court.

Appeal to the  
House of Lords  
in case of  
Petition for  
Dissolution of  
a Marriage.

such Settlement as it shall think reasonable to be made of such Property or any Part thereof, for the Benefit of the innocent Party, and of the Children of the Marriage, or either or any of them.

XLVI. Subject to such Rules and Regulations as may be established as herein provided, the Witnesses in all Proceedings before the Court where their Attendance can be had shall be sworn and examined orally in open Court: Provided that Parties, except as herein-before provided, shall be at liberty to verify their respective Cases in whole or in part by Affidavit, but so that the Deponent in every such Affidavit shall, on the Application of the opposite Party or by Direction of the Court, be subject to be cross-examined by or on behalf of the opposite Party orally in open Court, and after such Cross-examination may be re-examined orally in open Court as aforesaid by or on behalf of the Party by whom such Affidavit was filed.

XLVII. Provided, That where a Witness is out of the Jurisdiction of the Court, or where, by reason of his Illness or from other Circumstances, the Court shall not think fit to enforce the Attendance of the Witness in open Court, it shall be lawful for the Court to order a Commission to issue for the Examination of such Witness on Oath, upon Interrogatories or otherwise, or if the Witness be within the Jurisdiction of the Court to order the Examination of such Witness on Oath, upon Interrogatories or otherwise, before any Officer of the said Court, or other Person to be named in such Order for the Purpose; and all the Powers given to the Courts of Law at *Westminster* by the Acts of the Thirteenth Year of King *George* the Third, Chapter Sixty-three, and of the First Year of King *William* the Fourth, Chapter Twenty-two, for enabling the Courts of Law at *Westminster* to issue Commissions and give Orders for the Examination of Witnesses in Actions depending in such Courts, and to enforce such Examination, and all the Provisions of the said Acts, and of any other Acts for enforcing or otherwise applicable to such Examination and the Witnesses examined, shall extend and be applicable to the Court and to the Examination of Witnesses under the Commissions and Orders of the said Court, and to the Witnesses examined, as if such Court were One of the Courts of Law at *Westminster*, and the Matter before it were an Action pending in such Court.

XLVIII. The Rules of Evidence observed in the Superior Courts of Common Law at *Westminster* shall be applicable to and observed in the Trial of all Questions of Fact in the Court.

XLIX. The Court may, under its Seal, issue Writs of Subpœna or Subpœna duces tecum, commanding the Attendance of Witnesses at such Time and Place as shall be therein expressed; and such Writs may be served in any Part of *Great Britain* or *Ireland*; and every Person served with such Writ shall be bound to attend, and to be sworn and give Evidence in obedience thereto, in the same Manner as if it had been a Writ of Subpœna or Subpœna duces tecum issued from any of the said Superior Courts of Common Law in a Cause pending therein, and served in *Great Britain* or *Ireland*, as the Case may be: Provided that any Petitioner required to be examined, or any Person called as a Witness or required or desiring to make an Affidavit or Deposition under or for the Purposes of this Act, shall be permitted to make his solemn Affirmation or Declaration instead of being sworn in the Circumstances and Manner in which a Person called as a Witness or desiring to make an Affidavit or Deposition would be permitted so to do under the "Common Law Procedure Act, 1854," in Cases within the Provisions of that Act.

L. All Persons wilfully deposing or affirming falsely in any Proceeding before the Court shall be deemed to be guilty of Perjury, and shall be liable to all the Pains and Penalties attached thereto.

LI. The Court on the Hearing of any Suit, Proceeding, or Petition under this Act, and the House of Lords on the Hearing of any Appeal under this Act, may make such Order as to Costs as to such Court or House respectively may seem just: Provided always, that there shall be no Appeal on the Subject of Costs only.

LII. All Decrees and Orders, to be made by the Court in any Suit, Proceeding, or Petition to be instituted under Authority of this Act shall be enforced and put in execution in the same or the like Manner as the Judgments, Orders, and Decrees of the High Court of Chancery may be now enforced and put in execution.

LIII. The Court shall make such Rules and Regulations concerning the Practice and Procedure under this Act as it may from Time to Time consider expedient, and shall have full Power from Time to Time to revoke or alter the same.

LIV. The Court shall have full Power to fix and regulate from Time to Time the Fees payable upon all Proceedings before it, all which Fees shall be received, paid, and applied as herein directed: Provided always, that the said Court may make such Rules and Regulations as it may deem necessary and expedient for enabling Persons to sue in the said Court *in formâ pauperis*.

LV. Either Party dissatisfied with any Decision of the Court in any Matter which, according to the Provisions aforesaid, may be made by the Judge Ordinary alone, may, within Three Calendar Months after the pronouncing thereof, appeal therefrom to the full Court, whose Decision shall be final.

LVI. Either Party dissatisfied with the Decision of the full Court on any Petition for the Dissolution of a Marriage may, within Three Months after the pronouncing thereof, appeal therefrom to the House of Lords if Parliament be then sitting, or if Parliament be not sitting at the End of such Three Months, then within Fourteen Days next after its meeting; and on the Hearing of any such Appeal the House of Lords may either dismiss the Appeal or reverse the Decree, or remit the Case to the Court, to be dealt with in all respects as the House of Lords shall direct.

LVII. When

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LVII. When the Time hereby limited for appealing against any Decree dissolving a Marriage shall have expired, and no Appeal shall have been presented against such Decree, or when any such Appeal shall have been dismissed, or when in the Result of any Appeal any Marriage shall be declared to be dissolved, but not sooner, it shall be lawful for the respective Parties thereto to marry again, as if the prior Marriage had been dissolved by Death: Provided always, that no Clergyman in Holy Orders of the United Church of *England* and *Ireland* shall be compelled to solemnize the Marriage of any Person whose former Marriage may have been dissolved on the Ground of his or her Adultery, or shall be liable to any Suit, Penalty, or Censure for solemnizing or refusing to solemnize the Marriage of any such Person.

Liberty to Parties to marry again.

No Clergyman compelled to solemnize certain Marriages.

LVIII. Provided always, That when any Minister of any Church or Chapel of the United Church of *England* and *Ireland* shall refuse to perform such Marriage Service between any Persons who but for such Refusal would be entitled to have the same Service performed in such Church or Chapel, such Minister shall permit any other Minister in Holy Orders of the said United Church, entitled to officiate within the Diocese in which such Church or Chapel is situate, to perform such Marriage Service in such Church or Chapel.

If a Minister refuse to perform Marriage Ceremony, any other Minister may perform it.

LIX. After this Act shall have come into operation no Action shall be maintainable in *England* for Criminal Conversation.

No Action for Criminal Conversation.

LX. None of the Fees payable under this Act, except as herein expressly provided, shall be received in Money, but every such Fee shall be collected and received by a Stamp denoting the Amount of the Fee which would otherwise be payable; and the Fees to be so collected by Stamps shall be "Stamp Duties," and be under the Management of the Commissioners of Inland Revenue.

All Fees, except as herein provided, to be collected by Stamps.

LXI. The Provisions contained in or referred to by an Act of the present Session of Parliament, "to amend the Laws relating to Probates and Letters of Administration in *England*," and applicable to the Collection and Payment and Accounts of the Fees to be received thereunder by means of Stamps, and to such Stamps, and the Vellum, Parchment, or Paper on or to which the same shall be impressed or affixed, and in relation to Documents which ought to have Stamps impressed thereon or affixed thereto, and to the Punishment of Persons for such wrongful Acts as therein mentioned in relation to Stamps, or Fees or Sums of Money which ought to be collected by means of Stamps, shall be applicable to and for the Purposes of this Act, as if such Provisions as aforesaid had been contained or referred to in this Act with reference to the like Matters, and the Court under this Act had been mentioned, instead of the Court of Probate, or the Judge thereof, as the Case may be.

Provisions concerning Stamps for the Court of Probate to be applicable to the Purposes of this Act.

LXII. It shall be lawful for the Commissioners of Her Majesty's Treasury, out of such Monies as may be provided and appropriated by Parliament for the Purpose, to cause to be paid all necessary Expenses of the Court under this Act, and other Expenses which may be incurred in carrying the Provisions of this Act into effect, except as herein otherwise provided.

Expenses of the Court to be provided for by Parliament.

LXIII. The same Amount of Stamp Duty as is now payable on the Admission of a Proctor to any Ecclesiastical Court shall be payable by every Person to be admitted as a Proctor in the Court of Divorce and Matrimonial Causes, or in the Court of Probate, who shall not have been previously admitted as a Proctor in the other of such Courts, or in an Ecclesiastical or Admiralty Court, and have paid the Stamp Duty in respect thereof; and every Person who shall practise as a Proctor or as a Solicitor or Attorney in the said Court of Divorce and Matrimonial Causes, or the said Court of Probate, shall obtain an annual Certificate to authorize him so to do, under the Stamp Duty Acts, in the same Manner as Proctors practising in the Ecclesiastical or Admiralty Courts, and Solicitors and Attornies practising in Her Majesty's Courts at *Westminster*, are now required to do by the said Acts or any of them, and shall be subject and liable to the same Penalties and Disabilities in case of any Neglect to obtain such Certificates as such Proctors, Attornies, and Solicitors are now subject and liable to for any similar Neglect, and as if the Clauses and Provisions of the said Acts in relation to such Certificates had been inserted in this Act, and specially enacted in reference to Proctors, Solicitors, and Attornies practising in the said Court of Divorce and Matrimonial Causes and Court of Probate, provided that One annual Certificate only shall be required for any one Person, although he may practise in more than One of the Capacities aforesaid, or in several of the Courts herein-before mentioned.

Stamp Duty on Admission of Proctors, and annual Certificates.

LXIV. Every Person who at the Time of the passing of this Act has been duly admitted and is practising as a Proctor in any Ecclesiastical Court in *England* shall, at the Expiration of Two Years from and after the Commencement of this Act, be entitled to make a Claim for Compensation to the Commissioners of Her Majesty's Treasury; and the said Commissioners, by Examination of Evidence on Oath (which they are hereby empowered to administer), or otherwise, as they shall think fit, shall inquire into and ascertain the Loss, if any, of Professional Gains and Profits in respect of Suits relating to Marriage and Divorce sustained by such Proctors respectively, upon a Comparison in each Case of the average clear Gains of the Three Years immediately before the Commencement of this Act, arising from such last-mentioned Business, and the Average of the same Gains during the Two Years immediately succeeding the Commencement of this Act; and the said Commissioners shall in each Case, having regard to all the Circumstances, award a reasonable Compensation, by way of Annuity, to the Persons sustaining such Loss, during their Lives, but in no Case shall such Annuity exceed One Half of the annual Loss so ascertained as aforesaid; and such Annuities shall be paid out of Monies to be annually provided by

Compensation to Proctors.

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Parliament for that Purpose, and the Persons receiving the same shall be subject to the Provisions contained in the Nineteenth Section of the Act of Fourth and Fifth *William* the Fourth, Chapter Twenty-four.

As to Salary of Judge of Court of Probate, if made Judge of Court of Divorce, &c.

LXV. In case the Judge of the Court of Probate established by any Act passed during the present Session shall be appointed Judge Ordinary of the Court for Divorce and Matrimonial Causes, the Salary of such Judge shall be the Sum of Five thousand Pounds *per Annum*; but such Judge, if afterwards appointed Judge of the Admiralty Court, shall not be entitled to any Increase of Salary.

Power to Secretary of State to order all Letters Patent, Records, &c. to be transmitted from all Ecclesiastical Courts.

LXVI. Any One of Her Majesty's Principal Secretaries of State may order every Judge, Registrar, or other Officer of any Ecclesiastical Court in *England* or the *Isle of Man*, or any other Person having the public Custody of or Control over any Letters Patent, Records, Deeds, Processes, Acts, Proceedings, Books, Documents, or other Instrument relating to Marriages, or to Suits for Divorce, Nullity of Marriage, Restitution of Conjugal Rights, or to any other Matters or Causes Matrimonial, except Marriage Licences, to transmit the same, at such Times and in such Manner, to such Places in *London* or *Westminster*, and under such Regulations, as the said Secretary of State may appoint; and if any Judge, Registrar, Officer, or other Person shall wilfully disobey such Order he shall for the First Offence forfeit the Sum of One hundred Pounds, to be recoverable by any Registrar of the Court of Probate as a Debt under this Act in any of the Superior Courts at *Westminster*, and for the Second and subsequent Offences the Judge Ordinary may commit the Person so offending to Prison for any Period not exceeding Three Calendar Months, provided that the Warrant of Committal be countersigned by One of Her Majesty's Principal Secretaries of State, and the said Persons so offending shall forfeit all Claim to Compensation under this Act.

Rules, &c. to be laid before Parliament.

LXVII. All Rules and Regulations concerning Practice or Procedure, or fixing or regulating Fees, which may be made by the Court under this Act, shall be laid before both Houses of Parliament within One Month after the making thereof, if Parliament be then sitting, or if Parliament be not then sitting, within One Month after the Commencement of the then next Session of Parliament.

Yearly Account of Fees, &c. to be laid before Parliament.

LXVIII. The Judge Ordinary of the Court for Divorce and Matrimonial Causes for the Time being shall cause to be prepared in each Year ending *December* Thirty-one a Return of all Fees and Monies levied in such Year on account of the Fee Fund of the Court of Divorce and Matrimonial Causes, and of any other Fund under the Authority of this Act; also, a Return of the annual Salaries of the said Judge Ordinary, and of all Persons holding Offices in the said Court, with all the incidental Expenses of the said Court, whether the Salaries and incidental Expenses aforesaid be defrayed out of Fees or out of any other Monies; also, a Return of all Superannuations, Pensions, Annuities, retiring Allowances, and Compensations made payable under this Act, in each Year, stating the gross Amount, and the Amount in detail, of such Charges: Provided always, that all such Returns as aforesaid shall be presented to both Houses of Parliament on or before the *Thirty-first Day of March* in each Year, if Parliament is then sitting, and if Parliament is not sitting, then such Returns shall be presented within One Month of the First Meeting of Parliament after the *Thirty-first Day of March* in each Year.

## LOCAL ACTS.

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

*Cap. i.*

“The Great Southern and Western Railway (Capital) Act, 1857.”

Recites several Acts relating to the Company, and its Capital.

Power to raise 250,000*l.* by new Shares or Stock, §§ 3 to 5.

Premiums realized to be carried to the Credit of the “Redemption Fund,” § 6.

Application of Sums raised by Preference Shares under existing Acts—Unexercised borrowing Powers extinguished, § 8.

*Cap. ii.*

“The Chepstow Gas and Coke Consumers Act, 1857.”

Registered Company incorporated, § 6.

Saving of Rights and Liabilities, §§ 7 to 15.

Capital 7,000*l.*, § 16.

Appropriation of new Shares (A.) for existing Shares, §§ 17 to 18.

Creation of new Shares (B.), § 19.

Power to cancel and reissue Shares, § 20.

Limitation of Dividend, § 21.

Power to borrow 1,750*l.*, §§ 25 to 27.

Supply of Gas, §§ 39 to 55.

*Cap. iii.*

“Reversionary Interest Society’s Act, 1857.”

Recites that by an Act (8 & 9 Vict. c. cxlvi.) passed in the Ninth Year of the Reign of Her present Majesty Queen Victoria, intituled “An Act for regulating Legal Proceedings by and against ‘the Reversionary Interest Society,’ and for granting certain Powers to the said Society,” it is recited, that by a Deed of Settlement under which the Reversionary Interest Society (in this Act called the Society) was formed, bearing Date the Thirty-first Day of May One thousand eight hundred and twenty-three, the Object and Business of the Society should be to purchase Reversionary Interests of every Description in Real and Personal Property (except Advowsons and next Presentations), and also to purchase Life and other partial Interests, the Reversions expectant on which might have been previously purchased by the Society, and also to purchase Life Policies of Insurance; and that it is expedient to extend the Powers of the Society.

In citing the recited Act for any Purpose, it shall be sufficient to use the Expression “Reversionary Interest Society’s Act, 1845;” and in citing this Act for a like Purpose, it shall be sufficient to use the Expression “Reversionary Interest Society’s Act, 1857,” § 1.

The Society may purchase Life and other partial Interests of every Description in Real and Personal Property, whether vested or contingent, so as the Interests to be so purchased be either to determine or to take effect upon the Decease of a Person or Persons, except Interests in Advowsons and next Presentations to Ecclesiastical Benefices, but including Rents and Annuities of every Description given or granted for a Life or Lives, or for a Term or Terms of Years determinable upon the dropping of a Life or Lives, § 2.

The Society may lend Money as well upon Real Security as upon the Security of any Interest in Real or Personal Property which the Society is authorized to purchase by the Deed of Settlement or by this Act, § 3.

Expenses of Act, § 4.

*Cap. iv.*

“Guildford Water Act, 1857.”

Members of Association incorporated, § 6.

Saving of Rights and Liabilities, §§ 7 to 16.

Capital 15,000*l.*, equally divided into Capital Stock and Share Capital, § 17.

Powers to create new Shares, §§ 20 to 22.

Limitation of Dividend, § 23.

Power to borrow 3,500*l.*; but subject to existing Mortgage Debt, §§ 26 to 28.

Supply of Water, Rates, &c., §§ 42 to 56.

Power to contract with the Town Commissioners, § 57.

*Cap. v.*

“The Inverness and Nairn Railway Act, 1857.”

17 & 18 Vict. c. clxxvi. repealed, § 2.

Company to continue incorporated, § 3.

Saving of Rights and Liabilities, §§ 5 to 15.

Capital 105,000*l.*, consisting of Shares created and in part issued, *i.e.*, 8,000 *l.* Shares, and of the Sum of 25,000*l.* to be raised by new Shares or Stock, § 16.

Power to continue in Mortgage, with Priority, 16,630*l.* borrowed under repealed Act, and to borrow 8,270*l.*; but subject to Provision in respect of Lands acquired on Payment of an annual Feu Duty, §§ 18 to 22 and §§ 50 to 53.

Power to convert Loans into Capital, § 23.

Power to cancel unissued and forfeited Shares, and to create new Shares in lieu thereof, §§ 27 to 30.

Power to agree as to “Petty Customs” with Magistrates and Town Council of Inverness, § 63.

*Cap. vi.*

“The South Shields Gas Act, 1857.”

Limits of Act, § 5.

Registered Company incorporated, § 6.

Saving of Rights and Liabilities, §§ 7 to 15.  
 Capital 40,000*l.* (to consist of 20,000*l.* original Capital and 20,000*l.* additional Capital), divided into 4,000 Shares of 10*l.*, §§ 16, 17.  
 Distribution of Shares, §§ 18, 19.  
 Eimitation of Dividend, § 22.  
 Power to borrow 9,800*l.*, § 23.  
 Power to contract with Corporation, § 42.  
 Arbitration in case of Difference with Corporation, § 45.  
 Power to Corporation to purchase Gasworks, § 56.

*Cap. vii.*"The *Sunderland Gas Act*, 1857."

Recites Incorporation of Company under 9 & 10 Vict. c. xxxvii., and Power to raise 32,000*l.* by Shares, and 10,600*l.* by borrowing; recites a Power under 16 & 17 Vict. c. iii. to raise an additional Sum of 48,000*l.* either by new ordinary Shares or as Preference Shares, but not by borrowing; that it is intended to convert the 10,600*l.* raised by borrowing into Capital; that, subject to such Conversion, their Share Capital is 80,000*l.*, consisting of 68,490*l.* consolidated ordinary Stock; of 8,000*l.* consolidated preferential Stock; and of 3,510*l.* divided into 702 Shares, bearing the same Dividend as the ordinary Stock in proportion to the Amount paid up.  
 Repeals recited Acts, and re-incorporates Company, §§ 1 to 3.  
 Saving of Rights and Liabilities, §§ 4 to 13.  
 Capital 196,000*l.*, divided into 90,600*l.* "original Capital," and 100,000*l.* "additional Capital," the original Capital to continue divided in the same Classes of Stock and Shares until consolidated, the additional Capital to be divided into 5*l.* Shares, §§ 16 to 18.  
 New Shares may be sold by Auction, but Premiums on Sale not to bear Dividend, §§ 21, 22.  
 Limitation of Dividend, § 25.  
 Directors; Meetings; Supply of Gas, §§ 29 to 60.

*Cap. viii.*"The *South Devon Railway Act*, 1857."

Recites existing State of Capital and Debenture Debt, under 7 & 8 Vict. c. lxxviii., 9 & 10 Vict. c. ccccii., and 14 & 15 Vict. c. liii.; that it is expedient to raise further Moneys, and to extinguish certain new Shares of 1851 then unissued, and to issue others in lieu thereof; and to convert the fixed Dividends on certain Half Shares into perpetual Annuities, and to convert those Half Shares so diverted into Consolidated Stock.  
 Power to raise 225,000*l.* by new Shares, and 75,000*l.* by borrowing, § 2.  
 Power to cancel forfeited and unissued Shares, and to create others in lieu thereof, §§ 5 to 7.  
 Power to issue new Shares of different Classes, to be called "Additional Shares," in lieu of the new Shares of 1851 unissued; Restriction as to preferential Dividend, and saving existing Preference Shares, §§ 8 to 13.  
 Additional Shares to be Part of general Capital, §§ 14 to 17.  
 Perpetual Annuities created in lieu of perpetual fixed Dividends on Half Shares; Provisions as to the Annuities, §§ 18 to 39.  
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Debenture Stock not to exceed 473,001*l.*; Restrictions on Disposal thereof; and on Powers of borrowing and re-borrowing, §§ 43 to 48.

Ordinary Stock to represent the Whole and Half Shares, and to be subject to the same Trusts, §§ 49 to 51.

*Cap. ix.*

## "Meriton's and Hagen's Sufferance Wharves Act, 1857."

Recites Minutes of Commissioners of Customs, dated 13th May 1789, and 3rd January and 12th February 1857, 9 & 10 Vict. c. cccxcix., 10 & 11 Vict. c. cc., and 11 & 12 Vict. c. xviii.; Provisions in those Acts extended to Meriton's and Hagen's Sufferance Wharves.

*Cap. x.*

## "Bedale and Leyburn Railway Act, 1857."

Recites that Company was incorporated by 16 & 17 Vict. c. cxxxvii., with a Capital of 50,000*l.* in 10*l.* Shares, and Power to borrow 16,000*l.*; that 1,600 10*l.* Shares had been forfeited.

The Capital to be 60,000*l.*, consisting of the then Capital represented by Shares to the nominal Amount of 34,000*l.*; of 16,000*l.*, represented by the 1,600 forfeited 10*l.* Shares; and of 10,000*l.* to be raised under this Act, § 4.

Power to raise 16,000*l.* by new Shares in lieu of those cancelled; and 10,000*l.* by new Shares as additional Capital, §§ 5, 6.

Powers of cancelling; Surrender; and re-issuing, §§ 7 to 11.

New Capital to be Part of general Capital, § 13.

Classes and Privileges of Shares; Disposal of Shares, §§ 14 to 20.

Power to borrow 20,000*l.*, § 24.

New Shares may be allotted in satisfaction of Mortgages, § 25.

Saving of Rights of North-eastern Railway Company, § 31.

*Cap. xi.*"The *Chester Waterworks Act*, 1857."

Recites Incorporation of Company under 7 G. 4. c. cx., and Power to raise 20,000*l.* in 50*l.* Shares, and to borrow 4,000*l.*; proposes to raise more Money by Shares and borrowing; and to consolidate existing Shares into Stock.

Repeal of recited Act, § 3.

Re-incorporation of Company; Saving of Rights and Liabilities, §§ 7 to 17.

Capital 48,000*l.*, § 19.

400 paid-up 50*l.* Shares converted into 20,000*l.* Stock, §§ 20, 21.

Power to raise 28,000*l.* by new Shares of 10*l.*, § 22.

Subsisting Mortgages continued; Power to borrow 4,000*l.* more, §§ 23 to 27.

Power to convert Loans into Capital, § 28.

Limitation of Dividends, § 30.

Disposal of Shares and saving of certain "Terminable Preference Shares," § 31.

Application of Revenue, § 42.

Supply of Water, Rates, &c. &c., §§ 43 to 69.

Power to sell the Undertaking to Corporation of Chester, §§ 70 to 81 and 84 to 88.

Saving of certain Lands; and of Rights of certain Railway Companies, §§ 82, 83.

## Cap. xii.

## "The Guildford Gas Act 1857."

Recites that under Deed of Settlement of 1st January 1824, the Capital is 8,800*l.* in 25*l.* Shares fully paid up; proposes to issue Preference Shares to the Amount of 1,056*l.* as an Equivalent for Money expended; and to raise more Moneys.

Company incorporated; Saving of Rights and Liabilities, §§ 6 to 18.

Capital 20,000*l.*; 8,800*l.* to be divided into 352 Shares of 25*l.* (Class A.), and 1,056*l.* into 352 Preference Shares of 3*l.* (Class B.), both fully paid up, §§ 19 to 23.

Power to issue new Shares to the Amount of 10,144*l.*; saving of Class (B.) Shares, §§ 24, 25.

Limitation of Dividend, § 31.

Power to borrow 5,000*l.*, subject to existing Mortgages, §§ 35, 36.

Meetings, Directors, Works, Supply of Gas, §§ 39 to 71.

## Cap. xiii.

## "The Great Western and Brentford Railway Amendment Act, 1857."

Recites Power under 18 & 19 Vict. c. xcvi. to raise 90,000*l.* by Shares, and 30,000*l.* by borrowing, and that they have no Preference Shares.

Power to raise 45,000*l.* by new Shares, with or without a Preference, §§ 3 to 8.

Power to purchase additional Lands, § 9.

Power to borrow 15,000*l.*, subject to former Mortgages, §§ 12, 13.

## Cap. xiv.

## "The Peebles Railway (Amendment) Act, 1857."

Recites Power under 16 & 17 Vict. c. lxxviii. to raise 70,000*l.* by Shares, and 23,000*l.* by borrowing.

Power to raise 27,000*l.* new Capital by new Shares, to be Part of general Capital, and to borrow 9,000*l.*, subject to existing Mortgages, or by Creation of Stock, §§ 4 to 11.

Power to convert Debenture Debt into Debenture Stock, §§ 12 to 14.

## Cap. xv.

## "Willenhall Gas Act, 1857."

Recites that under Deed of Settlement of 29th September 1836, the Capital is 5,100*l.* in 510 Shares, fully paid up; that no Money has been borrowed; proposes to issue Preference Shares to the Amount of 2,754*l.* as an Equivalent for Money expended, and to raise more Moneys.

Company incorporated; Saving of Rights and Liabilities, §§ 6 to 18.

Capital 15,000*l.*; 5,100*l.* to be divided into 1,020 Shares of 5*l.* (Class A.); and 2,754*l.* into 1,020 Preference Shares of 2*l.* 14*s.* (Class B.), both fully paid up, §§ 20 to 22.

Power to issue new Shares, §§ 23, 24.

Limitation of Dividends, § 26.

Power to borrow 3,750*l.*, § 28.

Directors, Meetings, Works, Supply of Gas, §§ 30 to 55.

Saving Rights of Local Board of Health, § 56.

## Cap. xvi.

## "The Saint Helen's Canal and Railway Act, 1857."

Recites existing State of Capital.

Power to raise 100,000*l.* by new Shares, with or without a Preference, §§ 3, 4.

Power to borrow 319,700*l.*, subject to being paid off by means of irredeemable Annuities under the St. Helen's Canal and Railway Act, 1853, § 5.

Power to redeem certain Stocks, § 7.

## Cap. xvii.

## "The Tralee and Killarney Railway Act, 1857."

Recites Power under 16 & 17 Vict. c. clxxxix. and 17 & 18 Vict. c. cxlii. to raise 110,000*l.* by Shares, and 55,000*l.* by borrowing, and enables the Company to borrow before the whole of the Share Capital is subscribed for.

## Cap. xviii.

## "The Portsmouth Railway Amendment Act, 1857."

Power to make new Road, and to alter certain Roads, § 3.

Power to cancel unissued and forfeited Shares, and to reissue with or without a Preference, but as Part of the general Capital, §§ 7 to 13.

Authorizing Traffic Arrangements with the South-western, the Brighton, and the South-eastern Railway Companies, subject to Board of Trade, §§ 17, 18.

## Cap. xix.

## "The North-eastern Railway Companies Capital Act, 1857."

Recites existing State of the Capital.

Power to cancel unissued and forfeited Shares, §§ 2 to 4.

Power to raise Part of 2,618,192*l.* by new Shares, and to issue new Shares in lieu of cancelled Shares, §§ 5, 6, 8.

Limitation of Capital, § 7.

Power to create consolidated preferential Stock, §§ 9 to 14.

Dividends on new Shares or Stock, § 15.

Power to borrow 6,270,000*l.*, including present Debt, and less the Amount raised by Debenture Stock, § 17.

Power to borrow 300,000*l.* under "The Leeds Northern Act, 1853," § 18.

## Cap. xx.

## "The Dumbarton Waterworks, Reclamation, and Municipal Extension Act, 1857."

Power to borrow 10,000*l.* on Mortgage or Cash Account §§ 12, 13; but subject to § 26 (Feus).

Saving of certain Rights of Fishing, § 21.

Persons having limited Interests may feu Lands, but not take Grassums; Feus to be a First Charge on the Works and Rates, §§ 23 to 25.

Supply of Water, §§ 30 to 39.

Rates, §§ 40 to 58; Application of Rates, § 62.

Reserve Fund, §§ 59, 60.

Sinking Fund, § 61.

Powers to construct Embankment, and to borrow Money for the Purpose, §§ 64 to 71.

Power to lease or sell Lands reclaimed, §§ 72, 73.

Extension of Municipal Boundaries, § 74.

Reservation of Rights; Qualification of Electors, §§ 75 to 79.

*Cap. xxi.**"Islington Parish Act, 1857."*

Whereas an Act was made and passed in the Fifth Year of the Reign of His late Majesty King George the Fourth, intituled "An Act to repeal several Acts for the Relief and Employment of the Poor of the Parish of Saint Mary Islington in the County of Middlesex; for lighting and watching and preventing Nuisances and Annoyances therein; for amending the Road from Highgate through Maiden Lane, and several other Roads in the said Parish; and for providing a Chapel of Ease and an additional Burial Ground for the same; and to make more effectual Provisions in lieu thereof." And whereas by the Section of the said Act numbered One hundred and eleven, after reciting that great Numbers of Oxen, Sheep, and other Cattle had been and frequently were driven through or into the Parish of Islington on Sundays, to the great Annoyance, Terror, and Danger of His late Majesty's Subjects passing on and through the Streets and Roads of the said Parish on their lawful Occasions, or to or from their respective Places of Public Worship, it was, for Remedy thereof enacted, that if any Drover or other Person should from and after the passing of the said Act conduct or drive in, upon, or through any of the Roads, Lanes, Streets, Squares, or other Places, or on or over any of the Footpaths which then were or thereafter might be within the said Parish, any Oxen, Sheep, Swine, or other Cattle on any Sunday between the Hours of Eleven of the Clock in the Forenoon and Four of the Clock in the Afternoon, he should for every such Offence forfeit and pay the Sum of Forty Shillings, to be recovered before any Justice of the Peace for the said County: And whereas another Act was made and passed in the Fourteenth and Fifteenth Years of the Reign of Her present Majesty, intituled "An Act for providing a Metropolitan Market and Conveniences connected therewith, in lieu of the Cattle Market at Smithfield:" And whereas, under the Authority of the said last-mentioned Act, a Metropolitan Market has been provided within the Parish of Islington aforesaid, and since the opening thereof the Numbers of Oxen, Sheep, Swine, and other Cattle driven through and into the Parish of Islington on Sundays have very greatly increased, to the great Inconvenience, Annoyance, and Danger of Her Majesty's Subjects: And whereas the Time limited by the said first herein-before recited Act of Parliament for the driving of such Oxen, Sheep, Swine, or other Cattle through the said Parish on Sundays has been found wholly insufficient for the Convenience, Protection, and Safety of Her Majesty's Subjects residing therein, or passing on and through the Streets and Roads of the said Parish on their lawful Occasions, or to or from their respective Places of Public Worship: And whereas it is expedient, for the Remedy thereof, and to prevent the Desecration of the Lord's Day, that the said Section of the said first herein-before recited Act, numbered One hundred and eleven, should be repealed, and further and more effectual Provisions in lieu thereof should be made; but the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the

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

- I. That the said Section of the first-recited Act of the Fifth Year of the Reign of His late Majesty King George the Fourth, numbered One hundred and eleven, shall be and the same is hereby repealed.
- II. That this Act may be cited for all Purposes as the "Islington Parish Act, 1857."
- III. That it shall not be lawful for any Drover or other Person to conduct or drive in, upon, or through any of the Roads, Lanes, Streets, Squares, or other Places, or on or over any of the Footpaths which now are or hereafter may be within the Parish of Islington, any Oxen, Sheep, Swine, or other Cattle between the Hours of Twelve of the Clock on any and every Saturday Night and Twelve of the Clock on any and every Sunday Night throughout the Year, and if any Drover or other Person shall so conduct or drive in, upon, over, or through such Roads, Lanes, Streets, Squares, Footpaths, or other Places as aforesaid, any Oxen, Sheep, Swine, or other Cattle between the Hours of Twelve of the Clock on any and every Saturday Night and Twelve of the Clock on any and every Sunday Night throughout the Year, he shall for every such Offence forfeit and pay any Penalty or Sum not exceeding Five Pounds, to be recovered before any Police Magistrate within the Metropolitan District of Police, or before any Two Justices of the Peace for the County of Middlesex, one Moiety of which Penalty or Sum shall be paid to the Informer, and the remaining Moiety thereof shall be paid to the Vestry of the said Parish, which Moiety shall be applicable to the same Purposes as the Rates authorized to be levied by the said Vestry; and in default of Payment thereof and of the Costs and Expenses of such Proceedings, it shall and may be lawful for such Police Magistrate, or such Two Justices as aforesaid, to commit the Party or Parties so offending to the House of Correction for the said County for a Period not exceeding Three Calendar Months.
- IV. That it shall and may be lawful to and for any Police Magistrate within the Metropolitan District of Police, or any Justice of the Peace for the County of Middlesex, and he is required, upon Complaint to him made by One or more credible Witness or Witnesses of any such Offence, to issue a Warrant for apprehending the Party or Parties accused, or it shall and may be lawful to and for any Police or Peace Officer who shall see such Offence committed to apprehend, and also for any Person or Persons to assist in apprehending the Offender or Offenders, and by Authority of this Act, without any other Warrant, and to convey him or them before some Police Magistrate within the Metropolitan District of Police or any Two Justices of the Peace for the said County, to be by him or them dealt with according to Law.
- V. That the Costs, Charges, and Expenses of passing this Act, and all other Charges incident to, or attending the obtaining thereof, shall be borne, paid, and defrayed by the Vestry of the Parish of St. Mary Islington out of Moneys which may be in their Hands or in the Hands of any of their Collectors or other Persons at the Time of the passing of this Act, under and by virtue of the said first-recited Act of the Fifth Year of the Reign of His late Majesty King George the



Fourth, Chapter One hundred and twenty-five, or under or by virtue of the Acts of Parliament of the Eighteenth and Nineteenth Years of the Reign of Her present Majesty, intituled "An Act for the better Local Management of the Metropolis," and of the Nineteenth and Twentieth Years of the Reign of Her present Majesty, intituled "An Act to amend the Act of last Session of Parliament, Chapter One hundred and twenty, for the better Local Management of the Metropolis."

Cap. xxii.

"The Brighton, Hove, and Preston Constant Service Waterworks Act, 1857."

Prevention of Waste, §§ 1 to 6.  
Power to purchase Mains and Pipes at Cliftonville, § 7.  
Clerical Error in 17 & 18 Vict. c. v. rectified, § 9.

Cap. xxiii.

"The Calcutta and South-eastern Railway Act, 1857."

Recites that Company had been lately registered under "The Joint Stock Companies Act, 1856."  
Incorporates Provisions of 8 & 9 Vict. c. 16., with respect to the Consolidation of Shares into Stock, and as to the Recovery of Penalties, §§ 3, 13.  
Power to contract with East India Company, §§ 4, 5.  
Power to establish Offices in India for Registration and Issue of Shares, and to delegate Powers, §§ 6, 7.  
Registry and Transfer of Shares, §§ 8 to 11.  
The Locality of the Register to determine the Law affecting any Share, § 12.

Cap. xxiv.

"The Exeter and Exmouth Railway (Extension of Time) Act, 1857."

Extension of Time for compulsory Purchase for One Year, § 1.  
Opening of the Line between Exminster and Topsham, § 4.

Cap. xxv.

"The United General Gaslight Company's (Cork) Act, 1857."

Recites that the Company was incorporated by Charter in the First Year of W. 4., that their Capital is 450,000*l.*, and that they have Works in Dublin, Cork, and Limerick.  
Maintenance and Construction of Works, §§ 4 to 8.  
Limitation of Dividend, §§ 9, 10.  
Supply of Gas, §§ 11 to 22.  
Power to sell or lease the Undertaking to the Corporation of Cork, and saving Rights of Corporation, §§ 33, 34.

Cap. xxvi.

"The Kidsgrove Market Act, 1857."

Power to construct Market House, &c. &c., §§ 7, 8.  
Market House, &c. &c. to be held on certain Trusts, § 9.  
Tolls, §§ 10 to 13.  
Reduction of Tolls, § 15.  
20 & 21 Vict.

Cap. xxvii.

"The Waterford and Tramore Railway Amendment Act, 1857."

Power to execute certain Works, §§ 3 to 6.  
Power to raise 10,000*l.* by 10*l.* new Shares, with or without Preference, to be called Waterford and Tramore Preference Shares, §§ 7 to 11.  
Power to borrow 3,350*l.*, § 12.  
Power to purchase certain Shares held by the Cork and Waterford Railway Company, § 13.

Cap. xxviii.

"The Great Yarmouth Britannia Pier Act, 1857."

Capital 5,000*l.*, in 5*l.* Shares, § 5.  
Power to borrow 1,000*l.*, § 8.  
Consent of Corporation required in certain Cases, § 22.  
Power to provide Reading, Refreshment, and Bathing Rooms, § 24.  
Rates and Tolls, §§ 25 to 36.  
Power to lease the Tolls and Rates, §§ 39 to 42.  
Saving of Rights of Commissioners of Great Yarmouth Haven Bridge and Navigation, and of the Corporation of Yarmouth, §§ 46 and 48.

Cap. xxix.

"The Dublin and Wicklow Railway (Amendment) Act, 1857."

Recites the several Acts relating to the Dublin and Bray and Dublin and Wicklow Companies; and that in pursuance of 9 & 10 Vict. c. cxcix. s. 27, the Dublin and Wicklow Company had completed certain Works undertaken by the Dublin and Bray Company; the Agreement entered into between the Two Companies; and that the Capital of the Dublin and Wicklow Company had thereby become insufficient for its own Purposes.

Power to make Extension Railway at Dublin, § 4 to 7.  
Dublin and Bray Company dissolved; Acts repealed, and Property vested in the Dublin and Wicklow Company; saving of Rights and Liabilities, §§ 9 to 15.  
150,000*l.* expended by Dublin and Wicklow Company, added to their Capital; Power to issue new Shares or Stock to represent it, § 16.  
Power to raise 50,000*l.* in addition by new Shares or Stock, with or without Preference, and as Part of the general Capital, § 17, and §§ 22 to 24.  
Power to borrow 50,000*l.* in lieu of Dublin and Bray Debentures cancelled, § 19.  
Power to borrow in addition a Sum not exceeding One Third of the new Capital, § 20.  
Saving of Rights of the Dublin and Kingstown Railway Company, § 30.

Cap. xxx.

"Bridgwater Markets and Fairs Act, 1857."

Recites 7 G. 4. c. vii., and extends its Limits to those of the Parliamentary Borough of Bridgwater, § 3.  
Execution of Act by Corporation and Bridgwater Market Trustees, §§ 4 to 7.  
Power to Trustees to lease Parts of Market House, § 11.  
Power to Corporation to enlarge or remove Cattle Market, § 12.  
Market and Fair Days, §§ 13, 14.  
Tolls, §§ 15 to 19.  
Paving of Streets, and rating, §§ 20 to 26.

## Cap. xxxi.

"The *Wilmslow and Lawton Road Act, 1857.*"  
 5 G. 4. c. lxxxvii. repealed, § 2.  
 Appointment of Trustees and Committees, §§ 3 to 7.  
 Tolls, §§ 9 and 12 to 21.  
 Reduction of Tolls on Macclesfield Traffic, § 10.  
 Provision as to Toll paid between Macclesfield Road and Congleton, § 11.  
 Mortgage of 21*l.* to E. Warburton extinguished, § 23.  
 Application of Moneys, and Mode of discharging Debt, §§ 24 to 26.

## Cap. xxxii.

"The *Fraserburgh Harbour Amendment Act, 1857.*"  
 Recites 2 & 3 Vict. c. lxxv.  
 Power to construct Works, §§ 2 to 7.  
 Land reclaimed not to be taken without Consent of Commissioners of Woods and Forests, § 8.  
 Modifying of Tonnage Duties, § 10.  
 Power to borrow on Credit of Rates a Sum not exceeding 40,000*l.* in all, §§ 12 to 14.  
 Saving of existing Mortgages, § 16.  
 Sinking Fund, § 17.  
 Application of Sums borrowed, and of the Rates, § 18.

## Cap. xxxiii.

"The *North-eastern Railway Company's (Hartlepool Dock and Railway Amalgamation) Act, 1857.*"  
 Recites Acts relating to the Hartlepool Dock and Railway Company; the Amalgamation of the Companies forming the North-eastern Railway Company; the Lease by the former Company of their Undertaking to the latter Company for Thirty-one Years; and the Agreement for Amalgamation.  
 Hartlepool Dock and Railway Company dissolved; Undertaking vested in the North-eastern Railway Company, § 2.  
 Saving of Rights and Liabilities, §§ 3 to 13.  
 440,570*l.* Capital Stock of the Hartlepool Company to form Part of the Capital of North-eastern Railway Company, but to be kept distinct, and to be called "The Hartlepool Capital Stock" until 1st July 1879, and then to form Part of the Berwick Capital Stock, of the Company, § 14.  
 Proprietors of Hartlepool Capital Stock to be Proprietors of Stock of equal Amount in North-eastern Railway Company, and Guarantee of 8*l.* per Cent. out of the Berwick Capital Stock, and prospective Increase, §§ 15 to 17.  
 Berwick Shareholders liable to the Obligations imposed on the Company, § 20.  
 Income of Hartlepool Company in hand to be divided amongst its Proprietors after Payment of Liabilities, § 21.

## Cap. xxxiv.

"The *Forth and Clyde Junction Railway (Amendment) Act, 1857.*"  
 Recites that Company was incorporated by 16 & 17 Vict. c. cxxv., with a Capital of 150,000*l.*, and Power to borrow 50,000*l.*; that certain Shares had been forfeited.  
 Power to raise 43,000*l.* by new Shares, in lieu of those cancelled, and a further Sum of 21,000*l.* by additional

Shares, both to be Part of the general Capital, §§ 4 to 6.  
 Capital to be 171,000*l.*, *i.e.* 107,000*l.* paid-up 10*l.* ordinary Shares, and 64,000*l.* of an Amount and Denomination to be fixed by the Company, § 7.  
 Power to borrow 7,000*l.*, or to raise Sum authorized to be borrowed by new Shares, §§ 9 to 11.  
 Power to raise Money by Creation of Stock in lieu of Shares or borrowing, § 12.  
 Power to attach a Preference to new Shares, or Stock, §§ 13, 14.  
 Exchange of Preference for ordinary Shares, § 17.  
 Power to convert Debenture Debt into Debenture Stock, § 18.

## Cap. xxxv.

"The *Glasgow Gaslight Company's Act, 1857.*"  
 Recites that under 57 G. 3. c. xli. and other Acts relating to the Company, they have raised 150,000*l.* Share Capital, and 49,724*l.* 16*s.* by Premiums on the Sale of Shares; that they also owe more than the authorized Sum of 10,000*l.*, and that they have expended all the Moneys, and also the Sum of 29,104*l.* out of Profits upon the Undertaking.  
 Power to create and sell 2,600 new Shares of 25*l.*, §§ 1, 2.  
 Limitation of Dividend, § 3.  
 Power to borrow 50,000*l.*, and eventually 20,000*l.* more, §§ 4, 5.  
 Application of Moneys, and Power to set aside the Sum of 29,104*l.* as a Reserve Fund, §§ 7, 8.  
 Limits, Works, Lands, Supply of Gas, §§ 9 to 19.

## Cap. xxxvi.

An Act for uniting the Offices of Minister and Chaplain of *Saint Philip's Church in Liverpool.*  
 Recites 1 G. 4. c. ii., and 5 & 6 W. 4. c. 76.  
 Unites the Offices of Minister and Chaplain, § 1.  
 Enables the Corporation to sell the Advowson, § 2.  
 Saves the Rights of Corporation, Patrons, and Rector, § 3.

## Cap. xxxvii.

"The *Landport and Southsea Improvement Act, 1857.*"  
 Limits of Act, § 4.  
 Appointment of Commissioners, §§ 6 to 15.  
 Property of Highway Board vested in Commissioners, § 23.  
 Recovery of Rates and Debts, §§ 24 to 30.  
 Maintenance of the Turnpike Road from Sheetbridge to Portsmouth, § 32.  
 Provisions as to paving, flagging, and draining, §§ 33 to 42.  
 Levying of Rates, §§ 43 to 50.  
 Power to borrow, 10,000*l.*, §§ 51 and 53.  
 Sinking Fund, § 52.  
 Application of borrowed Money and Rates, §§ 54, 55.  
 Provisions as to lighting and watching, §§ 61, 62.  
 Power to provide and lease Market Places and Slaughter-houses, §§ 64 to 73.  
 Application of Market Tolls, &c. &c., § 74.  
 Committee for licensing Hackney Carriages, §§ 76 to 83.  
 Penalties, §§ 84 to 86.  
 Appeal, §§ 87 to 92.  
 Recovery of Rates, §§ 93 to 96.

Sea Shore to Low-water Mark to be a public Highway, § 97.  
 Saving Rights of the Crown, § 99; of Corporation of Portsmouth, § 100; of the Portsmouth and Farlington Waterworks Company, § 101; and of the Portsea Island Gaslight Company, § 102.

*Cap. xxxviii.*

"The *Cardigan* Markets and Improvement Act, 1857."

Lands Clauses Act and Markets Clauses Act (except § 19), and certain Provisions of Commissioners Clauses Act, incorporated, §§ 3, 7.  
 Committees, Treasurer, Accounts, Byelaws, §§ 8 to 15.  
 Power to purchase certain Property; Tolls extinguished, §§ 17, 18.  
 Power to construct Market Place; Provisions as to a School, §§ 19, 20, and 24.  
 Power to provide Slaughter-houses, § 21.  
 Power to establish Cattle Market, §§ 25, 26.  
 Market Tolls, §§ 28 to 35.  
 Waterworks; certain Provisions of Waterworks Clauses Act incorporated, §§ 36 to 38.  
 Rates and Penalties, §§ 40 to 46.  
 Towns Improvement Clauses Act (except Sect. 50), and Town Police Clauses Act, incorporated, §§ 47 to 49; and applied, §§ 51, 52.  
 Paving, § 53; Sewers, §§ 54 to 58; Streets, §§ 59, 60.  
 Arrangements with Trustees of Turnpike Roads, § 64.  
 Owners to supply Houses with Water, §§ 65, 66.  
 Certain Provisions of Harbours, Docks, and Piers Clauses Act incorporated, § 67.  
 General Improvement Rate, § 68.  
 Power to borrow 6,000*l.*, and, with Consent of Ratepayers, 3,000*l.* more, §§ 69, 70.  
 Highway Rates, §§ 73 to 75.  
 Application of Improvement Rates, and Money borrowed thereon, §§ 77, 78; and of Highway Rates, § 79; of Penalties, § 81; of Money arising from Sales of Land, § 82.  
 Power to sell Corporate Property, subject to Approval of Treasury, and Reduction of borrowing Powers, §§ 83 to 85.

*Cap. xxxix.*

"The *Wearmouth* Bridge Act, 1857."

Repeals 32 G. 3. c. xc., and the Clauses relating to Wearmouth Bridge, contained in "The Borough of Sunderland Act, 1851;" saves Rights and Liabilities, §§ 4 to 12.  
 Incorporation of Lands Clauses Act; Works, §§ 13 to 20.  
 Dimensions of new Bridge, and Admiralty Provisions, §§ 21 to 31.  
 Protection of Bridge from Vessels; Penalties, §§ 35 to 38.  
 Laying of Gas and Water Pipes, § 39.  
 Toll House and Tolls, §§ 40 to 52.  
 Ferry Tolls, §§ 54 to 56; Byelaws, § 61.  
 Power to lease Bridge and Ferry Tolls, §§ 57 to 60.  
 Incorporation of Part of Harbours, Docks, and Piers Act, § 62.  
 Power to borrow 100,000*l.*, § 63.  
 Incorporation of Part of Commissioners Clauses Act, § 64.  
 Accounts, and Application of Moneys, §§ 65 to 69.  
 Bridge and Ferry to be Toll-free, if a Surplus, § 70.

Reserve Fund, §§ 71, 72.  
 Saving Rights of Commissioners under Act of 11 G. 4., and of Sir H. Williamson in Sunderland Ferry, §§ 74, 75; and of Tenants. &c. &c. of certain Farms, but subject to Penalty for illegal User, §§ 76, 77; and of Crown, § 78.

*Cap. xl.*

"*South Durham and Lancashire Union* Railway Act, 1857."

Incorporation of Company, § 3.  
 Capital 400,000*l.*, in 25*l.* Shares, §§ 4, 5.  
 Power to borrow 133,000*l.*, § 9.  
 Meetings, Directors, §§ 10 to 16.  
 Railway and Works, §§ 18 to 27.  
 Provisions relating to the Stockton and Darlington, Darlington and Barnard Castle, and Lancaster and Carlisle Railway Companies, §§ 28 to 30.  
 Tolls, §§ 31 to 38.  
 Working and Traffic Arrangements with the Stockton and Darlington Railway Company, §§ 39 to 45.  
 Power to Stockton and Darlington Railway Company to subscribe and hold Shares, § 46.  
 Arrangements with Mr. Pulline for Purchase of certain Tolls and Customs, § 47.

*Cap. xli.*

"The *Ely Valley* Railway Act, 1857."

Incorporation of Company, § 3.  
 Capital 70,000*l.*, in 10*l.* Shares, §§ 5, 6.  
 Power to borrow 23,000*l.*, § 10.  
 Meetings, Directors, §§ 13 to 19.  
 Railway and Works, §§ 20 to 25.  
 Provisions relating to *South Wales* Railway, §§ 26 to 28.  
 Tolls, §§ 33 to 42.

*Cap. xlii.*

"The *New River* Company's Act, 1857."

Recites Acts relating to the Company.  
 Power to borrow additional Sum of 300,000*l.*, §§ 2 to 4.  
 Power to create a Debenture Stock in lieu of Bond/Debt, with a Preference, §§ 5 to 9.  
 Power of Entry on Premises to stop Supply, §§ 16, 17.  
 Power to execute new Works, §§ 18 to 29.  
 Sewers may be used for Drainage of Hertford, § 31.  
 Power to intercept Sewage Water draining into River Lee from the Town of Hertford, §§ 32, 33.  
 Saving Rights of Trustees of the River Lee, and of Corporation of Hertford, § 35, 36.  
 Company subject to "The *Metropolis* Water Act, 1852," § 37.

*Cap. xliii.*

"The *West Hartlepool* Harbour and Railway Act, 1857."

Recites the Amalgamation of the Companies now forming the *West Hartlepool* Harbour and Railway Company, under 15 & 16 Vict. c. cxlii.; that their Share Capital is 1,564,560*l.*; that 521,520*l.* has been borrowed; and 36,860*l.* advanced to a Railway Company.  
 Power to raise 450,000*l.* additional Capital by new Shares or Stock, with or without a Preference, §§ 3 to 5.  
 Power to raise Money by Debenture Stock in lieu of Mortgages, with a Priority; but saving existing Mortgages, §§ 7 to 17.

Conversion of Shares and Stock into other Shares or Stock, § 18.

Saving Rights of different Classes of Hartlepool and Clarence Shares, § 19.

*Cap. xliv.*

“*Mansfield and Worksop Road Act, 1857.*”

Recites that 3 G. 4. c. xxxvii. will soon expire; that 5,283*l.* is secured by Mortgage of Tolls granted by the Act.

Act to continue for 21 Years from 1st November 1857, and to be executed for Discharge of Debts and Maintenance of Road, §§ 3, 4.

Repeal of Act; Saving of Rights and Liabilities, §§ 6 to 13. Meetings and Committees, §§ 14, 15.

Toll Gates and Tolls, §§ 16 to 23.

Application of Moneys, § 24.

Mode of discharging Debt, § 27.

*Cap. xlv.*

“*Borough of Portsmouth Waterworks Act, 1857.*”

Recites 14 G. 2. c. xliii., and Assignment of its Powers to the “*Company of Proprietors of the Portsmouth and Farlington Waterworks, Limited,*” and their Agreement for Sale.

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

Incorporation of Company, § 6.

Capital 80,000*l.*, in 10*l.* Shares, §§ 7, 8.

Power to borrow 10,000*l.*, and eventually 20,000*l.*, §§ 13 to 15.

Directors, Committees, §§ 18 to 23.

Agreement confirmed; Transfer of Waterworks; Saving of Rights and Liabilities, §§ 24 to 33.

Works, §§ 34 to 36, and 42 to 46.

Saving Works of London and Brighton and Brighton and Chichester Railways, § 37.

Provisions relating to London and South-western Railway, §§ 38 to 41.

Rates, and Supply of Water, §§ 53 to 60.

Penalties, and Recovery thereof, §§ 61 to 69.

Provisions to prevent Danger from Reservoir, §§ 70 to 78. Agreement for Sale (Schedule).

*Cap. xlvi.*

“*The North-eastern Railway Company's (Lanchester Valley Branch) Act, 1857.*”

Recites that by the 17 & 18 Vict. c. ccxi. the Companies forming the North-eastern Company were amalgamated; that by the “*Dearness Valley Railway Act, 1855,*” Working Arrangements between the Two Companies were authorized.

Railway and Works, § 2.

Occupation and other Roads provided for, §§ 3 to 5.

Provisions relating to the Wear Valley and Stockton and Darlington Railways, §§ 7, 8.

Power to raise additional Capital, 120,000*l.*, by new Shares or Stock, with or without Preference, §§ 13 to 19.

Tolls, § 21.

Power to purchase Dearness Valley Railway, § 22.

Vesting of Undertaking; Saving of Rights and Liabilities, §§ 23 to 28.

Power to apply Portion of Money raised under existing Acts for the Purposes of this Act, § 29.

Extension of Time of Sale of Lands at Hull under 10 & 11 Vict. c. ccxviii.—§ 30.

Extension of Time of Sale of Lands at Harrogate under 10 & 11 Vict. c. cxl.—§ 31.

*Cap. xlvii.*

“*The Ipswich Waterworks Act, 1857.*”

Recites that by Indenture of 24th September 1855, the Promoters purchased the Waterworks belonging to the Corporation for 21,500*l.*, of which Sum 10,000*l.* is still unpaid; that they owe a further Sum of 35,000*l.*, (29,900*l.*, Part thereof, being secured by Bonds or Debentures); and that they have purchased certain Waterworks, and constructed certain other Waterworks.

Company incorporated, § 5.

Vesting of Works; Saving of Rights and Liabilities, §§ 6 to 8.

Recovery of existing Debts; Reimbursement, §§ 9 to 12.

Capital 100,000*l.*, in 10*l.* Shares, §§ 13, 14.

1,821 Shares to be allotted as in the Schedule, and to be deemed fully paid up, § 15.

Power to have outstanding or to borrow 33,300*l.*, inclusive of existing Debt, and Dividend restricted to 5*l.* per Cent. while the Debt exceeds 33,300*l.*, §§ 18, 19.

Directors, Works, Supply of Water, Rates, §§ 20 to 34.

Power to lease the Rates and Rents, § 35.

Schedule.

*Cap. xlviii.*

“*Fownhope and Holme Lacy Bridge Act, 1857.*”

Companies Clauses and Lands Clauses Acts incorporated, §§ 2, 3.

Company incorporated, § 4.

Capital 3,000*l.*, in 10*l.* Shares, § 5.

Power to borrow 1,000*l.*, §§ 7 to 11.

Directors, §§ 13 to 15.

Power to purchase Even Pitt Ferry and Shipley Boat Ferry, § 19.

Works, Deviations, Levels, Fences, Surveys, §§ 21 to 28.

Power to get Materials; Part of Railways Clauses incorporated, § 29.

Toll Gates and Toll Houses, §§ 30 to 34.

The Ox Ford and the Old Mill Ford to be disused, and the Roads thereto stopped up, §§ 35, 36.

Ferry Boats to be provided while Bridge is building or stopped up, §§ 38, 39.

Tolls, Exemptions, Penalties, §§ 40 to 57, and § 65.

Leasing of Tolls; Collector, §§ 59 to 63.

Application of Tolls, § 69.

Sinking Fund, §§ 70, 71.

Redemption of Mortgages, and of Shares, §§ 72 to 75.

On such Redemption the Bridge, with the Consent of the Parish of Holme Lacy, to become a County Bridge, and the Road a Parish Road, §§ 76, 77; and the Justices to execute the Act, § 78.

Old Mill Ford to be re-opened when Company is dissolved, § 81.

*Cap. xlix.*

“*The Deeside Railway Extension Act, 1857.*”

Recites 9 & 10 Vict. c. clviii. and 15 & 16 Vict. c. lxi., and proposes to construct a Portion of the Line that had been abandoned.

Capital 80,000*l.*, in 10*l.* Shares, §§ 4, 7.  
 Directors for Extension Shareholders, § 9.  
 Power to borrow 26,600*l.*, to be reduced if Lands are purchased on Feu Rents, §§ 10, 11.  
 Provisions for keeping the Votes, Accounts, Tolls, &c. separate, §§ 12 to 19.  
 Deeside Railway to provide Rolling Stock at Cost Price, §§ 20, 21.  
 Division of Revenue, and uniting of Capital, §§ 24, 25.  
 Deeside Railway, Power to subscribe 5,000*l.*, § 27.  
 Railway and Works, §§ 28 to 38.  
 Formiston Lock not to be interfered with, § 30.  
 Power to feu Lands, §§ 39 to 41.  
 Tolls, §§ 44, 45.  
 Saving Rights of Scottish North-eastern and of the Deeside Railway Companies, § 46.

*Cap. i.*

“The *Banff, Macduff, and Turriff* Extension Railway Act, 1857.”

Recites “The *Banff, Macduff, and Turriff* Junction Railway Act, 1855.”  
 Incorporation of Company, § 3.  
 Capital 81,000*l.*, in 10*l.* Shares, §§ 4, 5.  
 Power to borrow 27,000*l.*, §§ 7, 33.  
 Power for Great North of Scotland Railway Company to subscribe 5,000*l.*, §§ 10 to 12.  
 Meetings, Directors, Railway, Works, §§ 15 to 29.  
 Power to feu Lands, §§ 31 to 34.  
 Communications with *Banff, Macduff, and Turriff* Junction Railway, §§ 37 to 39.  
 Company may contract with *Banff, Macduff, and Turriff* Junction and the Great North of Scotland Railway Companies as to Working and Use of Railway, §§ 41 to 46.  
 Agreements as to Station at *Turriff*, §§ 47, 48.  
 Tolls, §§ 49 to 57.

*Cap. li.*

“The *Cork and Youghal* Railway Act, 1857.”

Recites Acts relating to the Company, and the State of their Capital.  
 Extends Time for Completion of Railway, §§ 1, 2.  
 Cancelling of Shares representing 105,000*l.*, and Reduction of Capital to 270,000*l.*, § 3.  
 Power to borrow 90,000*l.* as the Undertaking progresses, §§ 4, 5.

*Cap. lii.*

“The *Stockton* Gas Act, 1857.”

Recites that by 9 & 10 Vict. c. ccxvi., the *Stockton* New Gas Company were incorporated, with a Capital of 7,980*l.* in Shares (paid up) of 9*l.* 10*s.*, and that they had bought up Forty Shares, and expended 2,400*l.* out of Profits upon their Works; recites the Formation of the “*Stockton* Gas Consumers Company (Limited),” with a Capital of 6,000*l.* in 10*l.* Shares, of which 6*l.* is paid up, and Agreement to apply for an Act to authorize the Sale of the Two Undertakings to the Corporation.  
 Company incorporated, §§ 7, 8.  
 Act repealed; Deed avoided; Saving of Rights and Liabilities, §§ 9 to 20.

Capital, 16,000*l.*, *i.e.* 10,000*l.* in Shares (fully paid up) of 12*l.* 10*s.* (Class A.), and 6,000*l.* in Shares of 10*l.* (Class B.), paid up to 6*l.*, §§ 21 to 23.  
 Power to raise 9,000*l.* additional Capital by new (Class C.) Shares, with or without a Preference, §§ 27 to 34.  
 Power to borrow to an Amount not exceeding One Fourth of the Capital, § 39.  
 Meetings, Voting, Directors, §§ 44 to 56.  
 Lands, Works, Supply of Gas, §§ 57 to 66.  
 Purchase of Gasworks by Corporation, and Saving of Rights and Liabilities, §§ 67 to 74.  
 Upon vesting of the Works in the Corporation, certain Provisions of Gasworks Clauses Act incorporated, § 75.  
 Supply of Gas, §§ 76 to 82.  
 Power for Corporation to borrow 25,000*l.* on Credit of Gas Rents and Borough Fund; Provisions as to Mortgages and Sinking Fund, §§ 84 to 88.  
 Certain Lands to pay only One Fourth of Rate levied for paying off Mortgages, § 89.  
 Schedules A., B., and C.

*Cap. liii.*

“The *Banff, Portsoy, and Strathisla* Railway Act, 1857.”

Incorporation of Company, § 4.  
 Capital 90,000*l.*, in 10*l.* Shares, §§ 5, 6.  
 Power to borrow 30,000*l.*, §§ 10, 11.  
 Meetings, Directors, §§ 12 to 19.  
 Railway and Works; Approval of Admiralty, §§ 20 to 33.  
 Power to Feu Lands, §§ 35 to 38.  
 Communications with the Great North of Scotland Railway, §§ 41 to 43.  
 Tolls, §§ 44 to 52.  
 Power to agree as to Petty Customs at *Banff*, § 53.  
 Agreements as to the Use of Station at *Grange*, and as to Traffic with the Great North of Scotland Railway Company, §§ 54 to 64.

*Cap. liv.*

“*Bristol and South Wales Union* Railway Act, 1857.”

Incorporation of Company, § 4.  
 Capital 300,000*l.*, in 25*l.* Shares, §§ 5, 6.  
 Power to borrow 98,000*l.*, §§ 8, 9.  
 Meetings, Directors, §§ 10 to 17.  
 Railways, Works, Gauge, §§ 18 to 28.  
 Junctions with and saving Rights of Great Western and South Wales Railways, §§ 29 to 31.  
 Saving Rights of Commissioners of Sewers of Lower Level of Gloucestershire, §§ 32 to 35.  
 Provisions relating to the *Midland* Railway Company, §§ 36 to 39.  
 Power to establish Steam Communication, § 40.  
 Power to purchase and hold the *New Passage* Ferry, § 41.  
 Admiralty Provisions, §§ 42 to 48.  
 Tolls for Railway and Ferry, §§ 49 to 66.  
 Traffic Arrangements with the Great Western, the *Bristol* and *Exeter*, and the South Wales Railway Companies, §§ 67 to 71.  
 South Wales Railway Company may contribute or hold Shares to the Amount of 25,000*l.*, or in lieu thereof may construct the Railways on the North-western Side of the River *Severn*, §§ 73 to 75.  
 Saving Rights of the Crown, § 79.

## Cap. lv.

## "The Newcastle-under-Lyme and Leek Roads Act, 1857."

Repeals 9 G. 4. c. iv., § 1.  
 Moneys and Property and Liabilities vested in new Trustees, § 4.  
 Trustees, Committees, §§ 5 to 8.  
 Roads to which the Act applies, § 9.  
 Trustees may grant Mortgages not exceeding 1,250*l.* to certain Landowners in satisfaction of Purchase Money then owing, § 10.  
 Declaration of existing Debt, § 11.  
 Tolls, §§ 12 to 21.  
 Application of Moneys, § 22.  
 Mode of discharging Debt, § 24.  
 No more Money to be borrowed on Tolls, § 25.  
 Schedule of Mortgages and Amount due to them.

## Cap. lvi.

## "The Langport, Somerset, and Castle Cary Turnpike Roads Act, 1857."

Repeals 5 G. 4. c. xviii. and 2 W. 4. c. xxxii., § 1.  
 Moneys and Property and Liabilities vested in new Trustees, § 2.  
 Trustees, Committees, §§ 5 to 8.  
 Roads to be improved and kept in order, § 9.  
 New Roads, §§ 10 to 16.  
 New Roads not to be made until Money subscribed and paid, § 17.  
 Tolls, §§ 23 to 28 and 30 to 32.  
 Exemptions from Tolls, § 29.  
 Application of Tolls, § 33.  
 Mode of discharging Debt, § 35.  
 No more Money to be borrowed on the Tolls, § 38.  
 Schedule of Mortgages.

## Cap. lvii.

## "Lowestoft Water, Gas, and Market Act, 1857."

Recites that by "The Lowestoft Water, Gas, and Market Act, 1853," the Company were incorporated, with a Capital of 25,000*l.* in 10*l.* Shares, and Power to borrow 5,000*l.*  
 Application of General Acts, §§ 5 to 7.  
 Waterworks, Water Rates, §§ 9 to 14.  
 Penalties for selling Corn out of Market to cease if Corn Market not completed in Three Years, § 15.  
 Power to raise 15,000*l.*, and provisionally 10,000*l.* more by Shares, with or without Preference, §§ 16 to 25.  
 Power to borrow 4,000*l.*, and provisionally 2,500*l.* more, §§ 31 to 33.  
 Power to create Debenture Stock, §§ 35 to 40.  
 Power to lease the Undertaking, §§ 41 to 47.

## Cap. lviii.

## "The Shrewsbury Gasworks Act, 1857."

Recites that by 1 G. 4. c. lvi., the Company was incorporated, with a Capital of 8,000*l.* in 10*l.* Shares, and Power to raise 2,000*l.* more; that they have expended 10,000*l.* more out of Profits upon the Works, and owe 1,660*l.* to their Bankers, but have no Mortgage or Bond Debt, or Preference Shares.

Repeals recited Act, § 2.

Incorporation of Company; Saving of Rights and Liabilities, §§ 6 to 16.  
 Capital 40,000*l.*, i.e. 1,000 (A.) Shares of 10*l.* to represent the old Shares; 1,000 (B.) Shares to be divided among the Holders of the (A.) Shares; and 20,000*l.* "new Shares" to be raised as the Company determine, §§ 17 to 22.  
 Disposal of new Shares, §§ 23 to 29.  
 Power to borrow 2,000*l.*, and eventually 4,000*l.* more, §§ 34 to 36.  
 Discharge of Debt owing to Bankers, § 37.  
 Meetings, Votes, Directors, §§ 39 to 46.  
 Lands, Works, Supply of Gas, §§ 47 to 54 and 56 to 65.  
 Extension of Mains when required by Corporation, § 55.  
 Saving Rights of Corporation and Shrewsbury Waterworks Company, §§ 66, 67.

## Cap. lix.

## "The Burslem and Tunstall Gas Company's Act, 1857."

Recites Deed of Settlement of the Company, their Provisional Registration, and a supplemental Deed; that their Share Capital is 8,000*l.* in 1,600 fully paid-up 5*l.* Shares; that they have borrowed 3,000*l.* and also 1,000*l.* from some of their Directors, and have expended those Moneys and a further Sum of 2,000*l.* out of their Revenue upon the Undertaking.  
 Company incorporated; Saving of Rights and Liabilities, §§ 5 to 16.  
 Capital 23,000*l.*, i.e. 8,000*l.* divided into 5*l.* fully paid-up Shares, and 15,000*l.* into Shares as hereafter determined, §§ 17, 18.  
 Distribution of new Shares, and Calls, §§ 19 to 27.  
 Power to borrow 1,375*l.* in addition to present Debt of 3,000*l.*, and eventually a Sum not exceeding 5,750*l.* in all, §§ 29 to 31.  
 Power to call in existing Securities and to grant others, § 32.  
 Application of Moneys, § 33.  
 Power to sell Lands specified in the Schedule, § 34.  
 Meetings, Directors, Works, Rates, Supply of Gas, §§ 35 to 61.  
 Saving Rights of Local Board of Health, § 62.  
 Protecting Works, &c. of British Gaslight Company, § 63.

## Cap. lx.

## "Lewes and Uckfield Railway Act, 1857."

Incorporation of General Acts, § 1.  
 Incorporation of Company, § 3.  
 Capital 50,000*l.*, in 50*l.* Shares, §§ 4, 5.  
 Power to borrow 16,500*l.*, § 8.  
 Directors, §§ 9 to 11.  
 Railway Works, §§ 13, 14.  
 Junction with Keymer Branch Railway, §§ 15, 16.  
 Provisions relating to the London, Brighton, and South Coast Railway, §§ 17, 18.  
 Lands of Sir C. M. Burrell, not to be taken without his Consent, § 24.  
 Tolls, §§ 28 to 36.  
 Arrangements with the London, Brighton, and South Coast Railway, §§ 37 to 43.  
 Schedule of Tolls.

## Cap. lxi.

## "The Newry, Warrenpoint, and Rostrevor Railway Amendment Act, 1857."

Recites that the Company was incorporated under "The Newry, Warrenpoint, and Rostrevor Railway Act, 1846."

Incorporation of General Acts, § 1.

Works, Railways, §§ 2, 3.

Alteration of Line effecting Junction with the Newry and Enniskillen Railway, § 5.

Communications with the Newry and Enniskillen Railway, §§ 10 to 12.

Crossing of Newry Canal and Newry River, and Admiralty Provisions, §§ 13 to 22.

Repeal of § 37 of recited Act (restricting Number of Trains), § 23.

No Station to be constructed or used North of the Dublin Bridge for ordinary Passenger Traffic, § 24.

Power to purchase certain Lands of R. Hall, §§ 25, 26, 29.

Locomotive Engines not to be used on new Railway at Warrenpoint, § 27.

Agreements with the Newry and Enniskillen Railway, §§ 30 to 32.

Power to issue new Shares to the Amount of 20,000*l.*, §§ 36, 37.

Power to borrow 6,600*l.*, §§ 40, 41.

Tolls, §§ 44 to 47.

## Cap. lxii.

## "The Mallow and Fermoy Railway (Transfer) Act, 1857."

Recites Incorporation of Company under "The Mallow and Fermoy Railway Act, 1854;" that they are unable to complete the Undertaking, and desire to transfer their Powers.

Dissolution of Mallow and Fermoy Railway Company, and Transfer of Powers to the Great Southern and Western Railway Company, § 2.

Repeal of Parts of recited Act, *i.e.* as to Incorporation, and as to Tolls and Charges, § 3.

Saving of Rights and Liabilities, §§ 4 to 7.

Tolls, §§ 8 to 10.

Certain Provisions of Companies Clauses Act applied, § 11.

Power to raise 100,000*l.* additional Capital by Shares, with or without a Preference, §§ 12 to 14.

## Cap. lxiii.

## "The Bury Gas Act, 1857."

Recites Incorporation of "The Bury Gaslight and Coke Company" under 9 & 10 Vict. c. iv., with a Capital of 30,000*l.* in 20*l.* Shares, and Power to borrow 10,000*l.*; that Shares to the Amount of 12,800*l.* were allotted to the Shareholders of the old Company, 10,578*l.* raised by Sale of 285 Shares, and 8,200*l.* borrowed, making in all 31,578*l.*

Recites 9 & 10 Vict. c. ccxciii. (Bury Improvement), and the Agreement for vesting the Works in the Bury Improvement Commissioners.

Repeal of 9 & 10 Vict. c. iv., § 6.

Works vested in the Commissioners; Saving of Rights, &c. &c., §§ 8 to 18.

Property of Commissioners (except Sewers Rate) charged with 925 perpetual Annuities of 2*l.* each, §§ 22 to 24.

Vesting of Annuities, Certificates, Transfer, Recovery, Redemption, §§ 25 to 51.

Committee, separate Accounts, Auditors, §§ 54 to 63.

Supply of Gas for public Purposes, § 64.

Expenses of executing Act may be charged on "Bury General Rate," § 65.

Application of Moneys, § 66.

Power to borrow 45,000*l.* to redeem Annuities, and 10,000*l.* for Purposes of the Act, §§ 68 to 70.

Power to borrow Part of 10,000*l.* on a Cash Account, § 71.

Recovery of Rates, &c. &c.; Supply of Gas, §§ 72 to 88. Schedule (Forms of Certificate and of Transfer of Annuity).

## Cap. lxiv.

## "The Cannock Mineral Railway Act, 1857."

Recites "The Cannock Mineral Railway Act, 1855."

Extension of Time for Two Years from 2d June 1857; and Proviso for Cesser of Powers, unless the Sum of 6,000*l.* be expended upon the Works between that Day and the 15th October 1857, § 1.

Penalty for neglecting to open the Railway within the Time limited, § 2.

## Cap. lxv.

## "The Selby and Market Weighton Turnpike Road Act, 1857."

Repeals 33 G. 3. c. cliv. and 54 G. 3. c. xxx., § 1.

Moneys and Property and Liabilities vested in new Trustees, §§ 4 to 6.

Trustees; Roads, §§ 6 to 10.

Continuance and Removal of Toll Gates, § 12.

No Turnpike to be erected on the Road at the End of Market Weighton, within Two Miles of Bow Bridge, § 13.

Tolls, §§ 15 to 28.

Application of Moneys; Discharge of Debt, §§ 29 to 31

Leasing of Tolls, § 32.

No more Money to be borrowed on Tolls, § 35.

## Cap. lxvi.

## "West Somerset Mineral Railway Act, 1857."

Recites that under the "West Somerset Railway Act, 1855," the Company was incorporated, with a Capital of 50,000*l.* in 10*l.* Shares, and Power to borrow 15,000*l.*; that they had not borrowed any Money, but raised the Amount by Shares of 10*l.*

Repeal of recited Act; Saving of Rights and Liabilities, §§ 5 to 21.

Capital 100,000*l.*, *i.e.*, 65,000*l.* present Capital, and 35,000*l.* to be raised by new Shares, with or without a Preference, §§ 22 to 36.

Separate Registers of Classes of Shares, § 37.

Separate Capital and Revenue Accounts to be called the Main Railway Accounts, and the Minehead and Cleeve Accounts, § 38.

Apportionment of general Expenses and of net Profits, §§ 39 to 41.

Power to borrow 21,500*l.* on Main Line, and 11,500*l.* on the Branch Line, §§ 43 to 45.

Meetings, Directors, §§ 49 to 53.

Main Railway and Works, §§ 54 to 59.

Branch Railway and Works, §§ 60 to 70.

Tolls, §§ 74 to 81.

Admiralty Provisions, §§ 82 to 89.  
Saving Rights of the Lords of the Manors of Watchet and Minehead, and of Persons claiming under George late Earl of Egremont, § 90.

*Cap. lxxvii.*

“The Stratford-upon-Avon Gas Act, 1857.”

Recites Formation of a Company under an Agreement, dated 17th March 1834; that they have raised a Capital of 3,000*l.* in 20*l.* Shares, and 750*l.* more in 5*l.* Shares.  
Incorporation of Company, and Transfer of Rights, &c., § 7 to 16.  
Capital 3,750*l.*, divided into 150 Shares of 20*l.*, and 150 Shares of 5*l.*, §§ 17 to 20.  
Power to raise 3,000*l.* by Preference Shares, §§ 22 to 27.  
Power to borrow 500*l.*, and eventually 500*l.* more, § 29.  
Directors, Lands, Supply of Gas, §§ 31 to 51.

*Cap. lxxviii.*

“The Australian Agricultural Company’s Act, 1857.”

Recites 5 G. 4. c. 86. (Public), incorporating the Company, the Charter, and other Acts relating to the Company; that by “The Australian Agricultural Company’s Act, 1853,” their Capital was reduced to 500,000*l.*, and Two 25*l.* Shares given to their Shareholders in lieu of every 100*l.* Share; that the paid-up Capital is 380,000*l.*, and 19*l.* paid up on each Share; that the Company possesses 718,250 Acres of Land, and desire Facilities for Sale, and Power to construct Railways, and clearer Provisions as to the Moneys divisible as Profits.  
Property to the Amount of the Capital to be set apart and reserved, § 2.  
Mode of ascertaining divisible Profits, § 3.  
Alteration as to Meetings, Directors, Auditors, Voting, §§ 4 to 13.  
Execution of Conveyances, &c. abroad by Attornies, §§ 14 to 16.  
Contribution to Railways, § 17.  
Saving of existing Contracts for Sale, § 18.

*Cap. lxxix.*

“The Penarth Harbour, Dock, and Railway Act, 1857.”

Recites Incorporation of Company under “The Ely Tidal Harbour and Railway Act, 1856,” with a Capital of 130,000*l.*, and Power to borrow 43,000*l.*  
Agreement with Earl of Plymouth’s Trustees, § 5.  
Works, temporary Bridge, &c., §§ 6 to 9.  
Approval of Admiralty to certain Works, §§ 10 to 14.  
Provisions with respect to Marquis of Bute’s Trustees, §§ 15 to 20.  
Power to raise additional Capital of 192,000*l.*, §§ 24 to 27.  
Power to borrow 64,000*l.*, §§ 28, 29.  
Tolls and Rates, §§ 32 to 35.  
Wharves, Meters, Dock-master, Lights, Pilots, §§ 36 to 41.  
Working and other Arrangements with the Taff Vale Railway Company, §§ 44, 45.  
Alteration of Name, Saving of Rights, &c. &c., §§ 46 to 48.

Saving Rights of Cardiff Waterworks Company, of the Owners of Ely Mill, and of the Crown, §§ 55 to 57.  
Schedules, Rates.

*Cap. lxxx.*

“The Margate Waterworks Act, 1857.”

Incorporation of Company, § 3.  
Capital, 13,000*l.* in 10*l.* Shares, §§ 6, 7.  
Calls, Meetings, Directors, §§ 6 to 12.  
Power to borrow 3,000*l.*, §§ 13, 14.  
Reservoir Provisions, §§ 18 to 26.  
Rates, §§ 27 to 32.

*Cap. lxxxi.*

“Tyne Improvement Act, 1857.”

Recites “The River Tyne Improvement Act, 1850,” and the Formation of a Fund called the Tyne Improvement Fund; an unexercised Power to purchase certain Lands; Power to make the Northumberland Docks, and to borrow 200,000*l.* on the Rates and Dues thereof; that 150,000*l.* have been borrowed; that it is expedient the Commissioners should be incorporated; and further Docks and Works executed.  
Commissioners incorporated; Rights and Liabilities saved, §§ 8 to 15.  
Power to purchase and sell Lands at Howdon, and to pay for the same out of the Tyne Improvement Fund, or by Mortgage of the Fund or of the Lands to the Amount of 12,000*l.*, §§ 16 to 18.  
Lands and Works, §§ 19 to 23.  
Junction Channel not to be commenced till Docks completed, § 24.  
Approval of Admiralty to certain Works, §§ 25 to 28.  
Powers of Officers of Customs and Inspectors, §§ 29 to 32.  
Penalties and Byelaws, §§ 33 to 38.  
Accounts and Salaries, §§ 39 to 41.  
Coble Dean Dock Rates, Dues, and Fund, §§ 42 to 44.  
Power to borrow 320,000*l.* on Coble Dean Docks Fund, and to pay Interest out of Capital; Sinking Fund, §§ 45 to 49.  
Lowering of Coble Dean Dock Rates and Dues, §§ 52, 55, 57.  
Coble Dean Docks Reserved Fund, and when to be consolidated, §§ 53, 54, 58.  
Saving Rights of Commissioners, Lords of Manors, Trinity House, Commissioners of Sewers, Corporation, and Duke of Northumberland, §§ 60 to 65.

*Cap. lxxxii.*

“The Wimbledon and Dorking Railway Act, 1857.”

Incorporation of Company, § 4.  
Capital 70,000*l.*, in 20*l.* Shares, §§ 5, 6.  
Power to borrow 23,000*l.*, § 9.  
Meetings, Directors, §§ 11 to 19.  
Provisions relating to the Junction with the London and South-western Railway, §§ 24 to 27.  
Provisions relating to the Ewell and Kingston Turnpike Road, §§ 28 to 35.  
Tolls and Charges, §§ 39 to 48.  
Traffic Arrangements with the London and South-western and the Epsom and Leatherhead Railway Companies, §§ 49, 50.



*Cap. lxxiii.*“*London Gaslight Act, 1857.*”

Recites “The London Gaslight Act, 1852,” and that Doubts had arisen as to the Payment of Dividends on certain Preference Shares created in 1840 and 1842; proposes to create a Debenture Stock.  
 Creation of First Debenture Stock to be vested in Owners of Shares of 1840, § 2.  
 Creation of Second Debenture Stock to be vested in Owners of Shares of 1842, § 3.  
 Order in which Dividends on those Stocks are to be paid, § 4.  
 Power to make up Deficiency in any Half Year’s Dividend, § 6.  
 Half-yearly Sum of 750*l.* to be set apart and applied in paying off Liabilities before certain Dividends are paid, §§ 7, 8.

*Cap. lxxiv.*“*Milford Improvement Act, 1857.*”

Incorporates Lands, Commissioners, Gas, Water, Cemeteries, Towns Improvement, and Towns Police Clauses Acts, § 2.  
 Limits of Act, §§ 4 to 6; Incorporation of Commissioners, § 7.  
 Commissioners, Qualification, &c. &c., §§ 8 to 16.  
 Power to take Lands, §§ 17, 18, and 20 to 22.  
 Contributions by the Honourable F. Greville, and Penalty, § 19.  
 Supply of Gas, §§ 23 to 30.  
 Supply of Water, §§ 31 to 41.  
 Cemetery Provisions, §§ 42 to 48.  
 Sewers, Streets, Bridges, Viaducts, §§ 49 to 53.  
 Admiralty Provisions, §§ 54 to 58.  
 Provisions as to Streets and Houses, §§ 59 to 72.  
 Paving and Sewer Rate, special Sewer Rate, §§ 75 to 77.  
 New Streets and Bridges to be charged on Tolls, § 78.  
 Improvement Rate, § 79; District Rates; § 80; Limit of Rates, § 81.  
 Lighting to be charged on Improvement Rate, § 82.  
 Power to borrow for Gasworks 2,500*l.*, Waterworks 2,500*l.*, and Cemeteries 800*l.*, §§ 84 to 86.  
 Accounts, Application of several Moneys, Sinking Fund, §§ 87 to 93.  
 Private Improvement Expenses, and Rate on unoccupied Lands, §§ 94, 95.  
 Bridge Tolls and Toll Collectors, §§ 96 to 116.  
 Penalties, &c. &c., §§ 117 to 122.  
 Saving Rights of the Honourable F. Greville, § 123.

*Cap. lxxv.*“*The Orkney Roads Act, 1857.*”

Recites an Act of the Parliament of Scotland, A.D. 1669, c. 16., 4 & 5 W. 4. c. xci., and 8 & 9 Vict. c. 41.  
 Repeal of 4 & 5 W. 4. c. xci., § 1.  
 Parts of “Commissioners Clauses Act, 1847,” incorporated, § 4.  
 Orkney excepted from 8 & 9 Vict. c. 41.—§ 5.  
 Property, &c. &c. vested in Trustees, §§ 6 to 11.  
 Trustees, Meetings, Qualification; §§ 12 to 17.  
 Division of County into Districts; District Road Committees, §§ 18 to 24.  
 New Roads; Lands Clauses (Scotland) Act incorporated, §§ 25 to 27.  
 Admiralty Provisions, §§ 32 to 35.  
 Powers as to Roads and Inclosures, §§ 36 to 43.  
 20 & 21 Vict.

Assessments in place of Statute Labour, Lists of, and Appeal, §§ 44 to 50.  
 Cesser of Assessments under Act of 1669, § 51.  
 Recovery of Assessments, § 53.  
 Power for Trustees to borrow on Mortgage or Cash Credit 25,000*l.*, and for District Committees to borrow a Sum not exceeding Twelve Years gross Produce of the Assessments, §§ 55 to 59.  
 Sinking Fund, § 62.  
 Rental or annual Value defined, § 63.  
 Saving Rights of Crown, § 64.  
 Schedule (Forms).

*Cap. lxxvi.*“*The East Kent Railway (Extension to Dover) Amendment Act, 1857.*”

Extension of Time for Purchase of Lands for One Year.

*Cap. lxxvii.*“*The Midland Great Western Railway of Ireland (Sligo Extension) Act, 1857.*”

Enumerates the several Acts relating to the Company.  
 Incorporation of General Acts, § 1.  
 Power to make Railway, § 4.  
 Roads, §§ 5 to 10.  
 Admiralty Provisions as to Bridge over River Shannon and Line at Sligo, §§ 11 to 16.  
 Railway not to be opened until Line made from Sligo to Boyle, § 20.  
 Tolls, §§ 22 to 26.  
 Power to raise 580,000*l.* in 25*l.* Shares, §§ 28 to 30.  
 Power to borrow 193,000*l.*, §§ 32, 33.  
 New Railways charged with Repayment of Money borrowed under 12 & 13 Vict. c. 62. (Advances out of Consolidated Fund), § 34.

*Cap. lxxviii.*“*The Monkland Railways Branches Act, 1857.*”

Recites the Monkland Railways Act, 1848 (Amalgamation Act), and other Acts relating to the Capital of the Company.  
 Incorporation of General Acts, §§ 1, 2.  
 Power to raise 137,000*l.* by new Shares, with or without Preference, §§ 5, 6.  
 Power to borrow 45,000*l.* by Mortgage, Bond, or Cash Credit Bond, § 8.  
 Incorporation in Railway of a certain Railway already executed in lieu of a Portion abandoned, §§ 11, 12.  
 Railway, Roads, Bridges, §§ 13 to 18.  
 Power to feu Lands, §§ 20 to 23.  
 Power to erect Stationary Engine, § 26.  
 Tolls, § 27.  
 Repeals certain Sections of “The Monkland Railways Branches Act, 1853,” and enables the Company to fund their Debt, § 28.  
 Transfers of Funded Debt, Register, Application of, §§ 29 to 31.  
 Annuity of 4*l.* per Cent. payable to Holders; Holders to be Creditors and Mortgagees, §§ 32 to 35.  
 Re-issuing of Funded Debt when any repaid, § 36.  
 Power to raise Money by new Shares, with Preference, in lieu of borrowing, § 37.  
 Power to agree with Holders of guaranteed Stock for Conversion into other Stock, §§ 38, 39.

*Cap. lxxix.**"Briton Ferry Dock Act, 1857."*

Recites that under the "Briton Ferry Dock and Railway Act, 1851," the Company was incorporated, with a Capital of 60,000*l.* in 20*l.* Shares, and Power to borrow 20,000*l.*

Extension of Time for Completion of Works, §§ 4, 5.  
Power to raise 45,000*l.* by new Shares, with or without a Preference, §§ 6 to 14.

Power to borrow 15,000*l.*, §§ 15, 16.

Enables the Vale of Neath Railway Company to subscribe 10,000*l.* in addition to the Sums already subscribed, and the South Wales Mineral Railway Company to subscribe 10,000*l.*, § 19.

Enables those Companies to appoint a Person to vote, § 20.

Protection of South Wales Railway Company, § 23.

Power to lease Lands for Construction of Wharves, &c. &c., § 25.

*Cap. lxxx.**"The Glasgow City and Suburban Gas Company Act, 1857."*

Recites that under 6 & 7 Vict. c. 58., the Company was incorporated, with a Capital of 150,000*l.* in 10*l.* Shares, and Power to borrow 25,000*l.*; that they have issued no Mortgages or Bonds, but owe 28,708*l.* on Cash Credit Accounts.

Repeal of recited Acts; Saving of Rights and Liabilities, §§ 3 to 13 and 17 to 20.

Incorporates General Acts, § 14.

Meetings, §§ 15, 16.

Power to raise 50,000*l.* additional Capital by new Shares, with or without a Preference, §§ 21 to 25.

Power to borrow on Mortgage or Bond, or by way of Cash Credit, a Sum not exceeding in all One Fourth of the paid-up Capital, §§ 26, 27.

Money borrowed not to be converted into Capital, § 28.

Directors, Limits of Act, Works, §§ 30 to 38.

Future Pipes to be distinguished, § 39.

Provisions relating to the Glasgow Gaslight Company, §§ 43, 44, 46.

Company not to join any other Company, § 45.

*Cap. lxxxi.**"The Scottish Central Railway (Denny Branch Extensions) Act, 1857."*

Incorporates Lands and Railways and Parts of Companies Clauses (Scotland) Acts, §§ 3, 4.

Power to raise 30,000*l.* additional Capital, to be Part of general Capital, by new Shares, with or without a Preference, §§ 5 to 8.

Power to borrow additional 10,000*l.*, and to convert the same into Debenture Stock, under "The Scottish Central Railway Act, 1853," or in lieu of borrowing to issue additional Preference Shares, §§ 9 to 12.

Works, Railways, Lands, &c. &c., §§ 14 to 23.

Tolls, § 24.

*Cap. lxxxii.**"Stamford and Essendine Railway Act, 1857."*

Recites that under the Stamford and Essendine Railway Act, 1853, the Company was incorporated, with a Capital of 50,000*l.* in 50*l.* Shares, and had Power to attach a Preference to a Portion of them, and to borrow 16,000*l.*, and that a Preference had been attached to 70 Shares, representing 3,500*l.*

Power to raise by new Shares, or by new Shares and by borrowing, 20,000*l.*, § 3.

Power to attach Preference to new Shares, §§ 4, 5.

Vesting of new Shares, §§ 6 to 10.

Power to borrow 5,000*l.*, §§ 11, 12.

Power to purchase additional Lands, § 15.

Company not to take Land of Midland Railway Company without Consent, § 16.

Extinction of certain Rights of Way, § 17.

*Cap. lxxxiii.**"Victoria (London) Docks Act, 1857."*

Recites Victoria (London) Docks Acts, 1850 and 1853.

Extension of Time, Works authorized, §§ 4 to 10.

Works requiring Consent of Admiralty, §§ 11 to 15.

Works requiring Consent of Corporation of London, §§ 16, 17.

Works requiring Consent of Secretary of State for War, § 18.

Works requiring Consent of Commissioners of Sewers, §§ 19 to 21.

Works for Protection of East London Waterworks Company, §§ 22 to 24.

Work to form Part of Port of London, § 28.

Extension of Limits of Dock-master's Authority, § 29.

Power to sell the Steel Yard Estate, to purchase other Lands, and provide Warehouses thereon, §§ 30 to 33.

Leasing Powers, §§ 34 to 36.

Leasing Powers to Messrs. Peto and Company, and to a Joint Stock Company, §§ 40 to 48.

Power to provide Vessels for Conveyance of Goods, § 37.

Tonnage Dues and Rates, §§ 38, 39.

Power to increase general Capital to 300,000*l.* in all, §§ 49, 50.

Power to cancel forfeited Shares, and issue others, §§ 51 to 59.

Power to borrow 100,000*l.* in all, §§ 60 to 62.

Compensation in case of Discontinuance of Artillery Practice on the Plumstead Marches, § 65.

Saving of Rights of the Crown, City, and Trinity House, §§ 66 to 68.

*Cap. lxxxiv.**"The Great Northern and Western (of Ireland) Railway Act, 1857."*

Incorporation of General Acts, § 1.

Incorporation of Company, § 4.

Capital 240,000*l.*, in 10*l.* Shares, §§ 5, 6.

Power to borrow 80,000*l.*, §§ 8, 9.

Directors, Auditors, §§ 13 to 20.

Railway, Roads, Lands, §§ 21 to 29.

Consent of Secretary for War to Interference with Crown Lands, § 30.

Communication with Midland Railway, §§ 31 to 34.

Tolls, §§ 35 to 44.

Power to use Athlone Station of, and to enter into Agreements with Midland Railway, §§ 45 to 49.

*Cap. lxxxv.**"The Great Southern and Western Railway (Athlone Extension) Act, 1857."*

Recites that Company was incorporated in 1844, and proposes to make new Railway and Traffic Arrangements with the Midland Great Western Railway of Ireland.  
Incorporation of General Acts, § 1.

Railway, Lands, §§ 2 to 8.  
 Communication with Midland Great Western Railway, §§ 9 to 12.  
 Tolls, §§ 13, 14.  
 Prevention of Competition with Midland Great Western Railway, § 15.  
 Power to raise 160,000*l.* by new Shares, with or without Preference, §§ 16, 17.  
 Arrangements with Midland Great Western Railway, §§ 23 to 26.

*Cap. lxxxvi.*

## "The Leslie Railway Act, 1857."

Incorporation of General Acts, § 1.  
 Incorporation of Company, § 4.  
 Capital 35,000*l.*, in 10*l.* Shares, §§ 5, 6.  
 Power to borrow 11,500*l.*, §§ 10, 11.  
 Meetings, Directors, §§ 12 to 21.  
 Railway and Branches, §§ 22, 23.  
 Junction with Edinburgh, Perth, and Dundee Railway, §§ 24, 25.  
 Power to feu Lands, §§ 33 to 36.  
 Tolls, §§ 37 to 46.  
 Working Agreements with Edinburgh, Perth, and Dundee Railway, §§ 46 to 52, and § 54.

*Cap. lxxxvii.*

## "The Keith and Dufftown Railway Act, 1857."

Incorporation of Company, § 4.  
 Capital 50,000*l.*, in 10*l.* Shares, §§ 5 to 7.  
 Power for Great North of Scotland Railway Company to contribute, §§ 8, 9.  
 Power to borrow 16,600*l.*, §§ 12, 13.  
 Meetings, Votes, Directors, §§ 14 to 22.  
 Railway and Works, §§ 23 to 27.  
 Power to feu Lands, §§ 28 to 31.  
 Provisions relating to the Inverness and Aberdeen Railway, §§ 34 to 36.  
 Tolls, §§ 37 to 45.  
 Power to make Agreement with Great North of Scotland Railway as to Station at Keith, §§ 46, 47.  
 Traffic Arrangements with that Company, and the Inverness and Aberdeen Railway Company, §§ 48 to 56.

*Cap. lxxxviii.*

## "The Dexthorpe Turnpike Road Act, 1857."

Recites 7 & 8 G. 4. c. lvii., the Formation under it of Two Districts, and that 3,846*l.* is owing upon the Roads of the Second District.  
 Repeals recited Act, vests Property, &c. in Trustees, §§ 3, 4.  
 Roads, Trustees, Meetings, Committees, §§ 5 to 9.  
 Tolls, §§ 10 to 20.  
 Application of Moneys, §§ 21, 22.

*Cap. lxxxix.*

## "The Coal Duties (London, &amp;c.) Drawback Act, 1857."

Whereas an Act was passed in the Session of Parliament held in the Fourteenth and Fifteenth Years of the Reign of Her present Majesty, intituled "An Act to amend the Acts relating to the Vend and Delivery of Coals in London and Westminster, and in certain Parts of the adjacent Counties, and to allow a Drawback on Coals conveyed beyond certain Limits:" And whereas by the said Act a Drawback

of Twelvepence per Ton out of the Duty of Thirteenpence per Ton payable upon all Seaborne and Inland Coals brought into the Port of London, or within the London District, is allowed upon such Coals as are afterwards exported Coastwise or to Foreign Parts, or conveyed beyond the said District, provided that the same Coals shall not have been previously landed or removed from the Vessel or Barge or Railway Waggon in which they may have been brought, except upon the Conditions defined in the said Act: And whereas it has been found that the Restriction contained in the said Act against the Landing or Removal of such Coals from the Vessel or Barge or Railway Waggon in which they may have been brought is inexpedient, and that the Drawback granted by the said Act ought to be extended to all Seaborne and Inland Coals upon which the said Duties have been paid, and which are bona fide conveyed beyond the London District or exported or carried Coastwise, whether the same may or may not have been landed or removed from the Vessel or Barge or Railway Waggon in which they may have been brought: But inasmuch as such Drawbacks cannot be granted without the Authority of Parliament, may it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

- I. All Words and Expressions used in the following Clauses shall have the same Meaning assigned to them respectively as would have been assigned to them if they had been contained in the Coal Duties (London and Westminster and adjacent Counties) Act, 1851.
- II. This Act shall take effect upon the First Day of October next after the passing hereof.
- III. That upon and from the First Day of October next after the passing of this Act, a Drawback of Twelvepence per Ton from the Duties payable in respect of Coals brought into the Port of London, or within the London District, shall be allowed upon all Coals upon which the Duties shall have been paid, and which shall be subsequently exported Coastwise or to Foreign Parts, or conveyed by any Vessel, or by any Canal or Inland Navigation, or by any Railway to any Place situated more than Twenty Miles from the General Post Office, notwithstanding that such Coals may have been landed from the Vessel which may have brought the same within the Port of London, or from the Barge or Railway Waggon which may have brought them within the London District.
- IV. Whenever the Owner of any Seaborne or Inland Coals which may have been landed at any Wharf or in any Dock, or the Agent of such Owner, shall be desirous of obtaining a Drawback on such Coals or on any Part thereof, upon their being exported Coastwise or to Foreign Parts, or conveyed by any Vessel, or any Canal or Inland Navigation, or by Railway to any Place beyond the London District, such Owner or his Agent shall give Notice in Writing under his Hand to the Clerk and Registrar of the Coal Market before such Coals shall be removed to the Vessel, Barge, or Railway Waggon for Exportation, or for Conveyance beyond the London District.
- V. Whenever any Coals upon which a Drawback may be intended to be claimed upon their being exported

Coastwise, or conveyed beyond the London District, shall be conveyed from the Vessel in which they have been imported to any Wharf or Dock or Depôt mediately by means of a Barge or Lighter, the Owner or Lessee of such Wharf or Dock or Depôt, or the Secretary or other proper Officer of the Dock Company shall certify to the Clerk and Registrar of the Coal Market the Quality, together with the Quantity of Coal so conveyed, and the Name of the Craft employed, and the Date of landing.

VI. Whenever any such Coals as last aforesaid shall be discharged alongside any Wharf, or immediately into any Depôt or Dock, the Owner or Lessee of such Wharf or Dock or Depôt, or the Secretary or other proper Officer of the Dock Company shall certify to the Clerk and Registrar of the Coal Market the Quality and Quantity of Coal landed, together with the Name of the Vessel from whence the same may have been taken.

VII. Every Description and Quality of Seaborne or Inland Coals landed at any Wharf, or into any Dock or Depôt, and on which a Drawback may at any Time be claimed, shall be kept distinct and separate, and a correct Account shall be kept of all such Coals as are intended for Exportation, or for Conveyance beyond the London District; and such Account shall at all reasonable Times be open to the Inspection of the Clerk and Registrar of the Coal Market, or of any Person appointed by him or by the Mayor, Aldermen, and Commons.

VIII. Upon and from the First Day of October next after the passing of this Act, a Drawback of Twelvepence per Ton from the Duties payable as aforesaid shall be allowed on all small Coals, irrespective of Quality, that shall have been screened and shall exceed Twenty Tons in Quantity, and shall be retained in Barges or Craft, or landed at Wharves, or in Docks, or into any Depôt (in accordance with the Provisions of this Act), and afterwards exported or conveyed Coastwise, or conveyed beyond the London District by Railway or Canal Conveyance.

IX. The Mayor, Aldermen, and Commons, or any Committee appointed by them to carry out the Provisions of the Act passed in the Session of Parliament holden in the First and Second Years of King William the Fourth, Chapter Seventy-six, shall have full Power and Authority, and they are hereby authorized and empowered from Time to Time to make such Rules and Regulations as they may think fit with respect to the landing of Coals on which Drawbacks may be claimed, on the subsequent Exportation or Conveyance thereof beyond the London District, and also from Time to Time to appoint Inspectors and Officers for the Purpose of effectually carrying out such Rules and Regulations; and all the Clauses and Enactments contained in the said recited Act of the Fourteenth and Fifteenth Years of the Reign of Her present Majesty, Chapter One hundred and forty-six, relating to Coals on which Drawbacks may be claimed, shall extend and apply to Coals landed at any Wharf or within the Limits of any Dock, or into any Depôt, with a view to having a Drawback allowed thereon on the subsequent Exportation or Conveyance thereof beyond the London District, and shall be in full Force and Effect, except so far as the same may be altered or varied by this Act.

X. In Cases of Vessels Coal-laden coming into the Port of London or within the London District, and there discharging a Portion of their respective Cargoes, and exporting or conveying Coastwise the Remainder of such Cargoes in the same Vessels, it shall be lawful for the Clerk and Registrar of the Coal Market to require the usual Fitter's Certificate of the entire Cargo of every such Vessel, together with a Certificate from the Master thereof, stating the Quantity of Coal it is his Intention to discharge within the Limits of the Port or District, and the Quantity to be left on board intended for Exportation or Conveyance Coastwise; and the Clerk and Registrar of the Coal Market shall upon the Production by the Master of the usual Certificate of Clearance from a Searcher of Her Majesty's Customs, forthwith exempt such Portion of the Cargo, exceeding Ten Tons in Quantity, as may be exported or conveyed Coastwise.

XI. Provided always, That it shall be lawful for the Clerk and Registrar of the Coal Market to require in such Cases as aforesaid that a Coal Weigher satisfactory to him be appointed to weigh out such Portion of the Cargo as may be intended to be delivered within the Limits of the Port or District, before exempting from the Payment of Duty such Residue of Cargo as may be exported or conveyed Coastwise.

Short Title, § 12.

Expenses of Act, § 13.

*Cap. xc.*

*"The European and Indian Junction Telegraph Act, 1857."*

Recites Formation of the Company under "The Joint Stock Companies Act, 1856."

Cesser of Company; Incorporation of Company, §§ 3, 4.

Incorporates Parts of Companies Clauses Act, § 5.

Vesting of Property; Saving of Rights and Liabilities, §§ 6 to 11.

Capital 200,000*l.*, in 10*l.* Shares, §§ 12, 13.

Power to increase Capital to 500,000*l.*, §§ 14, 15.

Power to borrow One Third of Capital, § 16.

Meetings, Proxies, Directors, §§ 17 to 26.

Ex-officio Directors for Government and East India Company, §§ 27 to 31.

Approval of Treasury to new Directors, § 32.

Power for Directors to contract with East India Company, with other Telegraph Companies, and with Patentees, §§ 33 to 35.

Charges, §§ 36, 37.

User of Telegraph by Public, by Government, Sultan, and the East India Company, §§ 38 to 40.

Contracts with Treasury, §§ 41 to 43.

Penalties, § 44.

*Cap. xci.*

*"The West of Fife Mineral Railway (Roscobie Branch) Act, 1857."*

Recites "The West of Fife Mineral Railway Act, 1856."

Incorporates Lands and Railways and Parts of Companies Clauses (Scotland) Acts, §§ 2, 3.

Power to raise by Shares of 10*l.* additional Capital of 7,000*l.*, §§ 5, 6.

Power to borrow 2,300*l.*, §§ 11 to 14.

Railway, Lands, Tolls, §§ 15 to 23.

Agreements with Owners and Lessees of Minerals, § 24.

## Cap. xcii.

## "The Clyde Navigation Act, 1857."

Recites that the Powers of the Trustees for acquiring Lands under 3 & 4 Vict. c. cxviii. have expired.  
 Incorporates Lands Clauses (Scotland) Act, 1845, § 3.  
 Power to apply Funds and Rates authorized by 17 & 18 Vict. c. lxii., § 5.  
 Works, Lands, &c. &c., §§ 6 to 12.  
 Vessels not to be cleared until Rates paid, § 13.  
 Agreements as to the Estate of Elderslie, § 14.  
 Confirming Agreement as to Govan Ferry, and Power to levy Rates, and pay Feu Duty, § 15.  
 Power to lease Ferry, § 16.  
 Saving Ferry at Renfrew, §§ 17, 18.  
 Saving Rights of Crown, § 19.

## Cap. xciii.

## "The Pulteney Harbour Act, 1857."

Recites 26 G. 3. c. 106., 54 G. 3. c. 191., and 7 & 8 Vict. c. lii., that the Company had Power under the First Act to raise a Capital of 150,000*l.*, and had raised and paid 35,000*l.*; that they had Power under the last Act to borrow 10,000*l.*; but that they owed no Money, and have accumulated 25,000*l.*  
 Incorporates Companies and Lands (Scotland) and Harbours, Docks, and Piers Acts, § 3.  
 Repeals the Two Acts first recited, § 4; and Parts of the Third, § 5.  
 Society incorporated; Saving of Rights and Liabilities, §§ 6 to 15.  
 Capital 150,000*l.*, *i.e.* 35,000*l.* paid up, and 115,000*l.* to be raised by 50*l.* Shares, §§ 16 to 23.  
 25,000*l.* accumulated to be expended upon Works, § 25.  
 Power to borrow 20,000*l.* as soon as 25,000*l.* expended, §§ 26 to 30.  
 Meetings, Directors, §§ 32 to 38.  
 Limits of Harbour; Works; Admiralty Provisions, §§ 39 to 45.  
 Lands reclaimed subject to Commissioners of Woods and Forests, § 46.  
 Rates on Vessels and Goods; Cranes, &c. &c., §§ 47 to 50, and § 53.  
 Steam Tugs and Pilots, §§ 51, 52, 54.  
 Composition of Rates; Proceedings against Offenders, §§ 55, 56.  
 Jurisdiction; Power to supply Water, §§ 57, 58.  
 Saving Rights of Crown and of Admiralty, §§ 59, 60.  
 Schedules (Forms, &c. &c.)

## Cap. xciv.

## "The Elie Harbour Act, 1857."

Recites that the Harbour belongs to William Baird, Esquire, the Proprietor of the Lands and Barony; that it is expedient to enlarge and improve it; and that the said William Baird is willing to do so in consideration of the Rates and Duties authorized by the Act.  
 Incorporates Parts of Lands and Harbours, &c. &c. (Scotland) Acts, § 3.  
 Limits of Harbour, § 4.  
 Improvement of Harbour; Works authorized, §§ 5 to 7.  
 Admiralty Provisions, §§ 8 to 11.  
 Rates, §§ 12 to 14.  
 Period for Completion of Pier, §§ 15, 16.  
 Licensing of Meters and Pilots, §§ 17, 18, 20.

Pilotage and Local Authorities, § 19.  
 Leasing of Rates; Officers to account, §§ 21 to 24.  
 Proceedings against Offenders, § 25.  
 Saving Rights of Crown, and of Woods and Forests, §§ 27, 28.  
 Schedule (Rates and Forms).

## Cap. xciv.

## "Treffry's Estate (Newquay Railway) Act, 1857."

Recites that under 7 & 8 Vict. c. xxiii. J. T. Treffry was empowered to construct certain Tramroads, &c. &c.; recites his Death and Will; recites "Treffry's Estate Act, 1853;" that Difficulties have arisen through the Testator's having exceeded his Powers; Suits in Chancery in consequence.  
 Incorporates Lands and Railways Clauses Acts, § 3.  
 Incorporates Parts of "Treffry's Estate Act, 1853," § 6.  
 Repeals Parts of 7 & 8 Vict. c. xxiii., § 7.  
 Saving of Rights and Liabilities, §§ 8 to 18.  
 Power to abandon certain Tramroads and Compensation, §§ 19, 20.  
 Power to maintain existing Newquay Railway and Branch, § 21.  
 Purchases of Land confirmed; Power to purchase Outstanding Interests, §§ 22 to 27.  
 Consent of Board of Trade to Use of Locomotives, § 28.  
 Tolls, §§ 34 to 40.  
 Service of Notices on Trustees, § 41.  
 Saving Rights of Duchy of Cornwall and of Crown, §§ 43, 44.  
 Increase of Allowance to E. J. Treffry, § 45.

## Cap. xcvi.

## "Reading Railways Junction Act, 1857."

Recites that the Company was incorporated by "The Staines, Wokingham, and Woking Railway Act, 1853," with a Capital of 300,000*l.* in 20*l.* Shares, and Power to borrow 90,000*l.*; and recites "The Staines, Wokingham, and Woking Railway Amendment Act, 1855."  
 Incorporates Railways and Lands Clauses Acts, § 2.  
 Power to raise 40,000*l.* by new Shares, §§ 4 to 10.  
 Power to borrow 13,000*l.*, §§ 12, 13.  
 Incorporates Parts of Companies Clauses Act, § 16.  
 Works, §§ 17, 18.  
 Suspending Power to execute certain Works, § 19.  
 Interchange of Traffic, § 20.  
 Drainage Works in Borough of Reading, § 21.  
 Junctions with other Railways, §§ 24 to 27.  
 Saving Lands and Rights of Great Western and South-eastern Companies, §§ 28, 29.  
 Powers of South-eastern Company, §§ 30, 31.  
 Tolls, §§ 33 to 40.  
 Traffic Arrangements with South-western and Great Western Companies, §§ 41 to 47.  
 Saving Rights of Crown, § 52.

## Cap. xcvi.

## "River Slaney Act, 1857."

Recites "The Wexford Harbour Improvement Act, 1846;" "The Wexford Harbour Embankment Act, 1852;" "The River Slaney Improvement Act, 1852;" that the Capital of the Slaney River Commissioners is insufficient, and that a limited Company had been formed with a Capital of 30,000*l.* in 20*l.* Shares, and were willing to execute the Slaney River Act.

Repeals "River Slaney Improvement Act, 1852," § 1.  
 Saving of Rights and Liabilities, §§ 2 to 5.  
 Incorporates Parts of Lands and Harbours, &c. &c.  
 Clauses Acts, §§ 6 to 8.  
 Provision as to Life Boat, § 9.  
 Limits; Works; Lands; Approval of Admiralty, and  
 Commissioners of Woods and Forests, §§ 12 to 20, and  
 § 22.  
 Rates; Power to mortgage Rates for 10,000*l.* in all, §§  
 23 to 29.  
 Limitation of Profits; Reserve Fund, §§ 30 to 35.  
 Reduction of Rates, §§ 35 to 37.  
 Section 67 of Railways Clauses Act incorporated, § 38.  
 Contracts with the Wexford Harbour Commissioners,  
 §§ 40 to 42.  
 Saving Rights of Crown, Lords of Manors, and Port of  
 Dublin Corporation, § 44 to 46.

*Cap. xcvi.**"Stockport, Disley, and Whaley Bridge Railway  
 Extension Act, 1857."*

Recites that under the "Stockport, Disley, and Whaley  
 Bridge Railway Act, 1854," the Company was incor-  
 porated, with a Capital of 150,000*l.* in 20*l.* Shares, and  
 Power to borrow 50,000*l.*; Working Arrangements with  
 the London and North-western Railway Company;  
 Power under the "Stockport, Disley, and Whaley Bridge  
 Railway Act, 1855," to join the Cromford and High Peak  
 Railway, and for that Company and the London and  
 North-western Railway Company to contribute thereto;  
 and the Expediency of an Extension to Buxton; and that  
 certain Companies should contribute Works, §§ 5 to 11.  
 Provisions relating to the Cromford and High Peak Rail-  
 way, §§ 12 to 15.  
 Provisions relating to the Manchester and Buxton Turn-  
 pike Road, §§ 16 to 21.  
 Provisions relating to the Peak Forest Tramway, §§ 22, 23.  
 Protection of certain Streams, § 24.  
 Repeal of existing Tolls, § 29; future Tolls, §§ 30 to 38.  
 Working Arrangements of Act of 1854 extended to this  
 Act, § 39.  
 Buxton Extension Capital to be separate; Power to raise  
 200,000*l.* by new Shares, to be marked "Stockport,  
 Disley and Whaley Bridge Railway (Buxton Exten-  
 sion) Shares," §§ 40, 41.  
 Power to borrow 66,600*l.*, § 45.  
 Rights of respective Shareholders and of Mortgagees,  
 §§ 48 to 51.  
 Power to London and North-western and Manchester,  
 Sheffield, and Lincolnshire Railway Companies to con-  
 tribute respectively 105,000*l.* and 35,000*l.*, §§ 53 to 55.  
 Arrangements with Manchester, Sheffield, and Lincoln-  
 shire Company for joint Use of the Line, §§ 56 to 60.

*Cap. xcix.**"Workshop and Attercliffe Road Act, 1857."*

Recites that 11,000*l.* is owing under 6*G.* 4. c. cxlvi.  
 Objects of Act, § 4; Trustees, §§ 5, 6.  
 Repeal of recited Act, § 7.  
 Saving of Rights and Liabilities, §§ 8 to 15.  
 Meetings; Committees, §§ 16 to 18.  
 Toll Gates; Tolls, §§ 19 to 26.  
 Inhabitants of Darnall to pay Half Toll at Darnall Bar,  
 § 27.

Application of Moneys, § 28.  
 Mode of discharging Debt, § 34.  
 Schedule (List of Mortgagees).

*Cap. c.**"Westminster Terminus Railway Extension, Clap-  
 ham to Norwood, Abandonment Act, 1857."*

Short Title, § 1.  
 Power to abandon Railway authorized by Act of 1855,  
 § 2.  
 Compensation, § 3.  
 Transfer of Consols to Company, § 4.  
 Application of Moneys in Hand; Dissolution of Com-  
 pany, § 5.  
 Saving Rights of J. C. Haddan, § 6.  
 Expenses of Act, § 7.

*Cap. ci.**"The Backwater Bridge and Road Act, 1857."*

Turnpike Acts applied to the Bridge, § 3.  
 Appointment of Trustees, §§ 4 to 6.  
 Works, §§ 7 to 12.  
 Penalty for Detention at Opening of the Bridge, § 13.  
 Removal of Bridge for Public Improvements on Pay-  
 ment of Debt, § 14.  
 Admiralty Provisions, §§ 15 to 17.  
 Construction of certain Provisions in the General Turn-  
 pike Acts, §§ 18 to 20.  
 Provisions as to Fences, Screens, Drainage, §§ 23 to 26.  
 Tolls, §§ 29 to 37.  
 Power to borrow 6,000*l.* §§ 38 to 40.  
 Application of Income; Sinking Fund, § 41.  
 Mode of discharging Debts, § 43.  
 Saving Rights of Crown, § 44.

*Cap. cii.**"The Atlantic Telegraph Act, 1857."*

Recites that the Company had been formed under the  
 Joint Stock Companies Act, 1856; that their Capital  
 was 300,000*l.*, but afterwards increased to 350,000*l.* in  
 1,000*l.* Shares, and that 600*l.* is paid up on each  
 Share.  
 The Companies Clauses and Part of Lands Clauses Acts  
 incorporated, § 3.  
 Incorporation of Company; Saving of Rights and Lia-  
 bilities, §§ 4 to 14.  
 Power to increase Capital to 1,000,000*l.* in all, §§ 15, 16.  
 Power to borrow One Third of the Capital for the Time  
 being not called up, and Provision for Repayment as  
 the Capital is called up, §§ 17, 18.  
 Meetings, §§ 19 to 22.  
 Subdivision of 1,000*l.* Shares, § 23.  
 Voting, Directors, §§ 24 to 32.  
 Ex-officio Director on behalf of Government, §§ 33 to 37.  
 Appointments of Directors to be subject to Approval of  
 Treasury, § 38.  
 Works, §§ 39, 40, 45; Approval of Commissioners of  
 Woods and Forests, § 42.  
 Government may require certain Lines to be constructed,  
 § 41.  
 Limiting Expenditure for Works in United Kingdom,  
 § 43.  
 Admiralty Provisions, §§ 46 to 48.

Power to agree with other Electric Telegraph Companies, § 49.  
 Power to become interested in Patents, §§ 50, 51.  
 Charges, §§ 52, 53.  
 User of Telegraph by the Public; the Government; §§ 54 to 56.  
 Power to make Agreements with the Treasury, §§ 57 to 60.  
 Power to make Arrangements with the Government of the United States, § 61.  
 Provisions for Cases of Public Emergency, § 62.  
 Penalties and Recovery thereof, §§ 63 to 67.  
 Saving Rights of the Crown, § 68.

*Cap. ciii.*

"The *Dartmouth and Torbay* Railway Act, 1857."

Recites 11 G. 4. c. cxxvii., incorporating the Dartmouth Floating Bridge Company; that Sir Henry Paul Seale, Bart., is Mortgagee in possession; and that the Company has practically ceased to exist.  
 Incorporation of General Acts, §§ 2, 3.  
 Incorporation of Company, § 4.  
 Capital 90,000*l.* in 25*l.* Shares, § 5.  
 Power to borrow 30,000*l.*, § 7.  
 Meetings, Directors, Railway and Works, §§ 11 to 24.  
 Communication with the South Devon Railway, §§ 25, 26.  
 Protection of Railway near the Sea, § 27.  
 Admiralty Provisions, §§ 31 to 35.  
 Power to establish Ferry across River Dart, § 37.  
 Post Office Provisions, §§ 38 to 41.  
 Power to acquire Undertaking of Dartmouth Floating Bridge Company, Winding-up, and Distribution of Assets, §§ 42 to 49.  
 11 G. 4. c. cxxvii. extended to the Company, §§ 51, 52.  
 Saving of Rights and Liabilities, §§ 53 to 60.  
 Railway Tolls, §§ 61 to 68.  
 Ferry Tolls, §§ 69, 70.  
 Working Arrangements with South Devon and Great Western Companies, §§ 71 to 75.  
 Saving Rights of Crown; Duchy of Cornwall; of Property in the Soil of the Harbour of Dartmouth; and of South Devon Company, §§ 76 to 80.

*Cap. civ.*

"The *Dundalk and Enniskillen* Railway Act, 1857."

Recites the Dundalk and Enniskillen Railway Acts, 1845, and 1852; Expediency of extending the Time; and altering Works, and enabling Two Companies to subscribe towards or hold Shares in the Undertaking.  
 Incorporates General Railway (Ireland) Acts, §§ 2, 3.  
 Deviations, level Crossings, §§ 4 to 9.  
 Powers for compulsory Purchase of Lands extended for Two Years, § 10.  
 Completion of Works, § 11; Abandonment of Works and Compensation, §§ 12, 13.  
 Period for completing Deviations, §§ 15, 16.  
 Provisions relating to the Londonderry and Enniskillen Railway Company, §§ 18 to 21.  
 Power for the Dublin and Drogheda and the Dublin and Belfast Junction Railway Companies to subscribe and take Shares, &c. &c., §§ 22, 23.  
 Repeal of Provisions in Act of "1845" as to Directors; new Provisions, §§ 24 to 31.

*Cap. cv.*

"The *East Somerset Railway* (Extension to Wells) Act, 1857."

Recites "The East Somerset Railway Act, 1856;" incorporates Lands and Railways Clauses Acts, §§ 1, 2.  
 Power to make the Extension, §§ 3 to 5.  
 Protection of Somerset Central Railway, §§ 9 to 11.  
 Period limited for Purchase of Lands and Completion of Works, §§ 13, 14.  
 Power to raise 40,000*l.* by new Shares, §§ 16, 17.  
 Power to borrow 13,000*l.*, §§ 21 to 23.  
 Tolls and Charges, §§ 25, 26.  
 Power for Agreements with Great Western, Bristol and Exeter, and Somerset Central Railway Companies, § 29.  
 Saving Rights of Duchy of Cornwall, § 34.

*Cap. cvi.*

"The *Newtown and Machynlleth* Railway Act, 1857."

Incorporation of General Acts, §§ 1, 2.  
 Incorporation of Company, § 4.  
 Capital 150,000*l.* in 10*l.* Shares, §§ 5, 6.  
 Power to borrow 50,000*l.*, § 8.  
 Directors, §§ 11 to 16.  
 Works; Lands, §§ 18 to 25.  
 Communication with the Llanidloes and Newtown Railway, §§ 27, 28.  
 Tolls, § 29 to 37.  
 Power to Use a Portion of the Llanidloes Railway, §§ 38, 39.  
 Power to enter into Agreements with the Llanidloes and Newtown, the Oswestry and Newtown, the Shrewsbury and Welchpool, the Great Western, and the London and North-western Railway Companies, and the Shropshire Union Railways and Canal Company, §§ 40 to 45.

*Cap. cvii.*

"The *Prestwich, Bury, and Radcliffe* Roads Act, 1857."

Recites 2 & 3 W. 4. c. xcix., and that 1,125*l.* is owing upon the Tolls.  
 Repeals recited Act, and saves Rights and Liabilities, §§ 1 to 7.  
 Trustees; Meetings, §§ 8 to 10.  
 Description of existing and proposed Roads and Works, §§ 11 to 16.  
 Lands Clauses Act not to apply, § 17.  
 Construction of General Turnpike Acts, §§ 18 to 20.  
 Occupation Road stopped up, § 21.  
 Tolls, §§ 25 to 33.  
 Power to borrow 10,000*l.* in all, § 34.  
 Application of Money borrowed and Tolls, §§ 36, 37.  
 Mortgagees to take possession for Arrears of Interest only, § 38.  
 No Tolls to be taken or Money laid out in Towns, § 39.

*Cap. cviii.*

"*London and North-western* Railway Act, 1857."

Recites Act relating to the Shropshire Canal; the several Acts relating to the "Shropshire Union Railways and

Canal Company; an Act empowering that Company to grant a Lease in perpetuity of their Undertaking to the London and North-western Railway Company; Agreements for Lease, and also for Sale for 62,500*l.* of the Shropshire Canal to the Shropshire Union, &c., &c. Company; and a Lease thereof by them to the London and North-western Railway Company; that it is expedient to carry out the Agreement for Sale, and to authorize the London and North-western Railway Company to convert part of the Shropshire Canal into a Railway, to dissolve the Canal Company, and to authorize purchase of Lands at Watford by London and North-western Company, and Agreements between London and North-western and Great Western Railway Companies.

Lands and Railways Clauses Acts incorporated, § 2.

Confirms Agreement and vests Shropshire Canal in the Shropshire Union, &c. &c. Company, §§ 3 to 9.

Shropshire Canal vested in London and North-western Company as Lessees, §§ 10 to 12.

Payment of 62,500*l.* and Arrears of Rent by London and North-western Company, § 13.

Shropshire Canal Company dissolved; Provisions as to Assets, §§ 14 to 22.

Shropshire Canal Company to be represented by Shropshire Union Company, or by London and North-western Railway Company; Expenses to be paid by them, §§ 23 to 25; Saving of Rights and Liabilities, §§ 26 to 33.

Conversion of Shares or Stock of Shropshire Union Company into ordinary Stock of the London and North-western Railway Company; Privileges and Restrictions, §§ 34 to 39.

Lands and Works, §§ 40 to 47.

Clauses relating to the Great Western Railway, Crossing, and Mines, §§ 48 to 50.

Tolls, § 55.

Discontinuance of Navigation of Parts of Shropshire Canal, and Disposal of Land, §§ 56 to 58.

Agreements as to Lilleshall Company, § 59.

Provisions respecting the River Severn; Admiralty Clauses, §§ 60 to 65.

Power for London and North-western Company to take Lands at Watford, § 66.

Power to agree with Great Western Railway Company respecting Lands at Shrewsbury, § 67.

Amendment of Section 53 of the "Great Western, Birmingham, and Chester Railways Act, 1854," as to Station at Chester, §§ 68 to 70.

Application of Moneys by London and North-western Company, § 71.

Removing Doubts on the Construction of 9 & 10 Vict. c. cciv., § 72.

*Cap. cix.*

"The North Level Act, 1857."

Recites the Bedford Level and North Level Acts; the Division of the North Level and the Great Portsand into Districts, with Commissioners; the Admission of several Districts on Payment of annual Contribution; the Nene Improvement Act; and the Expediency of transferring the Powers of the Bedford Level Corporation, as regards the North Level and Great Portsand, to the North Level Commissioners.

Incorporates Lands and Parts of Railways Clauses Acts, § 2.

Power to execute and set out Works, §§ 3 to 6.

Protection of Rights of J. Hannath and others, § 7.

Admiralty Provisions, §§ 8 to 10.

New Works vested in North Level Commissioners, § 11.

Power to discontinue present Sea Sluice; to admit Navigation on Main Drain; and to supply Water, §§ 12 to 14.

Completion of Lading and Landing Place, § 15.

Provisions as to certain Roads, §§ 16, 17.

Contributions, and Recovery thereof, §§ 18 to 23, and § 26.

Power for Persons having limited Interests to mortgage, § 24.

Deduction of Rates from the Rents by Tenants at Rack-rent, § 25.

Yearly Tax on North Level and Great Portsand, § 27.

Power to borrow 40,000*l.*, §§ 29, 30, and §§ 32 to 35.

District Contributions to continue, § 31.

Saving of Rights of North Level Commissioners and others, §§ 36, 37.

Transfer of Powers of Bedford Level Corporation, § 38.

Transfer of Estates to North Level Commissioners, § 39.

"Adventurers Taxes" continued, § 41.

Vesting of Powers, § 42.

Exclusion from Bedford Corporation, § 43.

Present Officers continued, § 44.

Registry of Deeds; Assent to Works, §§ 45, 46.

Exemption of Lands not transferred, § 48.

Saving of Rights under Nene Valley Drainage Acts, § 49.

*Cap. cx.*

"The Coniston Railway Act, 1857."

Incorporates Companies, Lands, and Railways Clauses Acts, §§ 1, 3.

Incorporation of Company, § 4.

Capital, 45,000*l.* in 10*l.* Shares, § 5.

Power for Owner and Lessees of Coniston Mines to subscribe for Shares to the Amount of 4,000*l.* and 6,000*l.* respectively, with a fixed Dividend of 2*l.* 10*s.* a Share, with a Priority, but saving existing Preference Shares, § 7.

Power to borrow 15,000*l.*, §§ 10, 11.

Meetings; Directors, §§ 12 to 16.

Railway; Works; Roads, §§ 18 to 24.

Communications with Furness Railway, §§ 25, 26.

Tolls, §§ 31 to 39.

Working Arrangements with Furness Railway Company, §§ 40 to 45.

Power for Furness Railway Company to subscribe 10,000*l.* by new Shares, with or without a fixed Dividend, §§ 46 to 49.

Saving Rights of the Crown, § 52.

*Cap. cxi.*

"Lowestoft and Burgh Saint Peter Ferry and Roads Act, 1857."

Incorporates General Turnpike Acts, § 3.

Incorporates Section 12 of Harbours, &c. &c. Clauses Act, § 4.

Commissioners; Meetings; Works; Lands; Fences and Drainage, §§ 5 to 19.

Power to work Ferry, and to purchase existing Ferry, §§ 20, 21.

Bay or Slip for Floating Bridge, § 22.

Admiralty Provisions, §§ 23 to 30, and §§ 32, 47.



Saving Rights of Crown, § 31.  
 Tolls ; Collectors ; Penalties, §§ 33 to 37.  
 Power to lease Tolls, § 38.  
 Power to borrow 3,000*l.* §§ 39 to 41.  
 Application of Moneys borrowed, and of Income, §§ 42, 43.  
 Provisions as to Mortgagees of Tolls, §§ 44 to 46.  
 Saving Rights of Commissioners of Haven of Great Yarmouth, and of Beccles Navigation, §§ 48, 49.

## Cap. cxii.

“ *Bourn and Essendine Railway Act, 1857.*”

Incorporation of General Acts, §§ 2, 3.  
 Incorporation of Company, § 4.  
 Capital 48,000*l.* in 10*l.* Shares, §§ 5, 6.  
 Power to borrow 16,000*l.*, § 10.  
 Meetings and Directors, §§ 11 to 16.  
 Railway, and Works, and Lands, §§ 18 to 25.  
 Communications with Great Northern Railway Company, §§ 27 to 29.  
 Tolls, §§ 30 to 37.

## Cap. cxiii.

“ *The Midland Great Western Railway of Ireland (Streamstown and Clara Junction) Act, 1857.*”

Recites the Act authorizing Advances of Money to the Company out of the Consolidated Fund, and the 17 & 18 Vict. c. 124. ; and other Acts relating to the Company.  
 Incorporation of Parts of General Acts, § 1.  
 Junction Railway and Works, §§ 4 to 9.  
 Communications with Great Southern and Western Railway, §§ 10 to 13.  
 Tolls, §§ 14 to 17.  
 Power to raise additional Capital of 80,000*l.* by new Shares of 25*l.*, §§ 19, 21.  
 Power to borrow 26,600*l.*, §§ 23, 24.  
 Works to be subject to the Repayment of Sums borrowed under 12 & 13 Vict. c. 62., § 25.

## Cap. cxiv.

“ *The Blyth and Tyne Railway Amendment Act, 1857.*”

Recites that by “ *The Blyth and Tyne Railway Consolidation and Extension Act, 1854,*” the Company was authorized to raise 260,000*l.* by Shares, and 60,000*l.* by borrowing ; recites the State of the Share Capital, and that they had borrowed 45,557*l.* ; that it is proposed to abandon a Branch Line, and to substitute another Line, and to execute other Works.  
 Incorporation of General Acts, § 3.  
 Power to relinquish Longhirst Extension, §§ 4, 5.  
 Works and new Lines of Railway, §§ 6 to 9.  
 Protection of certain Lands in Earsdon Parish, and of Lessees of Cramlington Colliery, §§ 10, 11.  
 Rights reserved by Section 10. of 17 & 18 Vict. c. lxxix. not to be prejudiced, § 12.  
 Admiralty Provisions respecting the River Wansbeck, §§ 17 to 21.  
 Tolls, §§ 22, 23.  
 Power to raise 110,000*l.* by new Shares, with or without Preference, as Part of General Capital, §§ 28 to 35.  
 Power to borrow 36,500*l.*, §§ 36 to 39.  
 Siding to be made to Barrington Colliery, § 41.

20 & 21 Vict.

## Cap. cxv.

“ *Covent Garden Approach and Southwark and Westminster Communication Act, 1857.*”

Whereas it would be of great public Utility if a spacious and convenient Communication were opened between Saint Martin's Lane, at its Intersection by Long Acre and Cranbourne Street, in the Parish of Saint Martin in the Fields, and the North-west End of King Street, Covent Garden, in the Parish of Saint Paul Covent Garden, all in the County of Middlesex, and also if a new Street were made from Blackfriars Road in the Parish of Christchurch in the County of Surrey to High Street in the Borough of Southwark : And whereas by an Act passed in the Session of Parliament holden in the Eighteenth and Nineteenth Years of the Reign of Her present Majesty, intituled “ *An Act for the better Local Management of the Metropolis,*” in this Act called the *Metropolis Local Management Act, 1855,* the Metropolitan Board of Works were empowered to make, widen, or improve any Streets, Roads, or Ways for facilitating the Passage and Traffic between various Parts of the Metropolis or to contribute and join with any Persons in any such Improvements as aforesaid, and to take by Agreement or Gift any Land, Right in Land, or Property for the Purposes aforesaid, or otherwise for the Improvement of the Metropolis ; provided that where the estimated Expense of such Works should exceed Fifty thousand Pounds the same should not be carried into effect without the Approval of the Commissioners of Her Majesty's Works and Public Buildings, and that no such Works should be commenced where the estimated Expense should exceed One hundred thousand Pounds without the previous Sanction of Parliament : And whereas by an Act passed in the Session of Parliament holden in the Thirteenth and Fourteenth Years of the Reign of her present Majesty, Chapter One hundred and three, intituled “ *An Act to authorize further Charges on 'The London Bridge Approaches Fund,' for the Completion of certain Improvements in the Metropolis,*” it was enacted, that after Payment of all Principal Moneys and Interest by certain Acts therein recited and by the said Act authorized to be charged on the London Bridge Approaches Fund, or raised or borrowed on the Credit thereof, the Residue or Surplus of the several Duties in the said Act mentioned, called “ *The London Bridge Approaches Fund,*” should, during the Continuance thereof, be applied to the Opening of an improved Line of Communication between Coventry Street and Covent Garden, according to a Plan to be thereafter approved by Parliament ; provided nevertheless, that nothing contained in the said Act or in the Charges to be made on the said Fund under the Authority of the said Act should operate or enure to extend to continue the Duties therein mentioned on Coal and Wines, Fees and Revenues, or either of them, beyond the Fifth Day of July One thousand eight hundred and Sixty-two : And whereas by an Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of Her present Majesty, intituled “ *An Act to enable Her Majesty's Commissioners of Woods to make a new Street from Coventry Street, Piccadilly, to Long Acre, and for other Improvements in the Metropolis,*” after reciting that it was expedient that the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings should be authorized, with the Consent of the Commissioners of Her Majesty's Treasury, to advance out of the Moneys to be borrowed and raised by them under the said Act any Sum not exceeding Thirty thousand Pounds towards the Expense of forming, making, and completing a Line of

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Street between Southwark and Westminster Bridge, the said Commissioners were empowered to charge the several Funds and Duties therein mentioned with the Payment of the Sums therein mentioned : And whereas by the said Act of the Thirteenth and Fourteenth Victoria, Chapter One hundred and three, it was enacted, that the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings should and they were thereby authorized and empowered to reserve, and, with the Consent of the Commissioners of Her Majesty's Treasury, from Time to Time to appropriate and apply, out of the Moneys to be borrowed and raised by them under the Powers and Provisions of that Act, any Sum not exceeding the Sum of Thirty thousand Pounds, with Interest thereon from the Fifth Day of April One thousand eight hundred and fifty-one, towards the Expense of making, forming, and completing a Line of Street between Southwark and Westminster Bridge, and in addition to the like Sum of Thirty thousand Pounds and the Interest thereof, which by the said Act of the Fourth and Fifth Victoria, Chapter Twelve, the said Commissioners had been already authorized to appropriate and apply to the Purpose aforesaid : And whereas by an Act passed in the Session of Parliament holden in the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, intituled "An Act to authorize Advances out of the Consolidated Fund to discharge Moneys borrowed on the Security of the Land Revenues of the Crown for the Purpose of Metropolitan Improvements, and providing for the Payment of such Advances, and of certain Moneys charged on the 'London Bridge Approaches Fund,'" it was enacted, that the Commissioners of the Treasury should, out of the Consolidated Fund, immediately after the passing of the said Act, pay to the Commissioners of Works such a Sum of Money as under the Provisions of the aforesaid Acts should be payable for Principal and Interest in respect of the said Two Sums of Thirty thousand Pounds and Thirty thousand Pounds provided for the Southwark Improvements, and that such Moneys, until required for the Purposes aforesaid, should be invested by the Commissioners of Works, either in the Purchase of Exchequer Bills, or in the Purchase of Three per Centum Consolidated Bank Annuities, or of some other of the Public Stocks or Funds of Great Britain, as the Commissioners of Works, with the Consent of the Commissioners of the Treasury, should determine ; and such Stocks, Funds, or Exchequer Bills should be sold when required for the Purposes of the therein mentioned Improvements ; and the Income of the said Exchequer Bills, Funds, or Stock, until applicable as aforesaid, should from Time to Time be invested as was therein-before provided as to the Principal Moneys by way of Accumulation, and the Produce of such Investment applied as the Moneys to arise from the first-mentioned Investment should be applicable : And whereas, in compliance with the Provisions of the last-recited Act, the Sum of Eighty thousand one hundred and thirty-five Pounds Sixteen Shillings and Twopence, being the Amount of the said Two Principal Sums of Thirty thousand Pounds and Thirty thousand Pounds, with Interest thereon, was accordingly by the Directions of the Commissioners of the Treasury paid out of the Consolidated Fund to the Commissioners of Works, and was invested by them in the Purchase of Seventy-nine thousand six hundred Pounds Exchequer Bills : And whereas the Interest received upon the said Sum of Seventy-nine thousand six hundred Pounds Exchequer Bills was invested by the Commissioners of Works in the Purchase of other Exchequer Bills : And whereas the Interest

received in respect of the so increased Amount of Exchequer Bills, as well as all subsequent Interest as received, was in like Manner invested by the Commissioners of Works in the Purchase of other Exchequer Bills : And whereas the total Amount of Exchequer Bills applicable to the Purposes of the Southwark Improvement on the Twenty-first Day of April One thousand eight hundred and fifty-seven was Eighty-nine thousand one hundred Pounds : And whereas there was also on the same Twenty-first Day of April One thousand eight hundred and fifty-seven in the Hands of Her Majesty's Paymaster General, applicable for the Purposes of the Southwark Improvement, the Sum of Four Pounds and Tenpence in Cash, being the uninvested Balance of the Moneys received for Interest on Exchequer Bills up to that Time : And whereas the Metropolitan Board of Works have caused to be deposited with the Clerk of the Peace for the County of Middlesex, and also with the Clerk of the Peace for the County of Surrey, Plans describing the said intended Improvements, and the Lands on the Site of which the same are intended to be made, and Books of Reference containing the Names of the Owners, Lessees, and Occupiers of the Land proposed to be taken for the Purposes of such Improvements, and Sections showing the Levels of such intended new Streets and Improvements : And whereas the Chief Commissioner of Works and Public Buildings has considered and approved the Plans for the same new Streets : And whereas the Lands on the Site of which the Improvements are intended to be made are at present covered with numerous Houses and Buildings, and many of those Properties being held under Leases and Subleases, there are many intermediate Interests between the Ground Landlord and the Occupier, and by reason of the Sub-division of such Properties, and the numerous Interests therein, and the Difficulty of ascertaining the Nature of those Interests, great Delay and additional Expense are likely to arise unless Provision be made for facilitating the Proceedings of the said Board in the Purchase of the Property required for the Improvements : And whereas for the Purposes aforesaid it is expedient that the Lands Clauses Consolidation Act, 1845, should be only partially incorporated with this Act, and that other Provisions should be made in those respects in which such Act is unsuited to the existing Condition of the Property required for the said Improvements : And whereas the Metropolitan Board of Works are unable to carry into effect the said Improvements without the Authority of Parliament : May it therefore please Your Majesty that it may be enacted ; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows ; (that is to say,)

I. "The Lands Clauses Consolidation Act, 1845," (except such of the Provisions thereof as are expressly varied by or excepted from this Act,) is incorporated with and forms Part of this Act ; and the Expression "the Promoters of the Undertaking" in such Act means, for the Purposes of this Act, the Metropolitan Board of Works.

II. In citing this Act for any Purpose it shall be sufficient to use the Expression "Covent Garden Approach, and Southwark and Westminster Communication Act, 1857."

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

The Word "Person" shall include Corporation, whether aggregate or sole :

The Word "Justice" shall mean Justice of the Peace acting for the County, Borough, Liberty, or Place where the Matter requiring the Cognizance of any such Justice shall arise, and who shall not be interested in the Matter :

When any Matter shall be required to be done before Two Justices, the Expression "Two Justices" shall be understood to mean Two Justices assembled and acting together in Petty Sessions :

The Word "Streets" shall include Squares, Streets, Courts, or Alleys, Highways, Lanes, Roads, Thoroughfares, or public Passages or Places :

The Expression "the Board" shall mean the Metropolitan Board of Works :

The Word "Lessee" shall include any Person holding a Sublease.

IV. The Word "Sheriff" in the Lands Clauses Consolidation Act, 1845, shall, with respect to this Act, so far as the same affects the new Street hereafter referred to as the Covent Garden Approach, mean the High Bailiff of Westminster in all Cases where the High Bailiff discharges the Duties and Offices usually discharged by the Sheriff.

V. The Metropolitan Board of Works shall be and they are hereby empowered to carry this Act into execution.

VI. It shall be lawful for the Board from Time to Time to appoint a Committee to manage and transact all or any of the Matters or Purposes which the Board are hereby empowered to do, execute, or perform, which Committee shall have so much or so many of the Powers, Authorities, and Discretion by this Act given to and reposed in the Board as the Board shall think fit or proper to delegate to such Committee.

VII. If any Person, being a Member of the said Committee, shall be directly or indirectly interested or concerned in any Contract which shall be made or entered into by or on behalf of such Committee for or concerning any of the Works to be performed or done in pursuance of this Act, or for or concerning any Materials to be used or employed therein, every such Contract shall be void, and the Person who, being a Member of such Committee, shall be so interested or concerned shall for every such Offence be liable to a Penalty of One hundred Pounds, and such Penalty may be recovered by any Person, with full Costs of Suit, in any of the Superior Courts.

VIII. It shall be lawful for the Board to make the new Streets following; that is to say, a new Street commencing in the Parish of Saint Martin in the Fields in the City and Liberty of Westminster in the County of Middlesex at or from Saint Martin's Lane at or near its Point of Intersection by Long Acre and Cranbourne Street, and thence running in a South-easterly Direction, and terminating in the Parish of Saint Paul Covent Garden in the City and Liberty of Westminster aforesaid at or near the North-west End of the Street there called King Street, and which new Street will be partly in the Parish of Saint Martin in the Fields and partly in the Parish of Saint Paul Covent Garden, and is herein-after referred to as the Covent Garden Approach; a new Street commencing in the Parish of Christchurch Southwark in the County of Surrey at the East Side of the Blackfriars Road, opposite or nearly opposite to the East End of Stamford Street, and terminating in High Street in the Parish of Saint Saviour's in the Borough of Southwark and County of Surrey near York Street in the same Borough, and which lastly mentioned new Street will be partly in the Parish of Christchurch, partly in the Clink Liberty, and partly in the

Parish of Saint Saviour's Southwark in the County of Surrey, and is herein-after referred to as the Southwark Improvement.

IX. Subject to the Provisions of this Act, the said new Streets, and the Improvements and other Works by this Act authorized, may be made in or upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels defined on the said Sections; and it shall be lawful for the Board to enter upon, take, use, and hold such of the said Lands as they may deem necessary for all or any of such Purposes, and for providing Space for the Erection of Houses and Buildings adjoining and near such Streets and Improvements: Provided always, that it shall be lawful for the Board, in carrying the Works shown on the said Sections into execution, to deviate to any Extent not exceeding Three Feet from the Levels defined on such Sections.

X. It shall be lawful for the Board to cause such Part of the said Streets to be laid out for Carriageways and such Part thereof for Foot Passengers as they shall think proper, and to construct, erect, and provide such Vaults, Cellars, Arches, Sewers, Drains, and other Works and Conveniences as they may think proper.

XI. It shall be lawful for the Board to alter, divert, or stop up all such Streets shown on the said Plans as intended to be altered, diverted, or stopped up, and to inclose all such void Ground shown on such Plans or such Parts thereof as the Board shall deem necessary to alter, divert, stop up; or inclose for the Purposes of this Act, and the Ground and Soil of such Streets and void Ground, or Parts thereof respectively as shall be stopped up and inclosed, and the Fee Simple and Inheritance thereof, shall be and are hereby vested in the Board for the Purposes of this Act.

XII. It shall be lawful for the Board, during the making, widening, and improving of the said Streets, to stop up or cause to be stopped up all or any Part of the Carriage or Foot Ways of Streets which they shall think necessary for the Purposes of this Act, and for that Purpose to put up or cause to be put up sufficient Palisadoes, Bars, Posts, and other Erections, and to make such Order for regulating the Passage of Carts, Carriages, and Horses as to them shall seem proper.

XIII. It shall be lawful for the Board to alter the Lines or Levels of any of the Streets described on the deposited Plans and Sections as intended to be diverted, raised, or lowered in such Manner as may be so described on such Plans and Sections, or as, subject to the Powers and Provisions of this Act, the Board may deem expedient.

XIV. The Board shall, in a substantial and workmanlike Manner, fill or cause to be filled in all and every the Vaults, Cellars, and open Places over which it may be necessary for the Purposes aforesaid to new pave (except such as may be used as Cellars, Vaults, or Areas) with good sound hard Brick Rubbish, to be well rammed down to prevent the Ground from giving way, and shall well and effectually pave over all the said Ground and the said Streets with a sufficient Quantity of Materials of proper Quality and Dimensions, and shall in like Manner erect and build any Arches which they may think necessary, and also relay and repair the Streets which they shall disturb or alter in carrying the Purposes of this Act into execution; Provided always, that nothing herein contained shall extend or be construed to extend to charge the Board with the Liability or Expense of Repairing or making good such Pavement or Arches in future, but when the same shall have been in the first instance so paved, relaid, and repaired as aforesaid,

the same shall for ever thereafter be kept in repair by the Board of Works of the District or Vestry of the Parish or Place in which the same is situate, or by any other Parties or Persons liable to repair the same, and the Right and Property of all Pavements, Arches, Stones, and Bricks so to be laid as aforesaid shall belong to and be the Property of the said Board of Works of the District, or Vestry of the Parish or Place, or Parties or Persons, in the same Manner as Things of a like Description in other Parts of the Districts are now vested by Law.

XV. It shall be lawful for the Board to cause to be arched over or filled up all such Sewers and Drains or Parts thereof which shall lie and be in or near the said Streets to be made, widened, improved, altered, diverted, or stopped up, or inclosed as aforesaid, as shall appear necessary for completing the Purposes of this Act, so as that no public Sewer or Drain whatsoever (unless the same become unnecessary by reason of the Purchase of the Property entitled to the use thereof) shall be in anywise disturbed, injured, or prejudiced, without another Sewer or Drain being made in lieu thereof equally serviceable and convenient: Provided always, that at the Time of filling up any Sewer or Drain, or Part thereof as aforesaid, the Board shall cause to be made and built other good and sufficient Sewers and Drains of the same or greater Size or Capacity, and upon the same or lower Levels than the Sewers or Drains which shall be filled up, and when made and completed the said Sewers and Drains shall be under the same Jurisdiction, Care, Management, and Direction as the existing Sewers or Drains.

XVI. It shall be lawful for the Board to raise, sink, or otherwise alter or cause to be altered the Position of any of the Steps, Areas, Cellar Windows, and Watercourses, Pipes, or Spouts belonging to any House or Building, and also the Mains and the leaden or other Pipes which for the Purpose of conveying Water or Gas to any House or other Place shall be laid into or from any Main or Pipe laid down by any of the Companies or Societies who furnish the Inhabitants with Water or Gas, and to remove all other Obstructions, so as the same be done with as little Detriment and Inconvenience to the said Companies, Societies, and Inhabitants as the Circumstances of the Case will admit, and the Board shall make reasonable Compensation to any Person who suffers Damage by any such Alteration.

XVII. When the said Streets shall be completed, all the Land which shall be laid open into the said Streets and paved as aforesaid shall form Part of the said Streets, and shall be used by the Public accordingly, and the same and the sole Power and Authority of paving, repairing, cleansing, and lighting thereof shall be under the Care, Management, Control, and Jurisdiction of the Board of Works of the District or Vestry of the Parish or Place in which the same is situate.

XVIII. The Board may permit the Use of the Subsoil or Ground under any Street formed by the Board, or any Part thereof, by any Company or Person for the Purpose of Subways, Subroads, Railways, or any Public Works or Purpose, or for laying down Gas or Water Pipes, or Telegraph Wires, upon such Terms and Conditions and for such Period as the Board and such Company or Person may mutually agree, and the Board may sell and convey any such Right or Property to any Company or Person for any of the Purposes aforesaid, or may grant a Lease thereof for any Term or Number of Years, and make such Stipulations for preventing Injury to the adjoining Property and for the Security of the Public, as the Board think proper.

XIX. For the Purposes of this Act it shall be lawful for the Board to take and use any Lands, and to pull down and remove or to cause to be pulled down and removed any Houses or Buildings which they may deem necessary or expedient to take, use, or pull down and remove for the Purposes of this Act at any Time at or after the Expiration of Six Months after Notice in Writing from the Board, or their Clerk or Agent duly authorized, of the Intention to take or use the same shall have been left at the principal Office or Place of Business of or given to the principal Officer of the Corporation interested in or entitled to, or by this Act or the Lands Clauses Consolidation Act, 1845, enabled to sell and convey any such Lands, Houses, or Buildings, or given to the Person or Persons who shall respectively be the Owner, Lessee, and Occupier of such Lands, or have been left at his usual or last known Place of Abode or Business, or in case any such Parties shall be absent from the United Kingdom, or cannot be found after diligent Inquiry, then with the Tenant or Occupier of the same Lands, Houses, or Buildings, or if there be no such Tenant or Occupier, have been affixed upon some conspicuous Part of such Lands, Houses, or Buildings.

XX. Provided always, That the Board shall not be authorized to take any Lands for the Purposes of this Act, except such as are delineated on the Plans deposited as aforesaid and described in the Books of Reference thereto, without the Consent of the Owner, Lessee, and Occupier thereof, unless such Lands shall have been omitted by Mistake, and the Fact that such Omission proceeded from Mistake shall have been certified in manner herein-after provided for.

XXI. If any Omission, Mis-statement, or erroneous Description shall have been made of any Lands, or of the Owners, Lessees, or Occupiers of any Lands, on the said Plans or in the Books of Reference thereto, it shall be lawful for the Board, after giving Ten Days Notice to the Owners of the Lands affected by such proposed Correction, to apply to Two Justices for the Correction thereof, and if it shall appear to such Justices that such Omission, Mis-statement, or erroneous Description arose from Mistake, they shall certify the same accordingly, and they shall in such Certificate state the Particulars of any such Omission, and in what respect any such Matter shall have been mis-stated or erroneously described; and such Certificate shall be deposited with the Clerk of the Peace of the County in which the Lands affected thereby shall be situate, and such Certificate shall be kept by such Clerk of the Peace along with the other Documents to which they relate, and thereupon such Plan or Book of Reference shall be deemed to be corrected according to such Certificate, and it shall be lawful for the Board to take the Lands in accordance with such Certificate.

XXII. It shall not be lawful for the Board to take or use under the Powers of this Act any Part of the Property numbered 267 and 268 on the Plan (held under Lease by Messieurs Charles and William Pott under the See of Winchester, and occupied by them in connexion with their Vinegar Works), which is situate to the North of the Black Line drawn on the deposited Plan, commencing at a Point Seventy Feet Northward from the Angle of the Wall at the North-east Corner of New Street and Southwark Bridge Road, and thence following the said Black Line so laid down on the Plan to a Point in Great Guildford Street, One hundred and twenty-four Feet Northward of the North-west Corner of the Street now called New Street and Great Guildford Street.

XXIII. It shall be lawful for the Board to sell the Materials of the Houses and Buildings which have been purchased or taken by them by virtue of this Act.

XXIV. If the Graveyard or Burial Ground attached to the Meeting House called the Redcross Street Friends Meeting House shall be required to be interfered with by the Board for the Purposes of this Act, the Board shall provide at their Expense for the proper Disinterment of the Bodies and the Removal of the same, and of the Graves and Gravestones to and proper Re-interment of the Bodies at such Place as may be convenient and fit, and as shall be agreed on by the Board and the governing Body of the said Meeting House or of the said Burial Ground; and in case of any Difference of Opinion between the Board and such governing Body the Dispute shall be referred to the First Commissioner of Her Majesty's Public Works, or the Chief Commissioner of the Board of Health, or to any Person whom Her Majesty's Secretary of State for the Home Department may nominate as Referee, and the Board shall execute such Works as shall be by such Commissioner or Person ordered.

XXV. It shall be lawful for the Board, and for their Surveyors, Officers, and Workmen, from Time to Time, at all reasonable Times in the Day, upon giving in Writing for the First Time Twenty-four Hours and afterwards from Time to Time Twelve Hours previous Notice, to enter into and upon the Lands authorized to be taken and used as aforesaid, or any of them, for the Purpose of surveying and valuing the said Premises, without being deemed Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment on account of entering or continuing upon any Part of the said Lands.

XXVI. It shall be lawful for the Board and they are hereby empowered to treat and agree for the Purchase of any Lands authorized to be taken and used by them as aforesaid, and of any subsisting Leases, Terms, Shares, Estates, and Interests therein, and Charges thereon, or such of them or such Part thereof as the Board shall think proper.

XXVII. The Powers of the Board for the Compulsory Purchase or taking of the Lands authorized to be taken by this Act shall not be exercised after the Expiration of Five Years, to be computed from the passing of this Act.

XXVIII. On or before the Expiration of One Month next after Notice in Writing from the Board or their Agent duly authorized of the Intention to take or use any Lands for the Purposes of this Act shall have been so given, left, or affixed as herein-before is mentioned, every Person interested in or entitled to or by this Act or the Lands Clauses Consolidation Act, 1845, enabled to sell and convey any such Lands, or to accept and receive Satisfaction or Recompence for the Value of the same, or any Estate, Share, or Interest therein or Charge thereon, or having or claiming to be entitled to any Compensation for any Goodwill or Improvements, or for Fixtures, or for any Injury or Damage sustained on account of the Execution of this Act, shall deliver at the Office of the Board a Statement in Writing of the Particulars of the Estate, Share, Interest, or Charge which he may claim to be entitled to or to be authorized to receive Satisfaction or Recompence for, and of any Goodwill or Improvements, and of the Fixtures, and of the Injury or Damage sustained by him, and of the Amount of the Sum of Money which he may expect and be willing to receive in satisfaction or recompence for the Value of such Estate, Share, Interest, or Charge, and also the Amount of the Sum which he may expect and be willing to receive as

Compensation for such Goodwill or Improvements and Fixtures, and for such Injury or Damage respectively; provided that the reasonable Costs of and incident to the preparing and delivering such Statement shall be borne and defrayed by the Board (unless the Jury shall award and declare that such Statement did not contain sufficient Particulars to enable the Board to make a proper Offer), and shall be payable at such Time and in like Manner as the Costs to which under the Provisions of this Act or the Lands Clauses Consolidation Act, 1845, the Board may be liable.

XXIX. If any Person interested in or entitled to or by this Act or the Lands Clauses Consolidation Act, 1845, enabled to sell and convey any Lands, or any Share, Estate, or Interest therein or Charge thereon as aforesaid, or any Occupier thereof sustaining such Loss, Injury, or Damage as aforesaid, for and on his Part, or for or on the Part of his Cestuique Trust or Ward, or of any other Person on whose Behalf he is entitled to sell and convey as aforesaid, shall refuse to accept such Purchase Money, Satisfaction, or Recompence, or other Compensation as shall be offered by the Board or any Person authorized by them on their Behalf, or if any Person interested in or entitled to or enabled to sell and convey any such Lands as aforesaid shall (upon such Notice in Writing as herein-before is mentioned having been so given, left, or affixed as aforesaid), for the Space of One Month next after such Notice, neglect or refuse to send in a Statement of the Particulars of his Claim in respect of any Lands, or shall neglect or refuse to treat or agree, or shall not agree, or by reason of Disability cannot agree with the Board or with any Person authorized by them for the Sale or Conveyance of such Lands, or any Share, Estate, and Interest therein or Charge thereon, then and in every or any such Case the Amount of such Purchase Money, Satisfaction, Recompence, or Compensation shall be settled and determined by the Verdict of a Jury in manner provided for in the Lands Clauses Consolidation Act, 1845.

XXX. So much of the Lands Clauses Consolidation Act, 1845, as authorizes the Party claiming Compensation to have the same settled by Arbitration, in Cases when the Money claimed or offered shall exceed Fifty Pounds, shall not be incorporated with or form Part of this Act.

XXXI. Provided always, That every Person, whether sui juris or hereby capacitated to sell, and who may not agree with the Board as to the Price to be paid, may, if he shall think fit, instead of having the Value ascertained by a Jury as aforesaid, agree with the Board, and the Board may, if they shall think fit, agree to refer it to any Person or Persons and their Umpire to ascertain in manner provided by the Lands Clauses Consolidation Act, 1845, in Cases of Arbitration, the Amount to be paid, and every such Agreement shall be in all respects binding and effectual.

XXXII. If the Owner, Lessee, or Occupier of any Lands authorized to be taken by virtue of this Act, and for the taking whereof Notice shall have been given as provided under this Act, shall not be inclined to sell or part with the whole thereof, or of his Interest in the whole thereof, and it shall not be found necessary to take the whole for the Purposes of this Act, and the said Parties cannot agree as to the Sum of Money to be paid for the Part which the Board or any Person authorized by them shall think it necessary to purchase, then and in such Case the Jury which shall be summoned to value the Premises shall assess the Value of the whole Premises according to the

Condition in which they are at the Time of taking the View, and also the Value of that Part of the Premises which will remain after the Board or the Persons authorized by them have taken away so much as they shall think necessary for the Purposes of this Act, and the Jury having made these Two Valuations, the Difference between them shall be the Price to be paid by the Board for that Part which they shall have Occasion for, and such Price shall be recorded as the Verdict of the Jury for the Value of the same.

XXXIII. The Jury shall award all Determinations, Judgments, and Verdicts which they shall make and give in execution of the Powers hereby vested in them concerning the Value of Lands, or any Share, Estate, or Interest therein, or Charge thereon, separately and distinctly from the Consideration of any other Loss to which the Occupier may personally be entitled, or any other Loss or Damage to be sustained by any Person in consequence of the Execution of any of the Powers of this Act, and shall distinguish the Value set upon the Lands, or Share, Estate, or Interest therein or Charge thereon, and the Money assessed or adjudged for such Loss or Damage as aforesaid, separately and apart from each other; and when any Money shall be assessed or adjudged for such Loss or Damage as aforesaid, the Jury shall, if required by the Board, award and declare whether the Statement delivered by the Claimant of the Manner in which any Amount of Money which shall have been demanded as a Compensation for the same has been computed and made up gave sufficient Particulars to enable the Board to make a proper Offer; and if the Jury shall be of Opinion that the Statement delivered by the Party claiming Compensation of the Manner in which any Amount of Money which shall have been demanded as a Compensation has been computed and made up did not give sufficient Particulars to enable the Board to make a proper Offer, One Half of the Costs of summoning, empannelling, and returning the Jury, and of taking the Inquiry, and in recording the Verdict and Judgment therein, shall be defrayed by the Person with whom the Board shall have such Controversy or Dispute, and the remaining Half shall be defrayed by the Board, anything in the Lands Clauses Consolidation Act, 1845, to the contrary notwithstanding.

XXXIV. All Sums of Money or other Consideration, Recompence, or Satisfaction to be made or paid pursuant to any Agreement, Determination, or Verdict, under the Provisions of this Act or of the Lands Clauses Consolidation Act, 1845, shall be paid or tendered to the Party entitled to the same, or into the Bank of England, in manner provided by the Lands Clauses Consolidation Act, 1845, before the Board or any Person or Persons authorized by them shall proceed to take possession of any Tenement, or to pull down any House or other Erection or Building comprised in or affected by such Agreement, Determination, or Verdict respectively, or to use the same for any of the Purposes of this Act.

XXXV. The One hundred and thirty-third Section of the Lands Clauses Consolidation Act, 1845, shall not be incorporated with or form Part of this Act.

XXXVI. And whereas by reason of the Exercise of the Powers by this Act granted there may be Deficiencies in the Assessments for Land Tax in the said Parishes, Precincts, and Districts through or in which the Works hereby authorized may be performed or done: The Board therefore, in case they shall become possessed by virtue of this Act of any Premises charged with the Land Tax, shall from Time to Time, until the Works hereby authorized shall be com-

pleted and assessed to such Land Tax, be liable to make good the Deficiency arising within any Parish, Precinct, or District by reason of any Lands having been taken or used for the Purposes of this Act, and such Deficiency shall be computed according to the Rental at which such Lands, with any Buildings thereon, were valued or rated at the Time of the passing of this Act, and the Board shall pay all Deficiencies on Demand thereof to the Collector of the said Assessments; nevertheless, if at any Time the Board think fit to redeem such Land Tax, they may do so in accordance with the Powers in that Behalf given by the Acts for the Redemption of the Land Tax.

XXXVII. In case any Lands which shall be purchased and cleared under the Provisions of this Act shall not be laid into and form Part of the Streets to be made and improved as aforesaid, it shall be lawful for the Board, when and as they shall think fit so to do, to demise and lease such Lands, or such Parts thereof as the Board shall think it expedient to let, on Building Leases, either altogether or in Parcels, to any Person or Persons who shall erect and build, or covenant and agree to erect and build thereon, or on any Part thereof, Houses, Erections, and Buildings of such Rate or Class of Building, and upon such Plan and Elevation, and of such Height and with such Stories as the Board shall think proper, for any Term or Number of Years, to determine at or before the Expiration of Ninety-nine Years from and after the passing of this Act, so as there be reserved in every such Demise or Lease such yearly Rent to be incident to the immediate Reversion of the Premises therein comprised as to the Board shall seem reasonable, and so that in every such Demise or Lease there be contained a Covenant for the Payment of the Rent thereby to be reserved, and such other Covenants on the Part of the Tenant or Lessee to be therein named as the Board shall reasonably advise or require, and also a Clause in the Nature of a Condition of Re-entry on Nonpayment of the Rent thereby to be reserved or on Nonperformance of the Covenants therein to be contained on the Part of the Tenant or Lessee to be observed and performed; and every such Tenant or Lessee shall give such good and sufficient Security for the erecting, finishing, and completing of every such House, Erection, and Building which he shall covenant or agree to erect within the Time in which he shall have contracted to finish the same, as the Board shall order and direct; and further, that in any such Lease the Board may, if they think fit, accept and take any Fine for the granting thereof, and may enter into any Agreement for the granting any Lease on such Terms and Conditions as they may think fit, and on granting Leases in pursuance of such Agreements may alter the Amount of the Rents agreed to be reserved in such Leases, and may apportion the same and grant separate Leases of any Part of the Hereditaments by any such Agreement agreed to be leased as the Board think fit, and may also alter or rescind any Agreement as aforesaid, and may accept any Surrender of any Lease granted for the Purpose of granting separate Leases of the same Premises at apportioned Rents or under different Covenants or otherwise in all respects as the Board shall think fit, and any Part of the said Lands may be appropriated for and left as Yards or Courts to be attached to any Houses agreed to be leased as the Board shall think fit.

XXXVIII. As soon as conveniently may be after the Houses, Erections, and Buildings to be erected and built as herein-before is mentioned, or any of them, shall be finished and completed, and either before or after any such Leases shall have been granted thereof, the Board shall sell and

dispose of or cause to be sold and disposed of the Ground Rents to be reserved by the Leases or Demises, or agreed to be reserved by any such Agreement as aforesaid, in pursuance or in consideration of which the same Houses respectively shall have been erected and built, or shall be agreed to be erected and built, and also the Reversion and Inheritance in Fee Simple in possession (subject to such Leases, Demises, or Agreements of the Lands therein demised or agreed to be demised) of such Houses and other Buildings, except such as shall have been otherwise disposed of pursuant to this Act, either altogether or in Parcels, by Public Auction or Private Contract, for such Price or Prices or Sum or Sums of Money as the Board shall think reasonable, and subject to such Stipulations and Provisions for the Enjoyment thereof, and as to the Nature of the Buildings which are to be at all Times erected and built, and also subject to such Stipulations as to the Title to be produced to the Hereditaments to be sold, as the Board shall think fit; and as regards any Stipulations or Provisions which may be contained in any such Conveyance, the same may at all Times thereafter be enforced in a Court of Equity by the Board, for the Benefit of the Parties entitled to the other Property adjoining or held under the same Title, in such Manner in all respects as the Board shall think fit, and the Board shall, at the Request, Costs, and Charges of the Purchasers of the same Premises respectively, upon Payment of the Money agreed to be given for the same respectively to the Board, by Deed convey and assure the Lands so purchased by such Purchasers respectively, together with the Houses, Erections, and Buildings then erected and built or to be erected and built thereon respectively, and the Fee Simple and Inheritance thereof, with the Appurtenances, to such Purchasers respectively, their Heirs and Assigns respectively, or as they respectively shall in that Behalf order or direct, free from Incumbrances (except the Building Leases or Agreements to be granted thereof by virtue of this Act).

XXXIX. It shall be lawful for the Board, if they shall think it expedient so to do, to sell and dispose of, in the Manner herein-before directed, all or any Lands whatever which shall not be laid out and form Part of the Street to be made or improved as aforesaid, without having previously granted or agreed to grant any Lease thereof, and to convey and assure the same unto the Purchaser or respective Purchasers thereof for such Sum or Sums of Money, and upon, under, and subject to such Terms and Conditions, and with, under, and subject to such Covenants and Agreements on the Part of the Person or Persons purchasing or agreeing to purchase the same, with respect to the Size or Class of the Houses, Erections, and Buildings to be erected thereon, and the Height, Size, and Elevations thereof, and the Time and Manner of erecting the same, and with respect to any other Matters, Restrictions, and Things relating thereto, as the Board shall think fit and impose.

XI. The Board shall, within Ten Years after the Completion of the Streets respectively, sell and dispose of to any Person or Persons and grant and convey such Parts of the said Lands as they shall not think proper to let on Building Leases, or any other Lands which they may have purchased under the Authority of this Act which shall not be wanted for the Purposes of this Act.

XLI. The Receipt of the Board for any Purchase Moneys, Rents, or Profits, or other Money payable to the Board by virtue of this Act, shall be a sufficient and effectual Discharge for the Money in such Receipt expressed or acknow-

ledged to be received, and the Person to whom the same shall be given shall not afterwards be answerable or accountable for the Misapplication or Nonapplication of the Money in such Receipt expressed or acknowledged to be received.

XLII. The Covent Garden Approach authorized by this Act shall be deemed the improved Line of Communication referred to in the Twenty-first Section of the recited Act of the Thirteenth and Fourteenth Victoria, Chapter One hundred and three, and it shall be lawful for the Board to borrow and take up at Interest any Sum or Sums of Money, not exceeding in the whole the Sum of Thirty-five thousand Pounds, upon the Credit of the Surplus of the London Bridge Approaches Fund, and such Moneys so to be raised shall be applied by the Board to the Purposes of the Covent Garden Approach authorized by this Act.

XLIII. The Board may accept any Sums of Money from any Person by way of Contribution towards the Covent Garden Approach by such Instalments and on such Terms and Conditions as to the Board shall seem fit.

XLIV. The Southwark Improvement authorized by this Act shall be deemed to be the Line of Street between Southwark and Westminster Bridge mentioned or referred to in the recited Acts of the Fourth and Fifth Victoria, Chapter Twelve, the Thirteenth and Fourteenth Victoria, Chapter One hundred and three, and the Sixteenth Victoria, Chapter Eighteen, and any Money to be received by the Board under or by virtue of such Acts (save only and except from the Surplus of the London Bridge Approaches Fund) shall be applied to the Southwark Improvement, and such several Acts shall apply to the Southwark Improvement hereby authorized, so far as the same relate thereto, and to the providing of Funds for the Execution thereof, and to the Board, in the same Manner as if such Funds had been expressly authorized in such Acts to be paid to the Board for the Purposes of those new Streets respectively.

XLV. For the Purpose of defraying the Expenses of carrying this Act into execution; it shall be lawful for the Board from Time to Time to borrow and take up at Interest any Sums of Money which the Board may require for the Purposes of this Act; and for securing the Repayment of the Moneys so to be borrowed, with Interest, the Board may issue Bonds under their Corporate Seal, or may mortgage and assign over the Moneys or Rates which may be charged, raised, or assessed by them by virtue of the Metropolis Local Management Act, 1855, or any Part thereof respectively to the Person who shall lend and advance such Money, or his Trustees, as a Security for the Repayment of the Money so to be borrowed, together with Interest for the same.

XLVI. Every such Bond and Mortgage shall be by Deed duly stamped, in which the Consideration shall be truly stated, and every such Bond may be according to the Form in the Schedule to this Act annexed, or to the like Effect.

XLVII. The Sections of the Metropolis Local Management Act, 1855, numbered respectively 184 to 191, both inclusive, are incorporated with this Act, and shall be applicable to the Mortgages and Bonds by this Act authorized to be granted and issued.

XLVIII. All Persons to whom such Bonds or Mortgages shall be made, or who shall be entitled to the Moneys thereby secured, shall, in proportion to the Sums therein respectively mentioned, be Creditors on the said Moneys raisable under the Metropolis Local Management Act, 1855, equally one with another, without any Preference in respect

o the Priority of advancing such Moneys or of the Dates of any such Bonds or Mortgages respectively.

XLIX. In case the Board shall think it advisable or more advantageous to raise all or any Part of the Money to be borrowed under this Act by granting Annuities for Life or for Terms of Years, instead of raising the same by Bonds or on Mortgage, it shall be lawful for the Board, by Deed under their Corporate Seal, to grant an Annuity to any Person who shall contribute and pay to the Treasurer of the Board such Sum of Money as the Board shall deem right and proper for the absolute Purchase of an Annuity to be paid and payable during the Life of every such Contributor, or the Life of such Person as shall be nominated by such Contributor at the Time of Payment of his Contribution or Purchase Money, or for any Term of Years which may be agreed upon, and such Grant may be according to the Form in the Schedule to this Act annexed, or to the like Effect.

L. The Provisions in the Metropolis Local Management Act, 1855, with respect to the Register, Transfer, and Register of Transfers of Mortgages, shall be respectively applicable to the Register, Transfer, and Register of Transfers of Annuities granted by virtue of the Provisions herein-before contained.

LI. The Form of Transfer of Mortgages contained in Schedule (F.) to "The Metropolis Local Management Act, 1855," shall be applicable, so far as may be practicable or convenient, to the Transfer of Annuities and Bonds granted or issued under the Authority of this Act.

LII. All Moneys raised by Mortgage or Bond, and all Sums of Money payable by way of Annuity by virtue of this Act, shall be charged upon and payable out of the Moneys or Rates which the Board are authorized to raise or assess by virtue of the Metropolis Local Management Act, 1855; and all Remedies given by such Act shall be applicable to any Sums of Moneys to be raised by virtue of this Act, but such Moneys shall not, unless the same be expressly declared in the Mortgage Deed or other Security, be charged upon the Land which may become vested in the Board for the Purposes of this Act, nor upon the Surplus of the London Bridge Approaches Fund herein mentioned.

LIII. The Expenses of every Bond, Mortgage, and Grant of Annuity shall from Time to Time be defrayed by the Board out of the Money raised by the same.

LIV. The Board shall keep separate Accounts of all Moneys borrowed by them, and of all Lands, Tenements, and Hereditaments purchased by them, and of the Moneys invested in such Purchases, and of all their Receipts, Credits, Payments, and Liabilities with respect to the Execution of this Act, and in order the better to show the State of the Affairs of the Board, those Accounts shall be kept separate and distinct from all their other Accounts.

LV. All the Money which shall be raised under the Authority of this Act by borrowing on Mortgage or Bond, or by the Grant of Annuities, shall be applied in the first place in paying the Expenses incurred by the Board of applying for, obtaining, and passing this Act, and preparatory or incident thereto, and afterwards in purchasing Lands, and making such new Streets and other Improvements connected therewith as are hereby authorized and as the Board shall direct to be made, and in carrying the Purposes of this Act into execution with reference thereto.

LVI. All Moneys which shall be received by the Board by the way of Fine for the granting of any Lease, and the Pur-

chase Money arising from the Sale by the Board of any Lands, or from the Sale of the Ground Rents reserved or agreed to be reserved under the Powers of this Act, shall be applied in carrying out the Improvements and Purposes by this Act authorized, or in augmentation of the Sinking Fund to be provided by the Board in pursuance of the One hundred and nineteenth Section of the Metropolis Local Management Act, 1855, for the Discharge of the Principal Moneys borrowed under the Authority of this Act, and after discharging all the Purposes of this Act any Surplus shall be applicable to the Purposes to which the general Funds authorized to be raised by the Board are by the Metropolis Local Management Act, 1855, directed to be applied: Provided always, that nothing in this Act shall authorize the Board to apply any Part of the Moneys obtained by the Sale of the Ground Rents reserved or agreed to be reserved under the Powers of this Act for Lands situate in the Neighbourhood of the Covent Garden Approach, except to the Purposes of the Covent Garden Approach authorized by this Act.

LVII. The Commissioners of Works shall upon the passing of this Act cause to be delivered over to the Board, or to their Treasurer for the Time being, or to such other Person as the Board shall direct to receive the same, the Exchequer Bills amounting to the Sum of Eighty-nine thousand one hundred Pounds herein-before mentioned, applicable to the Purposes of the Southwark Improvement, and also all other Exchequer Bills (if any) which may have been purchased by them out of the Moneys received for Interest, and which may at the Time of the passing of this Act be in their Custody or Power, and shall also pay over to the Board or to their Treasurer for the Time being, or to such other Person as the Board may direct to receive the same, the before-mentioned Balance or Sum of Four Pounds and Tenpence so now remaining in the Hands of Her Majesty's Paymaster General, and also all other Sum and Sums of Money which may have been received for Interest on the said Exchequer Bills since the Twenty-first Day of April One thousand eight hundred and fifty-seven; and the Receipt in Writing of the Treasurer for the Time being of the Board, or of the Person who may be appointed by the Board to receive the same, shall be an effectual Discharge to the Commissioners of Works for all such Exchequer Bills and Money as may be so delivered over or paid to him, and as in such Receipt shall be acknowledged to have been received, and shall wholly and entirely exonerate and discharge the Commissioners of Works and every other Person or Persons whomsoever in whose Custody or Power the said Exchequer Bills and Cash may be at the Date of such Receipt from all Obligations to see to the Application thereof or of any Part thereof, and from all Responsibility in case of the Nonapplication or Misapplication of the same.

LVIII. Before the Board shall proceed under the Authority of this Act to borrow and take up at Interest any Sum or Sums of Money for the Purpose of enabling them to effect the Southwark Improvement by this Act authorized, they shall first sell and dispose of the Exchequer Bills herein-before directed to be delivered over to them, or the Exchequer Bills for which the same may have been or may be exchanged, and shall apply the Moneys to be produced thereby, and also the said Balance or Sum of Four Pounds and Tenpence and other the Moneys herein-before directed to be paid over to them by the Commissioners of Works, together with any Interest which may have accrued in respect of such Exchequer Bills, in effecting such Im-



provement; and it shall not be lawful for the Board to borrow or take up at Interest under the Authority of this Act any Sum or Sums of Money for the Purpose of enabling them to effect the Southwark Improvement until the Produce of such Exchequer Bills and other the Moneys aforesaid, which are hereby declared to be the primary Fund for effecting such Improvement, shall have been exhausted in effecting the same; and in order to prevent any Question from arising as to the Time at which it shall be lawful for the Board to exercise the Power by this Act given to them of borrowing Money for the Purpose of effecting the Southwark Improvement, the Board shall, when and as soon as the Produce of the said Exchequer Bills and the other Moneys by this Act directed to be applied as the primary Fund for the Purpose of the Southwark Improvement shall have been exhausted, cause a Minute thereof to be entered in the Minute Book of their Proceedings, and a Copy of such Minute, certified by the Secretary for the Time being of the Board to be a true Copy, shall in all Cases and for all Purposes be received as Evidence of the said Money having been fully expended, and shall be a sufficient Authority for the Board to exercise the Power hereby given to them of raising Money for the Purposes of the Southwark Improvement.

SCHEDULE referred to in the foregoing Act.

*Form of Bond.*

The Metropolitan Board of Works

Bond No. £

By virtue of "The Act, 1857," we, the Metropolitan Board of Works, in consideration of the Sum of Pounds to us in hand paid by A.B., do bind ourselves and our Successors unto the said A.B., his Executors, Administrators, and Assigns in the penal Sum of Pounds. The Condition of the above Obligation is such that if the said Board shall pay to the said A.B., his Executors, Administrators, or Assigns, at on the Day of which will be in the Year One thousand eight hundred and , the Principal Sum of Pounds, together with Interest for the same at the Rate of Pounds per Centum per Annum, payable half-yearly on the Day of and Day of , then the above-written Obligation is to become void, otherwise to remain in full Force. Given under our Common Seal this Day of One thousand eight hundred and .

*Form of Security for granting Annuity.*

By virtue of "The Act, 1857," the Metropolitan Board of Works, in consideration of the Sum of Pounds paid to the Treasurer of the said Board by A.B. of for the Purposes of the said Act, do hereby grant unto the A.B. an Annuity of Pounds out of the Moneys and Rates authorized to be raised and assessed by the said Board by virtue of an Act passed in the Eighteenth and Nineteenth Years of the Reign of Her Majesty Queen Victoria, intituled "An Act for the better Local Management of the "Metropolis," which Annuity of Pounds shall be paid to the said A.B. or his Assigns during the Term of his Life [or to the said A.B., his Executors, Administrators, or Assigns, during the Life of C.D., as the 20 & 21 Vict.

*Case may be*], upon the Day of in every Year during the Life of him the said [or, as the *Case may be*, for a Term of Years, commencing at and from the Day of ], at , the First Payment thereof to be made on the Day of next ensuing the Date hereof [or by equal half-yearly or quarterly Payments, as the *Case may be*, on the respectively].

Dated this Day of One thousand eight hundred and .

L.S.

*Common Seal of the Board.*

*Cap. cxvi.*

"The *Stratford-upon-Avon* Railway Act, 1857."

Incorporation of General Acts, §§ 2, 3.  
Incorporation of Company, § 4.  
Capital 65,000*l.*, in 20*l.* Shares, § 5.  
Power to borrow 21,000*l.*, §§ 7, 8.  
Meetings, Directors, §§ 12 to 18.  
Lands and Works, §§ 20 to 26.  
Provision relating to the Oxford, Worcester, and Wolverhampton Company's Line to Stratford, § 27.  
Working Arrangements with Great Western Railway, §§ 29 to 36.  
Tolls, §§ 37 to 45.  
Saving Rights of Great Western Railway Company, § 47.

*Cap. cxvii.*

"The *Manchester* Burial Board Act, 1857."

Recites several Acts relating to the Burial of the Dead, and states the Lands and Funds applicable to the providing of a Burial Ground, and the Necessity of other Improvements.  
Town Council appointed the Burial Board, § 2.  
Lands in Schedule vested in Earl of Derby in Fee on Payment of 4,750*l.*, and in default of Payment to vest in Corporation, § 3.  
Certain Sums in Three per Cent. Consols to be transferred to Account of Burial Board free from all existing Charges and Provisions, § 4.  
Application of Lord Derby's Purchase Money and of Consols, &c. &c., §§ 5, 6.  
Portion of the Parish Burial Fund to be paid to Burial Board of Salford, § 8.  
Saving of Rights in Parish Burial Ground, § 9.  
Power to purchase Lands for Improvements, § 10.  
Lands Clauses of 8 & 9 Vict. c. cxli. applied, § 11.  
Power to fix Line of Buildings in Oldham Road, § 12.

*Cap. cxviii.*

"The *Islington* Parish Acts Amendment Act, 1857."

Recites several Acts relating to the Parish, that it is expedient to transfer permanently to the Vestry  
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certain Powers now vested in them temporarily, and to regulate the Collection and Application of the Parochial Rates.

Repeals Parts of some of the recited Acts, § 2.

Power for Vestry to appoint a Collector of Parochial Rates, § 4.

Power for Trustees to require Payment by Vestry of Moneys for Expenses payable out of Poor Rates, §§ 5 to 7.

Power for Vestry to amend Assessment, § 8.

Recovery of Arrears, § 9.

Power to compound in certain Cases, §§ 10, 11.

Persons receiving the Rents to be rated as Owners, § 12.

Protection of succeeding Tenants, § 13.

Recovery of Rates and Forms, §§ 14 to 19.

Appeal, § 20.

Payment of Churchwardens Rate and Church Rate, § 21.

Compensation to Officers, § 22.

Saving Rights of Poor Law Board, § 24.

*Cap. cxix.*

“The Newport, Abergavenny, and Hereford Railway (Branches) Act, 1857.”

Recites the Acts relating to the Company, proposes to construct Three Branch Railways, and to purchase Lands for Sidings to Tramways.

Incorporates Lands and Railways Clauses Acts, § 1.

Branch Railways, Sidings, Works, §§ 3 to 9.

Communications with Taff Vale Railway, §§ 10 to 13.

Works to be completed in Four Years, §§ 16, 17.

Tolls, §§ 18 to 20.

Saving of Llanvihangel Railway, §§ 21, 22.

Power to attach a Preference to Shares or Stock not exceeding 135,000*l.* issued for Purposes of the Act, § 24.

*Cap. cxx.*

“Portadown, Dungannon, and Omagh Junction Railway Act, 1857.”

Recites that the Portadown and Dungannon Railway Company was incorporated in 1847, with a Share Capital of 154,775*l.* and Power to borrow 51,585*l.*; Extension of Time for compulsory Powers in 1853; proposes to construct Line to Omagh; to change the Name of the Company; to further extend the Time; to relinquish a Portion of the Line; and to raise further Capital, &c. &c.

Extension of Time, and Penalty, §§ 3, 4.

Abandonment of Portion of Line, and Compensation, §§ 5, 6.

Incorporation of General Acts, § 7.

Extension Railway and Works, §§ 9 to 16.

Tolls, §§ 18 to 20.

Alteration of Name; Saving of Rights and Liabilities, §§ 21 to 25.

Power to issue and attach a Preference to unissued Capital authorized by the Act of 1847, § 27.

Power to raise 100,000*l.* by new Shares, §§ 28 to 32.

Power to borrow 33,000*l.*, §§ 33, 34.

Power for Ulster Railway Company to contribute and hold Shares to the Amount of 40,000*l.*, § 36.

Power for Ulster Railway Company to guarantee an annual Sum, § 37.

Power to lease and to enter into Traffic Arrangements with Ulster Railway Company, §§ 39 to 46.

Station at Omagh, and Communications with the Londonderry and Enniskillen Railway, §§ 47 to 50.

*Cap. cxxi.*

“Salisbury and Yeovil Railway Deviation Act, 1857.”

Recites that the Company was incorporated in 1854; that it is expedient to make Deviation at Sherborne.

Incorporates Lands and Railways Clauses Acts, § 1.

Power to make Deviation, §§ 3, 4.

Power to abandon Portion of original Line; Compensation, §§ 5, 6.

Works, §§ 8 to 12.

Compulsory Powers limited to 18 Months, §§ 13, 14.

Power for London and South-western Railway Company to guarantee Loans advanced to the Company, § 15.

*Cap. cxxii.*

“The Whitehaven and Furness Junction Railway Act, 1857.”

Recites the Act of 1845, incorporating the Company, and the other Acts increasing and altering its Capital and Works; proposes to abandon Two Branch Railways; recites that 124,933*l.* has been borrowed; that the authorized Share Capital of 375,000*l.* has been reduced to 345,000*l.*, and consists of 14,500 Ordinary 20*l.* Shares, which represent 290,000*l.*, and of 5,500 Preference 10*l.* Shares, which represent 55,000*l.*; that 287,446*l.* has been paid up; that 3,125 Ordinary 20*l.* Shares have been forfeited, and 1,800 Preference 10*l.* Shares are unissued; proposes to cancel them both, and to create New Capital Stock by Preference Shares.

Incorporates Parts of Companies Clauses Act, § 3.

Capital to be 364,926*l.*, *i.e.* 227,500*l.* in Ordinary Shares, 37,000*l.* in Preference Shares, 70,000*l.* in new Preference Shares, and the Sum of 30,426*l.* received in respect of the forfeited Shares, § 4.

Power to cancel Shares, and to raise 70,000*l.* by Preference Shares, §§ 5 to 11.

Power to abandon Branch Railways, §§ 13, 14.

Power to enter into Traffic Arrangements with the Whitehaven Junction and with the Whitehaven, Cleator, and Egremont Railway Companies, §§ 15 to 20.

*Cap. cxxiii.*

“The Caledonian Railway (Granton Branches) Act, 1857.”

Incorporates General Acts (Scotland), § 3.

Railways; Roads, &c. &c., §§ 4 to 9.

Provisions relating to Edinburgh and Glasgow Railway Company, §§ 10 to 12.

Application of Agreement made in 1846 with Heriot's Hospital, § 13.

Protection of Lands of Sir J. A. Murray, § 14.

Power to feu Lands, §§ 16 to 19.

Tolls, § 22.

Agreements with Duke of Buccleuch in respect to Granton Harbour, § 23.

Power to raise 60,000*l.* by new 50*l.* Shares, to be called “Caledonian Railway Granton Stock,” to be separate from the general Capital, §§ 24, 25.

Power to borrow 20,000*l.*, §§ 28, 29.  
Provisions for securing separate Accounts of Receipts, Expenditure, gross Revenue, and net Profits, §§ 30 to 32.  
Power for Holders of separate Stock to appoint an Auditor, and to require a fixed guaranteed Dividend, §§ 33, 34.

*Cap. cxxiv.*"The *Kinross-shire* Railway Act, 1857."

Incorporates General Acts (Scotland), § 1.  
Incorporation of Company, § 4.  
Capital 53,000*l.*, in 10*l.* Shares, §§ 5, 6.  
Power to borrow 17,666*l.*, §§ 10, 11.  
Meetings; Directors, §§ 12 to 19.  
Construction of Railway, §§ 20, 21.  
Communication with Edinburgh, Perth, and Dundee; the West of Fife Mineral, and the Fife and Kinross Railways, §§ 22 to 26.  
Power to feu Lands, §§ 31 to 34.  
Tolls, §§ 38 to 45.  
Agreements with the Edinburgh, Perth, and Dundee Railway Company, §§ 46 to 52.  
Saving Rights of Crown and of Edinburgh, Perth, and Dundee Railway Company, §§ 54, 56.

*Cap. cxxv.*"The *Metropolitan* Railway (Amendment) Act, 1857."

Recites several Acts relating to the Company.  
Extends Time for compulsory Purchase of Lands, §§ 3, 4.  
Period of Commencement of Works, and Saving of Contracts, §§ 5, 6.  
Saving Rights of Commissioners of Metropolis Turnpike Roads, § 7.  
Certain Lands not to be taken without Consent, § 8.  
Saving Rights of Crown, § 12.

*Cap. cxxvi.*"The *South Staffordshire* Waterworks Amendment Act, 1857."

Recites that under "The *South Staffordshire* Waterworks Act, 1853," the Company was incorporated with a Capital of 160,000*l.*, and Power to borrow 30,000*l.*, and that they have not borrowed any Money; that Powers are required for altering and enlarging Works, extending Time and obtaining a further Supply of Water; also increased borrowing Powers.  
Incorporates Lands and Waterworks Clauses Acts, § 1.  
Works, §§ 4 to 7.  
Preventing Danger from Reservoirs, §§ 8, 9.  
Power to abandon a Part of Aqueduct, and Compensation, §§ 10, 11.  
Parts of recited Act applied to Works under this Act, § 12.  
Extension of Time, § 13; not to affect Section 6. of "The *Wolverhampton* New Waterworks Act, 1855," § 14.  
Extending Limits of Acts to Smethwick, § 15.  
Saving Rights of Local Board of Health, § 16.  
Power to borrow additional Sum of 10,000*l.*, § 18.  
Protecting Rights of Dean and Chapter of Lichfield, § 19.

New Road to be substituted for Road interfered with, § 20.  
Saving of Lands of Earl of Bradford, § 21.  
Saving of certain Provisions of the recited Act, § 22.  
Repeal of Sections 43, 44, 57, and 58 of recited Act, § 23.  
Flushing of Sewers at Lichfield, § 24.  
Increase of Supply to Corporation of Lichfield or their Feoffees, §§ 25 to 27.  
Hill Top Reservoir; Protection, &c. &c. of Great Western Railway Company, §§ 28 to 30.  
Agreements with Landowners as to Irrigation, &c. &c., § 31.

*Cap. cxxvii.*"The *Victoria Docks* Gas Act, 1857."

Recites the Establishment of the North Woolwich Gasworks; that a larger Supply of Gas is required; and that it is expedient to improve the Gasworks.  
Incorporates Companies, Lands, and Gasworks Clauses Acts, §§ 2, 3.  
Limits of Act, § 4.  
Company incorporated, § 5.  
Capital 100,000*l.* in 10*l.* Shares, § 6.  
Power to borrow 25,000*l.*, §§ 8, 9.  
Directors, Meetings, §§ 11 to 17.  
Power to purchase Lands by Agreement, §§ 18 to 22.  
Power to purchase and enlarge existing Gasworks, §§ 23, 24.  
New Gasworks; Limits; Supply of Gas, §§ 25 to 39.

*Cap. cxxviii.*"The *Hamilton and Strathaven* Railway Act, 1857."

Incorporates General (Scotland) Acts, § 3.  
Incorporation of Company, § 4.  
Capital 70,000*l.*, in 10*l.* Shares, §§ 5, 6.  
Power to borrow 23,300*l.*, §§ 8, 9.  
Meetings, Directors, §§ 12 to 20.  
Railway and Works, §§ 23, 24.  
Junction with Clydesdale Junction Railway, §§ 25 to 27.  
Power to feu Lands, §§ 34 to 37.  
Tolls, §§ 40 to 48.  
Working and Traffic Agreements with Caledonian Railway Company, §§ 49 to 56.

*Cap. cxxix.*"The *Fife and Kinross* Railway Diversion and Extension Act, 1857."

Recites that the Company was incorporated under "The *Fife and Kinross* Railway Act, 1855."  
Incorporates Lands and Railways and Parts of Companies Clauses (Scotland) Acts, §§ 1, 2.  
Power to raise 12,000*l.* additional Capital by Shares, with or without a Preference, §§ 5, 6.  
Power to raise 4,000*l.* by borrowing, or by Preference Shares, §§ 10 to 12.  
Railway and Works, §§ 15, 16.  
Junction with Kinross-shire Railway; and Joint Station, §§ 17, 18.  
Power to abandon Part of Line; Compensation, §§ 19, 20.  
Tolls, § 26.  
Working Agreements with Edinburgh, Perth, and Dundee Railway Company, § 27.

*Cap. cxxx.*

## "The Great Yarmouth Waterworks Act, 1857."

Recites that the Company were incorporated under "The Great Yarmouth Waterworks Act, 1853," with a Capital of 50,000*l.* in Shares of 10*l.*, and Power to borrow 10,000*l.*; that the whole Capital is paid up; that they have borrowed the 10,000*l.*, but have no Preference Shares; that further Capital is required. Incorporates several Provisions of Companies Clauses Act, § 2. Power to raise 30,000*l.* by new Shares, with or without Preference, §§ 3, 4. Disposal of Shares, cancelling and Surrender, §§ 5 to 12. Power to borrow 3,000*l.*, and eventually 3,000*l.* more, § 16. Power to lease the Rates for 10 Years, § 19. Agreements with Great Yarmouth Haven Commissioners, § 20.

*Cap. cxxxii.*

## "The Otley and Skipton Road Act, 1857."

Recites 4 G. 4. c. xxxi., for repairing and improving the Road from Otley to Skipton; and that 7,158*l.* 19*s.* 9*d.* is owing upon the Tolls. Repeals recited Act, saving of Rights, &c. &c., §§ 2 to 5. Trustees; Committees, §§ 6 to 10. Road, § 11. Tolls, §§ 13 to 19. Power to sell Toll Houses, § 20. Causeways; Drains; Fences, §§ 21 to 23. Letting of Tolls by Tender, §§ 24, 25. Rights of Mortgagees, § 26. Application of Moneys, § 27. Mode of discharging Debt, § 29. Term of Act, § 32.

*Cap. cxxxiii.*

## "The Salford Borough Act, 1857."

Recites that the Council of the Borough is the Burial Board; that additional Facilities are required for raising Money for Burial Purposes and making Regulations as to Interments, and for Sale and Lease of certain Lands. Excludes Lands Clauses Act, and saves Burial Acts, § 3. Burial Board incorporated, § 4. Power to borrow on Mortgage, or by Annuities, with Consent of Treasury, §§ 5 to 12. Sinking Fund, §§ 13, 14. Regulation of Fees, &c. for Interments, § 15. Provisions as to Burial Service, §§ 16, 17. Appointment of Chaplains and other Officers, §§ 19 to 23. Provisions as to Mode of burying, § 24. Purchase of Graves or Vaults, § 25. Provision for Interests of Parish Clerks and Minor Canons, § 26. Byelaws and Penalties, §§ 27 to 32. Power to surrender Leases of Lands in Schedule D, and to purchase in Fee or for long Terms, §§ 33, 34. Power to grant Improving Leases, § 35. Power to sell in Fee for building, subject to perpetual Fee-farm Rent, § 36. Reserved Rents to be sold within 10 Years, § 37.

Application of Rents, § 39. Saving Rights of Thomas Goadby, § 40. Schedules, (Forms, and Description of Lands.)

*Cap. cxxxiiii.*

## "The Mid-Sussex Railway Act, 1857."

Incorporates General Acts, § 1. Company incorporated, § 3. Capital 160,000*l.*, in 10*l.* Shares, §§ 4 to 6. Power to borrow 50,000*l.*, § 7. Traffic Arrangements with London, Brighton, and South Coast Railway Company, §§ 9 to 14. Meetings; Directors, §§ 15 to 21. Railways; Works; Lands, §§ 23 to 30. Communications with London, Brighton, and South Coast Railway, §§ 35 to 38. Tolls, §§ 39 to 48.

*Cap. cxxxiv.*

## "The North-western Railway Act, 1857."

Recites that by "The North-western Railway Act, 1852," the Company was re-incorporated and their Acts consolidated. Power to abandon Portions of Line, Compensation, §§ 2, 3. Power to lease or sell the Undertaking to the Midland and to the Lancaster and Carlisle Railway Companies, or either of them, and to enter into Contracts with them, §§ 4 to 6. Provisions of "Lancaster and Preston Junction Railway Amendment Act, 1849," extended to this Act, § 7. Saving of Rights and of Agreements, §§ 8, 9.

*Cap. cxxxv.*

## "The Metropolitan Market Act, 1857."

Whereas an Act was passed in the Session of Parliament holden in the Fourteenth and Fifteenth Years of the Reign of Her present Majesty, intituled "An Act for providing a Metropolitan Market and Conveniences connected therewith, in lieu of the Cattle Market at Smithfield," and by the said Act it was declared that it should be lawful for Her Majesty, after the Expiration of Six Calendar Months from the passing of the said Act, in case the Mayor, Aldermen, and Commons of the City of London should not in the meantime have signified in the Manner therein mentioned their Desire to undertake the Execution of the said Act, to appoint certain Commissioners who were thereby authorized and empowered to provide, build, and maintain, in such Situations as might appear to them convenient for the Purpose, and as might be approved of by One of Her Majesty's Principal Secretaries of State, Places for holding a Cattle Market in lieu of the Market then holden in Smithfield, and a Meat Market with Slaughter-houses and Lairs for Cattle brought to such Cattle Market, or intended to be slaughtered in such Slaughter-houses, and to provide, build, and maintain such Pens, Stalls, Shops, Buildings, and Conveniences for the Purposes of the said Markets, Slaughter-houses, and Lairs as the Commissioners may think necessary, and to purchase by Agreement such Lands as they might deem necessary for the Purposes aforesaid; but no Agreement for the Purchase of any Site for any of the Purposes aforesaid was to be made or entered into by the Commissioners without the Consent in Writing of One of Her Majesty's Principal Secretaries of State: And whereas by the said Act the Commissioners were authorized, with the Consent

of the Commissioners of Her Majesty's Treasury, to borrow and take up at Interest any Sums of Money not exceeding in the whole the Sum of Two hundred thousand Pounds for the Purpose of defraying any Expenses which might be incurred by them in the Execution of the said Act, and to mortgage and assign over to any Person by or on whose Behalf such Sums might be advanced all or any of the Tolls, Rents, and Payments receivable by them the Commissioners under the said Act; and by the same Act the Commissioners of Public Works were authorized to make Advances to the Commissioners under the said Act upon the Security of the said Tolls, Rents, and Payments, without requiring any further or other Security than a Mortgage of such Tolls, Rents, and Payments; and it was by the said Act further declared, that the Sum to be appropriated and set apart by the Commissioners under the Act every Year as a Sinking Fund should be such a Sum as should from Time to Time be directed on that Behalf by the Commissioners of Her Majesty's Treasury; and the Commissioners under the said Act were authorized to sell and dispose of such Lands purchased under the said Act as might not appear to them to be required for the Purposes thereof, and to apply the Produce of such Sale in like Manner as other Moneys received under the said Act; and the said Commissioners were required, in the Month of March in every Year, to deliver to One of Her Majesty's Principal Secretaries of State Accounts of their Receipt and Expenditure, to be laid before both Houses of Parliament: And whereas the Mayor, Aldermen, and Commons, within the Time limited in the said Act for that Purpose, duly signified their Desire to take upon themselves the Execution of the said Act, and declared their Intention to defray the Expenses incurred therein out of their own Funds: And whereas under or by virtue of the Provisions contained in the said Act the Mayor, Aldermen, and Commons have, at the Expense of the Mayor and Commonalty and Citizens of the City of London, purchased a Site for and have erected and established a Cattle Market for the Metropolis, in lieu of the Market formerly held at Smithfield, together with a Meat Market and Slaughter-houses, and Lairs for Cattle brought to such Cattle Market, or intended to be slaughtered in such Slaughter-houses, and have expended Four hundred and forty thousand Pounds in the said Purchase and in the Formation of the said Markets, and in the Erection of Lairs and Slaughter-houses and of Taverns, Public Houses, and other Buildings and Conveniences connected with the said Markets, and they have borrowed the same upon the Credit of the several Tolls, Dues, Rents, and Payments receivable under the said Act and upon the Estates and Revenues of the Mayor and Commonalty and Citizens: And whereas it is expedient that Power be given the said Mayor, Aldermen, and Commons to let upon Lease the surplus Ground not now wanted for Market Purposes, and also the Slaughter-houses and other Buildings, for the best Rents that can be procured for the same, so as that the Freehold and Inheritance thereof may be retained in their own Hands, in case at any distant Period of Time it should become necessary to use the same for the Purpose of enlarging or otherwise improving the said Markets or the Approaches thereto: And whereas by an Act passed in the Twenty-first Year of the Reign of King George the Third, intituled "An Act to prevent the Mischiefs that arise from driving Cattle within the Cities of London and Westminster, and Liberties thereof, and Bills of Mortality," the Court of Mayor and Aldermen of the City of London for the Time being were authorized to make and frame reasonable Rules, Orders, or Ordinances for governing and regulating all

Persons who should drive any Cattle, Sheep, Calves, or Lambs within the Cities of London or Westminster, and the Liberties thereof, or the Bills of Mortality: And whereas it is expedient that the said first-recited Act should be amended, and that increased Powers for the Management and Control of the said Cattle Market, Meat Market, Slaughter-houses, and Lairs should be vested in the said Mayor, Aldermen, and Commons, and that the Tolls, Dues, and Payments by the said first-recited Act authorized to be demanded and taken should be increased: And whereas it is expedient that the Power by the first-recited Act given to the Court of Mayor and Aldermen of the City of London for regulating the driving of Cattle, Sheep, Calves, or Lambs within the Cities of London and Westminster, and the Liberties thereof, and the Bills of Mortality, and all the Rules, Orders, and Ordinances made by virtue thereof, should be repealed, and that new and more extensive Powers for that Purpose should be vested in the Mayor, Aldermen, and Commons of the City of London; but the same cannot be done without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

I. From and after the Commencement of this Act the whole of the first-recited Act, and the Fourth Section of the second-recited Act, shall be and the same are hereby repealed.

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

The Words "Common Council" shall mean the Mayor, Aldermen, and Commons of the City of London in Common Council assembled, and shall include the Mayor and Commonalty and Citizens:

The Words "Mayor and Commonalty and Citizens" shall mean the Mayor and Commonalty and Citizens of the City of London:

The Word "Cattle" shall include Sheep, Lambs, and Swine:

The Word "Horse" shall include Mare, Ass, and Mule:

The Word "Slaughter-house" shall mean a Place used for slaughtering Cattle:

The Word "Justice" shall include the Lord Mayor and any Aldermen and the Recorder of the City of London.

General Saving of Rights, &c. under recited Acts, §§ 3 to 7.

VIII. The Common Council shall maintain and uphold the Cattle Market established under the Authority of the first-recited Act, in lieu of the Market formerly holden in Smithfield, with the Slaughter-houses and Lairs for Cattle, and Pens, Stalls, Shops, Taverns, Public Houses, and other Buildings and Conveniences already erected and built in connexion therewith, or for the Purposes thereof; and it shall be lawful for the Common Council to provide, build, and maintain, in such Situation as may appear to them convenient for the Purpose, a Meat Market, with such Stalls, Shops, Standings, and other Conveniences for the Purposes thereof, and also such and so many additional Slaughter-houses, Lairs, Pens, Stalls, Shops, Buildings, and Conveniences for the Purposes of the said Markets, as they may think necessary, all which Markets shall be deemed to be public Markets, and to make and maintain all necessary and convenient Roads and Approaches to and from the Market

Places, Slaughter-houses, and Lairs provided and to be provided as aforesaid, and with the Consent of the Owner of any existing Road, or of the Persons in whom the Management thereof may by Law be vested, to widen and improve such existing Road for facilitating Ingress and Egress to and from such Market Places, Slaughter-houses, and Lairs; and it shall be lawful for the Common Council to purchase by Agreement such Lands as they may deem necessary for the Purposes aforesaid: Provided always, that no Agreement for the Purchase of any Site for any of the Purposes aforesaid shall be made or entered into by the Common Council without the Consent in Writing of One of Her Majesty's Principal Secretaries of State.

IX. The Common Council shall provide for the said Market Places, Slaughter-houses, and Lairs a sufficient Supply of Water, and may procure the same from any Water Company or Persons willing to contract for the Purpose, and the Common Council shall cause the said Market Places, Slaughter-houses, and Lairs to be sufficiently drained, and may (subject to any Rights and Jurisdiction vested in the Metropolitan Commissioners of Sewers) execute the Works necessary for the Drainage thereof, or may procure such Works to be executed by such Commissioners.

X. It shall be lawful for the Common Council from Time to Time to appoint such Clerks, Collectors, Inspectors, and other Officers as they may think fit for the Purposes of this Act, and from Time to Time to remove the Officers so appointed, or any of them, and to allow to such Officers respectively such Salaries and Wages as the Common Council may think proper.

XI. It shall be lawful for the Common Council from Time to Time to make Byelaws for fixing or altering the Days upon which the Markets to be holden under this Act shall or may be held, for placing and driving Cattle within the said Market, for fixing the Hours for commencing and closing the said Markets on each Market Day, the Times at which Cattle and Horses respectively shall be brought into or exposed for Sale in the Market and removed therefrom, and for the letting, occupying, holding, and using of the Pens, Lairs, Stalls, Shops, Buildings, and Conveniences, for keeping the said Market Places, Slaughter-houses, and Lairs in a cleanly and proper State, and preventing the Exercise of Cruelty therein, for preventing Nuisances or Obstructions in the said Market Places or the immediate Approaches thereto, and generally for regulating, ordering, and governing the said Markets, Slaughter-houses, and Lairs, and the Conduct of Business therein; and the Common Council may from Time to Time alter or repeal any such Byelaws, and may by such Byelaws impose such reasonable Penalties as they think fit, not exceeding Forty Shillings for each Breach of such Byelaws, but so that every such Byelaw be so framed as to allow the Justices before whom any Penalty imposed thereby may be sought to be recovered to order the whole or Part only of such Penalty to be paid: Provided always, that no Byelaw of the Common Council shall be of any Force or Effect until the same has been approved under the Hand of One of Her Majesty's Principal Secretaries of State; and such Byelaws shall be signed by the Town Clerk of the City of London, and published as hereinafter mentioned, and in the meantime and until such new Byelaws shall be made, approved, and published as aforesaid, the Byelaws made under the Authority of the said first-recited Act shall remain and continue in force as if the said Act had not been repealed.

XII. It shall be lawful for the Common Council from Time to Time to demise and lease all or any of the Stalls,

Slaughter-houses, Lairs, and Conveniences already provided or which may hereafter be provided under the Authority of this Act, and which in their Opinion may properly be exclusively occupied, for any Term or Number of Years not exceeding Seven Years, and to demise and lease any House, Tavern, Public House, and Shop already erected and built, or which may be erected and built under the Authority of this Act, for any Term not exceeding Twenty-one Years, and to demise and lease all or any of the several Slips or Pieces of Land described in the Schedule (B.) annexed to this Act for any Term or Number of Years not exceeding Eighty Years, every Lease which may be granted under the Authority of this Act to take effect in possession or within Three Months from the Time of granting the same; and all Rents which may be received under or by virtue of any such Leases shall be applied in the same Manner as the Tolls, Dues, and other Payments receivable under this Act are authorized to be applied.

XIII. The Common Council shall, with the Approbation of the Commissioners of Her Majesty's Treasury, fix a Table of Tolls and Payments to be demanded and taken for or in respect of Cattle, Horses, and Meat brought into or exposed for Sale in the said Markets, and for or in respect of the Use of Pens, Lairs, Slaughter-houses, and Conveniences provided under the said first-recited Act or this Act, and may from Time to Time, with such Approbation as aforesaid, vary such Table of Tolls and Payments as they may deem fit: Provided always, that such Tolls and Payments do not exceed the said respective Sums mentioned in the Schedule (A.) to this Act, and the Table of the Tolls and Payments for the Time being payable under this Act shall be published as herein-after directed; and in the meanwhile and until such Tolls and Payments shall be so fixed and sanctioned as aforesaid it shall be lawful for the Common Council to levy and take for or in respect of Horses, Cattle, and Meat brought into and exposed for Sale in the said Markets, and for the Use of Pens, Lairs, Slaughter-houses, and Conveniences, the same Tolls and Payments as they are now authorized to levy and take.

XIV. Copies of all Byelaws for the Time being in force under this Act affecting other Persons than the Officers of the Common Council, and the Table of Tolls and Payments for the Time being payable under this Act in respect of the said Markets respectively, shall be painted in legible Characters on Boards, to be set up and continued at each and every of the Entrances, or in some conspicuous Position in the Place for holding the Market to which such Byelaws relate, or in respect of which such Tolls and Payments are payable; and such Boards shall from Time to Time be renewed, replaced, and restored when and so often as the same are destroyed, defaced, or removed: Provided always, that if any such Board be destroyed, defaced, or removed, such Byelaws, Tolls, and Payments shall continue in force and payable respectively during such Time as may be reasonably required for renewing, replacing, or restoring the same, in the same Manner as if the Destruction, Removal, or Defacement had not occurred.

XV. Smithfield Market having under the Provisions of the first-recited Act ceased to be a Market for the Sale of Cattle and Horses, the Repeal of such Act shall not authorize or empower, or be deemed or construed to authorize or empower, the using of the Site thereof, or of any Part thereof, as a Market for the Sale of Cattle or Horses; and no new Market for the Sale of Cattle or Horses shall be opened in the Cities of London or Westminster, or the Liberties thereof, or in the Borough of

Southwark, or at any Place distant less than Seven Miles in a straight Line from St. Paul's Cathedral in the City of London.

XVI. It shall be lawful for the Common Council from Time to Time to appoint a Committee to manage and transact all or any of the Matters or Purposes which the Common Council are hereby empowered to do, execute, or perform, which Committee shall have such or so many of the Powers and Authorities and Discretion by this Act given to or reposed in the Common Council as the Common Council shall think fit and proper to delegate to such Committee.

XVII. It shall be lawful for any Clerk or Inspector appointed under this Act, with or without Assistants, to inspect and examine any Cattle and dead Meat exposed or offered for Sale in the Markets provided under this Act, or either of them, and for that Purpose to enter into any Building, Shop, Stall, Pen, or Place provided under this Act, and seize any such Cattle or Meat which may appear to him unfit for human Food, and to report such Seizure to any Justice of the Peace having Jurisdiction in the Place; and such Justice may order such Cattle or Meat to be destroyed or otherwise disposed of in such Manner as may appear to him proper, and any Person exposing or offering for Sale as aforesaid Cattle or Meat unfit for human Food shall for every such Offence be liable to a Penalty not exceeding Twenty Pounds.

XVIII. It shall be lawful for the Commissioner of the City Police, with the Consent of the Common Council, from Time to Time to make such Orders, Rules, and Regulations as he and they shall deem expedient with respect to the driving of Cattle within the Police District of the City of London, and also for the Commissioners of the Police of the Metropolis from Time to Time to make such Orders, Rules, and Regulations as they shall deem expedient with respect to the driving of Cattle within so much of the Metropolitan Police District as is within the City of Westminster and within the Boundaries of the Boroughs of Marylebone, Finsbury, the Tower Hamlets, Lambeth, and Southwark, as defined by an Act passed in the Second and Third Years of His late Majesty King William the Fourth, Chapter Sixty-four, intituled "An Act to settle and describe the Divisions of Counties and the Limits of Cities and Boroughs in England and Wales, in so far as respects the Election of Members to serve in Parliament," whether such Cattle shall or shall not be proceeding either from or to the said Market, or to any Slaughter-house or Lair, and with respect to the Days and Hours on and within which and the Routes, Streets, Roads, Ways, or Places by, through, or in which Cattle shall be driven, and also to make Orders, Rules, and Regulations for the Control, Regulation, and good Government of all Persons driving, aiding, or assisting in driving Cattle within the said Districts, and from Time to Time alter, vary, or repeal all or any of such Orders, Rules, or Regulations; and any Person disobeying or acting contrary to any such Orders, Rules, or Regulations, or driving or aiding or assisting in driving any Cattle within such Districts contrary to such Orders, Rules, or Regulations, or on a Day on which, or within Hours during which, or by or along Routes, Streets, Roads, Ways, or Places, or in or by or through which Cattle shall by any such Orders, Rules, or Regulations be prohibited from being driven, shall for every such Offence be liable to a Penalty not exceeding Forty Shillings: Provided always, that such Orders, Rules, or Regulations shall not be of or have any Force or Effect until the same shall have been approved under the Hand of One

of Her Majesty's Principal Secretaries of State; and such Orders, Rules, and Regulations shall, so far as the same relate to the Police District of the City of London, be signed by the Town Clerk for the Time being of the City of London, and so far as the same relate to the Metropolitan Police District be signed by One of the said Commissioners of Police, and shall be published as by this Act is directed with respect to the Publication of Byelaws made under the Authority thereof.

XIX. Such Orders, Rules, and Regulations shall not extend to prevent Cattle imported into London by Sea from being driven to their Lairs, or Fields used as Lairs, on any Sunday throughout the Year: Provided that such Cattle shall not be so driven by or along any Streets, Roads, Ways, or Places within the Limits herein before mentioned between the Hours of Ten and Five o'Clock on that Day, nor without a Certificate from the Veterinary Surgeon appointed to inspect such Cattle that it is necessary for the Condition and Health of such Cattle that they should be so driven to their Lairs or Fields as aforesaid.

XX. The Tolls for the Time being fixed by such Tables of Tolls and Payments as aforesaid shall become due and payable immediately on the Cattle, Horses, or Meat in respect of which such Tolls are to be taken entering or being brought into the said Market Places respectively from any Person driving or bringing the same, or causing the same to be driven or brought into or exposing or offering the same for Sale in the said Market Places respectively; and the Payments for the Time being fixed by such Table for the Use of Pens, Lairs, and Conveniences shall become due and payable from the Persons using the same at such Times as for the Time being may be fixed by such Table, and all such Tolls and Payments as aforesaid shall be collected, received, and taken on behalf of the Common Council by such Collectors or Persons as they may direct.

XXI. It shall be lawful for the Common Council to grant to any Person who shall produce such a Certificate as shall satisfy them of his good Character and Fitness for such Situation a Licence to act as Drover or Assistant Drover; and every such Licence shall bear Date on the Day on which the same shall be granted, and shall continue in force for the Space of One Year, unless the same shall be sooner revoked or suspended; and the Common Council shall at the Time of granting any Licence deliver to the Drover to whom the same shall be granted a Metal Ticket or Badge, upon which there shall be painted or engraved or embossed his Office or Employment, and a Number corresponding with the Number which shall be inserted in such Licence; and it shall not be lawful for any Person to act as Drover in driving, or to aid or assist in driving, any Cattle within the London Police District, or so much of the Metropolitan Police District as aforesaid, unless such Person shall have a Licence so to do; and any Person who shall act as Drover, or who shall aid or assist in driving any Cattle within the London Police District, or so much of the Metropolitan Police District as aforesaid, without having such Licence, shall for every such Offence forfeit a Sum not exceeding Forty Shillings; and every licensed Drover, and every Person licensed to assist in driving Cattle, shall at all Times, whenever employed in driving Cattle, wear his Badge conspicuously upon the upper Part of the Left Arm in such Manner that the Number painted or engraved or embossed thereon shall at all Times be distinctly legible; and every licensed Drover, and every Person licensed to assist in driving Cattle, who shall drive or assist in driving Cattle without wearing such Badge in such conspicuous Manner as aforesaid, shall for every

such Offence forfeit a Sum not exceeding Forty Shillings.

XXII. All Tolls, Rents, and Payments which shall be received under this Act by any Officer of the Common Council shall be by such Officer forthwith paid into the Chamber of the City of London to the Credit of an Account to be intituled "The Account of the Metropolitan Market;" and the Receipt of the Chamberlain for the Time being, or his known Clerk, shall be a sufficient Discharge for the same.

XXIII. Before any Officer appointed under this Act shall be permitted to enter upon any Office or Employment by reason whereof he will or may be entrusted with the Custody or Control of Money under this Act, the Common Council shall require and take from him such Security for the faithful Execution of such Office or Employment, and for duly accounting for all Moneys which may be entrusted to him by reason thereof, as they may think sufficient.

XXIV. The Money to be paid into the Chamber of London under this Act shall be paid out upon Drafts or Orders signed by Seven or more Members of the Common Council.

XXV. It shall be lawful for the Common Council, for the Purposes of defraying any Expenses incurred or to be incurred by them in the Execution of the said first-recited Act or of this Act, and payable out of the Tolls, Rents, and Payments receivable by them under this Act, and with the Approbation of the Commissioners of Her Majesty's Treasury, from Time to Time to borrow and take up at Interest any Sums of Money not exceeding in the whole the Sum of Four hundred thousand Pounds, including the Money already borrowed, which may appear to the Common Council necessary, and for the Purpose of securing the Repayment of any Sums so borrowed, together with such Interest as aforesaid, the Common Council may mortgage and assign over to the Persons by or on behalf of whom such Sums are advanced all or any of the said Lands, Tolls, Rents, and Payments.

XXVI. It shall be lawful for the Commissioners acting in the Execution of the Act of the Session holden in the Fifth and Sixth Years of Her Majesty, Chapter Nine, and in the Execution of any of the Acts recited in that Act, or of any Act or Acts for amending or continuing the same Acts or any of them, to make Advances to the Common Council upon the Security of the Tolls, Rents, and Payments to be received under this Act.

XXVII. The Clauses of the "Commissioners Clauses Act, 1847," with respect to the Mortgages to be executed by the Common Council, shall be incorporated with this Act; and the Word "Rates," where used in the said Clauses, shall for the Purposes of this Act mean the Tolls, Rents, and Payments to be received by the Common Council under this Act; and the Sum to be appropriated and set apart by the Common Council every Year as a Sinking Fund shall be such Sum as shall be from Time to Time directed in this Behalf by the Commissioners of Her Majesty's Treasury.

XXVIII. The Chamberlain shall cause Books to be provided and kept, and full and correct Accounts to be entered therein, of all Tolls, Rents, and Payments, and other Moneys received by him or his Clerks on account of the Metropolitan Market, and of the Application thereof, distinguishing the Times and Purposes when and for which Moneys were received and paid, and shall in the Month of January in each Year cause their Accounts to be balanced up to the Thirty-first Day of December of the preceding Year; and the Chamberlain shall cause a full Statement and Account to be drawn out of all Contracts entered into and of all Moneys received and expended by virtue of this Act during

such preceding Year under the several distinct Heads of Receipt and Expenditure, and also of all Moneys then owing to the Common Council, and of all Mortgages and other Debts then owing by the Common Council on account thereof.

XXIX. The Accounts of the Common Council shall be examined and audited by the Auditors for the Time being of the City Accounts.

XXX. The Common Council may enter into all such Contracts as they may think fit for providing the Market Places, Slaughter-houses, Lairs, Conveniences, and Matters by this Act authorized to be provided, and for any other Matters in relation to the Purposes of this Act in respect of which it may appear to the Common Council expedient to enter into Contracts.

XXXI. Provided always, That no Purchase, Building, or Work where the Purchase Money or the estimated Expense of such Building or Work exceeds Fifty thousand Pounds shall be made, erected, or done, or any Contract for the same entered into, by the Common Council, without the Approbation of the Commissioners of Her Majesty's Treasury.

XXXII. "The Lands Clauses Consolidation Act, 1845," except the Clauses of that Act "with respect to the Purchase and taking of Lands otherwise than by Agreement," "with respect to Lands acquired by the Promoters of the Undertaking, but which shall not be required for the Purposes thereof," "with respect to the Recovery of Forfeitures, Penalties, and Costs," shall be incorporated with this Act; and for the Purposes of this Act the Expression "the Promoters of the Undertaking," wherever used in the said Lands Clauses Consolidation Act, shall mean the Common Council.

XXXIII. The Common Council shall in the Month of March in every Year send to One of Her Majesty's Principal Secretaries of State a Report of their Proceedings, and shall, where any Variation has been made in the Table of Tolls and Payments since the preceding Report, show such Variation in their Report, and shall with such Report send an Account in abstract, showing the Receipt and Expenditure for such preceding Year, under the several distinct Heads of Receipt and Expenditure, with the Statement of the Allowance of the Auditors, if they have allowed such Accounts, or of the Parts, if any, which they have disapproved of such Accounts, and also a Statement of all Moneys owing to and Debts owing by the Common Council on the Thirty-first Day of December of such preceding Year; and the Common Council shall also from Time to Time give to any One of such Secretaries of State as aforesaid such Information as he may require respecting their Proceedings.

XXXIV. Every Report, Account in abstract, and Statement to be sent to One of Her Majesty's Principal Secretaries of State under this Act shall be laid before both Houses of Parliament within One Month after the Receipt thereof, if Parliament be sitting, or if Parliament be not sitting, then within One Month after the next Meeting of Parliament.

XXXV. That the Justices acting in and for every Petty Sessions Division within the Metropolitan Police District shall hold a Special Sessions in the Division or District for which they usually act in every Year in the Month of October, and shall cause public Notice of the Time and Place when and where such Special Sessions shall be holden to be affixed to or near to the Door of the Parish Church of the Parish comprising such Division or District, or of the



respective Parishes in such Division or District, and such Special Sessions shall and may be adjourned from Time to Time by the Justices there present as they may think fit; and from and after the passing of this Act no Place within the Metropolitan Police District, other than those erected or to be erected under the Authority of the said first-recited Act and of this Act, shall be used as a Slaughter-house without a Licence had for that Purpose from the Justices of the Peace acting for the Division or District where such Place is situate at such Special Sessions as aforesaid (who are hereby authorized to grant such Licences where they in their Discretion think proper), signified under the Hands and Seals of a Majority of the Justices there assembled; and no Fee or Reward exceeding One Shilling shall be taken for any such Licence; and if any Person use as a Slaughter-house any Place other than the Slaughter-houses erected or to be erected under the Authority of the said first-recited Act and of this Act, or permit the same to be used by any other Person within the Division or District aforesaid which is not for the Time being so licensed, every Person so offending shall for each Offence be liable to a Penalty not exceeding Five Pounds: Provided always, that before any Licence for the Use of any Place as a Slaughter-house is granted by any Justices acting in such Division or District, One Month's Notice previous to the First Day of October in every Year of the Intention to apply for such Licence shall be given to the Vestry or District Board of the Parish or District in which such Place is situate, to the Intent that such Vestry or District Board, if they think fit, may show Cause against the Grant of such Licence, and also Seven Days Notice previous to such Special Sessions being held of the Intention to apply for such Licence shall be given to the Clerk of the Justices for such Division.

XXXVI. That any Person or Persons who shall think himself or themselves aggrieved by any Act of any Justice done in or concerning the Grant or Refusal of any Licence for a Slaughter-house may appeal against such Act to the next General or Quarter Sessions of the Peace holden for the County or Place wherein the Cause of such Complaint shall have arisen, unless such Session shall be holden within Twelve Days next after such Act shall have been done, and in that Case to the next subsequent Session holden as aforesaid, and not afterwards, and such Appeal shall be subject to the same Provisions and Conditions as to previous Notice and Recognizances for trying such Appeal, the Hearing and Judgment of the General or Quarter Sessions thereon, with the same Powers of awarding Costs relative thereto as are contained in the Act passed in the Ninth Year of the Reign of King George the Fourth, intituled "An Act to regulate the granting of Licences to Keepers of Inns, Alehouses, and Victualling Houses in England," in the same Manner as if the Provisions contained in the said Act relating to Appeals were re-enacted in this Act.

XXXVII. Every Person who shall destroy, pull down, injure, or deface any Board placed by Authority of the Common Council in or about the Markets provided under this Act, upon which any Byelaw or Table of Tolls and Payments shall be painted or placed, shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

XXXVIII. No Member or Officer of the Common Council shall be in anywise concerned or interested in any Contract or Work made with or executed for the Common Council; and if any such Member or Officer be so concerned or interested, or shall under colour of his Office or Employment exact, take, or accept any Fee or Reward whatsoever other

than his proper Salary, Wages, and Allowances, he shall cease to be a Member of the Common Council or Officer, and shall be incapable of afterwards holding or continuing in or in any Office or Employment under the Common Council, and shall forfeit and pay the Sum of Fifty Pounds, which may be recovered by any Person, with full Costs of Suit, by Action of Debt: Provided that no Person being a Shareholder of any Joint Stock Company established by Act of Parliament or by Charter shall be prevented from being interested in any Contract between such Company and the Common Council, or of any Work executed by such Company.

XXXIX. If any Person liable to the Payment of any Toll under this Act in respect of any Cattle, Horse, or Meat brought into the said Market Places respectively, or to any Payment for the Use of any Pens, Lairs, or Conveniences provided under this Act, neglect or refuse to pay such Toll or Payment when the same becomes payable under this Act, it shall be lawful for the Common Council, or any Person in that Behalf authorized by them, to levy and recover such Toll or Payment by Distress and immediate Sale of any such Cattle, Horse, or Meat for which such Toll is payable, or of any Cattle, Horses, Meat, or other Articles brought into such Pens, Lairs, or Conveniences by the Person liable to such Payment for using the same, rendering the Overplus (if any) of the Money arising from the Sale thereof on Demand to the Owner of the Things sold, after deducting the reasonable Charge of the Distress and Sale; and in case any Dispute or Difference arise concerning or in consequence of any such Distress or Sale, such Dispute or Difference shall and may be settled and determined by Two Justices, who are hereby empowered and required, on Application being made to them for that Purpose, to summon the Parties before them, and to hear and determine upon Oath the Matter of any Complaint which may be made concerning or in consequence of such Distress or Sale, and to make such Order therein and award such Costs to either Party as to such Justices in their Discretion shall seem meet, and by Warrant under their Hands and Seals to cause the Costs which shall be so awarded to be levied by Distress and Sale of any Cattle, Horses, Meat, Goods, or Chattels, being the Property of the Party liable to pay the same, rendering the Overplus (if any) of the Money arising from the Sale thereof on Demand to the Owner of the Things sold, after deducting in every case the reasonable Charges of such Distress and Sale: Provided always, that nothing herein contained shall extend to prevent the Common Council from suing for and recovering in any Court of Record any Sum of Money which shall become payable to them for or in respect of any such Toll or Payment as aforesaid, if Default be made in Payment thereof.

XL. Every Person who shall be liable to any Penalty or Forfeiture imposed by this Act, or by any Byelaw, Order, Rule, or Regulation hereby authorized to be made, shall be proceeded against, and such Penalty or Forfeiture shall be recovered, enforced, and applied, in the same Manner as the Persons liable to the Penalties and Forfeitures imposed under the Act of the Session holden in the Second and Third Years of Her Majesty, Chapter Forty-seven, and such last-mentioned Penalties and Forfeitures may by Law be proceeded against, recovered, enforced, and applied respectively; and all Provisions and Powers and Rights which are by Law applicable to and consequent upon Proceedings against Persons liable to the Penalties and Forfeitures last mentioned, shall be applicable to the Proceedings

against Persons liable to Penalties and Forfeitures under this Act, or any such Byelaw, Order, Rule, or Regulation as aforesaid.

XXI. The Production of a written or printed Copy of the Byelaws, and of the Table of Tolls and Payments authenticated by the Signature of the Town Clerk, shall be Evidence of the making, Approval, and Existence of such Byelaws, and of the fixing and Existence of such Table of Tolls and Payments respectively, in all Prosecutions, Actions, and Proceedings under or concerning the same; and for Proof of the Publication of such Byelaws and Table of Tolls and Payments respectively, it shall be sufficient to prove that painted Boards containing Copies thereof respectively were set up and continued in manner by this Act directed, and in case of any such Board having been destroyed, defaced, or removed, that it was renewed, replaced, or restored as soon as conveniently might be.

XXII. Nothing in this Act contained shall apply to or affect the Provisions contained in an Act of the present Session of Parliament intituled "The Islington Parish Act, 1857."

XXIII. In citing this Act in any other Acts of Parliament, and for legal Instruments, it shall be sufficient to use the Expression "The Metropolitan Market Act, 1857."

XXIV. All the Costs, Charges, and Expenses of obtaining and passing this Act and of carrying the same into effect, or otherwise relating thereto, shall be defrayed by the Mayor, Aldermen, and Commons out of any Moneys received under the Authority of this Act.

#### SCHEDULES.

##### SCHEDULE (A.) above referred to.

###### Tolls.

Sheep, per Score	- - -	Fourpence.
Beasts, per Head	- - -	Twopence.
Calves, per Head	- - -	One Penny.
Horses, per Head	- - -	Sixpence.
Pigs, per Score	- - -	Sixpence.

###### Dues.

Pens for Sheep, Calves, or Pigs, One Shilling each.  
Rail for Beasts, Calves, and Horses, One Penny Halfpenny each.

Hay Duty, Sixpence per Load; and for each Entry of Sale, One Penny.

Straw Duty, One Penny; and for each Entry of Sale, One Penny.

##### SCHEDULE (B.) above referred to.

A Piece of Land on the North Side of the Market, and West of the Queen's Arms Tavern, to the North-west Entrance Gates.

A Slip of Land, having a Frontage at the Rear of the said Queen's Arms Tavern and the City Arms Tavern, with a Depth not exceeding 100 Feet.

A Slip of Land, not exceeding the same Depth, West of the City Arms Tavern, and extending to the South-east Angle of the Boundary Wall, leaving convenient Entrances to the Land in the Rear.

The Slip of Land from the said South-east Angle, Eastward to the Caledonian Road.

A Slip of Land, not exceeding 100 Feet in Depth from the Rear of the Lamb Public House, Eastward to the North-east Entrance Gates.

A Slip of Land, not exceeding 100 Feet in Depth, between the Lamb Public House and the White Horse Public House, leaving a sufficient Space for Entrances through the said Slips of Ground to the Land in the Rear.

The Piece of Ground Eastward of the Rear of the White Horse Public House up to the Boundary Line of the Great Northern Railway.

#### Cap. cxxxvi.

##### "London and South-western Railway Act, 1857."

Recites seriatim the several Acts relating to the South-western Railway Company, the Great Western, the Salisbury and Yeovil, the Salisbury Railway and Market House Company, and the Wimbledon and Croydon Railway Companies, and several Acts relating to the London, Brighton, and South Coast Railway; and that Amendments, Alterations, and additional Provisions are required for the Interests of the South-western Company.

Incorporates Lands and Railways Clauses Acts, §§ 2, 3. Power for London and South-western, Salisbury and Yeovil, and Salisbury Railway and Market House Companies to abandon Railway at Fisherton Anger, §§ 4 to 8.

Lands and Works, §§ 9 to 11.

Power to make new Railways in lieu of those abandoned by South-western Railway and the Salisbury and Yeovil Railway Companies, § 12.

Power to make new Railway in lieu of that abandoned by Market House Company, and to make over the same to Market Company; Compensation for altered Gradients, §§ 13 to 17.

Power to enlarge Farnborough and Aldersholt Station, § 21.

Power to use Lands at Wandsworth and Walton-on-Thames, and to make new Carriageroad at Romsey Station, §§ 22, 23.

Power to contract with Salisbury and Yeovil Company respecting Railway at Fisherton, and with Market Company respecting their Railway, §§ 24, 25.

Power, jointly with Great Western Railway Company, to hold Lands for Station at Fisherton with or without Salisbury and Yeovil Company, and to take Tolls, §§ 26 to 29.

Power to take Lease, &c. &c. of Wimbledon and Croydon Railway from London, Brighton, and South Coast Railway, §§ 31 to 38.

Power to raise 50,000*l.* by new Shares, with or without Preference, but subject to Company's Act of 1856, §§ 39 to 45.

Repeal of Part of Section 58. of 1 Vict. c. lxxi., § 46.

Power for Great Western and the Salisbury and Yeovil Companies to apply Moneys for Purposes of this Act, § 47.

Restrictions on Agreements between Companies, §§ 48 to 51.

#### Cap. cxxxvii.

##### "Oldham, Ashton, and Guide Bridge Junction Railway Act, 1857."

Incorporates General Acts, § 1.

Incorporation of Company, § 4.

Capital 140,000*l.* in 10*l.* Shares, §§ 5, 6.

Power to borrow 46,600*l.*, § 9.

- Directors, §§ 12 to 15.
- Railway; Works; Lands, §§ 16 to 24.
- Junctions with other Railways, §§ 26 to 30.
- Protection of Lands of London and North-western Railway and of Corporation of Oldham, §§ 31 to 34.
- Provision for crossing Manchester and Saltersbrook Turnpike Road, § 36.
- Discharge of Surface Water, § 37.
- Use of Part of Ashton Branch, §§ 38 to 40.
- Tolls, §§ 41 to 53.
- Working Agreements with the Manchester, Sheffield, and Lincolnshire Railway, §§ 54 to 60.
- Power to Manchester, Sheffield, and Lincolnshire Railway Company to subscribe for Shares to the Amount of 50,000*l.*, §§ 61 to 62.

*Cap. cxxxviii.*

“The Great Northern Railway Company. (Capital)  
Act, 1857.”

Whereas by “The Great Northern Railway Act, 1846,” the Great Northern Railway Company, which was thereby incorporated, was authorized to raise a Capital of Five millions six hundred thousand Pounds by Shares, and to borrow One million eight hundred and sixty-eight thousand Pounds; and by “The Great Northern Railway Act (No. 1), 1851,” the Company were authorized to raise in Shares an additional Sum of Seven hundred and fifty thousand Pounds, and by Mortgage an additional Sum of Two hundred and fifty thousand Pounds; and by “The Great Northern Railway Company’s Increase of Capital Act, 1853,” the Company were again authorized to raise by Shares a further Capital of Seven hundred and fifty thousand Pounds, and to borrow an additional Sum of Two hundred and fifty thousand Pounds; and by “The Great Northern Railway Act, 1855,” the Company were authorized to raise a further Sum of One million Pounds by Shares, and Three hundred and thirty-three thousand Pounds by Mortgage; and by other Acts relating to the Company they have been authorized to raise further Capital to the Extent of Five hundred and sixty-three thousand Pounds for specific Purposes: And whereas in pursuance of the said Acts the Company have by Votes at several Meetings created a Capital in Shares of Eight millions six hundred and sixty thousand Pounds, and have actually and lawfully on the Registers of the Company such Capital to the Extent of Eight millions two hundred and nine thousand one hundred and twelve Pounds Ten Shillings, the greater Part of which is consolidated into Stock; and of the said Capital, the Sum of Seven hundred and ninety-six thousand four hundred and forty Pounds is entitled to Priority of Dividend at the Rate of Four and a Half per Centum per Annum, and Two millions six hundred and sixteen thousand six hundred and forty-seven Pounds Ten shillings is entitled to such Priority at the Rate of Five per Centum per Annum: And whereas the remaining Sum of Four millions seven hundred and ninety-six thousand twenty-five Pounds Ten Shillings is ordinary Stock entitled to participate in the Profits of the Company, subject to such Priority of the said Preference Stock; but (by virtue of Powers contained in the Seventieth Section of “The Great Northern Railway Acts Amendment and Isle of Axholme Extension Act, 1848,”) the Proprietors of the Company, at a Half-yearly Meeting on the Twelfth Day of August One thousand eight hundred and forty-eight, resolved that every

Proprietor of an ordinary Share of Twenty-five Pounds on which Seventeen Pounds had been paid, should have the Option of dividing the same into Two Shares of Twelve Pounds Ten Shillings each, distinguished as A. or Deferred and B. or Guaranteed Shares, the Proprietors of the A. Shares (on which Twelve Pounds Ten Shillings had been paid in full) agreeing to give to the Proprietors of the B. Shares a Priority of Dividends to the Extent of Six per Centum per Annum on the said B. Shares, the annual Dividends beyond Six per Centum accruing to the Proprietors of the A. Shares alone; and there has been thus created One million one hundred and fifty-nine thousand two hundred and seventy-five Pounds of A. and the same Amount of B. stock; the remaining Sum of Two millions four hundred and seventy-seven thousand four hundred and seventy-five Pounds consisting of undivided ordinary Stock entitled to participate in the Profits of the Company, subject to the said Priority of the said Preference Stock: And whereas the Proprietors of all the Stock and Shares of the Company, whether Preference or A. or B. or ordinary Stock, are alike entitled to vote at the Meetings of the Company upon all Questions and upon the Election of Directors and Auditors: And whereas by virtue of “The Great Northern Railway Company’s Purchase Act, 1847,” the Great Northern Railway Company have long been in possession of the Undertaking of the East Lincolnshire Railway Company, under a Lease for Nine hundred and ninety-nine Years, at a fixed annual Rent of Thirty-six thousand Pounds; and by virtue of the Thirty-fourth Section of “The Great Northern Railway Acts Amendment Act, 1849,” the entire Management of the Undertaking of the said East Lincolnshire Railway Company, and the Distribution among the Proprietors thereof half-yearly of the said Rent, has devolved upon the Great Northern Railway Company: And whereas the paid-up Share Capital of the East Lincolnshire Railway Company is Six hundred thousand Pounds, which is consolidated into a Capital Stock: And whereas it hath recently been discovered that Stock and Shares both of the Great Northern and of the East Lincolnshire Railway Companies have been fraudulently created and issued by means of false Entries in the Books of the Companies, and by fictitious Transfers and otherwise, to the Amount of Two hundred and twenty-one thousand and seventy Pounds or thereabouts, and that by reason thereof the Stock and Shares of the Great Northern Railway Company and the Stock of the East Lincolnshire Railway Company exceed the Limits prescribed by the said several Acts of Parliament; and the Directors of the Great Northern Railway Company have been advised, that inasmuch as the said Stocks and Shares thus fraudulently created and issued are so blended with the genuine Capital of the Companies that they cannot be identified, the Company cannot without the Sanction of Parliament make any Dividend until the said several Stocks are reduced within the said Limits: And whereas the Schedule to this Act contains a Statement of the Capital lawfully on the Registers of the Company, and also a Statement of the Capital fraudulently created, so far as those Frauds have yet been ascertained: And whereas the Half-yearly General Meeting of the Company was held in London on the Twelfth Day of March One thousand eight hundred and fifty-seven, which Meeting had been specially convened “to receive a Report from the Directors on the Subject of the Forgeries and Frauds committed by Leopold Redpath on the Company, and to authorize the Directors to make Application to Parliament, and take any other Measures they may deem advisable in

“reference thereto;” and at the said Meeting a Report from the Directors, and a Statement of the net Revenue of the Company to the Thirty-first Day of December One thousand eight hundred and fifty-six was read, which showed a Balance of Two hundred and forty-three thousand nine hundred and twenty-three Pounds Five Shillings and Eightpence for the Half Year ending on the said Thirty-first Day of December; and at the said Meeting it was resolved, “That no Dividend be declared, but that this Meeting considers it desirable that the Balance of Two hundred and forty-three thousand nine hundred and twenty-three Pounds Five Shillings and Eightpence mentioned in the Directors Report should be applied to meet the Losses caused by the Frauds and Forgeries of Leopold Redpath referred to in the Directors Report, and that the Directors be and are hereby requested and authorized so to apply the said Balance when and in such Manner as they may consider most beneficial for the Company, and to take such Proceedings in Parliament and otherwise as they may deem most conducive to the Interests of the Company:” And whereas the said Leopold Redpath has been convicted of Felony in consequence of the said Frauds and Forgeries, and has also been declared Bankrupt, and it is expected that some Part of the Losses occasioned by such Frauds and Forgeries may be reimbursed to the Great Northern Railway Company: And whereas it is believed that for the Stock and Shares so fraudulently created and issued a valuable and adequate Consideration has been given, without the Holders thereof having any Knowledge that the same were created and issued fraudulently, and it is fitting that the Holders of the said Stock and Shares should have their Titles to the same recognized, and that the Means herein-after authorized should be taken for the Re-purchase by the Company and for the ultimate Extinction of the Capital so fraudulently created and issued, or of Capital equivalent thereto in Amount: But inasmuch as these Objects cannot be attained without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

I. All Stock of whatever Description, and all Shares in the Great Northern and East Lincolnshire Railway Companies respectively, appearing upon the Registers of Stock and Shares of the same Companies respectively on the Thirty-first Day of January and the Thirty-first Day of March One thousand eight hundred and fifty-seven respectively, (when the said Registers were respectively last closed,) are hereby declared to be valid, and to entitle the Holders thereof to all the Rights, Privileges, and Advantages, and to subject the Holders thereof to all the Duties and Liabilities which attach to the same Stock or Shares, or which would attach to the same if they had been all legally created and issued under the Authority of the Acts relating to the said Companies respectively.

II. The Directors shall apply the said Sum of Two hundred and forty-three thousand nine hundred and twenty-three Pounds Five Shillings and Eightpence, and any Moneys which shall be received by the Great Northern Railway Company towards Reimbursement as aforesaid of the said Losses, in Repayment of all Moneys expended by the said Company because of such Frauds and Forgeries, and in Payment of the Costs, Charges, and Expenses resulting

therefrom, inclusive of the Expense of applying for, obtaining, and passing this Act; and in purchasing from Time to Time at their Discretion Stock or Shares of the said Companies in each of the several Capitals mentioned in the said Schedule, to the Amount of the several Stocks or Shares of the same Companies respectively so fraudulently created and issued, whether already discovered or hereafter discovered; and they shall forthwith cancel and extinguish the Stock and Shares so purchased: Provided always, that any Purchases of Stock or Shares which the Directors may have made pursuant to the said Resolution of the Twelfth Day of March last are hereby ratified and confirmed, and the said Directors are hereby required forthwith to cancel and extinguish the Stock or Shares so purchased: Provided also, that after the Purchase and cancelling and extinguishing herein-before directed, it shall be lawful for the Company or the Directors thereof to exercise all the Powers heretofore vested in them for the Creation and Issue of Capital as fully as though no such Stock and Shares had been so fraudulently created and issued.

III. If any Balance shall remain of the said Sum and of the said Moneys after such Application thereof as herein-before directed, it shall be lawful for the Directors and they are hereby required to apply such Balance, so far as the same will extend, in paying to the Proprietors of the several Classes of Preference Stock or Shares the Dividends to which they would have been entitled out of the said Sum of Two hundred and forty-three thousand nine hundred and twenty-three Pounds Five Shillings and Eightpence, if the same had been declared and apportioned as Dividend at the said Half-yearly Meeting of the Twelfth Day of March One thousand eight hundred and fifty-seven: Provided always, that all the Proprietors of each Class of Preference Stock or Shares shall receive their Dividends according to the Priority of the said Class and in preference to any subsequent Class: Provided also, that if the Balance remaining after Payment of the Dividend to preceding Classes of Stock or Shares is not sufficient to pay the whole Amount of the Dividend to the next subsequent Class, such Balance shall be divided rateably among all the Proprietors of the same Class of Stock or Shares according to the Amount of the same held by them respectively.

IV. It shall not be lawful for the Company, out of any Money by any Act relating to the Company authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to construct any other Railway or execute any other Work or Undertaking.

V. Nothing herein contained shall be deemed or construed to exempt the Great Northern or the East Lincolnshire Railway, or the Companies owning the same, from the Provisions of any General Act relating to Railways, now in force or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges, or of the Rates for small Parcels, authorized to be taken by the said Companies.

VI. Nothing herein contained shall in any way affect the Right, if any, of the Company or the Proprietors of the Shares therein to recover against their Directors or Officers of the said Company for any Neglect or Misconduct on their Part in the Matters in the Recital to this Act mentioned.

VII. This Act may be cited as "The Great Northern Railway Company (Capital) Act, 1857."

## SCHEDULE.

## GREAT NORTHERN RAILWAY BILL.—STATEMENT OF CAPITAL AND FRAUDS.

Name of Stock.	Amount lawfully registered.		Amount fraudulently created.	
	£	s. d.	£	s. d.
Original - - - - -	2,477,475	0 0	49,027	10 0
A. Stock - - - - -	1,159,275	0 0	76,375	0 0
B. Stock - - - - -	1,159,275	0 0	38,252	10 0
Perpetual £5 per Cent. - - -	1,285,487	10 0	13,487	10 0
1st £5 per Cent. redeemable - -	742,275	0 0	11,350	0 0
4½ per Cent. redeemable - - -	796,440	0 0	9,570	0 0
2nd £5 per Ct. redeemable - - -	588,885	0 0	4,907	10 0
East Lincolnshire Stock - - -	8,209,112	10 0	202,970	0 0
	600,000	0 0	18,100	0 0
	8,809,112	10 0	221,070	0 0
Dividend Warrants, estimated - -	-	-	15,000	0 0
Expenses of Prosecution and Investigation, estimated - - - }	-	-	8,000	0 0

*Cap. cxxxix.**"The Dorset Central Railway Act, 1857."*

Recites that by "The Dorset Central Railway Act, 1856," the Company was incorporated, with a Capital of 100,000*l.* in 20*l.* Shares, and Power to borrow 33,000*l.*

Incorporates General Acts, §§ 2, 3.

Repeals recited Act, except § 34 (for Completion of Works), § 4.

Company to continue incorporated; Saving of Rights and Liabilities, §§ 5 to 20.

Meetings, Directors, §§ 21 to 26.

Capital 400,000*l.*, *i.e.* 100,000*l.* original Capital, and 300,000*l.* additional Capital, to be raised by new Shares, both in 20*l.* Shares, §§ 29 to 31.

If Company purchase Lord Rivers' Land at a yearly Rentcharge, it shall be redeemable, § 32.

Power to cancel and re-issue Shares, §§ 34, 35.

Power to attach a Preference to new Shares to the Amount of 100,000*l.*, §§ 36 to 42.

Power to borrow the Amount authorized under repealed Act, and a further Sum of 60,000*l.*, and eventually 40,000*l.* more, under this Act, §§ 44 to 48.

Power to complete and maintain the original Main Line, §§ 51, 52.

Provisions relating to Communications, &c. with the London and South-western Railway, §§ 53 to 56.

Railway and Works on original Main Line, §§ 57 to 60. Additional Railway, Lands, and Works, §§ 61, 62, and §§ 66 to 78.

Provisions as to Junction with Salisbury and Yeovil and Somerset Central Railways, §§ 63 to 65.

Tolls, §§ 79 to 85.

Power for London and South-western and the Salisbury and Yeovil Companies to subscribe, §§ 86 to 89.

Agreements with the London and South-western, the Salisbury and Yeovil, and the Somerset Central Railway Companies, §§ 90, 91.

Agreement with London and South-western as to original Main Line, §§ 92 to 96.

Saving Rights of London and South-western, the Salisbury and Yeovil, the Great Western, and the Somerset Central Railway Companies, § 97.

*Cap. cxl.**"Rhymney Railway Act, 1857."*

Recites that Company was incorporated by "The Rhymney Railway Act, 1854," with a Capital of 100,000*l.* in 10*l.* Shares, and Power to borrow 30,000*l.*; that by "The Rhymney Railway Amendment Act, 1855," they had Power to raise 100,000*l.* additional Capital, and to borrow 30,000*l.*, and to alter their Railway; recites Agreements for Leases with the Marquis of Bute's Trustees, and the State of the Capital Account; that it is expedient to extend the Time limited for compulsory Purchases and to alter the Line of Railway; also to authorize further Agreements with Marquis of Bute's Trustees, and the raising of further Capital.

Incorporates General Acts, §§ 2, 3.

Repeal of recited Acts, § 5.

Company to continue incorporated; Saving of Rights and Liabilities, §§ 6 to 23.

Meetings; Directors; Votes, §§ 24 to 35.

Capital to be 300,000*l.*, *i.e.* 100,000*l.* under the Act of 1854, 100,000*l.* under the Act of 1855, and 100,000*l.* additional Capital by Shares, with or without a Preference, §§ 36 to 48.

Power to borrow 100,000*l.* according as the several Instalments of Capital are paid up, §§ 49 to 51.

Power to create a Debenture Stock, §§ 55 to 60.

Power to abandon the old Caerphilly Branch Railway, §§ 61 to 63.

Power to complete Railways authorized by Acts of 1854 and 1855; and Description of Railways, §§ 64 to 67.

Communications with Newport, Abergavenny, and Hereford Railway, § 68.

Protection of Gelligaer Charity Lands, and of Rhymney Ironworks, §§ 69, 70, 89.

Abandonment of Part of Railway, Communications with Taff Vale Extension Railway, §§ 71, 72.

Provisions relating to Use of Taff Vale Railway, §§ 73 to 86.

Protection of Lands of C. C. Williams, §§ 90, 91.

Protection of Glamorganshire Canal, §§ 92 to 100.

New Line of Railway and Works; and Lands, §§ 101 to 112.

Tolls, §§ 114 to 123.

Agreements as to Bute Dock Branch, §§ 124 to 130.

Traffic Arrangements with Taff Vale Railway and Newport, Abergavenny, and Hereford Railway Companies, §§ 131 to 136.

Saving Rights of Marquis of Bute, Bute's Trustees, South Wales, Taff Vale, and Newport, Abergavenny, and Hereford Railway Companies, and Glamorganshire Canal Company, §§ 137 to 139.

Schedule (Agreement with Lord Bute's Trustees).

*Cap. cxli.**"Watchet Harbour Act, 1857."*

Recites several Acts and Parts of Acts relating to the Harbour, and especially the "West Somerset Mineral Railway Act, 1855."

Limits of Harbour, § 3.

Repeal of Acts; Saving of Rights and Liabilities, §§ 6 to 11.  
 Incorporation of Commissioners, &c. &c., § 13.  
 Election of Commissioners; Voting; Revision of Lists; Meetings; Qualification, §§ 14 to 49.  
 Lands Clauses Act, and Harbours, Docks, and Piers Clauses Act applied, §§ 51, 55.  
 Harbours and Funds vested in Commissioners, § 52.  
 Map of Harbour to be made; Publication and Revision of Map, §§ 56, 57.  
 Lands and Works, §§ 60 to 71.  
 Approval of Admiralty, §§ 73 to 76.  
 Offices; Lighthouses; Engines and Apparatus, §§ 77 to 81.  
 Ballast; Penalties, §§ 82 to 91.  
 Rates and Dues not to be taken until 10,000*l.* expended on Harbour, §§ 95, 96.  
 Exemptions from Rates and Dues, § 97.  
 Tolls on Coal and Iron Ore, § 98.  
 Power to borrow 20,000*l.*, §§ 99 to 101.  
 West Somerset Mineral Railway Company to lend 10,000*l.* within Three Years, and 4,000*l.*, Part thereof, to be lent within Six Months, §§ 102 to 104.  
 Payments may be made by Mortgage, §§ 105 to 108.  
 Application of Moneys; Accounts, how to be kept, §§ 111 to 114.  
 Saving Rights of Crown, Admiralty, Trinity House, Lords of Manors, Persons claiming under Lord Egremont, and of West Somerset Mineral Railway Company, §§ 115 to 120.

*Cap. cxliii.*

"The Swansea Harbour Act, 1857."

Recites Incorporation of Swansea Harbour Trustees under "The Swansea Harbour Act, 1854," with Power to borrow 80,000*l.* in addition to their Bond Debt of 146,242*l.*, and that they had borrowed 64,000*l.* Recites Incorporation of the Swansea Dock Company by the "Swansea Dock Act, 1847," with a Capital of 100,000*l.*, and Power to borrow 33,000*l.*; that 64,000*l.* has been paid up on the Shares, and 1,000*l.* on Preference Shares, and 33,000*l.* borrowed. Recites an unexercised Power for the Corporation of Swansea to hold Shares in the Dock. Proposes to transfer the Docks, &c. &c. to the Harbour Trustees, and to enable them to form a Junction with the South Wales Railway.  
 Incorporation of Lands, Railways, Harbours, and Commissioners Clauses Acts, §§ 5 to 8.  
 Power for Company and Trustees to agree for Transfer of Docks, §§ 10 to 13; and of Powers, §§ 19, 20.  
 Repeal of recited Acts, §§ 14, 15.  
 Saving of 44 G. 3. c. lv. as to Carriage of Coal on Swansea and Oystermouth Railway, § 17.  
 Saving of Rights and Liabilities, §§ 21 to 33.  
 Winding up; Distribution of Assets, §§ 34 to 43.  
 Power to complete Docks; Admiralty Provisions, §§ 45 to 53.  
 Lands; Bridges; Tramroads; Cofferdams; dredging Vessels; Police, §§ 54 to 59.  
 Railway; Dam; Diversion of Black Pill Brook, §§ 70 to 80.  
 Provisions as to Minerals, §§ 81 to 84.  
 Dock Rates and Railway Tolls, §§ 85 to 97.  
 Contracts and Traffic Arrangements with South Wales Railway, §§ 98 to 104.

Swansea Docks Fund and Swansea Harbour Railway Fund, §§ 105 to 108.  
 Power to issue "Dock Purchase Bonds" of 10*l.* each, to the Amount of 67,000*l.*, and bearing Interest at 5*l.* per Cent., and to raise and reduce Dock Rates according as the Interest is in arrear or not, §§ 109 to 117.  
 Power to borrow 100,000*l.* for Docks, 5,000*l.* for Lands, and 75,000*l.* for Railway, §§ 118 to 120.  
 Swansea Harbour Fund to be secondary Security for Mortgages, § 123.  
 Power for South Wales Railway Company to guarantee Interest for Moneys borrowed for Railway, §§ 124 to 128.  
 Swansea Docks Fund, Charges on, Application of; Surplus Income Account; and Accumulation Fund and Sinking Fund, §§ 129 to 133.  
 Charges on and Application of Swansea Harbour Railway Fund, and of Swansea Harbour Fund, §§ 134 to 137.  
 Saving Rights of Admiralty, Duke of Beaufort, of Water Bailiff, and Layer Keeper of Swansea Harbour, of Traders to Port Tennant, and of Corporation, §§ 140 to 146.

*Cap. cxliii.*

"West London and Crystal Palace Railway Act, 1857."

Describes the several Lines of Railway authorized by the Company's Act of 1853, and by their Act (Extension to Farnborough), 1854; that it is expedient to extend the Time for Purchase of Lands and Completion of Works; to authorize the Sale of the Railway to London, Brighton, and South Coast Railway Company; and to give Power for the London, Brighton, and South Coast Railway, the London and South-western Railway, and the South-eastern Railway Companies to enter into Agreements for working the Company's Lines.  
 Repeal of Sect. 40. of Act of 1853, and of Sects. 15. and 16. of Act of 1854 (Time for Completion), §§ 2 to 4.  
 Extension of Time for purchasing Land and completing Railway, §§ 5 to 9.  
 Power of Sale to London, Brighton, and South Coast Railway Company, and Agreements with them, §§ 10 to 13.  
 Power for London, Brighton, and South Coast Railway Company to raise the Purchase Money by new Stock, with or without Preference, to the Amount of 100,000*l.*, or by borrowing to the Extent of One Third, §§ 14 to 17.  
 After Purchase the Two Companies to be amalgamated, § 18.  
 Agreements with London and South-western Railway Company, §§ 19 to 22.  
 Agreements between Company, the London and South-western, and the South-eastern Railway Companies, § 23.  
 All Agreements between Companies to be approved by Board of Trade and sanctioned by Shareholders, §§ 26 to 31.

*Cap. cxliv.*

"The Haslingden and Todmorden Turnpike Road Act, 1857."

Recites 55 G. 3. c. xiv. and the prior Acts repealed by it; that the present Debt is 17,973*l.*, as shown in the Schedules.  
 Repeal of recited Act, § 1.

Saving of Rights, §§ 4 to 7.  
 Trustees ; Meetings ; Committees ; Roads, §§ 8 to 11.  
 Roads, § 12.  
 Tolls, §§ 13 to 24.  
 Application of Moneys ; Mode of discharging Debt, §§ 25 to 27.  
 Payment of Moneys where no valid Dischargé can be given, § 28.  
 Agreements with Landowners for Payment of annual Sum in lieu of Repairs, § 30.  
 Persons liable to Repair of old Highway to repair an equivalent Portion of the new Highway, §§ 31, 32.  
 Continuing Liability under Magistrate's Order in respect of certain Repairs, *ratione tenuræ* ; Exception, §§ 33, 34.  
 Entrances to Fields ; Drains ; Fence Walls, §§ 35, 36, 38.  
 Repositories for Materials, § 37.  
 Portion of Road vested conditionally in the Trustees of the Todmorden Roads, § 39.  
 Schedules.

*Cap. cxlv.*

## "The West Somerset Railway Act, 1857."

Incorporates General Acts, § 1.  
 Company incorporated, § 4.  
 Capital 120,000*l.* in 10*l.* Shares, §§ 5, 6.  
 Power to borrow 40,000*l.*, §§ 8, 10.  
 Meetings ; Directors, §§ 11 to 16.  
 Railway and Works, §§ 17 to 21.  
 Admiralty Provisions, §§ 22 to 26.  
 Gauge of 7 feet, § 30.  
 Junction ; and Traffic Arrangements with Bristol and Exeter Railway Company, §§ 31 to 39.  
 Agreements with Trustees of Watchet Harbour, § 40.  
 Tolls, §§ 41 to 48.

*Cap. cxlvi.*

## "The Norfolk Estuary Act, 1857."

Recites the Works authorized by "The Norfolk Estuary Act, 1846," and by "The Norfolk Estuary Amendment Act, 1849 ;" that by the latter Act the Commissioners of Drainage acting in the Execution of certain Acts therein recited, and also the Corporation of King's Lynn, were empowered to contribute 60,000*l.* each as therein provided ; recites the Works authorized by "The Norfolk Estuary Amendment Act, 1853 ;" that the Balance now due from the Drainage Commissioners and the Corporation is 27,924*l.* 8*s.* 9*d.* from each ; recites certain Loans raised by the Drainage Commissioners, and proposes to provide for their Discharge ; to diminish the Amount of Contribution by 5,000*l.* in each Case, and to alter the Mode of Payment ; to remove Difficulties as to certain Works, and the Sale of certain Lands ; to acquire further Powers ; and to repeal and consolidate Acts.  
 Repeal of Norfolk Estuary Acts subject to Schedule, §§ 3, 4.  
 Saving of Rights and Liabilities, §§ 5, 6, and §§ 8 to 17.  
 Incorporates Companies and Lands Clauses Acts, § 7.  
 Capital 455,700*l.* in 50*l.* Shares § 18.  
 Cancelling of forfeited Shares, §§ 20 to 22.  
 Directors ; Mayor of Lynn an *ex-officio* Director, §§ 23 to 26.

Completion of Cut across Vinegar Middle, and Outfall of Woolferton and other Creeks, §§ 27, 28.  
 Lands and Works ; Incorporation of Parts of Railways Clauses Act, §§ 29 to 31.  
 Compensation to Crown, and Release of Crown Lien on Lands, §§ 32 to 37.  
 Drainage Commissioners Contribution 22,924*l.* 8*s.* 9*d.*, and charged on the Navigation Tolls, with certain Priority, §§ 38, 40, 60.  
 Contribution by Corporation of Lynn 22,924*l.* 8*s.* 9*d.*, §§ 39, 40, 60.  
 Purchase of Lands for Materials, §§ 41 to 43, and §§ 50 to 57.  
 Mode of Payment of Contributions, §§ 44 to 49, and § 86.  
 Provisions relating to the Drainage Commissioners, their Debt, Works, Income, Mode of paying Contributions, and Sales of Land, Works, and Tolls, §§ 61 to 78.  
 Mortgage of Tolls and Lands in default of Payment of Contribution, §§ 79 to 84.  
 Inspection of Accounts by Commissioners and Corporation, § 87.  
 Tolls on Vessels using Lynn Harbour ; and Exemptions, §§ 88 to 93.  
 Lands vested in Company, and Saving of Rights in certain Lands, §§ 94 to 101.  
 Reservation of Right of G. W. P. Bentinck, § 102.  
 Allotments to several Individuals, §§ 103 to 108.  
 Provisions relating to the North Lynn Estate, §§ 110 to 112.  
 Provisions respecting local Situation of Lands reclaimed, §§ 113 to 115.  
 Provisions respecting the River Nene Drainage and Outfall, §§ 116 to 129.  
 Provisions respecting Lands belonging to Guy's Hospital, §§ 130 to 139.  
 Provisions respecting Banks of the River Ouze, §§ 140 to 149.  
 Power to borrow One Third of Amount of Capital, §§ 150 to 152.  
 Straightening of Boundaries ; Sale and Lease of Lands, §§ 153 to 157.  
 Fund of 10,000*l.* to be laid by for Maintenance of Cuts and Banks, § 158.  
 Maintenance of Banks ; Commissioners ; Officers ; Assessment ; Payment and Recovery of Contribution, §§ 159 to 172.  
 Protection of Lands of G. W. P. Bentinck, § 173.  
 Power to enter adjoining Lands to clear Watercourses, § 175.  
 Mooring of Vessels, §§ 176, 177.  
 Provisions respecting Time of Sale of Lands, and of Embankment, §§ 178 to 182.  
 Power to maintain certain Embankments, § 183.  
 Penalties, § 184.  
 New Cuts to be Part of Port and Harbour of Lynn, § 185.  
 Provisions respecting Fisher Fleet Channel, and Channels entering the Wash, §§ 186, 187.  
 Admiralty Provisions, §§ 188 to 192.  
 Saving Rights of Admiralty, Trinity House, Commissioners of Sewers, Bedford Level Commissioners, Corporation and Mooring Harbour Commissioners of Lynn, Corporation of Wisbech, Nene Commissioners, Middle and South Levels and Eau Brink and Ouze

Bank Commissioners, Duchies of Lancaster and Cornwall, and of Crown, §§ 193 to 203.  
 Schedule. Continues Sections 22, 29, 33, 36, 37, 38, 43, 45, 50, 51, 52, 76, 94, 97, 106, 107, 108, 109, 110 of "The Norfolk Estuary Act, 1846;" Sections 14, 15, 19, 20, 21, 22, 23, 25, and from 29. to 49. inclusive, and Forms of Schedules A, B, C, and E of "The Norfolk Estuary Amendment Act, 1849," and Sections 5, 6, and 7 of "The Norfolk Estuary Amendment Act, 1853."

*Cap. cxlvii.*

"The Thames Conservancy Act, 1857."

Recites the several Acts which grant Powers to the Mayor, Aldermen, and Commons of the City of London for the Conservation of the Thames and the Port of London; and to levy Tolls and Rates; recites an Agreement for terminating a Suit instituted against them by the Crown, and the Powers of the Trinity House as to Lastage and Ballastage; and that further Regulations are needed for the Preservation of the Thames from Encroachments and for the Security and Convenience of the Public.

Incorporation of Conservators, § 2.

Appointments; Vacancies; Meetings; Committees, §§ 3 to 27.

Contracts; Indictments; Notices, §§ 28 to 34.

Entry of Proceedings; Evidence, § 35.

Officers; Byelaws, §§ 36 to 47.

Annual Report to Parliament, § 48.

Power to allow Witnesses their Expenses, § 49.

All the Estate and Powers of the Crown and Corporation vested in Conservators; certain Rights saved, §§ 50 to 52.

Embankments by Owners of Lands, §§ 53 to 55.

Licences for Recesses, Docks, Piers, and Jetties, §§ 56 to 64.

Tolls for Use of Piers, §§ 65 to 77.

Harbour-master, Appointment of, and Powers, §§ 78 to 84.

Gratuities and Superannuation Allowances, § 85.

Sunken Vessels; Buoys; Mooring Chains, §§ 86 to 92.

Cutting of Banks; Repair of Wharves, §§ 93 to 95.

Damage by Boatmen, §§ 96, 97.

Power to dredge and shorten and improve Bends of River, §§ 98, 99.

Penalties for throwing Ballast and Rubbish into River, §§ 101, 102.

Annual Accounts to Commissioners of Woods and Forests; and Payment of One Third of Receipts to them, §§ 103, 104.

Approval of Admiralty, §§ 105 to 107.

Certain Leases and Licences granted by the Crown not to be renewed, § 108.

Removal of Shoals, &c. by Trinity House, §§ 109, 110.

Lands Clauses Act incorporated; Power to purchase and sell Lands, §§ 111 to 113.

Accounts; Auditor; annual Accounts to Comptroller of City, §§ 114 to 119.

Power to raise 100,000*l.* by Mortgages, or by Annuities, §§ 120 to 132.

Paying off of Mortgages; Sinking Fund, §§ 132 to 134.

Lands vested in Conservators, § 135.

Constitution of Conservancy Fund, §§ 136, 137.

Application of Surplus of Conservancy Fund, §§ 138 to 141.

Damages; Penalties; Transient Offenders, §§ 144 to 162.  
 Yearly Accounts to Parliament, § 163.

Act not to extend to Queen's Ships or their Moorings; Saving of 54 G. 3. c. 159.,—§ 144.

Saving Rights of Public Bodies and Individuals, §§ 164 to 179.

Schedule (Forms).

*Cap. cxlviii.*

"The Tweed Fisheries Act, 1857."

Repeals 11 G. 4. & 1 W. 4. c. liv., and 6 & 7 W. 4. c. lxxv., and saves existing Rights and Liabilities, §§ 3 to 9.

Commissioners; Meetings; Proxies; District Meetings; Votes, §§ 10 to 22.

Officers; Accounts; Water Bailiffs, §§ 24 to 39.

Limits of the Tweed; annual and weekly Close Times, §§ 41 to 46.

Provisions as to Nets, Boats, and Engines, §§ 47 to 55.

Regulation of Milldams and Caulds, § 56.

Removal of Obstructions and of Cairns, §§ 57, 58.

Hecks to be placed in Mill Leads, § 59.

Provisions against Use of Spears; against noxious Matters and foul Fishing, §§ 60 to 75.

8 & 9 Vict. c. 26. extended to Parts of River Tweed in England, § 76.

Management of Joint Fisheries, §§ 77, 78.

Levying and Recovery of Rates, §§ 79 to 81.

Penalties, §§ 82 to 95.

Appeal in Scotland and in England, §§ 96 to 98.

Saving Rights of Admiralty, § 100.

Schedule (Forms).

*Cap. cxlix.*

"The Portpatrick Railway Act, 1857."

Incorporates General Acts (Scotland), § 1.

Incorporation of Company, § 3.

Capital 460,000*l.* in 10*l.* Shares, § 4.

Power to borrow 150,000*l.*, §§ 6, 7.

Power to Lancaster and Carlisle, Glasgow and South-western, and the Belfast and County Down Railway Companies to subscribe respectively 40,000*l.*, 60,000*l.*, and 15,000*l.*, § 9.

Provisions of "The Lancaster and Preston Junction Railway Amendment Act, 1849," applied, § 10.

Directors for subscribing Companies, §§ 11, 12.

Power for Glasgow and South-western and Belfast and County Down Railway Companies to raise their Contribution by new Shares, with or without a Preference, § 13.

Meetings, Directors, §§ 14 to 19.

Railway; Main Line; Branches, §§ 20 to 29.

Admiralty Clauses, §§ 31 to 35.

Power to feu Lands, §§ 37 to 40.

Agreements as to Redemption of Corporation Tolls at Wigtown and Stranraer, § 41.

Tolls, §§ 42 to 49.

Agreements with the Glasgow and South-western Railway Company, §§ 50 to 53.

Contributions by the Three recited Companies, or by the Caledonian Railway, and the London and North-western Railway Companies, § 54.



## Cap. cl.

"The *Finsbury Park* Act, 1857."

Recites Acts relating to the local Management of the Metropolis.  
 Incorporation of Lands Clauses Act, § 1.  
 Metropolitan Board of Works to execute Act; Committees, Contracts, §§ 4 to 6.  
 Power to make Park, § 7.  
 Compulsory Power to purchase Land, § 8.  
 For laying out and planting, &c. Park, § 9.  
 Board may make Bridges, appoint Officers, make Bye-laws, and impose Penalties, §§ 10 to 14.  
 Expenses of the Board to be defrayed as other Expenses under the Metropolis Local Management Act, 1855, § 15.  
 Power to Board to divert Streets, and to stop up Parts of Carriage or Foot Ways of Streets, §§ 17, 18.  
 For protecting the Metropolis Roads Commissioners, § 19.  
 Board to make Roads from Lands of George Moore and Thomas Twining Wing to Green Laues Road and Seven Sisters Road, § 20.  
 Sewers or Drains to be arched over or filled up; the Board at the Time of filling up any Sewer, &c. to build a similar Sewer, &c., § 21.  
 Power to Board to raise, sink, or alter Water or Gas Pipes, § 22.  
 Power to take Houses and Land for the Purposes of this Act, §§ 23 to 27.  
 Section 133. of Lands Clauses Act not to apply, § 28.  
 Provision for Deficiencies of Land Tax, § 29.  
 Protection of New River Company, §§ 30 to 33.  
 Sale of superfluous Lands, §§ 34, 35.  
 Power to raise Moneys by Bonds, Mortgages, or Annuities, and Incorporation of Part of Metropolis Local Management Act, §§ 36 to 42.  
 Mortgages to be charged on Rates, § 43.  
 Application of borrowed Moneys, § 44.  
 Power to contract; Accounts, §§ 46, 47.  
 Schedule (Forms).

## Cap. cli.

"The *Sittingbourne and Sheerness* Railway Act, 1857."

Recites "The *Sittingbourne and Sheerness* Railway Act, 1856;" proposes to alter Levels; abandon Parts; construct other Lines, and a Pier; and to enter into Arrangements with East Kent Railway Company.  
 Incorporates Lands, and Railways, and Parts of Harbours, Docks, and Piers Clauses Acts, §§ 2, 3.  
 New Railways and Pier, §§ 4 to 6.  
 Approval and Control of Admiralty, §§ 7 to 11.  
 Power to alter Levels; Approval of Board of Trade and of Admiralty, §§ 12 to 18.  
 Lands, Works, Protection of and Communications with East Kent Railway, §§ 19 to 25.  
 Tolls on Railway, § 26.  
 Pier and Pier Dues, §§ 27 to 30.  
 Harbour-master, Officers of Customs, Weighers and Measurers, §§ 31 to 33.  
 Power to abandon Portions of Line, § 36.  
 Working Arrangements with and Contracts for Use of Station of East Kent Railway, §§ 37 to 44.  
 Land for Joint Station, § 45.  
 20 & 21 Vict.

Consent of Secretary for War to User of Crown Lands, §§ 47, 48.  
 Pier Tolls on Railway Traffic to be deemed Railway Tolls, § 50.  
 Separate Account to be kept of all other Pier Tolls, §§ 51 to 53.

## Cap. clii.

"The *Herne Bay and Faversham* Railway Act, 1857."

Incorporates General Acts, § 1.  
 Incorporation of Company, § 3.  
 Capital 80,000*l.* in 20*l.* Shares, § 4.  
 Power to borrow 26,000*l.*, §§ 9 to 11.  
 Directors, Meetings, §§ 12 to 16.  
 Construction of Railway, §§ 20, 21.  
 Protection of Whitstable Railway, §§ 21 to 23.  
 Board of Trade and Admiralty Clauses, §§ 25 to 31.  
 Preserving Rights of Commissioners of Sewers, § 32.  
 Communications with East Kent Railway, §§ 33 to 35.  
 Tolls, §§ 40 to 47.  
 Traffic Arrangements with East Kent Railway, §§ 48 to 54.

## Cap. cliii.

"The *Taff Vale* Railway Act, 1857."

Recites that the Company was incorporated under the 6 & 7 W. 4. c. lxxxii., and that under 8 & 9 Vict. c. clix. and 11 & 12 Vict. c. xxiii. the Aberdare Railway had been leased to them; proposes to make new Railways; to widen and improve existing Line and Branches, and to raise additional Capital.  
 Incorporates Lands and Railways and Parts of Companies Clauses Acts, § 2, and §§ 42, 44.  
 Works and Lines of Railways, §§ 3, 4.  
 Tolls, §§ 6 to 12.  
 Power to widen and improve existing Lines, § 13.  
 Provisions as to crossing certain Roads, Tramroads, &c. &c., and protecting Rights of Individuals, §§ 16 to 29.  
 Protection of South Wales Railway, §§ 30, 31.  
 As to User of Line by Rhymney Railway Company, §§ 34 to 36.  
 Power to raise by Shares, with or without a Preference, 316,000*l.* for new Railway and Works, and 200,000*l.* more for improving the Line, new Plant; &c., §§ 37 to 39.  
 Power to borrow 170,000*l.*, §§ 40, 41.  
 Power to convert Money borrowed into Shares or Stock, to be called "Taff Vale Railway Irredeemable Shares" or "Stock," § 43.  
 Meetings of Directors, &c. &c., § 48.

## Cap. cliiv.

"The *New Brunswick and Canada* Railway and Land Company's Act, 1857."

Recites that the St. Andrew's and Quebec Railroad Company were incorporated in 1836 by an Act of the Legislative Council of New Brunswick; that by 13 & 14 Vict. c. 106. and 15 Vict. c. 145. the Shareholders were divided into Two Classes (A. and B.), with different Privileges; that Class A. have paid up all their Shares, but Class B. only a small Portion; that the New Brunswick and Canada Railway and Land Company (Limited) was incorporated under the Joint Stock Companies

Act 1856, with a Capital of 800,000*l.* in 20*l.* Shares. Recites Agreement for Transfer to the last-mentioned Company of the St. Andrew's and Quebec Railway, and Doubts as to its legal Validity.  
 Undertaking of St. Andrew's and Quebec Company vested in the New Brunswick and Canada Railway and Land Company, § 3.  
 Saving Rights of Class A. Shareholders, § 4.  
 Future Agreements between the Class A. Shareholders and the New Brunswick and Canada Railway and Land Company, §§ 5, 6.  
 Saving Rights of Lieutenant Governor, Legislative and Executive Council of New Brunswick, and of the Crown, §§ 7, 8.  
 Schedule (Agreement between the Companies.)

*Cap. clv.*

## "The South-eastern Railway Act, 1857."

Recites 6 & 7 W. 4. c. lxxv., incorporating the Company; 8 & 9 Vict. c. clxvii., authorizing the Tunbridge Wells Branch; and 3 & 4 Vict. c. cxxvii., relating to the Greenwich Railway.  
 Incorporates Railways and Lands Clauses Acts, § 2.  
 Power to make Railway, §§ 3, 4.  
 Railway; Works; Roads, §§ 4 to 8.  
 Tolls on the Tunbridge Junction Railway, § 9.  
 Qualification and Election of Directors, §§ 12, 13.  
 Repeal of Section 18 of 3 & 4 Vict. c. 127, § 14.  
 Saving Rights of Crown, § 16.

*Cap. clvi.*

## "The Newry and Enniskillen Railway Amendment and Extension Act, 1857."

Recites that the Newry and Enniskillen Railway Company was incorporated in 1845, and that other Acts relating to the Company were passed in 1847, 1848, and 1853; that they had been unable to complete the original Undertaking; that, under the Act of 1845, their Capital was 900,000*l.* in 50*l.* Shares, but that by the Act of 1847 the Shares were divided into 18,000 (Series A.) of 20*l.*, 18,000 (Series B.) of 15*l.*, and 18,000 (Series C.) of 15*l.*; that Calls to the Amount of 9*l.* have been made on Series A. alone; that they have no Debt or Preference Shares; propose to reduce Capital, to cancel B. and C. and some forfeited Shares, and to enter into Working Arrangements with another Company, and to change their corporate Name.  
 Repeal of recited Acts; Incorporation of General Acts, § 1.  
 Company re-incorporated as the Newry and Armagh Railway Company; to continue possessed, &c. &c.; Rights and Liabilities saved, §§ 2 to 10.  
 Directors; Maintenance of Railway and Works, §§ 11 to 18.  
 Communications with Dublin and Belfast Junction Railway, §§ 19 to 23, and § 30.  
 Power to construct new Railway, §§ 24 to 32.  
 Protection of Armagh Observatory, and of Ulster Railway, §§ 33, 34.  
 The ordinary Capital 55,660*l.* in 10*l.* Shares, to be called "Deferred Shares," upon which a Call of 1*l.* only is to be made; and then only when 9*l.* is paid on the new Shares, § 36.  
 Forfeiture; Transfer; Surrender of Shares, §§ 37, 38.

Power to raise 180,000*l.* additional Capital in new Shares of 10*l.*, with or without Preference, §§ 39, 41.  
 Power to borrow 100,000*l.*, § 42.  
 Tolls, §§ 45 to 49.  
 Working Agreements with the Newry, Warrenpoint, and Rostrevor Railway Company, §§ 50, 51.

*Cap. clvii.*

## "The Mayor's Court of London Procedure Act, 1857."

Whereas there exist in the City of London certain Courts of Law called respectively the Sheriffs Court of the Poultry Compter, and the Sheriffs Court of the Giltspur Street Compter: And whereas it is expedient that certain Functions and Jurisdiction of the said Sheriffs Courts should be abolished: And whereas it is expedient to make the Mayor's Court more efficient, by extending its Powers and simplifying its Practice and Mode of Procedure: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

I. This Act shall commence and come into operation on the First Day of October One thousand eight hundred and fifty-seven.

II. In citing this Act in other Acts of Parliament and in legal Instruments and other Proceedings it shall be sufficient to use the Expression "The Mayor's Court of London Procedure Act, 1857."

III. From and after the Commencement of this Act no Action or Suit for the Recovery of any Debt or Demand shall be commenced in the Sheriffs Court either of the Poultry Compter or of the Giltspur Street Compter, save only and except Pleas of Personal Actions under the Provisions of the London (City) Small Debts Act, 1852, which may continue to be brought as heretofore in the Sheriffs Court without being entitled as of either Compter: Provided always, that nothing in this Act contained shall be deemed or construed to take away or diminish the Power or Authority of the Sheriffs of London or either of them to execute any Writ of Inquiry or other Writ or Mandate which may be directed to them by any Court of competent Authority, or by any Judge or Officer thereof, or by any Person lawfully authorized to issue the same, or any Writ of Trial which may be directed to them or either of them under or by virtue of the Provisions of the Act of Third and Fourth William the Fourth, Chapter Forty-two, nor to take away or diminish any other Power or Authority which the Sheriffs of London or either of them can have or hath or can or may lawfully exercise by Act of Parliament, Charter, Act of Common Council, Custom, Prescription, or otherwise howsoever.

IV. And whereas it is expedient to facilitate the Proceedings in Error on Matters arising in the Mayor's Court: Therefore, from and after the Commencement of this Act, no Petition shall be presented to or be received by the Lord High Chancellor for any Writ of Error to review any Proceeding in the Mayor's Court, nor shall any Writ of Error be issued thereout to review any such Proceeding, nor shall any Writ or other Proceeding be issued to the Court of Saint Martin's-le-Grand for any Purpose as a Court of Error to review any Proceeding of the Mayor's Court, but in all Cases of Error arising on Proceedings in the Mayor's Court the Exchequer Chamber shall be the Court of Error

for the Purposes of this Act, and all Matters in Error shall be proceeded with according to the Rules to be framed for that Purpose as is herein-after expressed.

V. The Parties in any Action or Foreign Attachment may, after Issue joined, by Consent, and by the Order of the Court, state the Facts of the Case in the Form of a Special Case for the Opinion of the Court, or of any One of the Superior Courts, and may agree that Judgment shall be entered thereon for the Plaintiff, Garnishee, or Defendant as the Court or such Superior Court may think fit.

VI. When the Opinion of such Superior Court shall be required the Registrar of the Mayor's Court shall transmit such Special Case, under the Seal of the Court, to the Rule Department of the Master's Office of the Superior Court in which the Case is to be argued, and thereupon all such Proceedings shall be taken and Rules and Regulations observed in the said Superior Court as are usual with reference to Cases stated for the Opinion of such Superior Court in Actions therein pending.

VII. The Registrar of the Court, upon the Production of an Office Copy of the Rule of the Superior Court made upon hearing the said Special Case, shall enter Judgment in the Court in conformity with the Decision of the Superior Court.

VIII. If either Party appearing on the Trial of any Cause in which the Sum sought to be recovered shall exceed the Sum of Twenty Pounds shall be dissatisfied with the Determination or Direction of the Court in point of Law, or upon the Admission or Rejection of any Evidence, such Party may appeal from the same to any One of the Superior Courts (Two or more of the Puisne Judges or Barons thereof shall sit out of Term as a Court of Appeal for that Purpose); provided, that such Party shall, within Two Days after such Determination or Direction, give Notice of Appeal to the other Party or his Attorney, and also give Security within such Time or Times as the Court shall direct, to be approved of by the Registrar of the Court (if the Judge shall so direct), for the Costs of the Appeal, whatever be the Event of the Appeal, and for the Amount of the Judgment, if he be the Defendant and the Appeal be dismissed: Provided nevertheless, that such Security, so far as regards the Amount of the Judgment, shall not be required in any Case where the Judge of the Court shall have ordered the Party appealing to pay the Amount of such Judgment into the Hands of the Registrar, and the same shall have been paid accordingly; and the said Court of Appeal may either order a new Trial on such Terms as it shall think fit, or may order Judgment to be entered for either Party, as the Case may be, and may make such Order with respect to the Costs of the said Appeal as such Court may think proper, and such Orders shall be final.

IX. Such Appeal shall be in the Form of a Case agreed on by both Parties or their Attornies, and, if they cannot agree, the Judge of the Court, upon being applied to by them or their Attornies, shall settle the Case and sign it, and such Case shall be transmitted by the Registrar to the Rule Department of the Master's Office of the Court in which the Appeal is to be brought.

X. If upon the Trial of any Issue the Judge shall grant Leave to the Plaintiff or Defendant to move in any of the Superior Courts to set aside a Verdict or a Nonsuit, and to enter a Verdict for the Plaintiff or Defendant, or to enter a Nonsuit, as the Case may be, or for a new Trial, the Party to whom such Leave may have been given may apply by Motion to such Superior Court, within such Period of Time after the Trial as Motions of the like Kind shall from Time

to Time be permitted to be made in such Superior Court, for a Rule to show Cause why such Verdict or Nonsuit should not be set aside, and a Verdict entered for the Plaintiff or Defendant, or a Nonsuit entered, or why a new Trial should not be had, as the Case may be, in such Action, which Court is hereby authorized and empowered to grant or refuse such Rule (which Rule, when granted, shall operate as a Stay of Proceedings until the Determination thereof), and afterwards to proceed to hear and determine the Merits thereof, and to make such Orders thereupon, and as to Costs, as the same Court shall think proper; and in case such Court shall order a new Trial to be had in any such Action, the Party obtaining such Order shall deliver the same or any Office Copy thereof to the Registrar of the said Court, and thereupon all the Proceedings on the former Verdict or Nonsuit shall cease, and the Action shall proceed to Trial, according to the Practice of the Court, in like Manner as if no Trial had been had therein; or in case the Court before whom such Rule shall be heard shall order the same to be discharged, the party obtaining any such Order may, upon delivering the same or an Office Copy thereof to the Registrar, be at liberty to proceed in any such Action as if no such Rule Nisi had been obtained; and if a Verdict be ordered to be entered for the Plaintiff or Defendant, or a Nonsuit be ordered to be entered, as the Case may be, Judgment shall be entered accordingly.

XI. If in any Action in Covenant, Debt, Detinue, or Assumpsit, not being an Action for Breach of Promise of Marriage, the Plaintiff shall recover a Sum not exceeding Five Pounds, or if in any Action in Trespass, Trover, or Case, not being an Action for Malicious Prosecution, or for Libel, or for Slander, or for Criminal Conversation, or for Seduction, the Plaintiff shall recover a Sum not exceeding Forty Shillings, the Plaintiff shall have Judgment to recover such Sum only, and no Costs, unless the Judge before whom such Verdict shall be obtained shall certify on the Back of the Record that it appeared to him that there was a sufficient Reason for bringing the said Action in the Court, and in such Case the Plaintiff shall have Judgment to recover his Costs of Suit; or if when there is no Verdict the Plaintiff shall make it appear to the Satisfaction of the Court, on Summons, that there was a sufficient Reason for bringing the said Action in the Court, in such Case the Court may by Rule or Order direct that the Plaintiff shall recover his Costs, and thereupon the Plaintiff shall have Judgment to recover his Costs accordingly.

XII. Where the Debt or Damage claimed in any Action shall not exceed the Sum of Fifty Pounds, no Plea to the Jurisdiction shall be allowed, provided the Defendant or One of the Defendants shall dwell or carry on Business within the City of London or the Liberties thereof at the Time of the Action brought, or provided the Defendant or One of the Defendants shall have dwelt or carried on Business at some Time within Six Months next before the Time of the Action brought, or if the Cause of Action, either wholly or in part, arose therein.

XIII. The Court may, if it shall think fit, in any Case when it shall satisfactorily appear by Affidavit that the Cause of Action arises within the Jurisdiction of the Court, order that the Plaint may be served in any Part of England or Wales; and the Service of any Plaint in pursuance of such Order shall be as valid and effectual as if the same had been served within the Jurisdiction of the Court, provided that a Copy of such Order shall be served at the Time of the Service of the Plaint.

XIV. In all Cases where an Order of the Court shall be made under the last preceding Section, all the Proceedings in the Cause shall be had and taken as if the Defendant had been duly served with the Plaint within the Jurisdiction.

XV. No Defendant shall be permitted to object to the Jurisdiction of the Court in or by any Proceeding whatsoever, except by Plea.

XVI. No Cause depending in the Mayor's Court in which the Debt or Damages sought to be recovered shall not exceed Fifty Pounds shall be removed by any Defendant before Judgment therein into any Superior Court, except in pursuance of a Judge's Order, as herein-after mentioned, unless the Defendant, with Two sufficient Sureties, such as the Mayor's Court shall allow, shall first be bound to the Plaintiff in the Cause by Recognizance, to be acknowledged in the Mayor's Court, in a sufficient Sum for the Payment of the Debt or Damages and Costs in case Judgment shall pass against the Defendant in the Superior Court, or in case the Cause shall be brought back by Procedendo in the Mayor's Court: Provided always, that any Judge of any of the Superior Courts may in the Exercise of his Discretion order a Writ of Certiorari to issue to remove any such Cause depending in the Mayor's Court into any Superior Court without such Recognizance as aforesaid, and such Cause may be removed into such Superior Court accordingly.

XVII. No Cause depending in the Mayor's Court shall be removed before Judgment therein into any Superior Court, unless the Writ removing such Cause shall have been lodged with the proper Officer of the Court within One Month after the Service of the Plaint, or unless such Writ shall have been lodged with such Officer before such Action shall have been entered for Trial according to the Practice of the Mayor's Court.

XVIII. No Foreign Attachment shall be removed from the Mayor's Court at any Time after the same shall be set down for Trial except by the express Order of One of the Judges of the Superior Courts, and then upon such Terms as to Costs, Bail, or Payment of Money into Court as such Judge on Summons shall think fit; provided that a Summons only, without any Order of the Judge thereon, shall not stay the Trial of the Attachment in the Mayor's Court.

XIX. No Cause depending in the Court shall, before Judgment be recovered, be removable into any of the Superior Courts (after Plea pleaded), unless by Leave of a Judge of One of the said Superior Courts in Cases which shall appear to such Judge fit to be tried in One of the Superior Courts, and upon such Terms, if any, as to Payment of Costs, giving Security for Debt and Costs, or Damages and Costs, or such other Terms as he shall think fit, upon Summons.

XX. No Suit commenced on the Equity Side of the Mayor's Court shall be removed from out of the said Court into Chancery without the special Order of the Lord High Chancellor, the Master of the Rolls, or One of the Vice Chancellors, upon Application for that Purpose made; and no Cause shall be so removed from out of the said Equity Side of the Mayor's Court if the Judge to whom such Application shall be made shall consider that the Matter in question in the said Suit is fit to be tried in the Mayor's Court; and the said Master of the Rolls shall have Power from Time to Time to make Rules and Regulations respecting the removal of such Suits as aforesaid.

XXI. In any Action or other legal Proceeding in the Court the Court may, on Application made for such Purpose by either Party, compel the opposite Party to allow the

Party making the Application to inspect all Documents in the Custody or Power or under the Control of such opposite Party relating to such Action or other legal Proceeding, and if necessary to take examined Copies of the same, or to procure the same to be duly stamped in all Cases in which, previous to the passing of this Act, a Discovery might have been obtained by filing a Bill, or by any other Proceeding in a Court of Equity at the Instance of the Party so making Application as aforesaid to the Court.

XXII. The Judge of the Court may at any Time, within the Jurisdiction of the Court, hear and grant Applications for Rules to show Cause in Arrest of Judgment, or for Judgment *non obstante veredicto*, or for a Repleader, or for granting new Trials, and for entering Nonsuits and Verdicts in Causes pending in the Court.

XXIII. It shall be lawful for the Court at all Times to amend all Defects and Errors in any Proceeding, whether there is anything in Writing to amend by or not, and whether the Defect or Error be that of the Party applying to amend or not; and all such Amendments as may be necessary for the Purpose of determining in the existing Suit the real Question in controversy between the Parties shall be so made; and all such Amendments may be made with or without Costs, or upon such Terms as to the Court may seem fit.

XXIV. The Court may in any Action, upon the Application of any of the Parties thereto, order the Examination on Oath, upon Interrogatories or otherwise, before the Registrar or other Person or Persons to be named in such Order, of any Witness or Witnesses in any Part of England and Wales, and by the same or any subsequent Order or Orders may give all such Directions touching the Time, Place, and Manner of Examination, and all other Matters and Circumstances connected with such Examination as may appear reasonable and just.

XXV. When any such Order shall be made the Court may, in and by the First or any subsequent Order, command the Attendance of any Person to be named in such Order for the Purpose of being examined, or the Production of any Writing or other Document to be mentioned in such Order, and may direct the Attendance of any such Person to be at his own Place of Abode or elsewhere, if necessary or convenient so to do; and the Party at whose Instance such Order may have been made and issued shall have all the same Remedies against such Person, in case of Non-attendance, as he would have against any Person for Non-attendance in obedience to any Writ of Subpœna ad testificandum duly served according to the Practice of the Court: Provided that, in addition to the Service of the Order, an Appointment of the Time and Place of Attendance in obedience thereto, signed by the Person or Persons appointed to take the Examination, or by One or more of such Persons, shall be so served, together with or after the Service of such Order: Provided also, that every Person whose Attendance shall be so required shall be entitled to the like Conduct Money, and Payment for Expenses and Loss of Time, as upon Attendance at a Trial: Provided also, that no Person shall be compelled to produce under any such Order any Writing or other Document that he would not be compellable to produce at a Trial of the Cause.

XXVI. Upon the Application of any of the Parties to any Action depending in the Court, the Court may order a Commission to issue for the Examination of Witnesses upon Oath at any Place or Places beyond the Limits of England and Wales, by Interrogatories or otherwise, and by the same or any subsequent Order or Orders may give all such Directions

touching the Time, Place, and Manner of such Examination, and all other Matters and Circumstances connected with such Examination, as may appear reasonable and just.

XXVII. Any Sheriff, Gaoler, or other Officer having the Custody of any Prisoner may take such Prisoner for Examination at the Place or Places named in any such Order by virtue of a Writ of Habeas corpus to be issued for that Purpose, which Writ shall and may be issued by any Judge under such Circumstances and in such Manner as such Judge may now by Law issue the Writ commonly called a Writ of Habeas corpus ad testificandum.

XXVIII. The Person or Persons authorized to take the Examination of Witnesses by any such Rule, Order, Writ, or Commission as herein mentioned shall and may take all such Examinations upon the Oath of the Witnesses, to be administered by the Person so authorized; and if upon such Oath any Person making the same shall wilfully and corruptly give any false Evidence, every Person so offending shall be deemed and taken to be guilty of Perjury, and shall and may be indicted and prosecuted for such Offence in the County where such Evidence shall be given, or in the County of Middlesex if the Evidence be given out of England.

XXIX. The Registrar or any other Person named in any such Rule or Order to take any Examination in pursuance thereof may and he is hereby required to make, if need be, a special Report to the Court touching such Examination, and the Conduct or Absence of any Witness or other Person thereon or relating thereto; and the Court is hereby authorized to institute such Proceedings and make such Order and Orders upon such Report as Justice may require, and as may be instituted and made in any Case of Contempt of Court.

XXX. The Costs of every Rule or Order to be made for the Examination of Witnesses by virtue of the Provisions herein contained, and of the Proceedings thereupon, shall be Costs in the Cause, unless otherwise directed either by the Judge of the Superior Court making such Order or by the Court.

XXXI. No Examination or Deposition to be taken by virtue of the Provisions herein contained shall be read in Evidence without the Consent of the Party against whom the same may be offered, unless it shall appear to the Satisfaction of the Court that the Examinant or Deponent is not in England or Wales, or is dead, or unable from permanent Sickness or other permanent Infirmary to attend the Trial, in all or any of which Cases the Examinations and Depositions, certified under the Hand of the Commissioner, Registrar, or other Person taking the same, shall and may, without Proof of the Signature to such Certificate, be received and read in Evidence, saving all just Exceptions.

XXXII. Upon Application made by or on behalf of any Defendant in any Action in the Court, such Application being made after Declaration and before Plea, by Affidavit or otherwise, showing that such Defendant does not claim any Interest in the Subject Matter of the Suit, but that the Right thereto is claimed or supposed to belong to some Third Party who has sued or is expected to sue for the same, and that such Defendant does not in any Manner collude with such Third Party, but is ready to bring into Court or to pay or dispose of the Subject Matter of the Action in such a Manner as the Court may order or direct, it shall be lawful for the Registrar to issue a Summons calling upon such Third Party to appear in Court and to state the Nature and Particulars of his Claim, and to main-

tain or relinquish his Claim, which Summons may be served upon such Third Party in any Part of England or Wales; and upon such Summons the Court may hear the Allegations as well of such Third Party as of the Plaintiff, and in the meantime stay the Proceedings in such Action, and finally order such Third Party to make himself Defendant in the same or some other Action, or to proceed to Trial on One or more Issue or Issues, and also direct which of the Parties shall be Plaintiff or Defendant on such Trial, or, with the Consent of the Plaintiff and such Third Party, their Counsel or Attornies, dispose of the Merits of their Claims, and determine the same in a summary Manner, and make such Rules and Orders therein as to Costs and all other Matters as may appear to be just and reasonable.

XXXIII. The Judgment in any such Action or Issue as may be decreed by the Court, and the Decision of the Court in a summary Manner, shall be final and conclusive against the Parties, and all Persons claiming by, from, or under them.

XXXIV. If such Third Party shall not appear upon such Summons to maintain or relinquish the Claim, being duly served therewith, or shall neglect or refuse to comply with any Rule or Order to be made after Appearance, it shall be lawful for the Court to declare such Third Party, and all Persons claiming by, from, or under him, to be forever barred from prosecuting his Claim against the original Defendant, his Executors or Administrators, saving nevertheless the Right or Claim of such Third Party against the Plaintiff, and thereupon to make such Order between such Defendant and the Plaintiff as to Costs and other Matters as may appear just and reasonable.

XXXV. When any Claim shall be made to or in respect of any Goods or Chattels taken or intended to be taken in Execution under the Process of the Court, or to or in respect of the Proceeds or Value thereof, by any Landlord for Rent, or by any Person not being the Party against whom such Process has issued, it shall be lawful to and for the Registrar, upon Application of the Serjeant-at-Mace or any of his Officers, made before or after the Return of such Process, and as well before as after any Action brought against such Serjeant-at-Mace or any of his Officers, to issue a Summons calling before the Court as well the Party issuing such Process as the Party making such Claim, and thereupon any Action which shall have been brought in any of the Superior Courts, or in any Local or Inferior Court of Record, in respect of such Claim, shall be stayed; and the Court in which such Action shall have been brought, or any Judge thereof, on Proof of the Issue of such Summons, and that the Goods and Chattels were so taken in Execution, may order the Party bringing such Action to pay the Costs of all Proceedings had upon such Action after the Issue of such Summons; and the said Court shall thereupon exercise, for the Adjustments of such Claim, and the Relief and Protection of the said Serjeant-at-Mace or any of his Officers, all or any of the Powers and Authorities herein-before contained, and make such Rules and Decisions as shall appear to be just, according to the Circumstances of the Case; and the Costs of all such Proceedings shall be in the Discretion of the Court.

XXXVI. In every Case where Judgment shall have been signed in the Court against any Person for any Debt not exceeding Twenty Pounds, exclusive of Costs, or where any Person shall be indebted to any other in a Sum not exceeding Twenty Pounds, by virtue of any Judgment or Order for the Payment thereof, or by virtue of any Order for the Payment of any Costs, the Court shall,

upon the Application of the Creditor by any Petition or Note in Writing, according to the Form in Schedule (A.) to this Act annexed, grant a Summons, according to the Form in Schedule (B.) to this Act annexed, which said Summons may be served upon the said Debtor where he may reside or be; and if the Debtor appear according to such Summons, or at any Adjournment thereof, he shall be interrogated, if the Creditor think fit, touching the Manner and Time of his contracting his Debt, the Means or Prospect of Payment he then had, the Property or Means of Payment he still hath or may have, and the Disposal he may have made of any Property since contracting such Debt; and such Creditor shall also be examined, if the Court or Debtor shall think fit, touching his Claim against such Debtor; and it shall be lawful for the Court, then or at any future Sitting of the Court, to make an Order on the said Debtor for the Payment of his Debt by Instalments or otherwise; and in case the Debtor shall not attend as required by the said Summons or at any Adjournment thereof, and shall not allege a sufficient Excuse for not attending, or shall if attending refuse to disclose his Property or his Transactions respecting the same, or respecting the contracting of the Debt, or shall not make Answer thereof to the Satisfaction of the Court, or shall appear to the Court to have been guilty of Fraud in contracting the Debt, or of having wilfully contracted it without reasonable Prospect of being able to pay it, or of having concealed or made away with his Property in order to defeat his Creditors, or having made any vexatious Defence to any Action for the Recovery of the Debt, or if he appear to have the Means of paying the same at the Time of hearing, and shall not pay the same if the Court shall so order, or shall not pay the same by Instalments at such Time as the Court shall order, or as the Court shall have ordered, and without any further Summons thereon, it shall be lawful for the Court to order such Debtor to be committed for any Time, not exceeding Forty Days to the Debtors Prison within the City of London, which Order of Committal shall be according to One of the Forms in Schedule (C.) to this Act annexed.

XXXVII. It shall be lawful for every Person who shall be entitled to sign Judgment in the Court where the Amount of the Debt recovered shall not exceed Twenty Pounds, exclusive of Costs, to give, previously to signing such Judgment, Notice in the Form in Schedule (D.) to this Act annexed to the Person against whom such Judgment may be signed; and in case such Notice shall be given, the Court shall, upon Judgment being signed, have the like Powers of hearing the Parties and making such Order for Payment on Committal as in the Cases hereinbefore mentioned.

XXXVIII. When an Order for Commitment shall have been made under this Act, and the Person against whom such Order of Commitment shall have issued shall be out of the Jurisdiction of the Court, it shall be lawful for the Officer charged with the Execution of such Order of Commitment to take the Person against whom such Order shall have issued wherever such Person shall reside or be.

XXXIX. In every Case in which Judgment shall have been obtained in the Court, or Order made, for a Sum not exceeding Twenty Pounds exclusive of Costs, it shall be lawful for the Registrar of the Court, either during the Sitting of the Court or out of Court, to hear the Parties and to grant an Order for Payment of the Amount of the Judgment or Order and Costs by Instalments or otherwise,

or to issue an Order of Committal as in the Cases hereinbefore mentioned.

XL. The Court may from Time to Time frame a Table of Fees upon the Proceedings in the before-mentioned Cases, and make an Order for the Payment thereof, in addition to the Debt and Costs already recovered.

XLI. The Registrar of the Court may, in the Absence of the Judge, hold the Court and transact all the Business of the Court, except the Trial of Issues in Law or in Fact.

XLII. The Debtors Prison for the City of London shall be the Prison wherein all Persons committed into Custody under any Process or Proceeding of the Mayor's Court shall be confined; and the Keeper for the Time being of the said Debtors Prison shall and he is hereby required to receive and take into his Custody every Person who shall be committed or ordered to stand committed by the Court; and in case the Keeper of the said Prison shall neglect or refuse to receive or take into his Custody any Person committed by the Court, or shall before the Expiration of the Time for which any Person shall be committed to his Custody discharge such Person out of his Custody, and wilfully suffer such Person to go at large, without a Warrant or Order for that Purpose in Writing, signed by the Plaintiff or by the Court (or by some other Court of competent Authority), such Keeper so offending in either of the said Cases shall pay to the Plaintiff at whose Suit such Person was in Custody respectively the Debt or Debt and Costs for which such Person shall have been committed to the Custody of such Keeper, and also any Sum not exceeding Twenty Pounds at the Discretion of the Court.

XLIII. In the Absence of the Recorder the Common Serjeant for the Time being of the City of London may preside as Judge in the Mayor's Court, and in case of Illness or unavoidable Absence of either the said Recorder or Common Serjeant it shall be lawful for them or either of them, or in case of their Inability to make such Appointment, for the Mayor, Aldermen, and Commons of the City of London in Common Council assembled to appoint some other Person who shall have practised as a Barrister at Law for at least Seven Years to act as a Deputy of such Judge in the said Court during such Illness or unavoidable Absence; and it shall also be lawful for the said Recorder or Common Serjeant, or either of them, to appoint a Deputy who shall have practised as a Barrister for at least Seven Years, to act for either of them in the said Court for any Time or Times not exceeding in the whole Two Months in any consecutive Period of Twelve Months, and every Deputy so appointed during the Time for which he shall be so appointed shall have all the Powers and Privileges and perform all the Duties of a Judge of the said Court.

XLIV. It shall be lawful for any Judge of the Mayor's Court, either in or out of Court, to administer Oaths and take Declarations for the Purpose of authenticating any Documents which may be required to be produced in any Foreign Country or in any Place out of the Jurisdiction of the Court.

XLV. It shall be lawful for the Court from Time to Time to make, alter, and revoke Rules, Orders, and Regulations required for and in respect of the Offices of the Mayor's Court, and the Nature, Duties, Fees, and Emoluments attaching to the respective Officers, and from Time to Time to make, alter, and revoke Rules for regulating the Practice and Pleading, and the taking of oral Evidence in the Court, and the Fees to be taken on the Proceedings in the said Court, and the Forms relating thereto, both in Law and Equity, as shall from Time to Time to it seem necessary

and proper : Provided always, that such Rules and Forms, and any Order for revoking or altering the same, shall be signed by the Judge of the said Court, and that no such Rules, Orders, or Forms shall be of any Force until they shall have been allowed and confirmed by Three of the Judges of the Superior Courts ; and it shall be lawful for the Judges of the Superior Courts from Time to Time to make such Rules, Orders, and Regulations as they may think fit for carrying into execution the Provisions of this Act relative to the Removal of Causes from the Mayor's Court to the Superior Courts.

XLVI. It shall be lawful for Her Majesty from Time to Time, by an Order in Council, to direct that all or any Part of the Provisions of any Act for the Amendment of the Law now passed or hereafter to be passed, and also all or any of the Rules and Regulations made in pursuance thereof, shall extend to and apply to the Mayor's Court, and within One Month after such Order shall have been made and published in the London Gazette such Provisions and Rules respectively, or Parts thereof (and the Forms necessary in respect thereof), shall extend and apply in manner directed by such Order; and any such Order may be in like Manner altered and annulled ; and in and by any such Order Her Majesty may direct by whom any such Powers or Duties incident to the said Provisions, applied under the said several Acts and Rules in respect thereof, shall and may be exercised with respect to the Matters in such Court, and may make any Order, Regulation, or Form which may be deemed requisite for carrying into operation in such Court the Provisions so applied.

XLVII. In any Case where a Garnishee may appear before a Judge under the "Common Law Procedure Act, 1854," and dispute his Liability, the Judge may order that an Issue shall be tried in the said Mayor's Court in such Manner and Form as the Judge shall direct, and such Proceedings shall be had therein as if the same Question had been tried in the Superior Courts.

XLVIII. In every Case where final Judgment shall have been obtained in the Mayor's Court, and also in every Case where any Rule or Order shall have been made by the Court, whereby any Sum of Money, or any Costs, Charges, or Expenses, shall be payable to any Person, any Writ of Execution upon such Judgment, or any Rule or Order so made by the Court, shall be sealed by the Sealer of Writs of any of the Superior Courts, upon a Precipe of the same being lodged with him, together with an Affidavit verifying the Judgment or Order, and that the same remains unreversed and unsatisfied, and immediately thereupon such Writ of Execution and such Judgment, Rule, or Order shall become and be of the same Force, Charge, and Effect as a Writ of Execution or Judgment recovered in or a Rule or Order made by such Superior Court, and all the reasonable Costs and Charges attendant upon such sealing shall be recovered in like Manner as if the same were Part of such Judgment or Rule or Order : Provided always, that no such Judgment or Rule or Order when so removed as aforesaid shall affect any Lands, Tenements, or Hereditaments as to Purchasers, Mortgagees, or Creditors, any further than the same would have done if the same had remained a Judgment, Rule, or Order of the Mayor's Court, unless and until a Writ of Execution thereon shall be actually put into the Hands of the Sheriff or other Officer appointed to execute the same.

XLIX. If any Juror having been duly summoned shall not attend in pursuance of such Summons, or after his Appearance shall wilfully withdraw himself from the Presence

of the Court, the Court shall impose such Fine upon every Juror so making default, unless some reasonable Excuse shall be proved to the Satisfaction of the Court, as the Court shall think meet, not exceeding Five Pounds ; and in case of Nonpayment of such Fine according to the Directions of the Court, the same may be levied in such Manner as is provided for the levying of Fines imposed upon Common Jurors for any similar Default under the Provisions of 5 & 6 Will. IV. Cap. 76. Sec. 121.

L. If in any Action or Suit now or at any time hereafter depending in the Court it shall appear to the Court, or, if the Court is not sitting, to the Judge thereof, that it is proper to compel the personal Attendance at any Trial of any Witness who may not be within the Jurisdiction of the Court, it shall be lawful for the Court or Judge, if in their or his Discretion it shall so seem fit, to order that a Writ called a Writ of Subpœna ad testificandum, or of Subpœna duces tecum, or Warrant of Citation, shall issue in Special Form, commanding such Witness to attend such Trial or Process wherever he shall be within the United Kingdom, and the Service of any such Writ or Process in any Part of the United Kingdom shall be valid and effectual.

LI. The Parties in any Cause may, by Consent in Writing signed by them or by their respective Attornies, leave the Decision of any Issue of Fact to the Court, provided that the Court shall in their or his Discretion think fit to allow such Trial, or provided the Judges of the Superior Courts shall, in pursuance of the Power vested in them by Law for such Purpose, make any General Rule or Order dispensing with such Allowance, either in all Cases or in any particular Class or Classes of Cases to be defined by such Rule or Order ; and such Issue of Fact may thereupon be tried and determined, and Damages awarded where necessary, in open Court by the Judge who might otherwise have presided at the Trial thereof by Jury ; and the Verdict of such Judge shall be of the same Effect as the Verdict of a Jury, save that it shall not be questioned upon the Ground of being against the Weight of Evidence ; and the Proceedings upon and after such Trial as to the Power of the Court or Judge, the Evidence, and otherwise, shall be the same as in the Case of Trial by Jury.

LII. No Cause shall be removable from the Court otherwise than by a Writ of Certiorari, or by the Order of a Judge of One of the Superior Courts, or by the Special Order of the Lord High Chancellor, the Master of the Rolls, or One of the Vice Chancellors, and every Writ of Certiorari shall be made returnable immediately, whether in or out of Term.

LIII. Every Person who is legally entitled to any Franchise or Office in either of the Sheriffs Courts whose Office shall be abolished, or whose Office shall be deprived of any Emolument by this Act, shall be entitled to make a Claim for Compensation to the Mayor, Aldermen, and Commons of the City of London in Common Council assembled within Six Months after the Commencement of this Act ; and it shall be lawful for the said Mayor, Aldermen, and Commons, in such Manner as they shall see fit, to inquire what was the Nature of the Office, and what was the Tenure thereof; and what were the lawful Fees and Emoluments in respect of which such Compensation shall be claimed ; and the said Mayor, Aldermen, and Commons shall in each Case award such gross or yearly Sum, and for such Time, as they shall think just under the Circumstances of each Case, subject to the Approval of the Lords Commissioners of Her Majesty's Treasury ; and all Compensation when so awarded

shall be paid by the said Mayor, Aldermen, and Commons out of the Funds of the said City.

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

The Word "Person" shall include Corporations, whether aggregate or sole :

The Words "the Mayor's Court," or "the Court," shall mean the Court of our Lady the Queen holden before the Lord Mayor and Aldermen in the Chamber of the Guildhall of the City of London :

The Words "the Judge" shall mean the Judge of the Mayor's Court, or the Person authorized to sit or sitting as Judge therein :

The Words "the Superior Courts" shall mean Her Majesty's Superior Courts of Common Law at Westminster :

The Words "the Registrar" shall mean the Registrar of the Mayor's Court, and shall include the Deputy of such Registrar, or the Person appointed to perform or performing the Duties of Registrar.

L.V. The Costs of and relating to the passing of this Act shall be paid out of the Fees of the Court.

SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)

To the Judges of the Mayor's Court of the City of London.

BE pleased to summon of to answer touching the Debt due to by the of the Court of Mayor and Aldermen of the said City on Behalf. Dated this Day of in the Year of our Lord One thousand eight hundred and

\*Judgment signed or Order dated. Day of eight hundred and the\* One thousand } Attorney for the said

SCHEDULE (B.)

In the Mayor's Court, London.

You are hereby required to appear before the Court of our Lady the Queen holden before the Mayor and Aldermen of the City of London at the Guildhall of the said City on the Day of at

of the Clock in the Forenoon of the same Day precisely, touching the not having paid to of in the of the Sum of recovered in a certain of the said Court.

Dated this Day of in the Year of our Lord One thousand eight hundred and

By Order of the Court.

To of in the City of London, (or County of)

SCHEDULE (C.)

In the Mayor's Court, London.

At a Court holden the Day of in the Year of our Lord One thousand eight hundred and

WHEREAS at the Time of the granting the Summons herein-after mentioned was and now is indebted to in the Sum of Pounds Shillings and Pence, and no more, besides Costs of Suit amounting to Pounds Shillings and Pence, by virtue of a of this Court on the Day of in the Year of our Lord One thousand eight hundred and : And whereas the said to enforce the Payment of such Debt did on the Day of in this present Year obtain a Summons from this Court, by which Summons the said was required to appear before this Court at the Guildhall aforesaid this Day : And whereas the said hath been duly served with the said Summons, but he hath not attended as required by the said Summons, and hath not alleged a sufficient Excuse for not attending :

Now it is ordered, that the said shall be committed for the Term of Days to the Debtors Prison for the City of London. By the Court.

To One of the Serjeants-at-Mace of this Court, his Deputy, and to the Keeper of the Debtors Prison (above mentioned) for the City of London.

In the Mayor's Court, London.

At a Court holden the Day of in the Year of our Lord One thousand eight hundred and

WHEREAS now is indebted to in the Sum of Pounds Shillings and Pence, and no more, besides Costs of Suit amounting to Pounds Shillings and Pence, by virtue of a of this Court on the Day of in the Year of our Lord One thousand eight hundred and : And whereas the said to enforce the Payment of such Debt did on the Day of in this present Year obtain a Summons from this Court, by which Summons the said was required to appear before this Court at the Guildhall aforesaid this Day : And whereas the said hath been duly served with the said Summons, and hath attended as required by the said Summons : And whereas the said appears to have [the Means of paying such Debt, but hath not paid the same at such Times as this Court hath heretofore ordered] :\*

Now it is ordered that the said shall be committed for the Term of Days to the Debtors Prison of the City of London. By the Court.

\* or has refused to disclose his Property [or as the Case may be] :

To One of the Serjeants-at-Mace of this Court, his Deputy, and to the Keeper of the Debtors Prison (above mentioned) for the City of London.



## SCHEDULE (D.)

In the Mayor's Court, London.

against

Sir,

TAKE notice, that I shall attend at the Offices of the Court, situate on at o'Clock, to sign Judgment against you herein. And further take notice, I shall at the same Time apply for an Order for the Payment by you of the said Debt by Instalments, or such other Order as the Court may think fit to make herein.

Yours, &c.  
Plaintiff's Attorney.

To Mr.  
the above-named Defendant.

*Cap. clviii.*

"The Wycombe Railway (Extension) Act, 1857."

Recites the Wycombe Railway Act, 1846, and an Amendment Act, 1852; proposes to extend the Line. Incorporates Lands and Railways and Part of Companies Clauses Acts, §§ 1, 25.

Railway; Extension; Works and Lands, §§ 3 to 10.

Extension to be on Seven Feet Gauge, § 11.

Tolls, §§ 15 to 17.

Power to raise 60,000*l.* by Shares, with or without Preference, §§ 18 to 23.

Power to borrow 20,000*l.*, §§ 24 to 27.

*Cap. clix.*

"The Eastern Bengal Railway Act, 1857."

Recites Formation of the Company, with Power to raise a Capital in the first instance of 1,000,000*l.* in 20*l.* Shares, and ultimately a further Capital; and that the East India Company have agreed to guarantee Interest on the First Capital.

Incorporates Companies Clauses Act, §§ 3, 4.

Company incorporated; Seal for India, §§ 4, 5.

Contracts with East India Company, §§ 7 to 9.

Tolls, § 10.

Meetings; Directors; Committees, §§ 11 to 22.

Original Capital 1,000,000*l.* in 20*l.* Shares, § 23.

Power to increase the Capital to 1,500,000*l.*, and with the Consent of East India Company and of a General Meeting to 6,000,000*l.* in Shares with or without a Preference, §§ 24 to 30.

Power to borrow on Bond to the Amount of One Third of paid-up Capital; and with Consent of East India Company any further Amount, § 33.

Bonds; Preference of Claims of East India Company, §§ 34, 35.

Registry of Shares; Transfers, &c. &c., §§ 36 to 42.

Notices; Byelaws; Penalties; Appeal, §§ 44 to 47.

*Cap. clx.*

"Scinde Railway Act, 1857."

Recites Incorporation of Scinde Railway Company by "Scinde Railway Act, 1855," and Deed of Settlement 20 & 21 Vict.

of 6th March 1855; that Capital consists of 750,000*l.* in 20*l.* Shares, with Power to increase the Amount. Recites Agreement of 26th December 1855 between the Company and the East India Company, whereby the Company was to construct a certain Line of Railway, and the East India Company to guarantee Interest on the Outlay; that the Capital already issued consists of 500,000*l.*, of which more than Half is paid up; that the Two Companies are negotiating for the Construction of a new Railway, to be called the Punjab Railway, and also for establishing Communication by Steam and other Vessels on the Indus between Hyderabad and Mooltan.

Companies Clauses Act incorporated, § 3.

Recited Act repealed and Deed of Settlement annulled, § 5.

Saving of Rights and Liabilities, §§ 6 to 17.

Seal for Use in India, § 18.

Powers to contract with East India Company, §§ 19 to 21.

Tolls, § 22.

Present Capital 500,000*l.*; Power to increase to the Extent required for the Purposes of this Act, §§ 23, 26.

Appropriation and Distinction of Shares, §§ 27, 34.

Distinct Accounts to be kept of old and new Capital; Dividends, §§ 35, 36.

Power to borrow on Bond a Sum equal to One Third of Capital, §§ 37 to 39.

Claims of East India Company to have Priority, § 39.

Meetings; Votes; Directors; Committees, §§ 42 to 58.

Registration of Shares and Bonds in India, §§ 59 to 64.

Locality of Shares and Bonds, § 65.

Notices; Byelaws; Penalties; Appeal, §§ 66 to 70.

*Cap. clxi.*

"Lancaster and Carlisle and Ingleton Railway Act, 1857."

Recites that the Construction of a new Railway to connect the Lancaster and Carlisle Railway and the North-western Railway would be of advantage, and that the Lancaster and Carlisle Company are willing to construct the same and to provide Capital; that their existing Capital is 1,706,000*l.*, of which 252,636*l.* is unexpended; that of the 433,000*l.* they have Power to borrow, 271,360*l.* is unborrowed; that they have no Preference Shares.

Incorporation of General Acts, § 2.

Railways; Roads; Lands, §§ 3 to 12.

Communications and Arrangements as to Station, Lands, and Works with the North-western Railway, §§ 13 to 15.

Tolls, §§ 16 to 19.

Power to raise 300,000*l.* by new Shares, with or without Preference, §§ 20 to 23.

Power to borrow 20,000*l.*, §§ 25, 26.

Power to apply Corporate Funds, § 28.

Provision respecting Lancaster and Preston Junction Railway, § 32.

*Cap. clxii.*

## “The Mersey Docks and Harbour Act, 1857.”

Whereas by an Act passed in the Fifty-first Year of the Reign of His late Majesty King George the Third, Chapter One hundred and forty-three, the Mayor, Aldermen, Bailiffs, and Common Council of the Borough of Liverpool were formed into a Body Corporate, and the Docks at Liverpool were vested in them, under the Style of “the Trustees of the Liverpool Docks,” and the Mayor, Aldermen, and Burgesses of the said Borough are now the Trustees of the said Docks, but the Management of such Docks is, by an Act passed in the Fifteenth Year of the Reign of Her present Majesty, Chapter Sixty-four, vested in a Body called “the Committee for the Affairs of the Estate of the Trustees of the Liverpool Docks,” and herein-after called “the Liverpool Dock Committee,” consisting of Twenty-four Members, of whom Twelve are nominated by the Council of the Borough of Liverpool, and Twelve are elected by the Dock Ratepayers: And whereas the several Acts comprised in the First Part of the Schedule hereunto annexed have been passed in relation to the said Docks: And whereas the said Trustees levy Dues on all Vessels, and Goods carried in Vessels, that enter or use any Dock or Work belonging to them, or that take in, tranship, or discharge their Cargoes, or any Part thereof, within High-water Mark, to Seaward of a Line drawn across the River Mersey from the Southern Extremity of the Township of Garston to the Southern Extremity of the Township of Eastham, and the Dues so received are expended exclusively in the Maintenance and Management of the said Docks and the Port of Liverpool: And whereas the said Trustees levy on all Vessels entering the Port of Liverpool, except Vessels driven in by Stress of Weather, certain Harbour and Light Dues for the Maintenance of the Buoys, Landmarks, and Telegraphs within the Port of Liverpool, and the Expense of Lights and Life Boats, and the Expenses of the Office of the Marine Surveyor of the said Trustees, and towards the Improvement of the Port of Liverpool in any other respect, except the Construction and Maintenance of the Liverpool Docks, and the Trustees expend such last-mentioned Dues for the Purposes in respect of which the same are levied: And whereas the Corporation of Liverpool levy on all Goods imported into and exported from the Port of Liverpool, not being the Property of Freemen of Liverpool or of resident Freemen of London, Bristol, Waterford, or Wexford, divers Dues, called Town Dues, amounting to a very large Amount in the whole, and likewise levy, under the Name of Anchorage Dues, divers other Dues on all Ships entering the Port of Liverpool: And whereas the said Town and Anchorage Dues are carried to the Account of the Borough Fund of the Borough of Liverpool: And whereas by an Act of the Seventh and Eighth Years of the Reign of Her present Majesty, Chapter Seventy-nine, and herein-after called “The Birkenhead Dock Act, 1844,” certain Commissioners, herein-after called “the Birkenhead Dock Commissioners,” were appointed, with Powers to construct and maintain Tidal Basins and a Dock at Birkenhead in the County of Chester, and the several Acts comprised in the Second Part of the Schedule hereunto annexed have been passed in relation to the

Undertaking so authorized: And whereas by an Act of the Eighth and Ninth Years of the Reign of Her present Majesty, Chapter Sixty, a Company called “the Birkenhead Dock Company” was incorporated, with Powers to make and maintain Docks and other Works at Birkenhead aforesaid, adjoining the Works proposed to be constructed by “the Birkenhead Dock Commissioners,” and the several Acts comprised in the Third Part of the Schedule hereunto annexed have been passed in relation to the said Company: And whereas by the Act of the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter One hundred and forty-four, comprised in the Second Part of the said Schedule, all the Powers of the Birkenhead Dock Commissioners were transferred to a Body Corporate called “the Trustees of the Birkenhead Docks:” And whereas by an Agreement bearing Date the Sixteenth Day of May One thousand eight hundred and fifty-five, and made between the Trustees of the Birkenhead Docks, the Birkenhead Dock Company, and the Corporation of Liverpool, it was agreed that all the Property, as therein described, of the Trustees of the Birkenhead Docks and of the Birkenhead Dock Company should, subject to any Liabilities affecting the same, be purchased by and transferred to and vested in the Corporation of Liverpool for the Consideration therein mentioned: And whereas by “The Birkenhead Docks Act, 1855,” the said Agreement was confirmed, and it was enacted, that all the Property of the Trustees of the Birkenhead Docks and of the Birkenhead Dock Company, as therein described, and their Powers in relation thereto, should, subject to the Liabilities affecting the same, vest in the Corporation of Liverpool, upon the Delivery by the Corporation to the Birkenhead Dock Trustees and Birkenhead Dock Company respectively of Bonds representing in the aggregate the Sum of One million one hundred and forty-three thousand Pounds, which Bonds have been delivered accordingly, and the said Property and Powers are now vested in the said Corporation, who have expended further considerable Sums in relation thereto: And whereas the said Corporation have erected an Observatory at Liverpool, and have partially constructed a Landing Stage at Liverpool for Sea-going Steamers: And whereas the said Corporation, under an Act of the Tenth George the Fourth, Chapter Sixteen, herein called “The Wallasey Embankment Act,” appoint certain of the Commissioners for executing the said Act, and are liable to contribute out of their Corporate Funds annually towards the Maintenance and Repair of the Wallasey or Leasowes Embankment: And whereas by an Act passed in the Fifth Year of the Reign of His late Majesty King George the Fourth, Chapter Seventy-three, the Appointment and Superintendence of Pilots for the Port of Liverpool is vested in a Body of Commissioners, herein-after called “the Liverpool Pilotage Commissioners:” And whereas under the Provisions of an Act passed in the Sixth Year of the Reign of Her present Majesty, Chapter One hundred and ten, (herein-after called “the Mersey Conservancy Act,”) and of an Act passed in the Fifteenth Year of the Reign of Her present Majesty Chapter Forty-two, the Conservancy of the River Mersey, and of the Banks and Shores thereof, from Warrington and Frodsham Bridges to the Sea, is vested

in certain Commissioners (herein-after called "the Conservancy Commissioners"), and the said Corporation contribute out of their Corporate Funds to the Conservancy Fund provided by the said Mersey Conservancy Act : And whereas, by Custom, the Corporation of Liverpool are or claim to be entitled to appoint a Water Bailiff, and to remove sunken Vessels and other Impediments to the Navigation of the Mersey : And whereas it is expedient that the Constitution of the Liverpool Dock Trust should be altered, and that the Docks of Liverpool and Birkenhead, and the Powers in relation thereto of the Trustees of the Liverpool Docks, and of the Corporation, and the North Reserve near Birkenhead, and the Observatory and Landing Stage belonging to the said Corporation, and the Control over Pilotage, Harbour Lights, and other Matters conducive to the Safety or Convenience of the Shipping frequenting the Port of Liverpool, should, subject to the Provisions of the said Mersey Conservancy Act and of this Act, be vested in a new Trust, and that the Rights now lawfully exercised by the Trustees of the Liverpool Docks, and by the Corporation, of levying Rates and Dues on Shipping frequenting the Port of Liverpool, or on Goods carried in such Shipping, should be transferred to the new Trust, upon such Terms and for such Consideration as are herein-after mentioned, and that the Proceeds of such Rates and Dues should be applied to the Benefit of the Port of Liverpool, and of the Shipping and Trade of the said Port : And whereas the Corporation of Liverpool have agreed to transfer their Property and Rights aforesaid upon the Terms and for the Consideration by this Act provided : And whereas it is expedient that Docks and Works at Birkenhead should be completed as expeditiously as possible.

Definition of Docks, Corporation, and Rates, §§ 1 to 3.

Constitution of Board to be called "the Mersey Docks and Harbour Board ;" Qualification ; and Rotation of Members, §§ 5 to 17.

Qualification of Electors ; Revision of Lists of Electors ; Voting, §§ 18 to 25.

*Transfer of Property to Board.*

XXVI. All such Estate and Interest in the Docks, Buildings, and other Property, both real and personal, situate at Birkenhead or elsewhere, as are transferred or intended to be transferred to the Corporation of Liverpool by "The Birkenhead Docks Act, 1855," shall, upon and after the First Day of January One thousand eight hundred and fifty-eight, vest in the Board, but subject to all Charges and Liabilities affecting the same.

XXVII. All such Docks, Lights, Buoys, Lands, Buildings, and other Property, both real and personal, situate at Liverpool or elsewhere, as are held by or in trust for the Trustees of the Liverpool Docks under or in pursuance of or for the Purposes of any of the Acts mentioned in the First Part of the Schedule hereto annexed, shall, upon and after the First Day of January One thousand eight hundred and fifty-eight, vest in the Board, but subject to all Charges and Liabilities affecting the same.

XXVIII. The Landing Stage for Sea-going Steamers now being constructed by the Corporation in front of

the Prince's Dock at Liverpool shall be completed by them at their own Expense, so that the same may be ready for Traffic, and the same (if so completed on the First Day of January One thousand eight hundred and fifty-eight) shall vest in the Board at that Date, or, if not then completed, shall vest in the Board from and after the Completion thereof, and the same shall for ever thereafter be maintained by the Board in a State of Efficiency, and in the Situation where the same is now being constructed.

XXIX. The Liverpool Observatory, with its Instruments and Appurtenances, shall, from and after the First Day of January One thousand eight hundred and fifty-eight, vest in the Board, who shall maintain the same in complete Efficiency.

XXX. All Powers, Rights, and Privileges vested in or exercisable by the Corporation of Liverpool, the Liverpool Dock Trustees, the Liverpool Dock Committee, or any of such Authorities, under or in pursuance of or for the Purpose of any of the Acts mentioned in the Schedule hereto, and not inconsistent with this Act, shall, from and after the First Day of January One thousand eight hundred and fifty-eight, be vested in and exercisable by the Board.

XXXI. All such Powers of licensing and regulating Pilots, and of fixing Pilotage Rates, as are vested in the Commissioners appointed by an Act passed in the Fifth Year of the Reign of His late Majesty King George the Fourth, Chapter Seventy-three, and intitled "An Act for the better Regulation and Encouragement of Pilots for the conducting of Ships and Vessels into and out of the Port of Liverpool," for the Purposes aforesaid, and all such Property, real and personal, as is held by or in trust for the said Commissioners for the Purposes of such last-mentioned Act, and all such other Powers, Rights, and Privileges, as are vested in the said Commissioners in relation to Pilotage by the said Act, or by any other Act, Charter, or Custom, shall, from and after the First Day of January One thousand eight hundred and fifty-eight, be vested in and exercisable by the Board.

XXXII. All such Powers, Rights, and Privileges of imposing or collecting any of the Dues, herein-before called respectively Town Dues and Anchorage Dues, as are now vested in or have been lawfully exercised by the Corporation of Liverpool, shall, from and after the First Day of January One thousand eight hundred and fifty-eight, be transferred to and vested in the Board, but subject to all the Charges affecting the same : Provided always, that nothing herein-contained shall be held to affect the Rights of the said Corporation or of the Board to levy the said Town and Anchorage Dues, but such Rights shall be held to be legally capable of being exercised by the Board unless the contrary should be established in some Court of competent Jurisdiction.

XXXIII. All such Rights and Privileges of appointing a Water Bailiff and of removing sunken Vessels, and all such Powers of exercising Jurisdiction over the Navigation, or in respect of the Conservancy of the River Mersey, as are now vested in or exercisable by the Corporation, and all Obligations and Liabilities of the said Corporation in relation thereto, or in relation to the Wallasey or Leasowes Embankment, shall, from and after the First Day of January One thousand

eight hundred and fifty-eight, be transferred to the Board.

XXXIV. So much of the Salary of the Acting Conservator appointed by the Conservancy Commissioners as is now paid by the Corporation of Liverpool, and all other Expenses that are now incurred or payable by the Corporation in respect of the Conservancy of the Mersey, shall from and after the First Day of January One thousand eight hundred and fifty-eight, be paid and borne by the Board.

XXXV. And whereas by Articles of Agreement dated the Fourteenth Day of October One thousand eight hundred and fifty-two, and made between the Honourable Charles Alexander Gore, a Commissioner of Her Majesty's Woods, Forests, and Land Revenues, of the one Part, and Joshua Pollard and George Pollard therein described of the other Part, the said Charles Alexander Gore agreed to sell to the said Joshua Pollard and George Pollard, who agreed to purchase, that Part of the Land called the North Reserve which was shown on the Plan annexed to the Agreement for the Price and subject to the Covenants and Conditions therein contained: And whereas by an Indenture dated the First Day of December One thousand eight hundred and fifty-two, and made between the said Joshua Pollard and George Pollard of the one Part, and John Abel Smith of the other Part, and another Indenture dated the Seventeenth Day of October One thousand eight hundred and fifty-five, and made between John Abel Smith of the one Part, and the Corporation of Liverpool of the other Part, all the Estate and Interest of the said Joshua Pollard and George Pollard under the said recited Articles of Agreement dated the Fourteenth Day of October One thousand eight hundred and fifty-two, except in a small Piece of Land in the last-mentioned Indenture described, became vested in the Corporation: And whereas only a Part of the Consideration Money by the said Articles of Agreement covenanted to be paid to Her Majesty has yet been paid, and many of the Covenants, Conditions, and Agreements therein contained still remain to be performed: And whereas it is expedient for the Objects and Purposes of this Act that the Estate and Interest of the Corporation of Liverpool under the same Articles of Agreement in the North Reserve should, from and after the First Day of January One thousand eight hundred and fifty-eight, vest in the Board: Be it therefore enacted, That from and after the First Day of January One thousand eight hundred and fifty-eight all the Estate, Right, Title, and Interest of the Corporation of Liverpool in the Space of Land lying on the North Side of the Entrance to the above-named Dock Float, and commonly called the North Reserve, under the recited Articles of Agreement and Indentures, or any of them, shall, subject to the Provisions herein-after contained, become vested in the Board, subject to all Covenants, Agreements, and Conditions affecting the same.

XXXVI. The Compensation to be made by the Board in respect of the said North Reserve shall be the Sum of One hundred and twenty-seven thousand Pounds, and such Sum shall be applied in manner following:— First, in paying to the Crown the Balance of Purchase Money and Interest due to Her Majesty; second, in Payment or Satisfaction of all pecuniary Incumbrances, if any, affecting the said North Reserve, not being

Liabilities to the Crown in respect of Works; thirdly, in paying the Balance to the Corporation of Liverpool: Provided always, that until such Compensation as aforesaid be paid, it shall not be lawful for the Board to take or interfere with the said North Reserve, or any Part thereof; and unless the said Sum of One hundred and twenty-seven thousand Pounds be paid to the Corporation within Two Months of the said First Day of January One thousand eight hundred and fifty-eight, the said Sum shall bear Interest after the Rate of Four Pounds per Centum per Annum from the said First Day of January until the same be paid.

XXXVII. The Board shall pay to the Corporation, on or before the several Days mentioned in the Fourth Part of the Schedule hereto, the several Sums specified in such Schedule, and the Corporation shall apply the several Sums received by them under this Enactment in Payment of the several Sums owing or to become due, as specified in the said Schedule.

XXXVIII. In case at any Time and from Time to Time the Board shall make default in paying or providing for the Principal and Interest on the said Bonds, or any of them, on the Days of Payment thereof respectively, and shall not, on Demand, repay to the Corporation any Moneys which they may have paid in respect thereof, the Corporation may recover the Amount so paid by them, with Interest, in an Action against the Board as for Money paid to their Use, and in addition and without Prejudice to such Right of Action may re-enter on any Property at Birkenhead which by this Act has been transferred to and vested in the Board, and may hold the same until such Amount, with Interest thereon at the Rate of Four Pounds per Cent. per Annum, and all Costs incident to such Entry and Holding, shall have been paid and satisfied.

XXXIX. The Board shall also repay to the Corporation all such Moneys as they shall have bonâ fide paid or expended before and up to the First Day of January One thousand eight hundred and fifty-eight, or shall have been compelled after that Day to pay and shall have paid, either in the Payment of Interest on the Bonds delivered by them as aforesaid, or in respect of Works executed by them upon any of the Birkenhead Docks, or Property hereby transferred to the Board, or otherwise howsoever, in the bonâ fide Execution of the Powers and Provisions of "The Birkenhead Docks Act, 1855," or in the Performance of any Obligation or Duty thereby imposed upon the Corporation, together with Interest thereon at the Rate of Four Pounds per Cent. per Annum, from the respective Times of Payment thereof until Payment by the Board; and an Account of the Moneys so paid and expended by the Corporation, signed by the Town Clerk, shall be delivered to the Board within One Month after its Appointment, or as soon thereafter as practicable, and shall be verified by such Vouchers, Accounts, and Documents, and in such other Manner as the Board may reasonably require; and if such Account shall be disputed by the Board, the same or so much thereof as shall be so disputed shall be settled by Arbitration, and the Amount so agreed or settled, as the Case may be, shall be paid by the Board to the Corporation on or before the First Day of January One thousand eight hundred and fifty-nine, and in default of such Payment the Corporation may recover the same from the Board by Action as for

Money paid to their Use, and in addition to such Right of Action may enter upon any of the Property which by this Act has been transferred to and vested in the Board, and may hold the same until the said Amount, with Interest thereon at the Rate of Four per Centum per Annum, and all Costs incident to the enforcing Payment thereof, shall have been fully paid.

XL. The Board shall pay to the Corporation the Sum of One million five hundred thousand Pounds in consideration of the Relinquishment and Transfer of their existing Rights to the Perception of the said Town and Anchorage Dues, and of the Transfer of the said Landing Stage and Observatory, and such Payment shall be made by Fifteen equal half-yearly Payments, on the First Day of July and the First Day of January in each Year, the First of such Payments to be made on the First Day of July One thousand eight hundred and fifty-eight; and in addition to such last-mentioned Payments, the Board shall also on the same Days respectively pay to the Corporation Interest on the said Sum of One million five hundred thousand Pounds, or on so much thereof as for the Time being shall be unpaid, at the Rate of Four Pounds Ten Shillings per Cent. per Annum; and the same being duly paid, the Corporation shall, in consideration thereof, pay and satisfy the Holders of the Bonds issued by the Corporation upon the Credit of the Borough Fund, and not charged on the Liverpool Water Account, or in this Act otherwise provided for, as and when the same respectively become due, and shall protect and indemnify the Board and its Revenues from and against any Claim or Demand, either for Principal or Interest, upon any Bonds issued by the Corporation before the First January One thousand eight hundred and fifty-eight, and in case they shall fail to do so, and the Board shall by reason thereof be required to make and shall make any Payment upon any such Bond, they shall be entitled to deduct the Amount so paid by them, with Interest at the Rate of Four Pounds Ten Shillings per Centum per Annum, and all Costs incurred by them in respect thereof, out of the next Payment to be made by them to the Corporation, or, if no such Payment remain to be made, may recover the same by Action against the Corporation as for Money paid to their Use.

XLI. The Sum of One million five hundred thousand Pounds and Interest thereon so to be paid by the Board to the Corporation shall be a Charge upon the general Revenues of the Board.

XLII. If at any Time there shall be due and in arrear to the Corporation from the Board in respect of any of the Moneys hereby made payable by the Board to the Corporation a Sum equal to Ten thousand Pounds, and the Board shall not, within Two Months after Demand, pay or satisfy the same, the Corporation may enforce the Payment thereof by the Appointment of a Receiver, but without Prejudice to their Right to recover or enforce Payment of the same in any other Manner; and for all Purposes relating to the Appointment and Acting of such Receiver, the 86th and 87th Sections of "The Commissioners Clauses Act, 1847," shall be held to be incorporated with this Act: Provided, that such Appointment of Receiver, and the Powers to be exercised by him, shall not affect or disturb any Charge created by this Act in favour of the Specialty Cre-

ditors, but such Power shall be exercised subject thereto.

XLIII. All Debts and Obligations incurred, all Contracts entered into, and all Matters and Things engaged to be done by, with, or for the Corporation, the Liverpool Dock Trustees, the Liverpool Dock Committee, or the Liverpool Pilotage Commissioners, in respect of any Property, Powers, Rights, or Privileges hereby transferred to the Board, shall be deemed to have been incurred, entered into, or engaged to be done by, with, or for the Board; and all such Debts, Obligations, Contracts, Matters, and Things, and all Securities for the same, and all Penalties and Forfeitures for the Nonperformance thereof, shall be enforceable by or against the Board to the same Extent as the same would, if no such Transfer had taken place, have been enforceable by or against the Corporation, the Liverpool Dock Trustees, the Liverpool Dock Committee, or the Liverpool Pilotage Commissioners.

XLIV. All Rates and Sums of Money due to the Liverpool Dock Trustees, or to the Liverpool Dock Committee, or the Liverpool Pilotage Commissioners, on account of any Property, Powers, Rights, or Privileges hereby transferred, shall be deemed to be due to the Board, and be recoverable accordingly.

XLV. All Actions, Suits, and other legal Proceedings, civil or criminal, commenced or which might have been commenced by or against the Corporation, the Liverpool Dock Trustees, the Liverpool Dock Committee, or the Liverpool Pilotage Commissioners, in relation to any Property, Powers, Rights, or Privileges hereby transferred, may be continued or instituted by or against the Board.

XLVI. All Actions, Suits, and other Proceedings against the Corporation for or in respect of any Act, Matter, or Thing done or omitted to be done or alleged to have been done or omitted by them in the bonâ fide Execution of the Powers and Provisions of "The Birkenhead Docks Act, 1855," which shall be pending on the First Day of January One thousand eight hundred and fifty-eight, shall not after that Day be continued as against the Corporation, but may be continued and prosecuted against the Board upon the entering of a Suggestion, or by an Order of a Judge of any of the Superior Courts; and no Action, Suit, or other Proceeding in respect of any such Act, Matter, or Thing as aforesaid shall be commenced or instituted after the said First Day of January One thousand eight hundred and fifty-eight against the Corporation, but the same may be commenced and instituted against the Board; and in any such Action, Suit, or other Proceeding commenced or continued against the Board, such Judgment or Decree may be pronounced or made against the Board as might or would have been made against the Corporation if this Act had not passed.

XLVII. All Persons having in their Custody, Power, or Possession any Books, Papers, or Writings relating exclusively to the Property, Rights, Powers, and Privileges hereby transferred shall deliver the same to the Board, or to such Persons as they may appoint; and in case of Refusal or Neglect the Person so refusing or neglecting shall for each Offence incur a Penalty not exceeding Fifty Pounds, and shall be liable at the

Instance of the Board to the same Actions, Suits, or other Proceedings as they would respectively have been liable to at the Instance of the Authority to which such Property, Rights, Powers, and Privileges previously to the Transfer thereof belonged.

XLVIII. Provided always, That nothing herein contained shall be held to require the Corporation to deliver to the Board any Books, Papers, or Writings which in any Manner relate to the Property or Rights of the Corporation, other than the Property, Powers, and Rights by this Act transferred to the Board, but the Corporation shall, if required by the Board, and at the Expense of the Board, produce such Books, Papers, and Writings in their Possession as may be necessary for establishing the Title of the Board to any Property, Powers, or Rights by this Act transferred to them.

*Functions of Board.*

XLIX. Subject to the Provisions of this Act, the Board shall stand possessed of all the Property, Powers, Rights, and Privileges hereby transferred to them upon the Trusts and for the Purposes upon and for which such Property, Powers, Rights, and Privileges were holden previously to the Commencement of this Act.

L. From and after the First Day of January One thousand eight hundred and fifty-eight all Docks and Works belonging to the Board, and all Docks and Works that may hereafter belong to the Board, shall be deemed to constitute One Estate only, herein-after called "the Mersey Dock Estate," and a uniform System of Management shall be adopted with respect to the whole of such Mersey Dock Estate.

LI. The Board shall immediately after the Commencement of this Act proceed with the Construction of the outer Works at Birkenhead referred to in "The Birkenhead Docks Act, 1853," with a view to the Completion of the same, substantially in accordance with the Plans that have been sanctioned by Parliament.

LII. Until the Board shall take possession of the Birkenhead Docks under the Provisions of this Act, the Corporation shall proceed with the Construction of the Works authorized by the Birkenhead Dock Acts, and after the Board shall have entered into possession of the said Birkenhead Docks they shall assume all Contracts and all Liabilities of the said Corporation in respect of the said Works.

LIII. The Board may, with the Consent of the Conservancy Commissioners, make Regulations for the mooring of Vessels in the River Mersey, and the Prevention of Obstructions therein.

LIV. The following Accounts shall be kept separately, and shall be dealt with as distinct Sources of Income and Expenditure ; (that is to say,)

(1.) An Account of all Sums received and disbursed by the Board in respect of the following Matters, and herein-after called Conservancy Receipts and Conservancy Expenditure ; that is to say : in respect of the Maintenance of Buoys, Landmarks, and Telegraphs ; the Expense of Lights and Life Boats ; the Expense of the Marine Surveyor ; the Expenses to be incurred as herein-after mentioned, with the Consent of the Commissioners for the Conservancy of the River Mersey, in improving of the Port of

Liverpool or the Navigation of the River Mersey ; the Expenses to be incurred in the Exercise of the Jurisdiction hitherto vested in the Corporation of appointing a Water Bailiff, and removing sunken Vessels and other Impediments to the Navigation :

(2.) An Account of all Sums received and disbursed by the Board in the Exercise of the Powers hitherto vested in the Liverpool Pilotage Commissioners, herein-after called "Pilotage Receipts" and "Pilotage Expenditure :"

(3.) An Account of all other Sums received and disbursed by the Board in pursuance of this Act, and herein-after called "General Receipts" and "General Expenditure."

LV. The Board may, with the Consent of the Conservancy Commissioners, apply any Portion of their General Receipts, after providing for the Expenses and Charges incidental to the Mersey Dock Estate, in improving the Port of Liverpool, or the Navigation of the River Mersey ; they may also increase or diminish, and again increase, any Rates or Dues leviable by them in pursuance of this Act, either generally or in respect of any particular Articles.

LVI. The following Rules shall be observed by the Board with respect to the Moneys received by them under this Act ; (that is to say,)

(1.) The Conservancy Expenditure shall be defrayed out of the Conservancy Receipts :

(2.) The Pilotage Expenditure shall be defrayed out of the Pilotage Receipts :

(3.) No Portion of the Conservancy Receipts or Pilotage Receipts shall be applied in aid of the General Expenditure :

(4.) No Sums shall be payable in respect of Docks by any Vessel that does not use the same :

(5.) Save as by this Act is provided, no Moneys receivable by the Board shall be applied to any Purpose, unless the same conduces to the Safety or Convenience of Ships frequenting the Port of Liverpool, or facilitates the shipping or unshipping of Goods, or is concerned in discharging a Debt contracted for the above Purposes.

LVII. The Board may, in addition to any Powers acquired by them under the Acts specified in the Schedule, from Time to Time borrow at Interest, on the Security of any Rate or Rates, or any Dues forming Part of its General Receipts, any Sum or Sums required for the Completion of the Birkenhead Docks and Works, or for the Purposes specially provided for by this Act, but for no other Purpose whatever ; and for the Purposes of such borrowing, the Clauses of "The Commissioners Clauses Act, 1847," with respect to the Mortgages to be executed by the Commissioners, shall be incorporated with this Act.

LVIII. All Arbitrations under this Act shall be conducted, and all Penalties imposed by this Act shall be recovered, in manner directed by "The Railways Clauses Consolidation Act, 1845."

LIX. The Board shall render to Parliament, as soon as may be after the Twenty-fourth Day of June in every Year, an Account of its Receipts during the preceding Year ending the Twenty-fourth of June, and the Manner in which the same have been applied.

LX. The Board shall in the ensuing Session prosecute a Bill in Parliament for consolidating the several Acts specified in the Schedule hereto, and for obtaining any additional Powers that may be necessary or expedient for carrying into effect the Purposes of this Act, and for revising and regulating the Rates and Charges to be levied upon all Vessels, Goods, Merchandise, and other Articles now liable or hereafter liable to the same.

LXI. From and after the First Day of January One thousand eight hundred and fifty-eight, all such Provisions contained in the Acts specified in the First Schedule hereto, or in any other Act, as are inconsistent with this Act, are hereby repealed, and in particular the Fourth Section of the Act passed in the Sixth Year of His late Majesty King George the Fourth, Chapter One hundred and eighty-seven, and such Provisions of the said scheduled Acts as relate to the Appointment or Constitution of "the Liverpool Dock Committee" or "the Liverpool Pilotage Commissioners."

LXII. Except as otherwise expressly provided for by this Act, nothing herein contained shall in anywise annul, abridge, prejudice, or affect the Rights and Interests of the Company of Proprietors of the Mersey and Irwell Navigation, or of the Trustees under the Will of the Most Noble Francis late Duke of Bridgewater, in or connected with the River Mersey, or the Navigation or Conservancy thereof.

LXIII. Nothing in this Act shall exempt the Board from the Provisions of "The Merchant Shipping Law Amendment Act, 1853," "The Merchant Shipping Act, 1854," or any General Act relating to Docks, Harbours, or Dues on Shipping, or on Goods carried in Shipping, now in force or which shall be passed during the present or any future Session of Parliament.

LXIV. Nothing in this Act contained shall be held or construed to prejudice or affect any of the Rights, Privileges, Powers, or Authorities of the Owners or Lessees for the Time being of the Woodside and Seacombe Ferries respectively.

LXV. Whereas it is alleged that certain Works constructed by the Liverpool Dock Trustees in pursuance of the Act passed in the Session holden in the Seventh and Eighth Years of the Reign of Her present Majesty, Chapter Eighty, and in the Eleventh Year of the Reign of Her present Majesty, Chapter Ten, have caused the Stream of the Mersey to impinge on the opposite Shore, and to Waste Land abutting on such River, situate in the Townships of Poulton-cum-Seacombe and Liscard in the Parish of Wallasey in the County of Chester, thereby occasioning serious Loss to the Owners of such Land, and it is also alleged that such Waste is still going on, and will, unless prevented by adequate Means, cause still greater Loss: Be it enacted, That the Board shall, if satisfied that such Allegation is true, construct a Wall or other adequate Works for the Purpose of preventing any such Waste: Provided always, that no such Wall or Works shall at any Time be constructed without the previous Consent of the Conservancy Commissioners of the Mersey, to be signified in Writing, under the Hand of the Acting

Conservator, or without the Consent in Writing of the Commissioners of Woods, Forests, and Land Revenues, or One of them.

LXVI. Any Expenses incurred by the Board in constructing a Wall or other Works for the Prevention of such Waste as aforesaid shall be defrayed by the Board out of any Moneys for the Time being in their Hands standing to the Account of their General Receipts.

LXVII. Whereas all such Docks, Lights, Buoys, Lands, Buildings, and other Property, real and personal, as are held by or in trust for the Trustees of the Liverpool Docks under or in pursuance or for the Purposes of any of the Acts mentioned in the First Part of the Schedule annexed hereto, and which Property is herein-after called "the existing Liverpool Dock Estate," is transferred by this Act to the Board: And whereas all Powers vested in the said Trustees of the Liverpool Docks of levying Rates in respect of the said Docks and other Property are also transferred to the Board: And whereas the said Trustees of the Liverpool Docks are indebted to divers Persons, on Bond and other Specialty Debts, to the Extent of Six million Pounds and upwards, and it is expedient that such Persons, who are herein-after called existing Specialty Creditors, should not be prejudiced in their Rights by this Act: Be it enacted, That the Board shall keep a separate Account of all Rates levied by them in respect of the existing Liverpool Dock Estate, and all the existing Specialty Creditors shall, in respect of all Advances made by them on the Security of the said Liverpool Dock Estate and Liverpool Dock Rates, either alone or in common with other Property, or on the Security of Bonds of the Liverpool Dock Trustees, have the same Claim against the existing Liverpool Dock Estate, and the Rates levied in respect of the said Estate, to the Extent of the present net Revenue arising from the same, when such Rates are transferred to and levied by the Board, and also against the Board to the Extent of such present net Revenue arising from the Rates levied by them in respect of the Liverpool Dock Estate, as they would if this Act had not been passed have had in respect of the same Advances against the existing Liverpool Dock Estate in the Hands of the Liverpool Dock Trustees, and against the Rates levied by such Trustees, and against the Liverpool Dock Trustees, and such Claims shall, to the Extent of the said present net Revenue, have Priority over all other Charges which are created or hereafter may be created under the Authority of this Act; moreover, the Board shall not exercise any Power hereby given them in such Manner as to reduce the Revenue applicable to the Payment of the said Bond Debts so long as all such Debts remain unpaid below the Amount of the said net Revenue, or, in the event of any such Bond Debts being paid off, below such Amount as will bear the same Proportion to the existing Bond Debts for the Time being unpaid as the net Revenue bears to the existing Bond Debts unpaid at the passing of this Act.

LXVIII. All Expenses of and incidental to the passing of this Act, and of carrying the same into effect, shall be defrayed by the Board out of any Moneys for the Time in their Hands.

## SCHEDULE (PART I.)

## LIVERPOOL DOCKS ACTS.

8 Anne, c. 12.	9 Geo. 4. c. 114.
3 Geo. 1. c. 1.	11 Geo. 4. c. 14.
11 Geo. 2. c. 32.	4 Vict. c. 30.
2 Geo. 3. c. 86.	6 & 7 Vict. c. 98.
25 Geo. 3. c. 15.	7 & 8 Vict. c. 80.
39 Geo. 3. c. 59.	8 Vict. c. 11.
51 Geo. 3. c. 143.	9 & 10 Vict. c. 119.
53 Geo. 3. c. 156.	11 Vict. c. 10.
59 Geo. 3. c. 30.	14 & 15 Vict. c. 64.
6 Geo. 4. c. 187.	18 & 19 Vict. c. 174.
9 Geo. 4. c. 55.	

## SCHEDULE (PART II.)

## THE BIRKENHEAD DOCKS TRUSTEES ACTS.

7 & 8 Vict. c. 79.	13 & 14 Vict. c. 100.
8 & 9 Vict. c. 4.	16 & 17 Vict. c. 165.
10 & 11 Vict. c. 264.	17 & 18 Vict. c. 192.
10 & 11 Vict. c. 265.	18 & 19 Vict. c. 171.
11 & 12 Vict. c. 144.	

## SCHEDULE (PART III.)

## THE BIRKENHEAD DOCKS COMPANY'S ACTS.

8 & 9 Vict. c. 60.	16 & 17 Vict. c. 177.
11 & 12 Vict. c. 9.	18 & 19 Vict. c. 171.
11 & 12 Vict. c. 42.	

## SCHEDULE (PART IV.)

Statement showing the Amounts payable by the Corporation of Liverpool for Principal Money and Interest in respect of Bonds delivered to the Nominees of the Birkenhead Dock Trustees and the Birkenhead Dock Company between the 23rd January 1858 and 23rd July 1865, both Dates inclusive.

Date.	Principal Money.			Interest.			Sum Total of Principal and Interest.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
1858 January 23	-	-	-	13,930	0	0	13,930	0	0
" July "	125,000	0	0	13,930	0	0	138,930	0	0
1859 January "	-	-	-	11,430	0	0	11,430	0	0
" July "	-	-	-	11,430	0	0	11,430	0	0
1860 January "	-	-	-	15,895	0	0	15,895	0	0
" July "	-	-	-	15,895	0	0	15,895	0	0
1861 January "	-	-	-	15,895	0	0	15,895	0	0
" July "	125,000	0	0	15,895	0	0	140,895	0	0
1862 January "	-	-	-	13,395	0	0	13,395	0	0
" July "	446,500	0	0	13,395	0	0	459,895	0	0
1863 January "	-	-	-	8,930	0	0	8,930	0	0
" July "	-	-	-	8,930	0	0	8,930	0	0
1864 January "	-	-	-	8,930	0	0	8,930	0	0
" July "	-	-	-	8,930	0	0	8,930	0	0
1865 January "	-	-	-	8,930	0	0	8,930	0	0
" July "	446,500	0	0	8,930	0	0	455,430	0	0
	£1,143,000	0	0	194,670	0	0	1,337,670	0	0



## PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTERS,  
AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

N.B.—To each of these Acts is annexed a Clause in the Form following :

“ This Act shall not be a Public Act, but shall be printed by the several Printers to the Queen's most Excellent Majesty duly authorized to print the Statutes of the United Kingdom, and a Copy thereof so printed by any of them shall be admitted as Evidence thereof by all Judges, Justices, and others.”

## Cap. 1.

An Act for enabling the Trustees in whom the Lands and Estate of *Scotsraig* in the County of *Fife* are vested to grant Feus of certain Portions thereof. [3rd July 1857.]

Power to Trustees to grant Feus with Consent of Liferentrix, § 1.  
Conditions of Feus, §§ 2, 3.  
Feu Duties to be paid to Liferentrix in possession or to Trustees for Heir in Minority, § 6.  
Feu Charters already granted to be valid, § 7.

## Cap. 2.

An Act to amend and explain *Fleming's Estate Act*, 1852. [27th July 1857.]

Powers given to let Lands for building Purposes by “ *Fleming's Estate Act*, 1852,” explained and enlarged, § 2.

## Cap. 3.

An Act for authorizing the Dean and Chapter of *Hereford* to raise Money for the Repair of the Cathedral Church of *Hereford*. [27th July 1857.]

Power to Dean and Chapter to borrow Money on Mortgage of Fabric Estates, § 2.  
Power to Church Estates Commissioners to advance Money to Dean and Chapter, § 3.  
Sinking Fund, § 10.  
Repayment of Moneys borrowed, §§ 13, 14.  
Application of Money borrowed, § 19.  
Saving of Rights of Crown and of Chapter, §§ 22, 23.

## Cap. 4.

An Act to enable the Trustees of the Will of the late *Francis Duke of Bridgewater* to complete the Purchase of the *Runcorn and Weston Canal*, and to enable such Trustees more effectually to administer the Trusts of the Will of the said Duke. [25th August 1857.]

Power to Trustees to complete the Purchase of the Canal, § 2.  
20 & 21 VICT.

Power to Trustees to convey certain Estates, § 3.  
Existing Tenancies confirmed, § 4.  
Further Powers to Trustees, § 5.  
Part of a Sum of 150,000*l.* authorized to be raised by 14 & 15 Vict. c. 12. may be appropriated to constructing Wharves, Docks, and Warehouses for Purposes of Canal, § 7.  
Consent of *Francis Egerton* to be obtained, § 8.

## Cap. 5.

An Act for authorizing the Sale to the *Dorset Central Railway Company*, in consideration partly of a yearly Rentcharge and partly of a gross Sum, of Part of the Settled Estates in the County of *Dorset* of which the Right Honourable *George Pitt Rivers Lord Rivers* is now Tenant for Life in possession; and for other Purposes. [25th August 1857.]

Power for Trustees to sell and *Dorset Central Railway Company* to purchase Lands in Schedule for Rentcharge and a gross Sum, § 3.  
Consent of Tenant for Life, § 4.  
Yearly Rentcharge to be redeemable; to be subject to Limitations of Settlement and to Incumbrances in Schedule, §§ 5 to 7.  
Proportion of gross Sum to Rentcharge, § 10.  
If Railway not completed in due Time, Trustees may resume Land, § 13.  
Indemnity of Trustees, § 15.  
Consent of absent Parties to be signified, §§ 19, 20.

## Cap. 6.

An Act for carrying into effect an Agreement for a Compromise of the Suit of “ *Carew versus Waugh*,” now pending in the High Court of Chancery, and for vesting the Estates to which the Suit relates in Trustees upon Trust for Sale; and for other Purposes. [25th August 1857.]

Appointment and Powers of Trustees for executing the Act, §§ 2 to 5.  
Power to Court of Chancery to give Orders and to approve Scheme for Execution of Act, §§ 6 to 9.  
Management of Trust Estates until Sale, § 13.

Arrangements may be made for discharging Incumbrances, §§ 15 to 21.

Limit of Incumbrances to be paid off, § 18.

Regulations as to Sales, §§ 23, 24.

Application of Income received by Trustees, § 26.

Application of Principal Moneys, § 29.

Application of Proceeds of the Trust Stock, § 38.

Income to be enjoyed by C. H. H. Carew ; Powers to be exercised by him ; Provision for younger Children, §§ 46 to 54.

Powers of Jointure, §§ 56 to 59.

Provision for other Parties interested, §§ 60 to 63.

Heirlooms vested in Trustees, §§ 68 to 74.

Provision for new Trustees, § 76.

SCHEDULE of Trust Estates ; Schedule of Creditors.

*Cap. 7.*

An Act for authorizing the raising of Money on the Security of Estates in the County of *Glamorgan*, settled by the Will of the Right Honourable *Other Archer* late Earl of *Plymouth* deceased, and the Application of the Money for the Im-

provement of Parts of the Estates, in order to render them available as Building Lands, and for confirming an Agreement with the *Penarth* Harbour, Dock, and Railway Company, heretofore called the *Ely* Tidal Harbour and Railway Company ; and for other Purposes.

[25th August 1857.]

Powers of Act to be exercised by Trustees ; Money may be raised on Mortgage of Estates in Schedule, § 4.

Power to expend certain Moneys, §§ 5, 6.

Sinking Fund to be provided, §§ 12 to 15.

Power to Trustees to lay out Building Lands, make Roads, Sewers, &c., §§ 16, 17.

Confirmation of Agreement with *Ely* Tidal Harbour and Railway Company subject to Condition ; Reverter of Lands in certain Events, § 18.

Provision for Consent of absent Party interested, § 23.

SCHEDULES :—

1. Building Lands.

2. Estates subject to late Earl of *Plymouth*'s Will.

3. Agreement with *Ely* Harbour Company.

## EFFECT OF LEGISLATION.—20 & 21 Vict.

20 & 21 Vict.	Act affected.	Subject of Act affected.
Cap. I.	Amends - - 18 & 19 Vict. c. 48. s. 5. -	Administration of Justice in the Cinque Ports.
III. s. 1.	Repeals - - 16 & 17 Vict. c. 99. ss. 1. to 4.	Penal Servitude.
ss. 3. 4.	Amends - - 5 Geo. 4. c. 84. - - -	Transportation.
s. 5.	Amends - - 16 & 17 Vict. c. 99. s. 11. -	Penal Servitude.
V.	Continues - 16 & 17 Vict. c. 91. - - -	Abatement of Income Tax in respect of Insurance on Lives.
VI.	Amends - - { 40 Geo. 3. c. 39. - - - 1 Geo. 4. c. 68. - - - 16 & 17 Vict. c. 113. - - }	Court of Exchequer Chamber Procedure (Ireland).
VII.	Revives - - 11 & 12 Vict. c. 32. - - -	County Cess Collectors (Ireland).
	Applies - - 19 & 20 Vict. c. 36. - - -	" " "
VIII.	Repeals - - 17 & 18 Vict. c. 11. ss. 2, 3, 4, 5, 6, 7, 9, 11.	Ministers Money (Ireland).
IX.	Applies - - 14 & 15 Vict. c. 38. - - -	Turnpike Trusts.
XI.	Explains - - 17 & 18 Vict. c. 107. - - -	Militia (Ireland).
XIII.	Extends - - 5 & 6 Will. 4. c. 69. - - -	Conveyances of Workhouses, &c. of Parishes, Incorporations, or Unions.
s. 5.	Applies - - 1 & 2 Vict. c. 23. - - -	Providing of Houses for Beneficed Clergy.
s. 7.	Applies - - 1 Vict. c. 50. - - -	Conveyances of Copyholds to Unions, &c.
	Applies - - 4 & 5 Will. 4. c. 76. s. 109. -	Poor Law Amendment Act.
	Applies - - 16 & 17 Vict. c. 70. - - -	Lunatics and their Estates.
XIV. s. 2.	Incorporates - 19 & 20 Vict. c. 47. - - -	Joint Stock Companies.
s. 3.	Repeals - - " " s. 4. -	" "
s. 23.	Repeals - - " " s. 107. -	" "
s. 26.	Repeals - - " " s. 110. -	" "
s. 33.	Repeals - - " " s. 113. -	" "
s. 31.	Amends - - " " s. 111. -	" "
s. 21.	Applies - - 11 Vict. c. 96. - - -	Relief of Trustees.
s. 23.	{ Revives pro- visionally and eventually re- peals - - }	8 Vict. c. 110. - - -
" -		11 Vict. c. 78. - - -
" -		18 & 19 Vict. c. 133. - - -
XV.	Amends - - 6 & 7 Will. 4. c. 116. - - -	Presentment of Public Money by Grand Juries (Ireland).
XVI.	Applies - - 14 & 15 Vict. c. 93. - - -	Petty Sessions (Ireland).
	Repeals - - Acts (Local) in Schedule A.	Turnpike Acts.
XVII.	Amends - - 11 & 12 Vict. c. 72. - - -	Constabulary (Ireland).
	Alters Schedule.	
XVIII.	Amends - - 1 & 2 Vict. c. 118. - - -	Court of Session (Scotland).

EFFECT OF LEGISLATION—*continued.*

20 & 21 Vict.	Act affected.	Subject of Act affected.
Cap.		
XIX.	Amends - - 19 & 20 Vict. c. 79. - - Explains - - 19 & 20 Vict. c. 91. - -	Bankruptcy Consolidation (Scotland). Judicial Procedure and Securities for Debt (Scotland).
XXIII.	Amends - - 5 & 6 Vict. c. 89. - -	Drainage, &c. &c. (Ireland).
XXV.	Continues - - 17 & 18 Vict. c. 81. - - Amends - - 19 & 20 Vict. c. 31. - -	Oxford University Commission.
XXVI.	Applies - - 10 & 11 Vict. c. 50. ss. 2, 3. - -	Constitution and Transmission of Heritable Securities for Debt (Scotland).
XXVII.	Amends - - 11 & 12 Vict. c. 54. - - Applies - - 5 & 6 Vict. c. 9. - -	Caledonian Canal. Exchequer Loan Commissioners.
XXVIII.	Repeals - - 43 Geo. 3. c. 161. s. 24. - - Amends - - 5 & 6 Vict. c. 35. s. 176. - -	Taxes and Assessed Duties. Income Tax.
XXXI.	Amends - - { "The General Inclosure Acts." - - Applies - - 6 & 7 Will. 4. c. 71. - - Amends - - 8 & 9 Vict. c. 118. - -	Tithe Commutation. Commons Inclosure.
XXXIII.	Amends - - 40 Geo. 3. (I.) - -	Election of Representative Peers for Ireland.
XXXIV.	Explains - - 14 & 15 Vict. c. 63. - -	Canada and New Brunswick Boun- daries.
XXXV.	Amends - - 15 & 16 Vict. c. 85. - - Repeals - - { " 33. 35, 36, 37. and 50. ss. 32, - -	Burial in the Metropolis. (N.B. This Act extends only to the City of London and its Liberties.)
XXXVI.	Amends - - { 19 & 20 Vict. c. 108. (Sche- dule D.) - -	County Courts.
XXXVII.	Repeals - - 4 & 5 Will. 4. c. 24. s. 27. - -	Superannuation Act.
XXXVIII.	Continues - - { 17 & 18 Vict. c. 95. - - 19 & 20 Vict. c. 85. - -	Board of Health.
XL. s. 1. -	Repeals - - { 17 & 18 Vict. c. 89. ss. 13, } 14. and 17. - -	Illicit Distillation (Ireland).
s. 2. -	Amends - - 18 & 19 Vict. c. 103. s. 3. - - 17 & 18 Vict. c. 89. - -	" " "
s. 5. -	Applies - - { 1 & 2 Will. 4. c. 55. - - 6 Geo. 4. c. 80. - - 16 & 17 Vict. c. 106. - -	" " " Spirit Duties.
s. 6. -	Applies - - 14 & 15 Vict. c. 93. - -	Customs Consolidation. Proceedings before Justices (Ireland).
XLI.	Revives - - 3 & 4 Vict. c. 110. - -	Loan Societies.
XLII. s. 1. -	Repeals - - 18 & 19 Vict. c. 68. s. 28. - -	Burial Grounds (Scotland).
s. 2. -	Applies - - 14 & 15 Vict. c. 23. - -	Exchequer Loan Commissioners.
XLIII. s. 13. -	Applies - - 2 & 3 Vict. c. 71. s. 45. - -	Metropolis Police Courts.
XLV.	Applies - - { 3 & 4 Will. 4. c. 37. - - 6 & 7 Will. 4. c. 116. - - 17 & 18 Vict. c. 17. - -	Boundaries of Baronies (Ireland). " Parishes " " certain Lands "
XLVIII. s. 8. -	Excludes - - 9 & 10 Vict. c. 66. - -	Poor Law Removal.
s. 19. -	Applies - - 11 & 12 Vict. c. 43. - -	Proceedings before Justices.

EFFECT OF LEGISLATION—*continued.*

20 & 21 Vict. Cap.	Act affected.	Subject of Act affected.
XLIX. s. 2. -	Applies - { 19 & 20 Vict. c. 47. - }	Joint Stock Companies.
s. 3. -	Partly repeals - { 20 & 21 Vict. c. 14. - } - 19 & 20 Vict. c. 47. s. 2. }	Joint Stock Companies.
s. 12. -	Partly repeals - { 7 & 8 Vict. c. 113. - } - 9 & 10 Vict. c. 75. - }	Joint Stock Banks (England). " " " { (Scotland). (Ireland).
s. 11. -	Excepts - { 11 Vict. c. 45. - } - 13 Vict. c. 108. - } - 8 Vict. c. 111. - } - 9 Vict. c. 98. - }	Winding-up Acts.
s. 15. {	Excepts as to - { s. 19. of 19 & 20 Vict. c. 47. - } Scotland - }	Joint Stock Companies.
L. ss. 1. 4.	Repeals - - 5 & 6 Will. 4. c. 76. s. 75. }	Municipal Corporations.
ss. 2. 7.	Amends - - - - - }	Municipal Corporations.
s. 6. -	Amends - - 7 Will. 4. and 1 Vict. c. 78. }	Levying of Fines, &c. &c. estreated.
s. 5. -	Amends - - 3 Geo. 4. c. 46. - - }	Levying of Fines, &c. &c. estreated.
LII.	Amends - - { 10 & 11 Vict. c. 112. - } - 15 & 16 Vict. c. 72. - }	New Zealand.
LIII.	{ Partially repeals } 15 & 16 Vict. c. 72. - - Amends - - }	New Zealand.
LV. s. 4. - }	Applies - - 17 & 18 Vict. c. 86. - }	Reformatory Schools.
s. 8. - }	Applies - - 18 & 19 Vict. c. 87. - }	Reformatory Schools.
s. 12. - }	Partially repeals - - " " " " s. 2. - }	Reformatory Schools.
s. 14. - }	Applies - - 19 & 20 Vict. c. 109. - }	Reformatory Schools.
LVII. s. 2. -	Applies - - { 3 & 4 Will. 4. c. 74. - } - 4 & 5 Will. 4. c. 92. - }	Abolition of Fines and Recoveries, and Substitution of more simple Modes of Assurance. " " (Ireland).
LVIII.	Amends - - 17 & 18 Vict. c. 91. - - }	Valuation of Lands and Heritages (Scotland).
LIX.	Amends - - { 43 Geo. 3. c. 54. - } - 17 & 18 Vict. c. 98. - }	Parochial Schoolmasters (Scotland).
LX. s. 2. -	Repeals - - The Acts and Parts of Acts specified in Schedule (A.)	—
s. 33. -	Applies - - 8 & 9 Vict. c. 109. - - }	Games and Wagers (i.e., the Form of Trial provided in lieu of a Feigned Issue).
s. 53. -	Amends - - 11 & 12 Geo. 3. c. 47. - - }	Prevention of Frauds by Bankrupts.
s. 80. -	Continues - 6 & 7 Will. 4. c. 14. - - }	Bankruptcy, Ireland.
s. 101. -	Applies - - 11 & 12 Vict. c. 21. - - }	An Act to consolidate, &c. the Law re- lating to Insolvent Debtors in India.
s. 259. -	Applies - - 5 & 6 Vict. c. 39. - - }	Bonâ fide Advances to Agents in- trusted with Goods.
s. 331. -	Amends - - 13 & 14 Vict. c. 29. - - }	An Act to amend the Law relating to Judgments in Ireland.
s. 334. -	Applies - - 3 & 4 Vict. c. 105. - - }	Arrest on Mesne Process, Ireland.
s. 335. -	Applies - - { 7 " " Vict. c. "90. - - }	Protection of "Purchasers, Registry of Judgments, Ireland.
s. 340. -	Applies - - 4 & 5 Will. 4. c. 92. - - }	Abolition of Fines and Recoveries, and Substitution of more simple Modes of Assurance in Ireland.
s. 361. -	{ Saves and ap- } 11 & 12 Geo. 3. c. 8. (I.) - plies - - } 6 & 7 Will. 4. c. 14. - }	Prevention of Fraud by Bankrupts (Ireland). Bankruptcy, Ireland

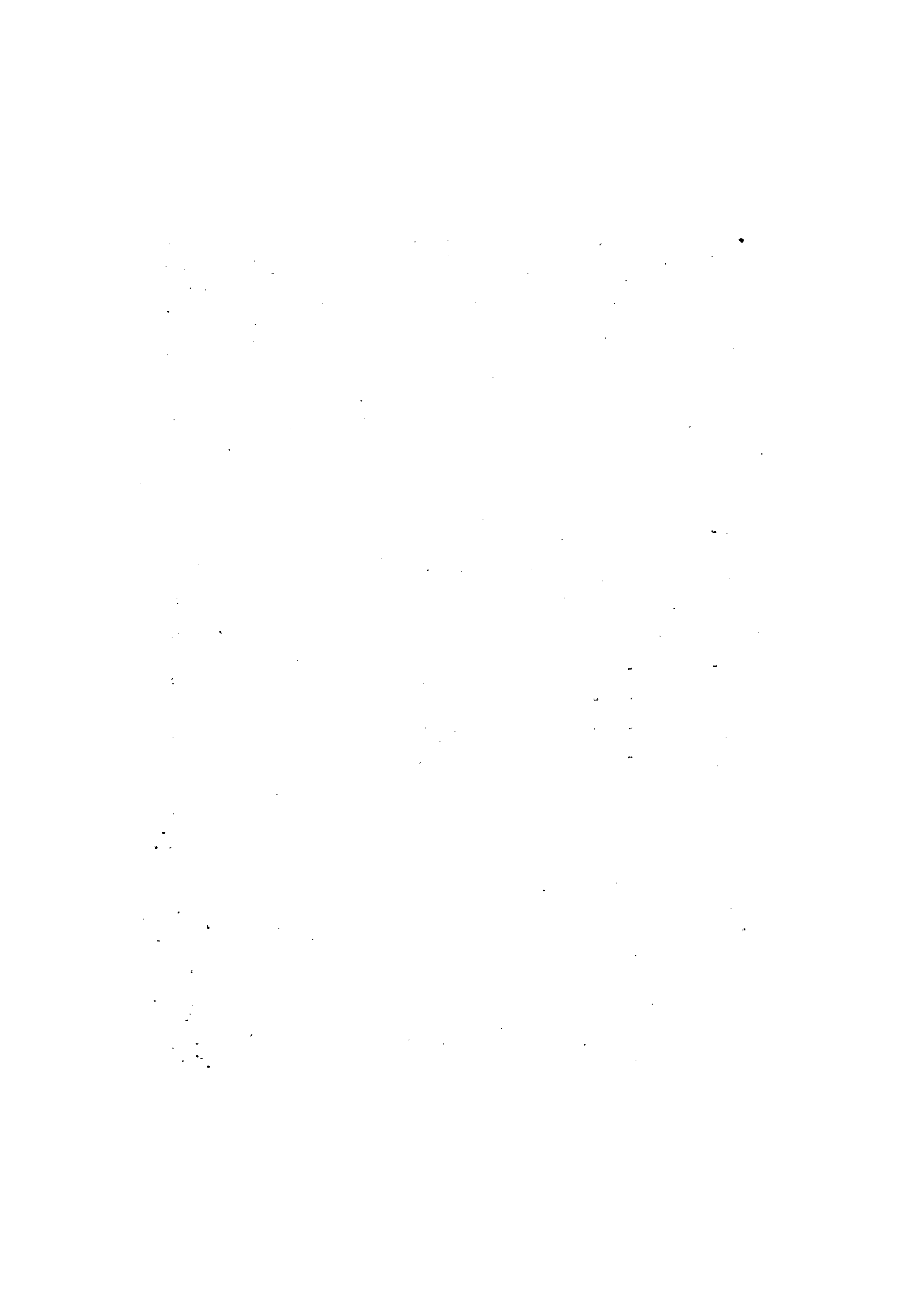
EFFECT OF LEGISLATION—*continued.*

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19° & 20° VICTORIÆ, 1856.

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 147. Bankrupt to make a Declaration or Oath before obtaining Discharge.  
 148. This Act not to extend to discharge Crown Debtors, &c., unless Treasury give Consent.  
 149. Pay, Half Pay, and Pensions of Bankrupts to be applicable for the Benefit of Creditors.

19 &amp; 20 Vict.

*Preferences, Collusions, &c.*

- § 150. Preferences, Payments, and collusive Agreements for Discharge to be void.  
 151. Bankrupt to forfeit Privileges, if participant in giving such Preferences, &c.

*Trustee's Discharge.*

152. Proceedings for this Purpose.  
 153. Trustees to lodge unclaimed Dividends, &c. in Bank. Claimants showing Right to apply to Lord Ordinary for Authority to receive Dividends. Interest Account of unclaimed Dividends.  
 154. Law Accounts to be taxed.  
 155. Surplus to be paid to Bankrupt.

*Accountant in Bankruptcy.*

156. Appointment of Accountant in Bankruptcy.  
 157. Accountant to keep Register of Sequestration.  
 158. Trustee to make an annual Return to Sheriff Clerk, and the Sheriff Clerk to Accountant in Bankruptcy.  
 159. Accountant in Bankruptcy to take cognizance of the Conduct of Trustees and Commissioners.  
 160. And to superintend annual Returns.  
 161. To report Disobedience.  
 162. To give Information to Lord Advocate.  
 163. Providing for Illness or Absence of Accountant.

*Judicial Power for winding-up Estates of Parties deceased.*

164. Application for Judicial Factor on Estates of Persons deceased.  
 165. Judicial Factor's Duties to be regulated by Act of Sederunt.  
 166. Application of Trustees on Estate of deceased Parties for Supervision of Accountant in Bankruptcy.

*Process of Cessio Bonorum.*

167. Cessio Bonorum.  
 168. When Creditors may resolve that Bankrupt is only entitled to Decree of Cessio.

*Judicial Proceedings.*

169. Appeals, &c. against Resolutions of Creditors and Deliverances of Trustee to the Lord Ordinary or Sheriff.  
 170. Review of Sheriff's Judgments.  
 171. Review of Lord Ordinary's Judgments.  
 172. Regulation by Sheriff of Interim Possession.  
 173. Appeals to House of Lords.  
 174. Deliverances, Extracts, and Copies shall form Evidence.  
 175. Deliverances, &c. may be printed. Service of Citations.  
 176. Trustee and Commissioners may compound and transact.  
 177. Agents in Court of Session may be Agents in Causes under this Act before Sheriff.

*Miscellaneous Provisions.*

178. Punishment of wilful Falsehood.  
 179. Trustee may be authorized to receive and open Letters.  
 180. Fees payable.  
 181. Fees payable to the Bill Chamber Clerks.  
 182. Gazette Keeper to furnish Copies of Gazette.  
 183. Charges on Advertisements under this Act.  
 184. Conveyances, Deeds, &c. relating to Estates of Bankrupts, Notices, not liable to Stamp or other Duties.  
 185. Acts of Sederunt may be made.

## SCHEDULES.

*Banks.* See *Joint Stock Banks.* *Seamen's Savings Banks.*

*Bath.* See *Magdalen Hospital, Bath.*

[B]

*Beer, Sugar used in brewing.* See *Excise*.

*Bishop Auckland.* See *Public Health*.

*Boroughs, Police of.* See *Police (Counties and Boroughs)*.

*Boundaries, Alteration of.* See *Public Health*.

*Burghs (Scotland).* See *Registration of Voters (Scotland)*.

*Burial Grounds (Ireland).*

19 & 20 Vict. c. 98.—An Act to amend the Laws relating to the Burial of the Dead in Ireland. Page 264

- § 1. Short Title.
2. Interpretation of Terms.
3. Burial Boards to carry Act into execution.
4. Board of Guardians to be subject to Poor Law Commissioners.
5. On Representation duly made to him, Lord Lieutenant in Council may restrain the opening of new Burial Grounds, and order Discontinuance of Burials in specified Places.
6. Lord Lieutenant in Council may postpone Order for Discontinuance of Burials.
- 7, 8. Order not to extend to Burial Grounds of Quakers or French Protestants, unless expressly included.
9. Penalty on Persons burying contrary to the Provisions of Orders in Council.
10. Saving of certain Rights to bury in Vaults.
11. New Burial Grounds not to be opened contrary to Order in Council.
12. No Corpse to be buried in private Grave without Consent.
13. No Animal to be allowed to graze in Burial Places.
14. Upon Requisition of Ratepayers or Members of Burial Board, Meeting of Board to be convened, to determine whether Burial Ground shall be provided.
15. When Burial Grounds are closed by Order in Council, Board to provide suitable Burial Grounds, &c.
16. Consent of Owners of Houses to new Burial Grounds, where necessary.
17. Board may purchase Land for Cemeteries, or contract with Cemetery Companies.
18. Certain Provisions of 8 & 9 Vict. c. 18. (Lands Clauses Consolidation Act) incorporated with this Act.
19. Liabilities of old Burial Grounds transferred to new Burial Grounds.
20. Management to be vested in Burial Boards.
21. Boards may sell exclusive Rights of Burial and Rights to erect Monuments.
22. Boards may make Arrangements for facilitating the Conveyance of Bodies to Burial Grounds.
23. Places may be provided for Reception of Bodies until Interment.
24. Lord Lieutenant in Council may make Regulations as to Burial Grounds, &c.
25. Exemption of Burials from Toll.
26. Boards may lay out and embellish Burial Grounds.
27. Board to fix Payments for Interments.
28. Minutes of Proceedings of Board to be entered in a Book; Board to keep Accounts, which shall be open to Inspection.
29. Board may appoint and remove Officers, &c.

- § 30. Register of Burials to be kept in every Ground provided under this Act.
31. Public Works Loan Commissioners may advance Money for the Purposes of this Act.
32. Expenses of Act to be defrayed by a separate Rate.
33. Guardians or Council may appropriate Lands for Purposes of Act.
34. Burial Ground already provided by the County and City of Waterford to vest in Poor Law Guardians of Waterford Union.
35. Certain Provisions of 10 & 11 Vict. c. 65. (Cemeteries Clauses Act) incorporated with the Act.
36. Burial Board may borrow Money for laying out Burial Ground, &c., and charge the same on Rates to be levied under this Act.
37. Money may be borrowed to pay off Securities.
38. Assessments to local Rates not to be increased after Purchase for the Purposes of this or any former Act.
39. Burial Board may let Land not required for Burials.
40. Burial Board to keep in order closed Burial Grounds, &c.
41. Certain Plot of Ground to be deemed to be within the Limits of the Borough of Limerick.
42. Not to apply to private Mausoleums.
43. Act to extend only to Ireland.

C.

*Cambridge University.*

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. Page 239

- § 1. Appointment of Commissioners.
2. Duration of Powers of Commissioners.
3. Vacancy in Number of Commissioners.
4. Commissioners empowered to require Production of Documents, &c.
5. Establishment of Council of the Senate.
6. Composition of Council.
7. Vice-Chancellor to promulgate Lists of Members of Senate.
8. Lists may be objected to and amended.
9. As to vacating of Seats of Members of Council.
10. For Supply of periodical Vacancies in Council. Members vacating may be re-elected.
11. As to filling up of casual Vacancies.
12. Votes of Electors.
13. Absence from Meetings for a certain Time to create a Vacancy.
14. Member of Council becoming Vice-Chancellor not to vacate Seat.
15. Professors eligible.
16. Vice-Chancellor to make Regulations respecting Council.
17. Power to Council to make Rules for Regulation of its own Proceedings.
18. Date of Meeting.
19. Who shall be President of the Council.
20. Quorum of Council. Questions in the Council to be decided by the Majority.
21. Council to nominate to Offices.
22. Certain Oaths deemed illegal, and not to be administered.

- § 23. Power to Vice-Chancellor to license Members of the University to open their Residences for Reception of Students.
24. Hostels.
25. Power of University to make Statutes as to Hostels.
26. If University omit to frame Statutes, &c., it shall be incumbent on Commissioners to do so.
27. Power to Colleges to frame Statutes for certain Purposes.
28. Power to sever Benefices from Headships.
29. When Colleges omit to make Statutes Commissioners may frame them.
30. University may frame new Statutes.
31. Commissioners may frame University Statutes.
32. Votes may be given by Proxy.
33. Right of Preference belonging to Schools not to be abolished in certain Cases if Governors of Schools or Charity Commissioners dissent therefrom.
34. Notice served on the Principal of any School to be sufficient notice to the Governing Body.
35. Statutes objected to by Governing Body of College, &c. to be laid before Parliament.
36. Statutes as to Scholarships in Trinity College appropriated to Scholars of Westminster School.
37. Statutes as to the Grindal Fellowship and Grindal Scholarships at Pembroke College.
38. College of King Henry the Sixth at Eton to be subject to this Act with respect to Colleges.
39. Statutes to be laid before the Queen in Council. Power to Colleges, &c. to petition Her Majesty against Approbation thereof, &c.
40. Statutes to be laid before Parliament.
41. Statutes made by Queen Elizabeth in 1570 for Regulation of University repealed.
42. Power to the Chancellor to settle Doubts as to Meaning of University Statutes.
43. Statutes to be subject to Repeal, &c.
44. Persons becoming Members not to possess vested Interests.
45. Not necessary to make Declaration or take an Oath on matriculating, nor on taking a Degree.
46. Nor on obtaining any Exhibition, Scholarship, or other College Emolument.
47. Stamp Duties on Matriculations, &c. abolished.
48. Colleges, with Consent of Church Estate Commissioners, may sell Estates, &c.
49. Powers of University to continue in force, except as altered by this Act.
50. Interpretation of Terms.
51. Parts of Lands Clauses Act, 1845, incorporated herewith.
52. Powers given by Sections 27, 28, 29, 30, and 31, may be exercised, notwithstanding any Act, Decree, or Order.
53. Elections to Emoluments may be suspended by Commissioners.
- SCHEDULE.

*Camp at Aldershot.* See *Aldershot Camp.*

*Canada Company.*

19 & 20 Vict. c. 23.—An Act for granting certain additional Powers and Authorities to the Canada Company. Page 49

Preamble recites 6 Geo. 4. c. 75. incorporating the Company, and 9 Geo. 4. c. 61. amending the same.

§ 1. Short Title of Act.

- § 2. For ascertaining what shall be deemed to be the Capital of the Company.
3. For ascertaining what shall be deemed Profits of the Company.
4. No further Part of Capital to be called up.
5. Power to wind up and dissolve the Company.
6. Powers of the Company to continue until the same is wound up.
7. Directors to render final Balance Sheet of Liquidation.
8. Act to be in force in Canada and the United Kingdom, and to be deemed a Public Act.
9. Expenses of Act to be paid by the Company.

*Capitular Estates.* See *Episcopal and Capitular Estates.*

*Cattle, Disorders among.* See *Sheep, &c., Contagious Disorders Prevention.*

*Central Criminal Court.* See *Trial of Offences.*

*Chancery, Ireland (Appeal Court).*

19 & 20 Vict. c. 92.—An Act to constitute a Court of Appeal in Chancery, and to amend the Law relating to Appeals from the Incumbered Estates Court in Ireland. Page 255

- § 1. Short Title.
2. Interpretation.
3. Appointment of Judge of Court of Appeal.
4. Court of Appeal.
5. Title and Rank of Judge of Appeal Court.
6. His Oath of Office.
7. Appeals from Master of Rolls to Court of Appeal.
8. Powers and Jurisdiction of Court of Appeal.
9. The Jurisdiction of Chancellor transferred to Court of Appeal in relation to Appeals.
10. Appeals from the Incumbered Estates Court shall be to Court of Appeal.
11. Appeals to be brought within Three Months, unless special Leave obtained.
12. Court of Appeal and Master of Rolls may have Assistance of Common Law Judge.
13. Decision of Majority of Judges of Court of Appeal to bind.
14. Final Appeal to House of Lords.
15. In the Absence of Judge of Appeal, Chancellor may exercise Jurisdiction.
16. The Chancellor to regulate Business of Court.
17. Saving of Powers of Chancellor.
18. If Chancellor or Master of Rolls prevented from sitting, Judge of Appeal Court may sit for him.
19. Salary of Judge of Appeal Court.
20. Retiring Pension to Vice-Chancellor.
21. Increased Powers of making General Orders expedient; Repeal of 14 & 15 Vict. c. 15.
22. Existing Orders to continue in force.
23. General Orders how to be made.
24. Court empowered to make General Orders for certain Purposes.
25. General Orders to be laid before Parliament.
26. Forms of Proceeding may be settled.
27. Masters may make Orders for Money; Repeal of Part of Section 16 of 13 & 14 Vict. c. 89.
28. Deficiency of Suitors Fee Fund to be supplied from Consolidated Fund.

*Chancery, Ireland (Appointment of Receivers).*

19 & 20 Vict. c. 77.—An Act, to amend the Law and Practice of the Court of Chancery, Ireland, in relation to the Appointment of Receivers over Real Estate, and to expedite the Sale of Estates in the said Court. Page 200

- § 1. Interpretation of Terms.
2. Court to have a Discretion in appointing Receivers.
3. No Receiver to be appointed where Sum due shall not exceed 150*l.*, nor where Rental of Estate shall not exceed 100*l.* per Annum.
4. Act not to extend to Appointment of Receivers for Payment of Tithes.
5. Act of Parliament of Ireland 11 & 12 Geo. 3. c. 10. for rendering Securities by Mortgage more effectual repealed.
6. Power to Court to direct Sale of Estate at any Stage of Suit.

*Channel Islands.* See *Customs.*

*Charitable Trusts Acts.* See *Charities.*

*Charities.*

19 & 20 Vict. c. 76.—An Act to continue for a limited Time the Exemption of certain Charities from the Operation of the Charitable Trusts Acts. Page 200

Preamble recites 16 & 17 Vict. c. 137. and 18 & 19 Vict. c. 124., and that certain Roman Catholic Charities were exempted from the Operation of those Acts.

- § 1. Exemption continued till 1st September 1857.

*Charity Commissioners, Schemes of.*

19 & 20 Vict. c. 45.—An Act for confirming a Scheme of the Charity Commissioners for Saint Mary Hospital, near Bath. Page 86

19 & 20 Vict. c. 53.—An Act for confirming a Scheme of the Charity Commissioners for the Endowed School at Moulton, in the County of Lincoln. Page 121

19 & 20 Vict. c. 111.—An Act for confirming a Scheme of the Charity Commissioners for Stoke Poges Hospital, in the County of Bucks, with certain Alterations. Page 326

*Chelsea Pensioners.* See *Greenwich and Chelsea Out-Pensioners.*

*Children.* See *Youthful Offenders.*

*Church Building Commission.*

19 & 20 Vict. c. 55.—An Act for transferring the Powers of the Church Building Commissioners to the Ecclesiastical Commissioners for England. Page 131

Preamble recites 58 Geo. 3. c. 45., and the Appointment of the Commissioners.

- § 1. Powers, &c., of Church Building Commissioners continued to 1st Jan. 1857, and thenceforth transferred to the Ecclesiastical Commissioners for England.
2. After Determination of Commission, Section 11 of 58 Geo. 3. c. 45. repealed.
3. Compensation to Officers of Church Building Commission not continued in Office by Ecclesiastical Commissioners.

*City of London, Freedom of.* See *Stamp Duties.*

*Clerk Assistant of House of Commons.* See *House of Commons Offices.*

*Clerks to Commissioners of Income Tax.*  
See *Income Tax.*

*Clerkship, Articles of.* See *Stamp Duties.*

*Coast Guard Service.*

19 & 20 Vict. c. 83.—An Act to provide for the better Defence of the Coasts of the Realm, and the more ready Manning of the Navy, and to transfer to the Admiralty the Government of the Coast Guard. Page 237

- § 1. Short Title of Act.
2. Interpretation of Terms therein.
3. Coast Guard, after Order from Treasury, shall be raised and governed by Admiralty.
4. Lands held for existing Coast-guard Service to be vested in Admiralty.
5. Power to Admiralty to acquire Lands for Coast-guard Stations.
6. Powers, &c. of existing Coast Guard to be vested in Coast Guard.
7. Coast Guard to have certain Privileges as Persons serving in the Fleet.
8. Coast Guard borne on Books of Vessels of War to be subject to the same Laws and Customs as Persons serving in the Fleet. As to summary Punishment.
9. Constitution of Court-martial.
10. Officers of Coast Guard may command Royal Naval Coast Volunteers.
11. Act may be registered in Guernsey and Jersey.

*Coatham Marriages Validity.*

19 & 20 Vict. c. 70.—An Act to render valid certain Marriages in the Church at Coatham in the Parish of Kirk Leatham in the County of York. Page 198

- § 1. Marriages solemnized in Coatham otherwise East Coatham Church declared valid.
2. Ministers having solemnized Marriages indemnified.
3. Registers to be Evidence.

*Colleges.* See *Cambridge University. Eton College. Oxford University. Winchester, College of Saint Mary of.*

*Commerce, Amendment of Laws affecting.*  
See *Mercantile Law Amendment.*

*Commissioners of Public Works (Ireland).*  
See *Juvenile Convict Prison (Ireland).*

*Commissioners of Supply (Scotland).*

19 & 20 Vict. c. 93.—An Act to constitute all legally qualified Persons in Scotland Commissioners of Supply without being named in an Act of Supply. Page 259

- § 1. Persons qualified for Commissioners of Supply to be such.



- § 2. Valuation Rolls under 17 & 18 Vict. c. 91. to be Evidence.
- 3. Claims and Objections to be lodged with Clerk of Supply.
- 4. Commissioners of Supply to appoint adjourned Meetings for disposing of Claims and Objections.
- 5. On or before 31st December in each Year Clerk of Supply to make up the List of Commissioners.
- 6. Appeal from Determination of Commissioners on Claims or Objections.
- 7. Short Title.

*Committee of Council on Education.*

19 & 20 Vict. c. 116.—An Act for the Appointment of a Vice-President of the Committee of Council on Education. Page 334

- § 1. Her Majesty may appoint a Vice-President of the Committee of Council on Education, with a Salary not exceeding 2,000*l.* per Annum.

*Common Law Procedure (Ireland).*

19 & 20 Vict. c. 102.—An Act to further amend the Procedure in and to enlarge the Jurisdiction of the Superior Courts of Common Law in Ireland. Page 270

- § 1. Short Title of Act:—"Common Law Procedure Amendment Act (Ireland), 1856."
- 2. Incorporation of 16 & 17 Vict. c. 113. with this Act.
- 3. Repeal of 18 & 19 Vict. c. 7., and so much of Sect. 103. of "The Common Law Procedure Act, 1854," (17 & 18 Vict. c. 125.) as relates to Ireland.
- 4. Court or Judge may, by Consent, try Questions of Fact.
- 5. Two Judges may sit at the same Time for Trial of Causes pending in the same Court. Power to Registrars to appoint fit Persons to attend the Second Judge.
- 6. Power to Court or Judge to direct Arbitration before Trial.
- 7. Special Case may be stated, and Question of Fact tried.
- 8. Arbitrator may state Special Case.
- 9. Power to Judge to direct Arbitration at Time of Trial, when Issues of Fact left to his Decision.
- 10. Proceedings before and Power of such Arbitrator.
- 11. Power to send back to Arbitrator.
- 12. Application to set aside the Award.
- 13. Enforcing of Awards within Period for setting them aside.
- 14. If Action commenced by One Party after all have agreed to Arbitration, Court or Judge may stay Proceedings.
- 15. On Failure of Parties to appoint Arbitrators, Judge may appoint Arbitrator or Umpire.
- 16. When Reference is to Two Arbitrators and One Party fail to appoint, other Party may appoint Arbitrator to act alone.
- 17. Two Arbitrators may appoint Umpire.
- 18. Award to be made in Three Months unless Parties or Court enlarge Time.
- 19. Rule to deliver Possession of Land pursuant to Award to be enforced as a Judgment in Ejectment.
- 20. Agreement or Submission in Writing may be made Rule of Court, unless a contrary Intention appear.
- 21. As to Addresses of Counsel to Jury.

- § 22. Power to Court or Judge to adjourn Trial.
- 23. Affirmation instead of Oath in certain Cases.
- 24. Persons making a false Affirmation to be subject to the same Punishment as for Perjury.
- 25. How far a Party may discredit his own Witness.
- 26. Proof of contradictory Statements of adverse Witness.
- 27. Cross-examination as to previous Statements in Writing.
- 28. Proof of previous Conviction of a Witness may be given.
- 29. Attesting Witness need not be called, except in certain Cases.
- 30. Comparison of disputed Writing.
- 31. Certified Copy of Will to be sufficient Evidence.
- 32. Court or Judge may, on the Application to such Court or Judge for such Purpose, order certain Documents to be taken as sufficient Evidence of Will, &c.
- 33. Costs of Proof of Will.
- 34. Provision as to Documents produced at the Trial and not sufficiently stamped.
- 35. Officer of the Court to receive the Duty and Penalties, and pay same over to Inland Revenue. Penalty on Officer for Neglect. 13 & 14 Vict. c. 97.
- 36. No Document under this Act liable to Stamp Duty.
- 37. No new Trial for ruling as to Sufficiency of Stamp.
- 38. Error may be brought on a Special Case.
- 39. Grounds to be stated in Rule Nisi for new Trial.
- 40. If Rule Nisi refused, Party may appeal.
- 41. Appeal upon Rule discharged or absolute.
- 42. As to Courts of Appeal.
- 43. Notice of Appeal.
- 44. Bail.
- 45. Form of Appeal.
- 46. Rule Nisi granted on Appeal, how disposed of.
- 47. Court of Appeal to give Judgment of Court below.
- 48. Powers of Court of Appeal as to Costs and otherwise.
- 49. Error upon Award of Trial de novo.
- 50. Payment of Costs upon new Trial on Matter of Fact.
- 51. Power to Court or Judge to direct oral Examination of Witnesses.
- 52. Proceedings before and upon such Examination. 3 & 4 Vict. c. 105.
- 53. Examination of Person who refuses to make an Affidavit.
- 54. Proceedings upon Order for Examination as under 3 & 4 Vict. c. 105.
- 55. Power to Court or Judge to order Production of Documents.
- 56. Power to deliver written Interrogatories to opposite Party.
- 57. Affidavits by Party proposing to interrogate, and his Attorney.
- 58. Oral Examination of Parties, when to be allowed.
- 59. Proceedings upon such Rule or Order.
- 60. Depositions upon such Examinations to be returned to Master's Office.
- 61. Examiner may make Report to the Court.
- 62. Costs of Rule and Examination to be in the Discretion of the Court.
- 63. Judge may order an Attachment of Debts.
- 64. Order for Attachment to bind Debts.
- 65. Proceedings to levy Amount due from Garnishee to Judgment Debtor.
- 66. Judge may allow Judgment Creditor to sue Garnishee.
- 67. Discharge of Garnishee.
- 68. Attachment Book to be kept by the Masters of each Court.

- § 69. As to Costs of Application for Attachment.  
 70. Action for Mandamus to enforce the Performance of Duties.  
 71. Declaration in Action for Mandamus.  
 72. Proceedings upon Claim for Mandamus.  
 73. Judgment and Execution.  
 74. Form of peremptory Writ.  
 75. Effect of Writ of Mandamus and Proceedings to enforce it.  
 76. The Court may order the Act required to be done, to be done at the Expense of the Defendant.  
 77. Prerogative Writ of Mandamus-preserved.  
 78. Proceedings for Prerogative Writ of Mandamus accelerated.  
 79. Proceedings on Prerogative Writ of Mandamus.  
 80. Specific Delivery of Chattels.  
 81. Claim of Writ of Injunction.  
 82. Form of Writ of Summons, and Endorsement thereon.  
 83. Form of Proceedings and of Judgment.  
 84. Writ of Injunction may be applied for at any Stage of the Cause.  
 85. Equitable Defence may be pleaded.  
 86. Equitable Defence after Judgment.  
 87. Equitable Replication.  
 88. Court or Judge may strike out equitable Plea or Replication.  
 89. Superior Courts of Common Law may in Action of Ejectment order real Title to be tried in such Ejectment.  
 90. Actions on lost Instruments.  
 91. Jurisdiction under Merchant Shipping Act, 1854 (17 & 18 Vict. c. 104).  
 92. Penalty for false Evidence.  
 93. Power to compel Continuance or Abandonment of Action in case of Death.  
 94. Effect of a Judgment in Ejectment.  
 95. Claimant in Second Ejectment for same Premises against same Defendant may be ordered to give Security for Costs.  
 96. Courts may appoint Sittings.  
 97. Limitation of Costs in certain Cases.  
 98. Certain Sections to apply to every Civil Court in Ireland.  
 99. Master may proceed under Sections 98. and 101. of 16 & 17 Vict. c. 113. without Order of Court. Court may direct Master to hold Inquiries when Venue not in Dublin.  
 100. Provision in case Plaintiff in Replevin shall delay to file the Summons and Plaint and proceed to Trial.  
 101. Judgment in Replevin for Amount of Arrears.  
 102. Master may draw for Money lodged as Security for Costs.  
 103. Commencement of Act, 1st October 1856.
- Commons, Offices of House of. See House of Commons Offices.*
- Commons Inclosure.*
- 19 & 20 Vict. c. 11.—An Act to authorize the Inclosure of certain Lands, in pursuance of a Report of the Inclosure Commissioners for England and Wales. Page 29  
 [The Lands authorized to be inclosed are set out in the Schedule.]
- 19 & 20 Vict. c. 106.—An Act to authorize the Inclosure of certain Lands, in pursuance of a Special Report of the Inclosure Commissioners for England and Wales. Page 302  
 [The Lands authorized to be inclosed are set out in the Schedule.]
- Companies. See Joint Stock Companies.*
- Compositions. See Bankers Compositions.*
- Consolidated Fund. See Revenue, Public, &c.*
- Contagious, &c. Disorders.*
- 19 & 20 Vict. c. 101.—An Act to continue certain Acts to prevent the spreading of contagious or infectious Disorders among Sheep, Cattle, and other Animals. Page 270  
 Preamble recites 11 & 12 Vict. c. 107. and 16 & 17 Vict. c. 62.  
 § 1. Recited Acts continued till 1st August 1857.
- Convention with Sardinia. See Sardinian Loan.*
- Convict Prison (Ireland). See Juvenile Convict Prison (Ireland).*
- Corrupt Practices Prevention.*
- 19 & 20 Vict. c. 84.—An Act to continue the Corrupt Practices Prevention Act, 1854. Page 239  
 § 1.—17 & 18 Vict. c. 102. continued until 10th August 1857.
- Cottier Tenant (Ireland) Act, 1856. See Dwellings for Labouring Classes (Ireland).*
- County Courts.*
- 19 & 20 Vict. c. 108.—An Act to amend the Acts relating to the County Courts. Page 304
- § 1. Commencement of Act.  
 2. Enactments specified in Schedule A. repealed.  
 3. Act to be construed with 9 & 10 Vict. c. 95., 12 & 13 Vict. c. 101., 13 & 14 Vict. c. 61., and 15 & 16 Vict. c. 54.  
 4. Acts to apply to Debts sued for under 18 & 19 Vict. c. 67.  
 5. Time and Mode of doing certain Things to be regulated by Rules of Practice.  
 6. Qualification of Deputy Judge.  
 7. Where a Court cannot be held on account of Death, Illness, &c., Proceedings to stand adjourned.  
 8. Clerk to be called Registrar.  
 9. Registrar of more than One Court to cease to be the Registrar of all but One of such Courts.  
 10. Compensations to Registrars.  
 11. Deputy Judge to continue to act after Death of Judge till new One is appointed. Remuneration to Deputy Judge.  
 12. Deputy Registrar to continue to act after Death or Removal of Registrar. Remuneration to Deputy Registrar.  
 13. Judge to appoint Deputy Registrar provisionally, &c.  
 14. Bailiffs shall continue to act after Death or Removal of High Bailiff.

- § 15. Power to Registrar to issue Summons against Defendants residing out of Jurisdiction of Court.
16. On Death or Removal of High Bailiff, Judge to appoint Deputy provisionally.
17. Bailiff may serve Summons or execute Process within Five hundred Yards of Boundary of District.
18. Districts of the Courts in the Metropolis to be treated as One District for certain Purposes.
19. Where Judge of County Court can sue and be sued.
20. If Officer of Court be Plaintiff in his own Court, Defendant may remove the Cause to an adjoining District.
21. Where Officer of County Court may be sued.
22. Power to Judge to change Venue.
23. In certain Cases, on Agreement of the Parties, County Court shall have Power to try certain Causes, although the Matters be beyond its Jurisdiction.
24. Where Claim reduced by Set-off to 50*l.*, Court to have Jurisdiction.
25. Where Title shall come in question, Court, with Consent of Parties at Trial, may decide the Claim.
26. In certain Cases a Judge of a Superior Court may direct a Cause brought in such Court to be tried in a County Court.
27. No Action to be brought in County Court on Judgment of Superior Court.
28. If liquidated Demand exceed 20*l.*, Plaintiff may require Defendant to give Notice of Intention to defend, on pain of Judgment by Default.
29. If Notice to defend given, Action shall be tried.
30. In certain Cases of Judgment by Default, Costs may be recovered.
31. Judge may issue Warrant for bringing up a Prisoner to give Evidence.
32. Judges to make Rules and Orders for regulating Practice of Courts; to be certified to Lord Chancellor and submitted to Three or more Judges of Superior Courts.
33. Scale of Attorneys Costs in certain Proceedings to be framed by the Judges.
- 34, 35. Taxation of Costs by Registrar.
36. Costs between Attorney and Client.
37. Till new Scale of Costs and Rules, &c. made, former Practice to continue.
38. Certiorari may be granted in certain Cases.
39. In certain Cases Defendant may object to Cause being tried in County Court.
40. Rule or Summons to show Cause why a Writ of Certiorari or Prohibition should not issue to be Stay of Proceedings.
41. Notice of Writ of Certiorari or Prohibition having been obtained to be sent to Registrar.
42. Application for Writ of Prohibition to a Judge shall be finally disposed of by Rule or Order.
43. Rule or Order substituted for Writ of Mandamus to a Judge or Officer of a County Court.
44. Refusal of Writ of Certiorari or Prohibition or of Rule or Order in the Nature of a Mandamus by One Court or Judge to be final.
45. Where Judgment does not exceed 20*l.*, the Judge may order Payment by Instalments.
46. Priority of Warrants of Execution issuing out of County Court.
47. Priority of Executions where issued out of Superior Court and County Court.
48. Summons for Commitment may, by Leave of Court, issue in Court in which Judgment was obtained.
- § 49. Judgment may be removed if there are no Goods to be taken under it.
50. Possession of small Tenements may be recovered in County Courts by Landlords where Term has expired or been determined by Notice.
51. In Plaintiff for Recovery of Possession Plaintiff may claim for Rent and mesne Profits.
52. Possession of small Tenements may be recovered in County Court by Landlords for Nonpayment of Rent.
53. Sub-Tenant served with Summons to recover Possession must give Notice to his immediate Landlord, who may come in and defend.
54. In Plaints to recover Possession of Premises how Summons may be served.
55. Warrants to deliver Possession sufficient Justification to Bailiffs for Entry on Premises. When such Warrants are to be served.
56. Such Warrants to be in force for Three Months from the Day named for delivering Possession.
57. Amendment of Defects and Errors of Proceedings.
58. Before whom Affidavit may be sworn.
59. Warrants of Commitment, how long to be in force.
60. No Officer or Party shall be deemed a Trespasser by reason of Irregularity.
61. Judgment Summonses and Warrants of Commitment sufficient if in Form given in Schedule.
62. Bankruptcy and Insolvency of Plaintiff not to abate Action if Assignees elect to continue.
63. Registrar to grant Replevins.
64. Replevins to be granted on Securities given.
65. Replevins may be commenced in Superior Courts. Conditions of Security to be given in such Cases.
66. Conditions of Security to be given when Replevin brought in County Court.
67. Replevins shall, at Instance of Defendant, be removed into Superior Court in certain Cases.
68. Appeal in Actions of Replevin, and Proceedings in Interpleader, and for Recovery of Tenements.
69. Parties may agree not to appeal.
70. How Securities under County Court Acts to be given and enforced.
71. Where Security is required to be given a Deposit of Money may be made in lieu thereof.
72. Claimant of Goods taken in Execution to deposit Value or pay Costs of keeping Possession, otherwise Goods to be sold.
73. Acknowledgments by married Women under 3 & 4 W. 4. c. 74. to be received by a Judge of a County Court.
74. When Debtors Prison of County is distant from a Court, the nearest Debtors Prison of adjoining Court may by Order of a Secretary of State be used.
75. When Goods seized under Process of County Court, Landlord may claim certain Rent in arrear.
76. Removal of Bonds from Registry of Common Pleas.
77. Compensations to Officers of Hundred Court of Wirral in the County of Chester.
78. Fees to be taken according to Schedule, and Table of Fees to be exhibited in Court and Registrar's Office.
79. Treasury to regulate Fees to be taken in County Courts.
80. Salaries of Judges to be paid out of Consolidated Fund, and their Travelling Expenses out of Monies to be voted by Parliament.
81. Salaries of the Judges.
82. Registrars to be paid by Salaries.
83. High Bailiffs to be paid partly by Salaries and partly by Fees.

- § 84. Salaries of Registrars and High Bailiffs to be paid out of Fees.  
 85. Expense of building, &c. to be paid out of Monies to be provided by Parliament.  
 SCHEDULES.

*Counties.* See *Police (Counties and Boroughs)*.  
*Transfer of Works (Ireland)*.

*Courts.* See *Chancery. Common Law Procedure. County Courts. Exchequer. Incumbered Estates. Session, Court of.*

#### *Criminal Justice.*

19 & 20 Vict. c. 118.—An Act to amend the Act of the last Session of Parliament (18 & 19 Vict. c. 126.) for diminishing Expense and Delay in the Administration of Criminal Justice in certain Cases. Page 334

- § 1. Provision as to certain Liberties and Places not in Petty Sessional Divisions.  
 2. Provision as to Fees, &c. payable to certain Persons herein named.

*Criminal and Vagrant Children.* See *Youthful Offenders.*

#### *Cursitor Baron of the Exchequer.*

19 & 20 Vict. c. 86.—An Act to abolish the Office of Cursitor Baron of the Exchequer. Page 239

#### *Customs.*

19 & 20 Vict. c. 75.—An Act for the further Alteration and Amendment of the Laws and Duties of Customs. Page 199

- § 1. The Duties of Customs chargeable on Bichromate of Potash, and Metal of any sort, old, and fit only to be re-manufactured, shall cease and determine on and after the 6th July 1856.  
 2. And in lieu of the Duties of Customs now chargeable on Spruce Beer, Musical Instruments, viz. Instruments of Brass, Copper, or of any other Metal, and Parts of such, and Vinegar, new Duties of Customs shall be charged on and after the said 6th July 1856.  
 3. Penalty on Persons cutting adrift Boats belonging to the Customs.  
 4. Section 22. of 18 & 19 Vict. c. 96. to include Bailiff, &c. in Channel Islands.  
 5. Subsistence Allowance to poor Prisoners, and Payment of Gaol Fees in Channel Islands.  
 6. Commissioners of Customs may invest certain surplus Monies in their Hands, and apply Proceeds to Payment of Compensations.  
 7. Costs awarded to be paid to Crown to be received by Collector of Customs.  
 8. Fees payable to Justices Clerks for Investigations under "Merchant Shipping Act, 1854."  
 9. Act to be registered in the Royal Courts of Guernsey and Jersey.  
 10. Commencement of Act.

TABLE of FEES referred to in Section 8.

## D.

*Dead, Burial of.* See *Burial of the Dead.*

*Debts.* See *County Courts. Judicial Procedure, &c. (Scotland). Small Debts.*

#### *Deeds (Scotland).*

19 & 20 Vict. c. 89.—An Act to abolish certain unnecessary Forms in the framing of Deeds in Scotland. Page 247

Preamble recites Scottish Act 1696, c. 15.

- § 1. After 1st September 1856, Pages of Deeds and Writings need not be marked by Numbers.

#### *Delamere Forest.*

19 & 20 Vict. c. 13.—An Act to make Provision for the Management of certain Lands belonging to Her Majesty within the former Limits of the late Forest of Delamere in the County of Chester. Page 31

Preamble recites 52 G. 3. c. cxxxvi. for determining the Boundaries of the Forest of Delamere, and 54 G. 3. c. xcix. amending the same.

- § 1. Provision of 52 G. 3. c. cxxxvi., as to Allotment in Delamere Forest being kept for Timber only, repealed.  
 2. Powers of Land Revenue Act 10 G. 4. c. 50. relative to leasing, &c. Crown Lands to extend to Allotments awarded under recited Acts 52 & 54 G. 3.

*Desertion.* See *Army. Royal Marines.*

#### *Directors of Joint Stock Banks.*

19 & 20 Vict. c. 100.—An Act to amend the Law with respect to the Election of Directors of Joint Stock Banks in England. Page 270

Preamble recites 7 & 8 Vict. c. 113.

- § 1. Retiring Directors eligible for Re-election.  
 2. Provision for existing Companies established under recited Act.

*Disafforesting of Whichwood Forest.* See *Whichwood Forest.*

*Disembodied Militia.* See *Militia.*

*Disorders.* See *Contagious, &c. Disorders.*

#### *Distillation from Rice.*

19 & 20 Vict. c. 51.—An Act to permit the Use of Rice in the Distillation of Spirits. Page 121

- § 1. Power to distil Spirits from Rice, &c.  
 2. How Duty to be charged in respect of Sugar used with other Materials. 11 & 12 Vict. c. 100. s. 3.

*Drafts on Bankers.*

19 & 20 Vict. c. 25.—An Act to amend the Law relating to Drafts on Bankers. Page 57

- § 1. Draft crossed with Banker's Name, &c. to be payable only to or through some Banker.

*Drainage (Ireland).*

19 & 20 Vict. c. 62.—An Act to provide for the Maintenance of Navigations made in connexion with Drainage, and to make further Provision in relation to Works of Drainage in Ireland. Page 162

Preamble recites 18 & 19 Vict. c. 110.

- § 1. The Navigation in the District of Lough Neagh to be divided into Two Navigations for the Purposes of this Act.
2. Navigations to vest in Trustees for the Use of Counties.
  3. Commissioners to determine what are Navigation Works and what are Drainage Works.
  4. Trustees of Lower Bann Navigation.
  5. Trustees of Upper Bann Navigation.
  6. Trustees of Navigation in Ballinamore and Ballyconnell District.
  7. Trustees of Navigation in Lough Corrib District.
  8. Navigation Trustees enabled to purchase and hold Lands, &c.
  9. Grand Jury may remove Trustees.
  10. Provisions for supplying Vacancies among Trustees.
  11. Power to appoint Officers.
  12. First Meetings of Trustees.
  13. Quorum of Trustees.
  14. Trustees may appoint Committees.
  15. Power to take Tolls.
  16. Limitation of Tolls.
  17. Tolls may be raised or lowered.
  18. If Disputes should arise about the Amount of Tolls, the Collectors may weigh the Goods, in order to ascertain Amount to be paid.
  19. Lock-keepers to attend Locks. Penalty on Neglect.
  20. A List of the Rates, Tolls, &c. to be affixed in conspicuous Places.
  21. For enforcing the Payment of Rates and Tolls.
  22. Power to Trustees to grant Leases of the Rates and Tolls.
  23. Power of Re-entry in case of Nonperformance of the Conditions of Lease.
  24. How the Income derived from Navigation shall be applied.
  25. Expenses of Maintenance of Navigations not defrayed by Income to be paid by Counties, &c. according to Award of Commissioners.
  26. Treasury may advance Money during first Two Years for Expenditure of Trustees.
  27. Trustees of each Navigation to transmit an Account to Grand Juries at each Assizes.
  28. Grand Juries, upon Estimates of Trustees, to present the necessary Amount.
  29. In case Navigations or Works are not kept in repair, the Treasury may order same to be repaired.
  30. Provision for Recovery of Money advanced.
  31. Power to Trustees, with Consent of Grand Juries, to dispose of Navigations.
  32. Trustees may make Byelaws for regulating Management, &c.; Fines for Offences against Byelaws.
  33. Copy of Byelaws to be Evidence.

19 & 20 VICT.

§ 34. Penalty on Persons depositing Ballast, &c. so as to obstruct the River.

35. If any Nuisance be continued after Notice, it shall be considered a new Offence.
36. Penalty on Persons assaulting Trustees, Officers, and others in Execution of Act.
37. Power to include in Award Lands formerly covered with Water.
38. Number of Trustees for Maintenance of Drainage Works may be any Number not exceeding Fifteen.
39. Rates for Maintenance of Drainage Works (as well as Instalments) recoverable by Civil Bill.
40. Saving Rights of Irish Society.
41. And of the Marquis of Donegal.

*Drainage Advances Acts Amendment.*

19 & 20 Vict. c. 9.—An Act to amend the Acts relating to the Advance of Public Money to promote the Improvement of Land. Page 17

Preamble recites 9 & 10 Vict. c. 101., 10 & 11 Vict. c. 11., 11 & 12 Vict. c. 119., 12 & 13 Vict. c. 100., 13 & 14 Vict. c. 31., and 14 & 15 Vict. c. 91.

- § 1. Repealing Sections 8. and 17. of 9 & 10 Vict. c. 101. If Commissioners think an Advance expedient, they may issue a Provisional Certificate, with the Sanction of the Treasury. Expenses of Investigation may be charged upon the Land, if Commissioners shall think fit.
2. Expenses of Assistant Commissioners and others may be by way of Per-centage.
  3. Repealing Section 28. of 9 & 10 Vict. c. 101., and Section 6. of 10 Vict. c. 11. Commissioners, when satisfied of the Execution of the Works, may issue Certificate for an Advance under this Act.
  4. Treasury may direct Advances to be made.
  5. Commencement of Rentcharges.
  6. Repealing Section 29. of 9 & 10 Vict. c. 101. In case of Advances in respect of Land in Scotland, Commissioners to deliver Certificate to Owner of such Land.
  7. Certificates of Advance to be kept by Commissioners and deposited with the Records of their Office.
  8. Upon Apportionment, Part of Lands may be freed from Rentcharge.
  9. Repealing Part of Section 2. of 10 & 11 Vict. c. 11. Commissioners may issue an Advance, notwithstanding Deviations.
  10. Construction of "Commissioners."
  11. Commissioners may appoint Substitute for Owner in Cases of Nonage, Idiocy, Lunacy, &c.
  12. This Act to apply to all Cases, whatever may be the Date of Provisional Certificates.
  13. Recited Acts and this Act to be read together.
  14. Short Titles of Acts:—"Public Money Drainage Acts."

*Drawbacks of Excise on Malt. See Excise.*

*Dublin, House of Industry Hospitals, &c.*

19 & 20 Vict. c. 110.—An Act for the better Regulation of the House of Industry Hospitals and other Hospitals in Dublin supported wholly or in part by Parliamentary Grants. Page 324

Preamble recites 40 Geo. 3. c. 40 (I.), 1 Geo. 4. c. 49., and 1 & 2 Vict. c. 56.

- § 1. Short Title.
2. Interpretation of certain Terms.

[c]

- § 3. The House of Industry Hospitals, and the Lands belonging thereto, vested in Board of Works.
4. Lord Lieutenant, with Consent of Treasury, to regulate Number of Officers and Servants to be kept for House of Industry Hospitals.
5. Lord Lieutenant may direct that the Management of the House of Industry Hospitals be vested in a Board of Governors.
6. Board, when appointed, shall, subject to Approval of Lord Lieutenant, and the Treasury, regulate Number of Officers, &c.
7. As to Payment of Salaries to Officers, &c.
8. Lord Lieutenant may alter Constitution of Board, and delegate Powers to such Board, &c.
9. Lord Lieutenant may, with Consent of Treasury, grant Superannuations to Officers, &c. of House of Industry Hospitals.
10. The Board of Public Works may order ordinary Repairs of such House of Industry Hospitals and the Westmoreland Lock Hospital.
11. Power to appoint a Board of Superintendence of all Hospitals in Dublin supported wholly or in part by Parliamentary Grants.
12. Duties of the Board of Superintendence.
13. Meetings of Board of Superintendence.
14. Lord Lieutenant may appoint a Secretary to Board.
15. Secretary, on Requisition of Chairman or Two Members of Board of Superintendence, to convene Meeting.
16. Board of Superintendence to make General Rules for all Hospitals supported wholly or in part by Parliamentary Grants.
17. If Board neglect to make Rules Lord Lieutenant to make General Regulations.
18. Board of Superintendence to make an annual Report to Lord Lieutenant, a Copy of which shall be laid before Parliament.

### *Dublin, Saint Sepulchre's Manor in.*

19 & 20 Vict. c. 57.—An Act to abolish the Jurisdiction of the Court of the Liberties and Manor of Saint Sepulchre in and near Dublin, and for the future Regulation of certain Markets of the said Manor. Page 147

- § 1. Short Title of Act: "The Manor Court of St. Sepulchre Abolition Act, 1856."
2. Interpretation of certain Terms in this Act.
3. Commencement of Act, 1st Sept. 1856.
4. Jurisdiction of Court and Officers of the Manor of Saint Sepulchre in Judicial Proceedings, Civil or Criminal, to cease, and the same to be exercised by the Courts and Officers of Her Majesty.
5. Chairman of Kilmainham, Assistant Barrister of the County of Dublin, Recorder of Dublin, and Assistant Barrister of Kildare or Wicklow, may renew Decrees, &c. made by Seneschal before Commencement of Act.
6. Regulations as to Persons in Custody of Marshal of Saint Sepulchre at Commencement of Act.
7. Power to sell Court House and Marshalsea.
8. Application of Proceeds of Sale. Compensation to Officers.
9. The Markets of Saint Sepulchre within the Limits of the Borough of Dublin to vest in the Corporation.
10. Manor, &c. lying within the Municipal Boundaries subject to Acts relating to Improvement of the Borough.
11. The Lord Mayor of Dublin to be Clerk of the Markets of Saint Sepulchre.

- § 12. The Corporation not to demand any Stallages, &c. in the Markets of Saint Sepulchre until they erect Stalls, &c. therein, such Stallages, &c. not to exceed those specified in Dublin Improvement Act, 1849.
13. Corporation not obliged to maintain Market or to pay Rent, &c. in respect to same.
14. Archbishop of Dublin to recover from his Successors any Charges he may have in respect to Palace or See House, &c.
15. Saving of Rights of Archbishop of Dublin as to the Royalties and Estates, &c. in the See.

### *Durham, Bishop of.*

19 & 20 Vict. c. 115.—An Act to provide for the Retirement of the present Bishops of London and Durham. Page 333

- § 1. When Archbishops of Canterbury and York signify to Her Majesty that they have canonically accepted the Resignation of the Bishops of London and Durham, their Sees shall be declared vacant.
2. The present Bishop of London to hold during his Life the Episcopal Residence at Fulham.
3. Annual Pensions to be payable to the said Bishops.
4. Provisions as to Power of conferring Holy Orders by Bishops after their Retirement.
5. New Bishops to hold the Sees subject to future Provisions.

*Duties, Rates, and Taxes.* See *Customs. Excise. Fire Insurances. Income Tax. Land and Assessed Taxes. Malt. Race-horse Duty. Stamp Duties.*

### *Dwellings for the Labouring Classes (Ireland).*

19 & 20 Vict. c. 65.—An Act to encourage the providing of improved Dwellings for the Labouring Classes in Ireland. Page 175

Preamble recites the Expediency of applying a summary Remedy for the Possession to Tenements suited to the Labouring Classes when provided with Requisites for Comfort and Health.

- § 1. The Description of Tenements within this Act shall be: (1.) Dwelling House held with not more than Half an Acre (if any) of Land as a Garden, &c. (2.) Of which the Tenure shall have been for a Year or for any lesser Term. (3.) And of which the Rent shall not have exceeded Twelve Shillings a Month: Provided that such Tenement shall have been let by a written or printed Agreement as nearly as possible of the Form in the Schedule to this Act.
2. Application of the Fifteenth Section of the Summary Jurisdiction (Ireland) Act, 1851, to this Act for Recovery of Possession of Tenements overheld:—  
Landlords Obligations as to providing Requisites, viz., Walls and Chimneys, Rooms, Windows, Privies, Space in front, Space for Pigstye and Dunghill.  
Tenants Obligations as to Defaults, viz.—Not to permit Nuisances, nor to do or permit Damages.
3. Overholding Tenant liable to full Rent.
4. Outgoing Tenant to have Compensation for Crops.
5. Act not to deprive Landlord of other Remedies.
6. Jurisdiction in Fair and Market Towns not affected.

- § 7. Landlord not to act as Justice in his own Case.  
 8. Appeal from Orders under this Act.  
 9. Act to be construed as Part of Summary Jurisdiction (Ireland) Act, 1851.  
 10. Short Title of Act, "Cottier Tenants (Ireland) Act, 1856."  
 11. Act only to apply to Tenements provided by Landlord.  
 12. Act to extend to Ireland only.

SCHEDULE.

## E.

*East Coatham.* See *Coatham Marriages Validity.*

### *Ecclesiastical Commissioners for England.*

19 & 20 Vict. c. 55.—An Act for transferring the Powers of the Church Building Commissioners to the Ecclesiastical Commissioners for England. Page 131

Preamble recites 58 Geo. 3. c. 45., and the Appointment of the Commissioners.

- § 1. Church Building Commissioners continued to 1st January 1857, and thenceforth their Powers, &c. transferred to the Ecclesiastical Commissioners.  
 2. After Determination of Commission, Section 11 of 58 Geo. 3. c. 45. repealed. Compensation to Officers of Church Building Commission not continued in Office by Ecclesiastical Commissioners.

*Education.* See *Committee of Council on Education. Reformatory Schools (Scotland).*

*Election of Directors of Joint Stock Banks.*  
 See *Joint Stock Banks.*

*Elections, Parliamentary.* See *Corrupt Practices Prevention. Registration of Voters (Scotland).*

*Employment of the Poor.* See *Public Works.*

*Employments, Qualifications for.* See *Indemnity.*

### *Endowed School at Moulton.*

19 & 20 Vict. c. 53.—An Act for confirming a Scheme of the Charity Commissioners for the Endowed School at Moulton in the County of Lincoln. Page 121

Preamble recites Third Report of the Charity Commissioners, dated 28th February 1856.

- § 1. Scheme confirmed.  
 SCHEDULE:—Scheme of the Charity Commissioners.

*Endowment of Parishes.* See *Formation, &c. of Parishes.*

### *Episcopal and Capitular Estates.*

19 & 20 Vict. c. 74.—An Act to continue the Act to facilitate the Management and Improvement of Episcopal and Capitular Estates in England. Page 199

- § 1. Act 14 & 15 Vict. c. 104. continued for One Year.

*Estates.* See *Chancery, Court of. Episcopal and Capitular Estates. Incumbered Estates. Leases and Sales of Settled Estates.*

### *Eton College.*

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. Page 239

See *Cambridge University.*

### *Evidence in Foreign Suits.*

19 & 20 Vict. c. 113.—An Act to provide for taking Evidence in Her Majesty's Dominions in relation to Civil and Commercial Matters pending before Foreign Tribunals. Page 332

- § 1. Order for Examination of Witnesses in this Country in relation to any Civil or Commercial Matter pending before a Foreign Tribunal.  
 2. Certificate of Ambassador, &c. sufficient Evidence in support of Application.  
 3. Examination of Witnesses to be taken upon Oath.  
 4. Persons giving false Evidence guilty of Perjury. Payment of Expenses.  
 5. Persons to have Right of Refusal to answer Questions and to produce Documents.  
 6. Certain Courts and Judges to have Authority under this Act. Lord Chancellor, &c. to frame Rules, &c.

*Exchequer Bills.* See *Revenue, Public, &c.*

### *Exchequer, Court of (Scotland).*

19 & 20 Vict. c. 56.—An Act to constitute the Court of Session the Court of Exchequer in Scotland, and to regulate Procedure in Matters connected with the Exchequer. Page 131

See *Session, Court of (Scotland).*

### *Exchequer, Cursitor Baron of.*

19 & 20 Vict. c. 86.—An Act to abolish the Office of Cursitor Baron of the Exchequer. Page 239

## *Excise.*

19 & 20 Vict. c. 34.—An Act to grant Allowances of Excise Duty on Malt in Stock; to alter and regulate certain Drawbacks and Allowances in respect of Malt Duty; to repeal and reimpose the Excise Duty on Sugar used in brewing Beer; and to amend the Law relating to Malt Roasters. Page 74

Preamble recites 17 & 18 Vict. c. 27.

- § 1. What the Term "Malt Trader" is to include.  
 2. As to Allowances granted to Malt Traders on Malt in Stock.  
 3. Deduction to be made from Brown or Black Malt for the Swell thereof, and from all unscreened Malt.  
 4. Regulations to be observed by Malt Trader on claiming Allowance.  
 5. Position of Malt not to be altered or removed until an Account be taken of the Quantity.

- § 6. Brewer may make use of Malt on giving Notice and the Officer taking an Account thereof.
7. Officer may enter Premises to examine and take Account of Malt on which Allowance is claimed. Penalty for obstructing Officer in taking Account, or for committing Fraud with regard to Malt on which Allowance is claimed. Forfeiture of Malt fraudulently mixed.
8. Malt Trader to assist Excise Officer to enable him to examine and take Account of Malt on which Allowance is claimed.
9. Certificate of the Quantity of Malt, and Amount of Allowance to be given to the Malt Trader.
10. On Production of Certificate to the proper Collector, and Declaration made as to certain Particulars, the Sum specified in the Certificate to be paid in manner herein mentioned.
11. Penalty for forging Certificate or uttering a forged or false Certificate.
12. Malt in operation to be charged only with the Rate of Duty payable after 5th July 1856.
13. Malt Traders having contracted for the Sale of Malt to abate from the Price and allow to the Purchaser the Amount of Allowance or Remission of Duty obtained in respect of such Malt.
14. Excise Duty on Sugar used in brewing Beer to cease after 5th July 1856, and to be reimposed after 5th April 1858.
15. As to Drawbacks on Exportation of Beer after 5th July 1856, and before 6th Jan. 1858. As to Drawbacks on Exportation of Beer after 5th Jan. 1858.
16. Mode of determining the original Specific Gravity of Worts from which Beer entered for Exportation was made.
17. Allowances or Drawbacks in respect of Malt used in the distilling of Spirits not to be deemed to be revived.
18. Duties, &c. to be under the Management of the Commissioners of Inland Revenue, and to be collected and paid under the Provisions of Acts relating to Excise.
19. What shall be deemed to be unmalted Grain in the Possession of a Malt Roaster.
- SCHEDULE, containing a Table to be used in determining the original Specific Gravity of Worts of Beer.

See also *Distillation from Rice.*

*Exemption of Stock in Trade from Rating.*  
See *Stock in Trade.*

**F.**

*Factories.*

19 & 20 Vict. c. 38.—An Act for further Amendment of the Laws relating to Labour in Factories. Page 82

Recital of 7 & 8 Vict. c. 15.

- § 1. Short Title of Act.  
2. Commencement of Act.  
3. Recited Act and this Act to be One.

- § 4. Section 21. of recited Act to apply only to Mill-gearing with which Children, &c. are liable to come in contact.
5. The Word "Machinery" in Section 43. to extend to other Mill-gearing. Construction of "Machinery" in Sections 24., 42., 59., and 60.
6. Penalty for not fencing Machinery after Notice.

*False Packing.* See *Hay and Straw Trade.*

*Finance.* See *Revenue, Public, &c.*

*Fire Insurances.*

19 & 20 Vict. c. 22.—An Act to amend the Laws relating to the Duties on Fire Insurances. Page 48

- § 1. Duties to be chargeable on all Insurances of Property within the United Kingdom wheresoever made.
2. Persons insured chargeable with Duties where the Insurances are made by unlicensed Foreign Companies.
3. All Persons who shall as Agents receive Proposals, &c. for Insurances by Companies out of the United Kingdom deemed to be Persons keeping an Office for insuring Property from Loss by Fire; and such Persons are required to take out Licence and give Security for Payment of the Duties. Penalty of 100*l.* per Day for Neglect.
4. Persons keeping Offices for Insurances on behalf of Foreign Companies to be chargeable with the Duties on such Insurances.
5. Not to limit or restrict the charging of Duty under former Acts, nor to charge with Duty Insurances exempted by such Acts.
6. Re-insurances with other Companies by way of Indemnity or Guarantee not to be chargeable with the Per-centage Duty, but with the Policy Stamp only.

*Fisheries.* See *Public Works.*

*Foreign Insurances.* See *Fire Insurances.*

*Foreign Tribunals, Evidence before.*

19 & 20 Vict. c. 113.—An Act to provide for taking Evidence in Her Majesty's Dominions in relation to Civil and Commercial Matters pending before Foreign Tribunals. Page 332

- § 1. Order for Examination of Witnesses in this Country in relation to any Civil or Commercial Matter pending before a Foreign Tribunal.
2. Certificate of Ambassador, &c. sufficient Evidence in support of Application.
3. Examination of Witnesses to be taken upon Oath. Persons giving false Evidence guilty of Perjury.
4. Payment of Expenses.
5. Persons to have Right of Refusal to answer Questions, and to produce Documents.
6. Certain Courts and Judges to have Authority under this Act. Lord Chancellor, &c. to frame Rules, &c.

*Forests.* See *Delamere Forest.* *Whichwood Forest.*



*Formation, &c. of Parishes.*

19 & 20 Vict. c. 104.—An Act to extend the Provisions of the Act 6 & 7 Vict. c. 37., for making better Provision for the Spiritual Care of populous Parishes, and further to provide for the Formation and Endowment of separate and distinct Parishes. Page 291

Preamble recites 6 & 7 Vict. c. 37. and 7 & 8 Vict. c. 94.

*As to Formation of Parishes or Districts, and Sites for Churches.*

- § 1. Power to constitute Districts under recited Acts.
2. District containing a Church to become a new Parish on being constituted a separate District by Order in Council.
3. District may be constituted without providing Endowment according to 6 & 7 Vict. c. 37. s. 9.
4. 6 & 7 Vict. c. 37. s. 22. to apply to Ecclesiastical and Collegiate Corporations.

*As to Pew Rents.*

5. Right to Pews in the old Parish Church not to be retained after Occupation of Sittings in the new.
6. Pew Rents may be taken according to Scale, and applied towards Repair of Church and providing Endowment.
7. Upon permanent Endowment of any Church or Chapel, a proportionate Number of Sittings to be declared free, or Scale of Pew Rents to be reduced.
8. Scale of Pew Rents may be altered.

*As to Churchyards, Vaults, and Burials.*

9. Clerk and Sexton to be appointed by Incumbent.
10. Freeholds of Sites of Churches and Burial Grounds to vest in Incumbents.

*Performance of the Offices of the Church.*

11. Offices of the Church to be performed in all Churches or Chapels, on Application of the Incumbent.
12. Reserved Fees to belong to original Incumbent until First Avoidance, then to the Incumbent of new Parish.
13. Provisions of 19th Section of 6 & 7 Vict. c. 37. extended to this Act.
14. Districts may become separate and distinct Parishes.
15. Incumbent of new Parish to have exclusive Cure of Souls therein.

*As to Patronage and Endowment.*

16. Provisions in 6 & 7 Vict. c. 37. s. 20. extended.
17. Patronage may be conferred upon Contributors to Endowment or their Nominees, upon certain Considerations.
18. Assignment of Patronage to be made with certain Consents.
19. Notices to be sent to Patrons.
20. Who to be deemed Patrons.
21. Patronage not to be sold; Penalty of Lapse for so doing.
22. Patronage may be vested in certain Cases in Incumbent of original Parish.
23. Lands, Tithes, &c., and other Endowments to vest in Incumbent and his Successors.
24. Appointment of Trustees for the Exercise of Patronage.

*As to Division of Parishes and Resettlement of Endowments.*

- § 25. Parishes may be divided, with certain Consents.
26. In new Parishes and Parishes already divided, a Division and Resettlement of Endowments may be made.
27. Providing Houses of Residence for Spiritual Persons serving any Church or Chapel.
28. Compensation to Churchwardens for Rights of Common.

*Miscellaneous.*

29. Saving of Parish of Manchester Division Act, 1850 (13 & 14 Vict. c. 41.), and other Parochial Rights, except as expressly provided.
30. Powers of 3 & 4 Vict. c. 113. and 4 & 5 Vict. c. 39. extended to this Act.
31. Commissioners may apportion Endowment.
32. For the Purposes of Acts concerning Burial, Parishes created to be taken as Ecclesiastical Districts.
33. Interpretation of Terms.
34. Extent of Act.
35. Short Title of 6 & 7 Vict. c. 37., 7 & 8 Vict. c. 94., and this Act, "New Parishes Acts."

*Frauds.* See *Hay and Straw Trade.*

*Freedom of City of London, Admissions to.*  
See *Stamp Duties.*

## G.

*Gallery, National.* See *National Gallery.*

*General Board of Health.*

19 & 20 Vict. c. 85.—An Act to continue the General Board of Health. Page 239

Preamble recites 17 & 18 Vict. c. 95. and 18 & 19 Vict. c. 115.

- § 1. General Board of Health continued for One Year.  
See also *Public Health.*

*Grand Juries.*

19 & 20 Vict. c. 54.—An Act to facilitate the Despatch of Business before Grand Juries in England and Wales. Page 130

- § 1. Witnesses examined before Grand Juries to be sworn in the Presence of the Jurors.
2. Not necessary for Witnesses to be sworn in open Court.
3. Interpretation of "Foreman" and "Oath."

*Grand Juries (Ireland).*

19 & 20 Vict. c. 63.—An Act to amend the Acts relating to Grand Juries in Ireland. Page 169

Preamble recites 15 & 16 Vict. c. 63., 16 & 17 Vict. c. 7., and 17 & 18 Vict. c. 8.

- § 1. When General Valuation completed, Grand Jury Assessments to be assessed according to the final List.
2. Tolls of Roads, &c. liable to Poor Rates to be liable to Grand Jury Rates and County Cess.

- § 3. Applotment to be made by County Treasurer.
4. Treasurer to deliver Copy of Applotment to Collectors of County Cess, who shall pay Collections to County Treasurers. In Actions as to Assessments, Applotment Book, &c. to be Evidence. Copies of Applotment Book to be furnished when required.
  5. Grand Jury to present Amount of Expenses of Applotment.
  6. Grand Jury may re-present Sums uncollected by reason of Change of Boundaries, &c.
  7. No Proceedings for Arrears against Persons not primarily liable to be commenced after Two Years.
  8. Grand Juries may divide Baronies for Purposes of Collection.
  9. Provisions of 13 & 14 Vict. c. 82. to extend the Remedies for the Collection of Grand Jury Cess in Ireland extended to County of Dublin.
  10. Grand Jury may allow Poundage Rate for Collection, not exceeding 1s. in the Pound.
  11. Grand Jury may accept more than Two Securities for Cess Collector.
  12. Section 32 of 10 & 11 Vict. c. ccliii. (Rathmines Improvement Act) repealed, and Grand Jury Cess to be henceforward levied in Rathmines District on General Valuation.
  13. Rates not to be affected by Errors, &c. in Valuation.
  14. Ridings of Counties to be deemed separate Counties.
  15. Personal Service of Notice requiring Payment to be deemed good Service.
  16. Vacancies in Office of Surveyor in County of Dublin may be filled up by Finance Committee in certain Cases.
  17. If Contractor for Repair of Roads be guilty of Neglect Justices may make Order for Contract to be executed within a certain Period. Penalty for Neglect.
  18. Penalty on Road Contractor, &c. cutting Sods, &c. to Injury of public Roads.
  19. Interpretation of certain Terms.
  20. Repealing 18 & 19 Vict. c. 74. (Grand Juries, Treasurers of Counties, Ireland).
  21. Act not to extend to County of City of Dublin.

*Great Britain, Survey of.* See *Ordnance Survey.*

### *Greenwich and Chelsea Out-Pensioners.*

19 & 20 Vict. c. 15.—An Act for further regulating the Payment of the Out-Pensioners of Greenwich and Chelsea Hospitals. Page 33

Preamble recites 9 & 10 Vict. c. 10.

- § 1. Recited Act repealed, except, &c.
2. Secretary-at-War to regulate Payment of Pensions.
3. Accounts to be audited as Army Effective Services.
4. Nothing to interfere with Powers of the Admiralty and Chelsea Hospital as to granting, &c. of Pensions, &c.
5. Penalty for Frauds respecting Pensions.
6. Power to restore Pensions to Greenwich Pensioners convicted of Felony.
7. Pensions may be paid to the Wives and Children of Pensioners out of the United Kingdom.
8. Repayment to Parishes of Relief to Out-Pensioners.
9. As to Care of Lunatic Pensioners.
10. Arrears of Pensions under 50*l.* may be paid to Personal Representatives without Probate, &c.
11. As to Bills of Exchange drawn by Consuls, &c. on account of Pensions.

## H.

### *Hay and Straw Trade.*

19 & 20 Vict. c. 114.—An Act to prevent false Packing and other Frauds in the Hay and Straw Trade. Page 332

- § 1. No Sand, &c. to be put in any Truss of Hay or Straw to increase its Weight.
2. Salesmen to declare the Names of the Owners of such Hay or Straw.
3. Clerk of the Market, upon Complaint, to weigh and examine the Hay or Straw, and if found deficient, &c. to summon Offenders before Justices.
4. Penalties.
5. 36 Geo. 3. c. 88. and this Act to be construed together.

*Health, Public.* See *General Board of Health.*  
*Public Health.* *Nuisances Removal (Scotland).*

*Horses, Duty on.* See *Race-horse Duty.*

*Hospitals.* See *Charity Commissioners, Schemes of.*

### *Hospitals (Dublin).*

19 & 20 Vict. c. 110.—An Act for the better Regulation of the House of Industry Hospitals and other Hospitals in Dublin supported wholly or in part by Parliamentary Grants. Page 324

Preamble recites 40 Geo. 3. c. 40. (I.); 1 Geo. 4. c. 49.; 1 & 2 Vict. c. 56.

- § 1. Short Title, "Dublin Hospitals Regulation Act."
2. Interpretation of Terms.
3. The House of Industry Hospitals, and the Lands belonging thereto, vested in Board of Works.
4. Lord Lieutenant shall regulate Number of Officers and Servants to be kept for House of Industry Hospitals.
5. Lord Lieutenant may direct that the Management of the House of Industry Hospitals be vested in a Board of Governors.
6. Board of Governors, when appointed, shall, subject to Approval of Lord Lieutenant, regulate Number of Officers, &c. to be kept for such Hospitals.
7. Salaries to be paid out of Monies applicable to Expenses of such Hospitals.
8. Lord Lieutenant may alter Constitution of Board of Governors, and delegate to Board Powers vested in Lord Lieutenant in relation to such Hospitals.
9. Lord Lieutenant may grant Superannuations to Officers, &c. of House of Industry Hospitals.
10. The Board of Public Works may order ordinary Repairs of such House of Industry Hospitals, and the Westmoreland Lock Hospital.
11. Lord Lieutenant may appoint a Board of Superintendence of all Hospitals in Dublin supported wholly or in part by Parliamentary Grants.
12. Duties of the Board of Superintendence.
13. Meetings of Board of Superintendence.
14. Lord Lieutenant may appoint a Secretary to such Board.
15. Secretary, on Requisition of Chairman or Two Members of Board of Superintendence, to convene Meeting.

- § 16. Board of Superintendence to make General Rules for all Hospitals supported wholly or in part by Parliamentary Grants.
17. In case of Neglect of Board, Lord Lieutenant to make General Regulations.
18. Board of Superintendence to make an annual Report to Lord Lieutenant, a Copy of which shall be laid before Parliament.

### *House of Commons Offices.*

19 & 20 Vict. c. 1.—An Act to regulate certain Offices of the House of Commons. Page 1

Preamble recites 52 Geo. 3. c. 11.

- § 1. Appointment of Thomas Erskine May, Esq., as Clerk Assistant confirmed, and future Clerks Assistant to be appointed by Her Majesty.
2. So much of Acts relating to Offices of House of Commons as fixes Salary of Second Clerk Assistant, and charges it on Consolidated Fund, repealed.

*House of Industry Hospitals.* See *Hospitals (Dublin).*

## I.

*Imprisonment for Debt.* See *Small Debts Imprisonment, &c.*

*Improvement of Land.* See *Drainage Advances Acts Amendment.*

### *Inclosure of Lands.*

19 & 20 Vict. c. 11.—An Act to authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for England and Wales. Page 29

[*The Lands authorized to be inclosed are set out in the Schedule.*]

19 & 20 Vict. c. 106.—An Act to authorize the Inclosure of certain Lands in pursuance of a special Report of the Inclosure Commissioners for England and Wales. Page 302

[*The Lands authorized to be inclosed are set out in the Schedule.*]

### *Income Tax, &c.*

19 & 20 Vict. c. 80.—An Act to grant Relief in assessing the Income Tax on Lands in Scotland in respect of certain Public Burdens charged thereon; to alter and regulate the Allowances to Clerks to the Commissioners of Income Tax; and to amend the Laws relating to the Land, Assessed, and Income Taxes, and the Redemption and Purchase of the Land Tax. Page 233

- § 1. Relief from Income Tax to Landlords in Scotland in respect of Public Burdens not paid by Landlords in England.

§ 2. Allowances to Clerks to Income Tax Commissioners under 5 & 6 Vict. c. 35. s. 183. and 16 & 17 Vict. c. 34. s. 57. repealed, and other Allowances granted in lieu thereof.

3. Section 2. of 16 & 17 Vict. c. 117. relating to Redemption of Land Tax repealed.

4. Parishes or Places may be united for the more convenient Execution of the Acts relating to the Land Tax.

19 & 20 Vict. c. 33.—An Act to continue the Act 16 & 17 Vict. c. 91. for extending for a limited Time the Provision for Abatement of Income Tax in respect of Insurance on Lives. Page 74

§ 1. Recited Act continued till 5th July 1857.

*Incorporation, Letters Patent of.* See *Joint Stock Banks (Scotland).*

### *Incumbered Estates (Ireland).*

19 & 20 Vict. c. 67.—An Act to extend the Period for applying for a Sale under the Acts for facilitating the Sale and Transfer of Incumbered Estates in Ireland, and to amend the said Acts. Page 179

Preamble recites 12 & 13 Vict. c. 77., 15 & 16 Vict. c. 67., 16 & 17 Vict. c. 64., and 18 & 19 Vict. c. 73.

- § 1. Period for Applications for Sale further extended.
2. Parts of Sections 51. and 52. of 12 & 13 Vict. c. 77. as to Appeals repealed. Appeals may be made as of Right.

See also *Chancery, Ireland (Appeal Court).*

### *Indemnity.*

19 & 20 Vict. c. 73.—An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively. Page 199

See also *Coatham Marriages Validity.*

*Industrial Schools.* See *Youthful Offenders.*

### *Industrial and Provident Societies.*

19 & 20 Vict. c. 40.—An Act to amend the Act 17 & 18 Vict. c. 25. relating to Industrial and Provident Societies. Page 84

- § 1. Recited Act to apply to all Societies constituted under the same at the Time of passing of this Act.
2. Time fixed by recited Act for Appointment of Officers to sue and be sued extended.
3. Certain Appointments made by Trustees confirmed.
4. As to Power of removing Officers.

*Infectious Disorders.* See *Contagious, &c. Disorders.*

*Insolvency.* See *Bankruptcy (Scotland).*

*Instruments of Proxy.* See *Stamp Duties.*

*Insurance, Fire.* See *Fire Insurances.*

*Insurance, Life.* See *Income Tax, &c.*

### *Intestates Personal Estates.*

19 & 20 Vict. c. 94.—An Act for the uniform Administration of Intestates Estates. Page 260

- § 1. Repeal of Section 4. of 22 & 23 Car. 2. c. 10. and Part of Section 18. of 11 Geo. 1. c. 18., save with respect to Estates of Persons who have died before 31st Dec. 1856. Special Customs concerning the Distribution of Personal Estates of Intestates in certain Places to cease.

*Ireland.* For Acts relating specially to Ireland see the following Heads:—

<i>Appeal Court (Chancery).</i>	<i>Peace Preservation.</i>
<i>Burial Grounds.</i>	<i>Prisons.</i>
<i>Chancery, Court of.</i>	<i>Public Works.</i>
<i>Common Law Procedure.</i>	<i>Railways.</i>
<i>Drainage.</i>	<i>Saint Sepulchre's Manor (Dublin).</i>
<i>Dwellings for Labouring Classes.</i>	<i>Secretary to Poor Law Commissioners.</i>
<i>Grand Juries.</i>	<i>Transfer of Works.</i>
<i>Hospitals (Dublin).</i>	<i>Turnpike Roads, &amp;c.</i>
<i>Incumbered Estates.</i>	<i>Unlawful Oaths.</i>
<i>Juvenile Convict Prison.</i>	
<i>Lunatic Asylums.</i>	

*Isle of Man.* See *Ordnance Survey.*

## J.

### *Joint Stock Banks.*

19 & 20 Vict. c. 100.—An Act to amend the Law with respect to the Election of Directors of Joint Stock Banks in England. Page 270

Preamble recites 7 & 8 Vict. c. 113.

- § 1. Retiring Directors in Banking Companies eligible for Re-election.  
2. Provision for existing Banking Companies established under recited Act.

### *Joint Stock Banks (Scotland).*

19 & 20 Vict. c. 3.—An Act to extend the Period for which Her Majesty may grant Letters Patent of Incorporation to Joint Stock Banks in Scotland existing before the Act of 1846 (9 & 10 Vict. c. 75.) Page 3

Preamble recites 9 & 10 Vict. c. 75., which extended 7 & 8 Vict. c. 113. to Joint Stock Banks in Scotland.

- § 1. Extending the Period for which Her Majesty may grant Letters Patent of Incorporation to certain Joint Stock Banks in Scotland which were carrying on Business before 9th August 1846.

### *Joint Stock Companies.*

19 & 20 Vict. c. 47.—An Act for the Incorporation and Regulation of Joint Stock Companies and other Associations. Page 90

[The References within Brackets at the End of the Sections are to corresponding Clauses in former Acts.]

- § 1. Short Title of Act.  
2. Act not to apply to Banking and Insurance Companies. Division of Act into Five Parts, as follows:

PART I.—CONSTITUTION AND INCORPORATION OF COMPANIES AND ASSOCIATIONS, § 3—27.

II.—MANAGEMENT AND ADMINISTRATION OF COMPANIES, § 28—58.

III.—WINDING-UP, § 59—105.

IV.—REGISTRATION OFFICE, § 106.

V.—REPEAL OF FORMER ACTS, AND TEMPORARY PROVISIONS, § 107—116.

PART I.—CONSTITUTION AND INCORPORATION OF COMPANIES AND ASSOCIATIONS.

#### *Registry.*

- § 3. Company formed by Memorandum of Association and Registration.  
4. Penalty on Partnerships exceeding a certain Number.  
5. Matters required to be prescribed by Memorandum of Association.  
6. Prohibition against Identity of Names in Registered Companies.  
7. Form of Memorandum of Association.  
8. Shares to be taken by Subscribers of Memorandum of Association.  
9. Special Regulations may be prescribed by Articles of Association.  
10. Form and Effect of Articles of Association.  
11. Stamp on Memorandum of Association and Articles of Association, and Use of printed Copies.  
12. Registration of Memorandum of Association and Articles of Association.  
13. Effect of Registration.  
14. Directors to be liable for Debts if Dividend be paid when the Company is known by them to be insolvent.  
15. Issue of Shares by Company. [8 & 9 Vict. c. 16. ss. 6 & 7.]

#### *Register of Shareholders.*

16. Register of Shareholders.  
17. Annual List of Shareholders on Register.  
18. Penalty on Company not keeping a proper Register.  
19. Restrictive Definition of Shareholder. [8 & 9 Vict. c. 16. s. 20.]  
20. Transfer of Shares. [8 & 9 Vict. c. 16. s. 14.]  
21. Certificate of Shares. [8 & 9 Vict. c. 16. ss. 11 & 12.]  
22. Calls a Debt to Company.  
23. Inspection of Register.  
24. Power to close Register. [8 & 9 Vict. c. 16. s. 17.]  
25. Remedy for improper Entry or Omission of Entry in Register.  
26. Register to be Evidence.  
27. Copies of Memorandum and Articles of Association to be given to Shareholders.
- PART II.—MANAGEMENT AND ADMINISTRATION OF COMPANIES.
- General.*
- § 28. Registered Office of Company.  
29. Notice of Situation of Registered Office.

- § 30. Publication of Name by a Limited Company. [18 & 19 Vict. c. 133. s. 4.]  
 31. Penalties on Non-publication of Name. [18 & 19 Vict. c. 133. s. 5.]  
 32. General Meeting of the Company.  
 33. Power of Company to alter Regulations by Special Resolution.  
 34. Definition of Special Resolution.  
 35. Registry of Special Resolutions.  
 36. Copies of Special Resolutions.  
 37. Notice to Registrar of Increase of Capital.  
 38. Prohibition against holding Land.  
 39. Prohibition against carrying on Business with less than Seven Shareholders.  
 40. Evidence of Proceedings at Meetings. [8 & 9 Vict. c. 16. s. 98.]

*Legal Instruments of Company.*

41. Contracts, how made.

*Execution of Deeds.*

42. Execution of Deeds abroad.  
 43. Promissory Notes and Bills of Exchange. [7 & 8 Vict. c. 110. s. 45.]  
 44. Mortgages according to English Law.  
 45. Bond and Disposition in Security according to Scotch Law.  
 46. Conveyances according to English Law.  
 47. Disposition in Security according to Scotch Law. [8 & 9 Vict. c. 16. s. 132.]

*Examination of Affairs of Company.*

48. Examination of Affairs of Company by Inspectors appointed by the Board of Trade. [New York Statutes, Part I., Chap. xviii., Title 2., s. 176.]  
 49. Power of Inspectors.  
 50. Result of Examination how dealt with.  
 51. Power of Company to appoint Inspectors.  
 52. Report of Inspectors to be Evidence.

*Notices.*

53. Services of Notices on Company. [8 & 9 Vict. c. 16. ss. 138, 139.]  
 54. Rule as to Notices by Letter.  
 55. Authentication of Notices of Company. [8 & 9 Vict. c. 16. s. 139.]

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56. Recovery of Penalties.  
 57. Application of Penalties.

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58. Board of Trade may alter Forms in Schedule.

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 60. Definition of "the Court."  
 61. Liability of present Shareholders in respect of Debts. [7 & 8 Vict. c. 110. s. 66.]  
 62. Liability of former Shareholders in a Company other than a Limited Company with respect to Debts. [7 & 8 Vict. c. 110. s. 66.]  
 63. Liability of former Shareholders in a Limited Company with respect to Debts.  
 64. Commencement of winding-up of Company defined.  
 65. Definition of "Contributory," and legal Character of his Liability.  
 66. Rights of Contributories between themselves. [7 & 8 Vict. c. 110. s. 67. 18 & 19 Vict. c. 133. s. 8.]

19 & 20 Vict.

*Winding-up by Court.*

- § 67. Circumstances under which Company may be wound-up by Court. [11 & 12 Vict. c. 45. s. 5.]  
 68. Company when deemed unable to pay its Debts.  
 69. Application for winding-up to be by Petition. [11 & 12 Vict. c. 45. s. 5.]  
 70. Course to be pursued by Court on Petition of a Creditor. [11 & 12 Vict. c. 45. ss. 11 and 12.]  
 71. Order for winding-up Company on Creditor's Petition.  
 72. Course to be pursued by Court on Petition of Contributory.  
 73. Effect of the Order for winding-up Company. [11 & 12 Vict. c. 45. s. 19.]  
 74. Power of Court of Chancery to remit Winding-up to Court of Bankruptcy.  
 75. Collection and Application of Assets.  
 76. Fraudulent Preference.  
 77. Power of Court to summon Persons suspected of having Property of Company.  
 78. Examination of Parties by Court.  
 79. Penalty on Falsification of Books. [12 & 13 Vict. c. 106. s. 252.]  
 80. Attachments, Sequestrations, and Executions within Three Months of Petition to be void.  
 81. Books, &c. of Company to be Evidence.  
 82. Power of Court to make Calls. [11 & 12 Vict. c. 45. s. 83. and 12 & 13 Vict. c. 108. s. 28.]  
 83. Payment of Money into the Bank. [11 & 12 Vict. c. 45. s. 70.]  
 84. Power of Court to grant Injunction or Interdict.  
 85. Power of Court to stay Proceedings.  
 86. Power of Court to adjust Rights of Contributories.  
 87. Power of Court to order Costs.

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88. Appointment of Official Liquidators. [11 & 12 Vict. c. 45. ss. 20-26.]  
 89. Style and Duties of Official Liquidators.  
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 91. Appointment of Solicitor to Official Liquidators. [11 & 12 Vict. c. 45. s. 33., 12 & 13 Vict. c. 108. s. 11.]  
 92. Remuneration of Official Liquidators. [12 & 13 Vict. c. 108. s. 6.]  
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 94. Registrar to make Minute of Dissolution of Company.  
 95. Power of Lord Chancellor of Great Britain to make Rules. [12 & 13 Vict. c. 108. s. 37.]  
 96. Power of Lord Chancellor of Ireland to make Rules. [12 & 13 Vict. c. 108. s. 37.]  
 97. Power of Court of Session in Scotland to make Rules.  
 98. Power of Vice-Warden of Stannaries to make Rules. Court of Stannaries. Service of Process. Appeal in Cases of Winding-up.  
 99. Power of Commissioners of Bankruptcy to make Rules.  
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 101. Special Commissioners for receiving Evidence. [12 & 13 Vict. c. 108. s. 20.]

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109. Saving Clause as to Repeal.

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110. Registration of existing Companies.

111. Requisitions for Registration by existing Companies.

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19 & 20 Vict. c. 91.—An Act to amend and re-enact certain Provisions of the Act 54 Geo. 3. c. 137., relating to Judicial Procedure and Securities for Debts in Scotland. Page 253

- § 1. Effect of Arrestments executed as in the Hands of Persons out of Scotland.
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3. What Proof of Insolvency necessary for Sales.
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5. Different Creditors may be joined in One Adjudication.
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*Juries.* See *Grand Juries.*

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19 & 20 Vict. c. 48.—An Act for amending the Procedure before Magistrates and Justices of Peace in Scotland. Page 116

Preamble recites 9 Geo. 4. c. 29., and 11 Geo. 4. & 1 Will. 4. c. 37.

- § 1. Pleadings, &c. need not be reduced to Writing in certain Cases.
2. Forms of Procedure, &c. in such Cases.
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19 & 20 Vict. c. 24.—An Act for enabling the Commissioners of Public Works in Ireland to acquire certain Lands for the Site of a Prison for the Reception of Juvenile Convicts. Page 51

Preamble recites 10 & 11 Vict. c. 26.

- § 1. Construction of Terms in the Act.
2. Short Title of Act.
3. Provisions of 10 & 11 Vict. c. 26., except Section 4., and of Lands Clauses Act (8 & 9 Vict. c. 18.), extended to this Act.
4. Power to Commissioners of Public Works in Ireland to purchase Land, and erect a Prison thereon.
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  - 21. Commissioners may require further Evidence of Title, at their own Costs.
  - 22. Delivery of Certificate may be enforced by Application to the Court of Chancery.
  - 23. After Deposit of Draft Award, Commissioners may, upon Deposit of such Amount as Arbitrator may think fit, enter upon Lands. Commissioners to pay Interest from Time of Entry.
  - 24. Money deposited to be paid into Bank of Ireland to the Credit of the Commissioners.
  - 25. Deposit to remain as a Security, and to be applied under the Direction of the Court of Chancery.
  - 26. Commissioners may deposit Money by way of Security while the Office of the Accountant General is closed.
  - 27. Parties dissatisfied with Award may enter a Traverse.
  - 28. Verdict on Traverse to have Effect of Judgment.
  - 29. Power to stop up indirect Watercourses, &c.
  - 30. Expense of Site for Prison and for obtaining Act.
- SCHEDULE.

*Juvenile Offenders.* See *Youthful Offenders.*

K.

*Kirk Leatham.*

19 & 20 Vict. c. 70.—An Act to render valid certain Marriages in the Church at Coatham, in the Parish of Kirk Leatham, in the County of York. Page 198

- § 1. Marriages solemnized in Coatham Church declared valid.
- 2. Ministers indemnified.
- 3. Registers to be Evidence.

L.

*Labour in Factories.*

19 & 20 Vict. c. 38.—An Act for further Amendment of the Laws relating to Labour in Factories. Page 82

Recital of 7 & 8 Vict. c. 15.

- § 1. Short Title of Act.
- 2. Commencement of Act.
- 3. Recited Act and this Act to be One.
- 4. Section 21 of recited Act to apply only to Mill-gearing with which Children, &c. are liable to come in contact, &c.
- 5. The Word "Machinery" in Section 43. to extend to other Mill-gearing. Construction of "Machinery" in Sections 24, 42, 59, and 60.
- 6. Penalty for not fencing Machinery after Notice.

*Labouring Classes (Ireland), Dwellings for.* See *Dwellings for Labouring Classes (Ireland).*

*Land and Assessed Taxes, &c.*

19 & 20 Vict. c. 80.—An Act to grant Relief in assessing the Income Tax on Lands in Scotland in respect of certain Public Burdens charged thereon; to alter and regulate the Allowances to Clerks to the Commissioners of Income Tax; and to amend the Laws relating to the Land, Assessed, and Income Taxes, and the Redemption and Purchase of the Land Tax. Page 233

- § 1. Relief from Income Tax to Landlords in Scotland in respect of Public Burdens not paid by Landlords in England.
- 2. Allowances to Clerks to Income Tax Commissioners under 5 & 6 Vict. c. 35. s. 183. and 16 & 17 Vict. c. 34. s. 57. repealed, and other Allowances granted in lieu thereof.
- 3. Section 2. of 16 & 17 Vict. c. 117. relating to Redemption of Land Tax repealed.
- 4. Parishes or Places may be united for the more convenient Execution of the Acts relating to the Land Tax.

*Land Revenues.*

19 & 20 Vict. c. 13.—An Act to make Provision for the Management of certain Lands belonging to Her Majesty, within the former Limits of the late Forest of Delamere, in the County of Chester. Page 31

Preamble recites 52 Geo. 3. c. cxxxvi. for determining the Boundaries of the Forest of Delamere, and 54 Geo. 3. c. xcix. amending the same.

- § 1. Provision of 52 Geo. 3. c. cxxxvi. as to Allotments in Delamere Forest being kept for Timber only repealed.
- 2. Powers of Land Revenue Act 10 Geo. 4. c. 50. relative to leasing, &c. Crown Lands, to extend to Allotments awarded under recited Acts 52 and 54 Geo. 3.

*Lands.* See *Commons Inclosure.* *Drainage.* *Inclosure of Lands.* *Oxford University.*

*Leases and Sales of Settled Estates.*

19 & 20 Vict. c. 120.—An Act to facilitate Leases and Sales of Settled Estates. Page 342

- § 1. Interpretation of certain Terms.
- 2. Power to Court of Chancery to authorize Leases of Settled Estates, subject to certain Conditions.
- 3. Leases may contain special Covenants.
- 4. Parts of Settled Estates may be leased.
- 5. Leases may be surrendered and renewed.
- 6. Power to authorize Leases to extend to preliminary Contracts.
- 7. Mode in which Leases may be authorized.
- 8. What Evidence to be produced on Application to authorize Leases.
- 9. After Approval of a Lease, Court to direct who shall be the Lessor.
- 10. Powers of leasing may be vested in Trustees.

- § 11. Court may authorize Sales of Settled Estates, and of Timber.
12. Consideration for Land sold for Building may be a Fee-farm Rent.
13. Minerals, &c. may be excepted from Sales.
14. Court may authorize Dedication of Parts of Settled Estates for Roads, &c.
15. How Sales and Dedications are to be effected under the Direction of the Court.
16. Application by Petition to exercise Powers conferred by this Act.
17. With whose Consent such Application to be made.
18. Petition may be granted without Consent, saving Rights of non-consenting Parties.
19. Notice of Application to be served on all Trustees, &c.
20. Notice of Application to be given in Newspapers.
21. No Application under this Act to be granted where a similar Application has been rejected by Parliament.
22. Notice of the Exercise of Powers to be given by the Court.
23. Court may appoint Trustees to receive and apply Monies arising from Sales.
24. Trustees may apply Monies, in certain Cases, without Application to Court.
25. Until Money can be applied, to be invested, and Dividends to be paid to Parties entitled.
26. Court may exercise Powers repeatedly; but may not exercise them if expressly negatived.
27. Court not to authorize any Act which could not have been authorized by the Settlor.
28. Acts of the Court in professed pursuance of this Act, not to be invalidated.
29. Costs.
30. Power to Lord Chancellor, &c. to make Rules and Orders.
31. Rules and Orders to be laid before Parliament.
32. Tenants for Life, &c. may grant Leases for Twenty-one Years.
33. Against whom such Leases shall be valid.
34. Evidence of Execution of Lease by Lessee.
35. Repeal of 32 Hen. 8. c. 28. and 10 Car. 1. sess. 3. c. 6. (Ireland), except as to Ecclesiastical Leases.
36. Provision as to Infants, Lunatics, &c.
37. A married Woman applying to the Court to be examined apart from her Husband. No Clause, &c. in Settlement restraining Anticipation to prevent Court from exercising Powers of this Act.
38. Such Examination to be either by the Court or by a Solicitor.
39. As to consent of Married Women under Age.
40. No Equity to compel any one to apply to the Court.
41. Tenants for Life, &c. may exercise Powers notwithstanding Incumbrances.
42. Exception as to Entails created by Acts of Parliament.
43. Saving Rights of Lords of Manors.
44. To what Settlements this Act to extend.
45. Not to extend to Scotland.
46. Commencement of Act.

*Letters Patent of Incorporation.* See *Joint Stock Banks (Scotland)*.

*Life Insurance.* See *Abatement of Income Tax*.

*Limited Liability.* See *Joint Stock Companies*.

*Loan to Sardinia.* See *Sardinian Loan*.

*Loans for the Public Service.* See *Revenue, Public*.

*Loans for Public Works.* See *Public Works*.

*Loans to West India Colonies.* See *West Indies*.

#### *Local Management of the Metropolis.*

19 & 20 Vict. c. 112.—An Act to amend the Act 18 & 19 Vict. c. 120., for the better Local Management of the Metropolis. Page 330

- § 1. Church Rates where made in open Vestry before passing of the Act 18 & 19 Vict. c. 120. to continue to be so made.
2. Nothing in this Act or in 18 & 19 Vict. c. 120. to affect Ecclesiastical Districts.
3. Other Powers of Vestries and like Meetings declared to have been transferred to Vestries under Act 18 & 19 Vict. c. 120., except Powers transferred to District Boards.
4. Occupiers may claim to be rated.
5. Compositions not to be disturbed, and Landlord's Liability not to be affected.
6. Right of Occupier so claiming to vote in Elections.
7. Payment of Church Rates not necessary as a Qualification.
8. Rental to be determined by Column headed "Rateable Value."
9. Regulation of Meetings of Vestries constituted by 18 & 19 Vict. c. 120.
10. Section 144. of 18 & 19 Vict. c. 120. declared to extend to authorize Applications to Parliament for providing Parks, &c.
11. District Boards and Vestries empowered to take Ground to be maintained as an open Space or Pleasure Ground.
12. Recited Act and this Act to be as One.

*Lodging Houses.* See *Nuisances Removal (Scotland)*.

#### *London and Durham (Bishops of).*

19 & 20 Vict. c. 115.—An Act to provide for the Retirement of the present Bishops of London and Durham. Page 333

- § 1. When Archbishops of Canterbury and York signify to Her Majesty that they have canonically accepted the Resignation of the Bishops of London and Durham, their Sees shall be declared vacant.
2. The present Bishop of London to hold during his Life the Episcopal Residence at Fulham.
3. Annual Pensions to be payable to the said Bishops.
4. Provisions as to Power of conferring Holy Orders by Bishops after their Retirement.
5. New Bishops to hold the Sees subject to future Provisions.

#### *Lunatic Asylums.*

19 & 20 Vict. c. 87.—An Act to amend the Lunatic Asylums Act, 1853 (16 & 17 Vict. c. 97.) Page 239

- § 1. Recorder to appoint Two Justices to be Members of the Committee of Justices of the County for providing an Asylum.



*Lunatic Asylums (Superannuations), (Ireland).*

19 & 20 Vict. c. 99.—An Act to amend the Acts relating to Lunatic Asylums in Ireland, so far as relates to Superannuations. Page 269

Preamble recites 1 & 2 Geo. 4. c. 33., 6 Geo. 4. c. 54., 7 Geo. 4. c. 14., 11 Geo. 4. & 1 Will. 4. c. 22., 8 & 9 Vict. c. 107., 9 & 10 Vict. c. 115., and 18 & 19 Vict. c. 109.

- § 1. Short Title.
2. Interpretation of Terms.
3. Superannuation of Officers. 4 & 5 Will. 4. c. 24.
4. Superannuation Pensions, how to be raised, &c.
5. Recited Acts to be construed with this Act.

## M.

*Machinery.* See *Factories.*

*Magdalen Hospital, Bath.*

19 & 20 Vict. c. 45.—An Act for confirming a Scheme of the Charity Commissioners for Saint Mary Hospital near Bath. Page 86

Preamble recites Third Report of the Charity Commissioners, dated 28th February 1856.

- § 1. Scheme confirmed.
- SCHEDULE :—Scheme for the Regulation of the Hospital of Saint Mary Magdalen in Holloway near the City of Bath, and the Possessions thereof.

*Magistrates, &c. (Scotland).*

19 & 20 Vict. c. 48.—An Act for amending the Procedure before Magistrates and Justices of Peace in Scotland. Page 116

Preamble recites 9 Geo. 4. c. 29. and 11 Geo. 4. & 1 Will. 4. c. 37.

- § 1. Pleadings, &c. need not be reduced to Writing in certain Cases.
2. Forms of Procedure, &c. in such Cases.
3. 14 & 15 Vict. c. 27. as to Whipping, &c., and 17 & 18 Vict. c. 86., to apply to this Act.
4. Writers elected to Office of Magistrates may act as Justices of the Peace.
5. Act not to supersede Local Acts.

*Malt.* See *Excise.*

*Management of Episcopal and Capitular Estates.*  
See *Episcopal and Capitular Estates.*

*Manning the Navy.* See *Coast-guard Service.*

*Manor Court of Saint Sepulchre (Dublin) Abolition.* See *Saint Sepulchre's Manor (Dublin).*

*Marines.* See *Royal Marines.*

*Markets in Dublin, Regulation of.* See *Saint Sepulchre's Manor (Dublin).*

*Marriage and Registration Acts Amendment.*

19 & 20 Vict. c. 119.—An Act to amend the Provisions of the Marriage and Registration Acts. Page 335

Preamble recites 6 & 7 Will. 4. c. 85., 1 Vict. c. 22., and 3 & 4 Vict. c. 72.

- § 1. No Notice of Marriage to be read or published before Poor Law Guardians, or be transmitted to the Clerk of such Guardians.
2. Every Notice of Marriage to be accompanied by a solemn Declaration, by One of the Parties, that there is no lawful Hindrance to such Marriage, &c. Persons making wilfully false Declarations to suffer the Penalties of Perjury.
3. Form of Notice of Marriage.
4. Notice of Marriage without Licence to be affixed in Superintendent Registrar's Office.
5. Notice of Marriage by Licence not to be suspended in the Office of the Superintendent Registrar.
6. In case of Marriage by Licence, Notice to the Superintendent Registrar of One District to be sufficient.
7. Notice of Marriage without Licence may be given in Ireland, if One of the Parties reside there.
8. Certificate of Proclamation of Banns in Scotland as to Party resident there equivalent to Superintendent Registrar's Certificate.
9. In Cases of Marriage by Licence, Certificate of the Notice thereof may be given by the Superintendent Registrar (unless the Marriage be forbidden), and thereupon the Marriage may be solemnized.
10. Form of Licence.
11. Mode of solemnizing Marriages in registered Buildings.
12. Persons desirous may add the Religious Ceremony ordained by the Church.
13. Superintendent Registrar to whom Notice is given may grant Licence for Marriage (under 3 & 4 Vict. c. 72.) in a District in which neither of the Parties reside.
14. Superintendent Registrar may grant Licence for Marriage to be solemnized in registered Building out of the District wherein the Parties reside.
15. Registrar General may appoint Registrars of Marriages; and Appointment of Registrars of Marriages by Superintendent Registrars to be subject to the Approval of the Registrar General.
16. Registrar of Marriages may appoint a Deputy.
17. Proof of the Observance of this Act and of the recited Acts, Matters not necessary to the Validity of Marriages.
18. Penalty on making false Declaration, or giving false Notices.
19. In case of fraudulent Marriages the guilty Party to forfeit all Property accruing from the Marriage, as in 4 Geo. 4. c. 76.
20. Provisions of existing Acts not to be altered except where inconsistent with this Act.
21. Marriages of Quakers or Jews may be solemnized by Licence.
22. Registrar General to furnish Marriage Register Books and Forms to each certified Secretary of a Synagogue of British Jews.
23. Marriages under this Act good and cognizable.

24. Recites the Act of 15 & 16 Vict. c. 36. Registrar General to allow Searches and give Extracts from the Returns of certified Places of Worship made to him pursuant thereto, on Payment of specified Fees.
25. Act not to extend to Ireland or Scotland.
26. Commencement of Act.

### *Marriage Law (Scotland) Amending.*

19 & 20 Vict. c. 96.—An Act for amending the Law of Marriage in Scotland. Page 261

- § 1. Declaring under what Circumstances Marriages solemnized in Scotland shall be valid.
2. Certificated Copy of Entry by Sheriff Depute that Parties were married, and that One of them lived in Scotland Twenty-one Days preceding such Marriage, conclusive as to its Validity.
3. No Conviction for, nor Registration of, irregular Marriage, without Proof of previous Residence.

*Marriages Validity.* See *Coatham Marriages Validity.*

*Masters and Workmen.* See *Small Debts Imprisonment Act Amendment (Scotland).*

*May, Thomas Erskine, Esq.* See *House of Commons Offices.*

*Members of Parliament.* See *Corrupt Practices Prevention. Registration of Voters (Scotland).*

### *Mercantile Law Amendment.*

19 & 20 Vict. c. 97.—An Act to amend the Laws of England and Ireland affecting Trade and Commerce. Page 262

- § 1. Persons acquiring Title to Goods before they have been seized or attached under a Writ against the Seller protected.
2. Specific Delivery of Goods sold.
3. Consideration for Guarantee need not appear by Writing.
4. Guarantee to or for a Firm to cease upon a Change in the Firm, except in special Cases.
5. A Surety who discharges the Liability to be entitled to Assignment of all Securities held by the Creditor.
6. Acceptance of a Bill, Inland or Foreign, to be in Writing on it, and signed by Acceptor or his Agent.
7. What are to be deemed "Inland Bills."
8. With reference to Claims for Repairs of Ships, every Port within the United Kingdom, &c., a Home Port.
9. Limitation of Actions for "Merchants Accounts."
10. Absence beyond Seas or Imprisonment of a Creditor not to be a Disability.
11. Period of Limitation to run as to Joint Debtors in the Kingdom, though some are beyond Seas. Judgment recovered against Joint Debtors in the Kingdom to be no Bar to proceeding against others beyond Seas after their Return.

- § 12. Definition of "beyond Seas," within 4 & 5 Anne, c. 16. and this Act.
13. Provisions of 9 Geo. 4. c. 14. ss. 1. and 8., and 16 & 17 Vict. c. 113. ss. 24. and 27., extended to Acknowledgment by Agents.
14. Part Payment by one Contractor, &c. not to prevent Bar by certain Statutes of Limitations in favour of another Contractor, &c.
15. Rules and Regulations may be made, and Writs and Proceedings framed for the Purposes of this Act.
16. Short Title.
17. Act not to extend to Scotland.

### *Mercantile Law (Scotland) Amendment.*

19 & 20 Vict. c. 60.—An Act to amend the Laws of Scotland affecting Trade and Commerce. Page 159

- § 1. Goods sold, but not delivered, not to be attachable by Creditors of the Seller.
2. Seller not entitled to a Right of Retention generally against Second Purchaser.
3. Arrestment and Pounding of Goods by Seller.
4. Rights of Landlord not to be affected.
5. Seller not held to warrant Goods, except there be an express Warranty in Contract.
6. Guarantees, &c. to be in Writing.
7. Guarantees to or for a Firm not to be binding after any Change of the Firm, except in special Cases.
8. Cautioners not to be entitled to Benefit of Discussion.
9. Discharge of One Cautioner to operate as a Discharge to all.
10. Date of Bills or Notes may be proved by Parole.
11. Acceptance of Bill of Exchange must be in Writing.
12. All Bills drawn within the United Kingdom, &c. on any Party within the United Kingdom, &c. to be held Inland Bills.
13. Notarial Protest not to be necessary, except for the Purpose of Summary Diligence.
14. Notice of Dishonour in the Case of Inland Bills to be given as in the Case of Foreign Bills.
15. When Bill lost, stolen, or fraudulently obtained, Holder must prove Value given.
16. Holder of Bill or Note indorsed after the Period of Payment to be subject to the Equities affecting the Indorser.
17. Carriers to be liable for Loss by accidental Fire.
18. Every Port in United Kingdom, &c. to be deemed a Home Port.
19. Court of Session to make Regulations for carrying Act into effect.
20. Short Title of Act.
21. Act to apply to Scotland only.

### *Metropolis Local Management.*

19 & 20 Vict. c. 112.—An Act to amend the Act 18 & 19 Vict. c. 120. for the better Local Management of the Metropolis. Page 330

- § 1. Church Rates where made in open Vestry before passing of the Act 18 & 19 Vict. c. 120. to continue to be so made.
2. Nothing in this Act or in 18 & 19 Vict. c. 120. to affect Ecclesiastical Districts.
3. Other Powers of Vestries and like Meetings declared to have been transferred to Vestries under Act 18 & 19 Vict. c. 120., except Powers transferred to District Boards.

- § 4. Occupiers may claim to be rated.
5. Compositions not to be disturbed, and Landlord's Liability not to be affected.
6. Right of Occupier so claiming to vote in Elections.
7. Payment of Church Rates not necessary as a Qualification.
8. Rental to be determined by Column, headed "Rateable Value."
9. Regulation of Meetings of Vestries constituted by 18 & 19 Vict. c. 120.
10. Section 144 of 18 & 19 Vict. c. 120. declared to extend to authorize Applications to Parliament for providing Parks, &c.
11. District Boards and Vestries empowered to take Ground to be maintained as an open Space or Pleasure Ground.
12. Recited Act and this Act to be as One.

### *Metropolitan Police.*

19 & 20 Vict. c. 2.—An Act to amend the Acts relating to the Metropolitan Police. Page 1

Preamble recites 10 Geo. 4. c. 44. and 2 & 3 Vict. c. 47.

- § 1. After the passing of this Act One Commissioner of Police only to be appointed.
2. Her Majesty may appoint Two Assistant Commissioners, who by virtue of such Office shall be Justices of the Counties of Middlesex, Surrey, Hertford, Essex, Kent, Berks, and Bucks.
3. Salary of Commissioner not to exceed 1,500*l.* per Annum, and that of each of the Assistant Commissioners not to exceed 800*l.* per Annum.
4. Assistant Commissioners to be within Provisions of 4 & 5 Will. 4. c. 24. for regulating Pensions, &c. of Persons employed in the Civil Service.
5. Powers vested in the Commissioners of Police under recited Acts to be exercised by the sole Commissioner.
6. Duties of Assistant Commissioners.
7. Matters now required to be done by One Commissioner may be done either by the Commissioner or an Assistant, as Secretary of State may direct.
8. In case of Vacancy in Office of Commissioner or of his Illness or Absence, an Assistant Commissioner may act for him.
9. Provisions of first-recited Act as to Commissioners of Police sitting in Parliament, &c. to apply to Assistant Commissioners.
10. Acts done by One Commissioner during the Vacancy in the Office of the other confirmed.

### *Militia Ballots.*

19 & 20 Vict. c. 52.—An Act to suspend the making of Lists, and the Ballots for the Militia of the United Kingdom. Page 121

- § 1. Meetings relating to the Militia of the United Kingdom and Ballots for such Militia suspended.
2. Proceedings may be had during such Suspension by Order in Council.
3. Not to extend to prevent the holding of certain Meetings relating to the Militia.

### *Militia Pay.*

19 & 20 Vict. c. 90.—An Act to defray the Charge of the Pay, Clothing, and contingent and other Expenses of

the Disembodied Militia in Great Britain and Ireland; to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, and Surgeons Mates of the Militia; and to authorize the Employment of the Non-commissioned Officers. Page 248

[Same Provisions as in Acts of previous Sessions.]

*Moss-side.* See *Public Health.*

*Moulton (Lincoln).* See *Endowed School at Moulton.*

*Mutiny.* See *Army. Royal Marines.*

## N.

### *National Gallery.*

19 & 20 Vict. c. 29.—An Act to extend the Powers of the Trustees and Directors of the National Gallery, and to authorize the Sale of Works of Art belonging to the Public. Page 70

- § 1. Pictures unfit to be preserved in the National Gallery may be sold.
2. Proceeds of Sale to become Part of the Consolidated Fund.
3. Pictures given to the Nation to vest in the Trustees and Director. Pictures bequeathed and not added to the National Collection to become Part of the Residuary Estate of the Testator.

*Navigations.* See *Drainage (Ireland).*

*Navy.* See *Coast-guard Service.*

### *New Parishes.*

19 & 20 Vict. c. 104.—An Act to extend the Provisions of 6 & 7 Vict. c. 37. for making better Provision for the Spiritual Care of populous Parishes, and further to provide for the Formation and Endowment of separate and distinct Parishes. Page 291

Preamble recites 6 & 7 Vict. c. 37. and 7 & 8 Vict. c. 94.

*Formations of Parishes, &c.*

- § 1. Power to constitute new Districts under recited Acts.
2. District containing a Church to become a new Parish on being constituted a separate District by Order in Council.
3. District may be constituted without providing Endowment as required by Section 9 of 6 & 7 Vict. c. 37.
4. Section 22 of 6 & 7 Vict. c. 37. to apply to Ecclesiastical and Collegiate Corporations.

*Pew Rents.*

5. Right to Pews in the old Parish Church not to be retained after Occupation of Sittings in the new.

- § 6. Pew Rents may be taken according to Scale, and applied towards Repair of Church and providing Endowment.  
 7. Upon permanent Endowment of any Church or Chapel a proportionate Number of Sittings to be declared free, or Scale of Pew Rents to be reduced.  
 8. Scale of Pew Rents may be altered.

*Churchyards, Vaults, and Burials.*

9. Clerk and Sexton to be appointed by Incumbent.  
 10. Freeholds of Titles of Churches and Burial Grounds to vest in Incumbents.

*Performance of Offices of the Church.*

11. Offices of the Church to be performed in all Churches or Chapels, on Application of the Incumbent.  
 12. Reserved Fees to belong to original Incumbent until First Avoidance, then to the Incumbent of new Parish.  
 13. Provisions of 19th Section of 6 & 7 Vict. c. 37. extended.  
 14. Districts may become separate and distinct Parishes.  
 15. Incumbents of new Parishes to have exclusive Cure of Souls therein.

*Patronage and Endowment.*

16. Provisions contained in Section 20 of 6 & 7 Vict. c. 37. extended.  
 17. Patronage may be conferred upon Contributors to Endowment or their Nominees, upon certain Considerations.  
 18. Assignment of Patronage to be made with certain Consents.  
 19. Notices to be sent to Patrons.  
 20. Who to be deemed Patrons.  
 21. Patronage not to be sold. Penalty of Lapse for so doing.  
 22. Patronage may be vested in certain Cases in Incumbent of original Parish.  
 23. Lands, Tithes, &c. and other Endowments to vest in Incumbent and his Successors.  
 24. Appointment of Trustees, &c.

*Division of Parishes, &c.*

25. Parishes may be divided, with certain Consents.  
 26. In new Parishes and Parishes already divided, a Division and Resettlement of Endowments may be made.  
 27. As to providing Houses of Residence for Spiritual Persons serving any Church or Chapel.  
 28. Churchwardens to be paid Compensation for Rights of Common.

*Miscellaneous.*

29. Nothing to affect the Provisions of 13 & 14 Vict. c. 41. (Manchester Division Act), &c.  
 30. Powers of 3 & 4 Vict. c. 113. and 4 & 5 Vict. c. 39. extended to this Act.  
 31. Commissioners may apportion Endowment.  
 32. For Purposes of Burial, Parishes to be Ecclesiastical Districts.  
 33. Interpretation of certain Terms.  
 34. Extent of Act.  
 35. Short Titles of Act and recited Acts, "New Parishes Acts."

*Nuisance.* See *Smoke Nuisance Abatement (Metropolis).*

*Nuisances Removal (Scotland).*

19 & 20 Vict. c. 103.—An Act to make better Provision for the Removal of Nuisances, Regulation of Lodging Houses, and the Health of Towns in Scotland. Page 280

*Preliminary.*

Preamble recites 11 & 12 Vict. c. 123. and 12 & 13 Vict. c. 111.

- § 1. Short Title.  
 2. Recited Acts repealed. Saving Proceedings in Progress.  
 3. Interpretation of Terms.  
 4. Local Authorities to execute Act.  
 5. Board of Supervision to determine the local Authority in Parishes not wholly within the Jurisdiction of a Town Council, &c.  
 6. Committee may be appointed.  
 7. Local Authority to appoint Sanitary Inspectors.

*PART I.—Removal of Nuisances.*

8. Description of Nuisances under this Act.  
 9. Power of Entry to local Authority or their Officer.  
 10. Proceedings by local Authority when Nuisances are ascertained to exist.  
 11. Form of Interlocutor. Interdict against future Nuisance.  
 12. Penalty for Contravention of Decree and of Interdict.  
 13. Order when structural Works are required.  
 14. Local Authority to do Works on Owner's or Occupier's Default, or if Person causing Nuisance cannot be found.  
 15. Manure, &c. to be sold.  
 16. Open Ditches, &c. to be covered or improved.  
 17. Act not to affect Navigation of Rivers or Canals, or the Irrigation of Lands in rural Districts.  
 18. Penalty on Sale of unwholesome Meat.  
 19. Penalty for causing Water to be corrupted by Gas Washings, &c.  
 20. Penalty to be sued for within Six Months.  
 21. Daily Penalty during the Continuance of the Offence.

*PART II.—Prevention and Mitigation of Diseases.*

22. Privy Council empowered to issue Orders for Prevention of Diseases.  
 23. When such Order is issued, Board of Supervision to be vested with certain Powers, and an additional Member may be appointed.  
 24. Board may issue Regulations to carry out Provisions of Order. Local Extent and Duration of the Regulations of the Board. Publication of Rules and Regulations.  
 25. Orders of Council, Directions and Regulations of Board, to be laid before Parliament.  
 26. Matters to be provided for by such Regulations. Local Authority shall execute and may direct Prosecutions for violating Regulations.  
 27. Power for local Authority, &c. to enter Premises.  
 28. When Order in Council in force, over-crowded Houses to come under Common Lodging Houses Provisions.  
 29. Order in Council to extend to Parts and Arms of the Sea.  
 30. Medical Officer of the Parish to be allowed to charge for attending Sick on board any Vessel, and to be paid by Captain.

PART III.—*Regulation of Common Lodging Houses.*

- § 31. Common Lodging Houses to be registered.
- 32. No Lodger to be received in Common Lodging House till it has been inspected and registered.
- 33. Evidence of Register.
- 34. Power to local Authority to make Rules and Regulations respecting Common Lodging Houses. Rules not to take effect until confirmed by Secretary of State.
- 35. Such Rules and Regulations, when confirmed, to be printed, and furnished gratis to Keepers of Lodging Houses.
- 36. Power to local Authority to require an additional Supply of Water to Common Lodging Houses.
- 37. Power to local Authority to order Reports from Keepers of Common Lodging Houses kept for Beggars and Vagrants.
- 38. Local Authority may remove sick Persons from Common Lodging Houses to Hospitals, &c.
- 39. As to giving Notice of Fever, &c. occurring in Common Lodging Houses.
- 40. As to Inspection of Common Lodging Houses.
- 41. As to cleansing of Common Lodging Houses.
- 42. Conviction for Third Offence to disqualify Persons from keeping Common Lodging House.

PART IV.—*Enforcement of and Procedure under this Act.*

- § 43. Procedure if local Authority neglect its Duty under this Act.
- 44. Form of Applications to Sheriff.
- 45. No written Pleadings, &c. allowed.
- 46. Appeal in certain Cases.
- 47. No Appeal otherwise.
- 48. Justices being Members of local Authority may act.
- 49. Proceedings not subject to Review.
- 50. Service of Notices, Summonses, and Orders.
- 51. Proof of Resolutions of local Authority.
- 52. One or more Joint Owners may be proceeded against alone.
- 53. Penalty for obstructing Execution of Act.
- 54. Penalty on Occupier obstructing Owner.
- 55. Expenses due by Owners may be recovered from Occupiers, and deducted from Rent.
- 56. As to Expenses incurred in Execution of Act.
- 57. As to Forms to be used.
- 58. Police Constables to aid in executing Act.
- 59. Act not to impair Remedies at Common Law for Nuisance.

PART V.—*Amendment of the Act 13 & 14 Vict. c. 33.*

- § 60. Commissioners may levy Special Sewer Rates.
- 61. Power to borrow Money for the Construction of Sewers.
- 62. Application of Money borrowed for constructing Sewers.
- 63. Sinking Fund to pay off Money borrowed for constructing Sewers.
- 64. Streets to be paved and flagged by Owners of Property abutting thereon.
- 65. Drains may be made to discharge below High-water Mark.
- 66. Period of Imprisonment for Offences and for Default in paying Penalties and finding Caution.
- 67. Sheriff may fix Boundaries of non-agricultural Part of Burgh.

19 &amp; 20 Vict.

- § 68. Judgments, &c. under this Act not to be subject to Review.
  - 69. In execution of 18 & 19 Vict. c. 68. (Burial of the Dead), Limits of Burgh, as defined in Section 2., to comprehend several Parishes as One united Parish.
  - 70. Power to rectify Errors committed by Sheriffs in defining Boundaries under 13 & 14 Vict. c. 33.
- SCHEDULE of FORMS.

## O.

*Oaths, Unlawful (Ireland).*

19 & 20 Vict. c. 77.—An Act to continue the Act 2 & 3 Vict. c. 74. for preventing the administering and taking unlawful Oaths in Ireland, as amended by the Act 11 & 12 Vict. c. 89. Page 200

Preamble recites 50 G. 3. c. 102., 4 G. 4. c. 87., 2 & 3 Vict. c. 74., 7 & 8 Vict. c. 78., 8 & 9 Vict. c. 55., 11 & 12 Vict. c. 89., and 14 & 15 Vict. c. 48.

- § 1. Recited Act 8 & 9 Vict. c. 55. repealed, and Provisions of 2 & 3 Vict. c. 74. (repealed by 8 & 9 Vict. c. 55.) REVIVED.
- 2. Recited Act 2 & 3 Vict. c. 74. to continue in force for a further Period of Five Years, &c.

*Offences, Trial of.* See *Trial of Offences.*

*Offices and Employments, Qualifications for.*  
See *Indemnity.*

*Offices of House of Commons.* See *House of Commons Offices.*

*Ordnance Survey.*

19 & 20 Vict. c. 61.—An Act to continue the Act 4 & 5 Vict. c. 30., for the Survey of Great Britain, Berwick-upon-Tweed, and the Isle of Man. Page 161

Preamble recites 4 & 5 Vict. c. 30., 9 & 10 Vict. c. 46., and 14 & 15 Vict. c. 22.

- § 1. Powers of Master General and Board of Ordnance under 4 & 5 Vict. c. 30. vested in the Secretary of State for War.
- 2. First-recited Act, as amended, further continued to 31st December 1861.

*Out-Pensioners (Greenwich and Chelsea).*

19 & 20 Vict. c. 15.—An Act for further regulating the Payment of the Out-Pensioners of Greenwich and Chelsea Hospitals. Page 33

Preamble recites 9 & 10 Vict. c. 10.

- § 1. Recited Act repealed, except, &c.
- 2. Secretary-at-War to regulate Payment of Out-Pensioners.
- 3. Accounts to be audited as Army Effective Services.
- 4. Nothing to interfere with Powers of the Admiralty and Chelsea Hospital as to granting, &c. of Pensions, &c.
- 5. Penalty for Frauds respecting Pensions.

[E]

- § 6. Power to restore Pensions to Greenwich Pensioners convicted of Felony.
7. Pensions may be paid to the Wives and Children of Pensioners out of the United Kingdom.
8. Repayment to Parishes of Relief given to Out-Pensioners.
9. As to Care of Lunatic Pensioners.
10. Arrears of Pensions under 50*l.* may be paid to Personal Representatives without Probate or Letters of Administration.
11. As to Bills of Exchange drawn by Consuls, &c. on account of Pensions.

### *Oxford University.*

19 & 20 Vict. c. 31.—An Act to amend the Act 17 & 18 Vict. c. 81., concerning the University of Oxford and the College of Saint Mary Winchester. Page 72

- § 1. The Powers of 17 & 18 Vict. c. 81. to be exercised, notwithstanding Foundations or Endowments by Act of Parliament, &c.
2. Statutes approved under said Act may be amended during the Continuance of the Commission.
3. Canonries of Christ Church to be deemed Emoluments.
4. Power to sever Benefices from Headships of Colleges, &c.
5. Elections to Emoluments may be suspended on the Application of the University or College.
6. Regulations, &c. under Section 36 of said Act to be subject to the Provisions applicable to other Regulations, &c. framed by the Commissioners.
7. Certain Parts of Lands Clauses Act, 8 & 9 Vict. c. 18., incorporated herewith.

19 & 20 Vict. c. 95.—An Act to give to the University of Oxford and to Colleges in the said University, and to the College of Saint Mary of Winchester near Winchester, Power to sell and exchange Lands, under certain Conditions. Page 260

- § 1. Colleges in the University of Oxford may sell and exchange Lands under certain Conditions.
2. Act to extend to Lands held in trust for special Endowments.
3. Colleges may accept Surrenders from Lessees in consideration of annual Payments, and may sell and exchange to or with such Lessees.

## P.

*Packing.* See *Hay and Straw Trade.*

*Parishes.* See *New Parishes.*

*Parishioners, Sale of Advowsons by.*  
See *Advowsons.*

*Parliamentary Voters.* See *Registration of Voters (Scotland).*

*Parsonage Houses.* See *Advowsons.*

### *Pawnbrokers.*

19 & 20 Vict. c. 27.—An Act to amend the Acts relating to Pawnbrokers. Page 67

Preamble recites Pawnbrokers Acts 25 Geo. 3. c. 48. and 39 & 40 Geo. 3. c. 99.; also Stamp Act 55 Geo. 3. c. 184.

- § 1. Who to be deemed Pawnbrokers.
2. Penalty on Persons declared or deemed to be Pawnbrokers not taking out proper Licences. Penalties recoverable by summary Information. Power to Justices to mitigate Penalties.

*Pay.* See *Army. Militia.*

### *Peace Preservation (Ireland).*

19 & 20 Vict. c. 36.—An Act for the better Preservation of the Peace in Ireland. Page 80

- § 1. Short Title of Act.
2. Certain Sections of 11 & 12 Vict. c. 2. continued, save that Punishments under Sections 9 and 10 are reduced.
3. Proclamations, &c. to remain in force.
4. Act to commence on 1st July 1856, and to continue in force till 1st July 1858.

SCHEDULES.

*Pensioners.* See *Out-Pensioners (Greenwich and Chelsea).*

### *Personal Estates of Intestates.*

19 & 20 Vict. c. 94.—An Act for the uniform Administration of Intestates Estates. Page 260

- § 1. Repeal of Section 4 of 22 & 23 Car. 2. c. 10. and Part of Section 18. of 11 Geo. 1. c. 18., save with respect to Estates of Persons who have died before 31st December 1856. Special Customs concerning the Distribution of Personal Estates of Intestates in certain Places to cease.

### *Pictures, &c., Sale of.*

19 & 20 Vict. c. 29.—An Act to extend the Powers of the Trustees and Director of the National Gallery, and to authorize the Sale of Works of Art belonging to the Public. Page 70

- § 1. Pictures, &c. unfit to be preserved in the National Gallery may be sold.
2. Proceeds of Sale to become Part of the Consolidated Fund.
3. Pictures given to the Nation to vest in the Trustees and Director. As to Disposal of such Pictures as are bequeathed and not added to National Collection.

### *Police (Counties and Boroughs).*

19 & 20 Vict. c. 69.—An Act to render more effectual the Police in Counties and Boroughs in England and Wales. Page 193

Preamble recites 2 & 3 Vict. c. 93., 3 & 4 Vict. c. 88., and 5 & 6 Will. 4. c. 76. (Municipal Corporations Act).

- § 1. Where a Constabulary is not already established for the whole of a County, the Justices in General or Quarter Sessions to cause the same to be established;

- if already established in Part of a County, then for the Residue of such County.
- § 2. Not to apply to Counties where Parties have sent to Secretary of State a Report as required by 2 & 3 Vict. c. 93. for the Establishment of a Police Force.
  3. Where Constabularies have been established in Divisions of a County, such Establishments to be consolidated into One County Police Force.
  4. Her Majesty may, by Order in Council, require separate Police Districts to be constituted in Counties.
  5. Her Majesty in Council, on Representations from Boroughs, may arrange Terms of Consolidation with Counties. Power to Her Majesty to vary such Terms from Time to Time.
  6. County Constables to have the like Powers, &c. in Boroughs as Borough Constables have in the County.
  7. Constables to perform Duties connected with the Police as directed by Justices or Watch Committees.
  8. Constables not to receive to his own Use Fees for Performance of his Duties.
  9. Borough Constables disqualified from voting at certain Elections.
  10. Power to grant out of the Superannuation Fund Gratuities to incapacitated Constables who have not served Fifteen Years.
  11. Deficiency in Superannuation Fund to be made up out of Police Rate.
  12. Gratuities may be granted to Officers superseded by the County Police.
  13. Power to grant Superannuations to Chief Constables, to be paid out of the Police Rate.
  14. Annual Statement as to Crime in Counties and Boroughs to be furnished to Secretary of State.
  15. Power to Her Majesty to appoint Inspectors for inquiring into State and Efficiency of the Police in Counties and Boroughs, &c.
  16. On Certificate of Secretary of State that an efficient Police has been established in any County or Borough, One Fourth of the Charge for Pay and Clothing to be paid by the Treasury.
  17. But not to any Borough where Population does not exceed 5,000, and not consolidated with Police of a County.
  18. Provisions relating to Borough Police to be applicable to the Police in the Places referred to in Section 20 of 3 & 4 Vict. c. 88. until discontinued.
  19. The separate Police in such Places (having a Population of 15,000) not to be superseded without the Authority of the Secretary of State.
  20. No Agreement under Section 14 of 3 & 4 Vict. c. 88. to be put an end to without the Sanction of the Secretary of State.
  21. Section 24 of 3 & 4 Vict. c. 88. repealed.
  22. Power to Justices to purchase Station Houses or Strong Rooms provided under 3 & 4 Vict. c. 88. and cause the same to be paid for out of the County Rates.
  23. Provisions of 8 & 9 Vict. c. 18. (Lands Clauses Act) for Purpose of Purchases of Station Houses, &c. by Justices, incorporated with this Act.
  24. Provisions of 7 Geo. 4. c. 18. as to Disposal of unnecessary Station Houses, &c. extended to this Act.
  25. Powers of 15 & 16 Vict. c. xxxi. (Cheshire Constabulary Act, 1852) to continue in force in the County of Chester until Police shall be established under this Act.

- § 26. If Two Chief Constables appointed in Cheshire; the preceding Section to apply to District of each Chief Constable.
27. Provision as to Superannuation Fund under 15 & 16 Vict. c. xxxi.
28. As to Superannuations to Police Officers who have served under 15 & 16 Vict. c. xxxi. and appointed under this Act.
29. Police Rates in the County of Chester made liable to Annuity paid to the Widow of an Officer who died in the Execution of his Duty.
30. Interpretation of certain Terms.
31. 2 & 3 Vict. c. 93. and 3 & 4 Vict. c. 88. and this Act to be as One.
32. Not to extend to the Metropolitan Police District or to the City of London.

*Police (Metropolitan). See Metropolitan Police.*

*Poor Law Amendment (Scotland).*

- 19 & 20 Vict. c. 117.—An Act to amend the Law relating to the Relief of the Poor in Scotland. Page 334  
Preamble recites 8 & 9 Vict. c. 83.
- § 1. Power to Board of Supervision to appoint Two General Superintendents to assist in execution of recited Act.
  2. Powers and Duties of General Superintendents.
  3. Annual Instalments of Money borrowed under recited Act need not exceed One Thirtieth of Sum borrowed.
  4. This and recited Act to be construed as One.

*Poor Law Commission (Ireland), Secretary to.*

- 19 & 20 Vict. c. 14.—An Act to abolish the Office of Secretary to the Poor Law Commissioners in Ireland. Page 32
- § 1. So much of Poor Law Act 10 & 11 Vict. c. 90. as provides for Appointment of Secretary to the Poor Law Commissioners repealed, and the Office abolished; but Acts done by Commissioners where Counter-signature of Secretary was heretofore necessary, valid.

*Populous Parishes. See New Parishes.*

*Preservation of the Peace (Ireland).*

- 19 & 20 Vict. c. 36.—An Act for the better Preservation of the Peace in Ireland. Page 80
- § 1. Short Title of Act.
  2. Certain Sections of 11 & 12 Vict. c. 2. continued, save that Punishments under Sections 9. and 10. are reduced.
  3. Proclamations, &c. to remain in force.
  4. Act to commence on 1st July 1856, and to continue in force till 1st July 1858.

SCHEDULES.

*Prisons (Ireland).*

- 19 & 20 Vict. c. 68.—An Act to further amend the Laws relating to Prisons in Ireland. Page 334  
Preamble recites 7 Geo. 4. c. 74. (the Prisons Act), 6 & 7 Will. 4. c. 51., 3 & 4 Vict. c. 44., 5 & 6 Vict. c. 95., and 12 & 13 Vict. c. 97. s. 51.

- § 1. Recited Acts incorporated in this Act.
2. Interpretation of Terms.
3. Jurisdiction of Queen's Bench under Prisons Act transferred to Lord Lieutenant.
4. Section 4. of Prisons Act and Section 1. of 3 & 4 Vict. c. 44. repealed. Board of Superintendence, with Approval of Grand Jury and Lord Lieutenant, to make Byelaws. In case the Board of Superintendence shall neglect, Lord Lieutenant may make Byelaws. Local Inspector to see that Byelaws are observed.
5. Board of Superintendence to report Fire or sudden Accident to Inspectors General. Report of Completion of Works to be forwarded to Inspectors General. Annual Returns to be in the Form in Prisons Act or in such Form as the Lord Lieutenant shall direct.
6. Commissioners to be appointed under Prisons Act reduced.
7. Prisons may be lighted with Gas.
8. Sections 20. and 21. of the Prisons Act repealed. Building, rebuilding, altering, and enlarging Prisons.
9. Section 91. of Prisons Act repealed. Bridewells to be built in Towns in which Criminal Sessions are held.
10. Section 65. of Prisons Act partly, and Section 75. wholly, repealed. No Ecclesiastic to be appointed Local Inspector.
11. Chaplain may appoint Substitute. Chaplain to report Abuses and keep Journal.
12. Cots and Hammocks may be provided for Prisoners. Sheets shall be allowed to each Bed.
13. Prison Dresses shall be worn by all Prisoners unless Board of Superintendence shall otherwise by special Order direct. Lord Lieutenant may rescind Order of Board.
14. Governor may confine Prisoner with a Class different from his own.
15. Unconvicted Persons may purchase Food at their own Expense.
16. Convicted Prisoners shall be supplied with Food at Public Expense.
17. Deputy Marshal, Hatchmen, and inferior Officers of Four Courts Marshalsea to be appointed by Lord Lieutenant.
18. All Prison Officers to be appointed by Board of Superintendence. Nothing in this Section to extend to Richmond Bridewell or Grange Gorman Female Penitentiary.
19. Appointments of Prison Officers other than Local Inspector, Chaplain, or Medical Officer, to be probationary in the first instance.
20. Governor to give Security for faithful Discharge of Duties.
21. Governor may be required to give additional Security.
22. Governor, &c. of any Prison may be removed by Board of Superintendence.
23. Provisions of Acts authorizing Superannuation of certain Officers of Prisons extended to all Officers thereof.
24. Governor of County Gaol shall be Governor of House of Correction.
25. Section 93: of Prisons Act repealed, and Local Inspector of County Gaol to be Local Inspector of Bridewells. Power to Justices to appoint auxiliary Board of Superintendence of Bridewell.
26. Part of Section 94. of Prisons Act repealed. Prisoners may be committed to and detained in Bridewells in certain Cases.
- § 27. Section 95. of Prisons Act repealed. Returns to be made by Keepers of Bridewells and Expenses to be paid.
28. Work in Prisons to be manual or mechanical only.
29. Power to declare Money found on Vagrants, &c. to be forfeited.
30. Reports to be made by Local Inspectors.
31. Certain Portions of Sections 112., 113., and 117. of Prisons Act repealed.
32. Penalties on aiding Escape of Prisoners.
33. As to Trials of Prisons Escapes, &c.
34. Penalty on introducing prohibited Articles into Prison.
35. Annual Payment of 20*l.* by Grand Juries to each Inspector General on making his Report shall cease. Treasury to make Compensation to Inspectors General.
36. Powers of Lord Lieutenant in respect of the Removal of Prisoners extended. 10 & 11 Vict. c. 45., 12 & 13 Vict. c. 19. As to Payment of Expenses of Prisoners removed from one County to another. Such Expenses not to be paid by Inspectors of Constabulary.
37. Counties and Boroughs adjoining may enter into Agreements for providing a joint Common Gaol for County and Borough.
38. Presentments may be made for joint Prisons for Counties and Boroughs.
39. Committees may be appointed by Grand Juries to make Arrangements for joint Prisons.
40. Committees appointed shall form joint Committees, and shall draw up Agreements.
41. Particulars which Agreement shall specify.
42. Agreements shall be laid before Grand Juries and Councils for Approval.
43. Agreements to be submitted to Lord Lieutenant.
44. Lord Lieutenant, on Report of Inspectors General, may direct Prison to be used as a joint Prison, and Prisoners to be removed to it.
45. Boards of Superintendence to be appointed for joint Prisons.
46. Presentments may be made to joint Boards of Superintendence.
47. Joint Boards to be the Boards of Superintendence of all the Prisons in Counties and Boroughs.
48. As to Revisal of Agreements on Termination of Periods specified.
49. In case Parties disagree upon the Terms of new Agreements Lord Lieutenant may appoint Arbitrators.
50. Section 9. of 3 & 4 Vict. c. 109. repealed. Power to Borough to contract with County for Reception of Prisoners in the County Gaol.
51. Power to Grand Juries of Boroughs to present for Amount of Contracts.
52. Power to Grand Juries of Boroughs to grant and convey old Prisons to Grand Juries of Counties.
53. As to Trial of Prisoners committed or removed to joint Prisons or to County Prisons under Contracts.
54. As to granting Compensations to Officers of Prisons previously existing becoming unnecessary.

See also *Juvenile Convict Prison (Ireland)*.

*Procedure.* See *Common Law Procedure (Ireland)*. *Judicial Procedure (Scotland)*. *Justices of Peace (Scotland)*. *Session, Court of (Scotland)*.



*Provident Societies.* See *Industrial and Provident Societies.*

*Provisional Orders.* See *Public Health. Turnpike Roads and Trusts.*

*Proxy, Instruments of.* See *Stamp Duties.*

*Public Health.*

19 & 20 Vict. c. 26.—An Act to confirm Provisional Orders of the General Board of Health applying the Public Health Act, 1848, to the Districts of Waterloo with Seaforth, West Ham, Sowerby Bridge, and Moss-side; for Alteration of the Boundaries of the Districts of Rusholme and Bishop Auckland; and for other Purposes. Page 39

- § 1. Provisional Orders of the General Board of Health confirmed.
  - 2. Power for Halifax Local Board to raise Money for purchasing Gasworks.
  - 3-7. First Elections of Local Boards of Waterloo with Seaforth, West Ham, Sowerby Bridge, and Moss-side.
  - 4. Constitution of Local Board of West Ham.
  - 8. Incorporation of this Act with Public Health Act, 1848. (11 & 12 Vict. c. 63.)
  - 9. Short Title of Act.
- SCHEDULE, containing the Provisional Orders.

*Public Money Drainage Acts.* See *Drainage Advances Acts Amendment.*

*Public Revenue.* See *Revenue, Public, &c.*

*Public Works.*

19 & 20 Vict. c. 17.—An Act to authorize for a further Period the Advance of Money out of the Consolidated Fund for carrying on Public Works and Fisheries and for the Employment of the Poor. Page 39

Preamble recites 57 Geo. 3. cc. 34. and 124., 1 Geo. 4. c. 60., 1 & 2 Geo. 4. c. 111., 3 Geo. 4. c. 86., 4 Geo. 4. c. 63., 5 Geo. 4. cc. 36. and 77., 6 Geo. 4. c. 35., 7 Geo. 4. c. 30., 7 & 8 Geo. 4. cc. 12. and 47., 1 & 2 Will. 4. c. 24., 3 & 4 Will. 4. c. 32., 4 & 5 Will. 4. c. 72., 7 Will. 4. and 1 Vict. c. 51., 1 & 2 Vict. c. 88., 3 Vict. c. 10., 5 & 6 Vict. c. 9., 9 & 10 Vict. c. 80., 14 & 15 Vict. c. 23., and 16 & 17 Vict. c. 40.

- § 1. Power to charge 360,000*l.* per Annum upon the Consolidated Fund by Issues not exceeding 90,000*l.* per Quarter.
- 2. Commissioners for Reduction of National Debt to be Trustees of Public Works Loan Fund, and to cause a separate Account to be continued at the Bank of England for the Purpose.
- 3. Bank to continue the Account already opened with the Commissioners for executing this Act.
- 4. Money paid into the Bank to the Account of Commissioners for executing this Act to be carried to and made Part of the Consolidated Fund.
- 5. Commissioners for executing recited Acts to be Commissioners, together with others, for executing this Act.

- § 6. Commissioners to sign the following Declaration before acting.
- 7. Amount of Monies to be advanced, &c. under this Act to be certified to the Commissioners for the Reduction of the National Debt. Certificate, when produced, to be endorsed and signed by the proper Officer, and Payment made.
- 8. Commissioners for executing recited Acts and this Act to lay annual Accounts before Parliament.
- 9. Commissioners for Reduction of the National Debt to furnish annual Account of the Fund for Audit.
- 10. Powers, &c. of recited Acts to have the same Force as if re-enacted in this Act.

*Public Works (Ireland).*

19 & 20 Vict. c. 18.—An Act to authorize for a further Period the Application of Money for the Purposes of Loans for carrying on Public Works in Ireland. Page 41

Preamble recites 1 & 2 Will. 4. c. 33., 6 & 7 Will. 4. c. 108., 7 Will. 4. and 1 Vict. c. 21., 1 & 2 Vict. c. 88., 2 & 3 Vict. c. 50., 5 & 6 Vict. c. 9., 6 & 7 Vict. c. 44., 9 & 10 Vict. cc. 1. and 85., 14 & 15 Vict. c. 51., and 19 & 20 Vict. c. 17.

- § 1. Appointment of Commissioners.
- 2. Treasury may, out of the 360,000*l.* per Annum granted by 19 & 20 Vict. c. 17., apply a Sum not exceeding 15,000*l.* per Quarter for Public Works in Ireland.
- 3. The separate Account already opened, to be continued at the Bank of England.
- 4. When Treasury shall have sanctioned Loans Commissioners of Public Works to certify Amount of Issue to Commissioners for Reduction of National Debt. Upon Certificate being produced Payment to be made. Approval of Treasury of such Issue to appear on Certificate.
- 5. Order to be entered by the proper Officer, countersigned by the Actuary, and addressed to the Cashiers of the Bank of England, who shall pay the same.
- 6. Commissioners for Reduction of National Debt to furnish an annual Account for Audit.
- 7. Bank of Ireland to continue Account with Paymaster of Civil Services of Repayments.
- 8. Appropriation and Entry of Repayments.
- 9. All Sums paid into the Bank of Ireland to be carried to and made Part of the Consolidated Fund.
- 10. Commissioners for executing recited Acts and this Act to lay annual Accounts before Parliament.
- 11. Powers of recited Acts as to Advances to have the same Force as if re-enacted in this Act.

*Public Works Commissioners (Ireland).* See *Juvenile Convict Prison (Ireland).*

Q.

*Qualifications for Offices, &c.* See *Indemnity.*

*Queen's Bench, Court of.* See *Trial of Offences.*

## R.

*Race-horse Duty.*

19 & 20 Vict. c. 82.—An Act to repeal and re-impose under new Regulations the Duty on Race-horses. Page 285

Preamble recites 16 & 17 Vict. c. 90.

- § 1. Present Duty payable on Race-horses repealed.
2. New Duty on Race-horses imposed in lieu of that repealed.
3. Duty imposed to be deemed an Excise Duty, and all Powers and Provisions of Excise Acts to be applied thereto.
4. Duty to be paid to the Clerk of the Course previously to the starting of the Race-horse. Penalty on Owner refusing to pay the Duty, and not producing Receipt for previous Payment.
5. Clerk of the Course to demand the Duty previously to the starting of any Race-horse.
6. Commissioners of Inland Revenue to provide Books of printed Forms of Receipts and Counterfoils.
7. Clerk of the Course to give Receipt for Duty on printed Form, and fill up Counterfoil.
8. To be accountable for Forms of Receipts and Counterfoils supplied to him.
9. To make out Lists half-yearly of Race-horses which have started at Races at which he has officiated.
10. To pay over Monies to Collector of Inland Revenue; to have an Allowance for due Payment and Performance of Duty.
11. Penalty on Clerk of the Course for Neglect of Duty.
12. Interpretation of Terms.
13. Act not to extend to Ireland.

*Railways (Ireland).*

19 & 20 Vict. c. 72.—An Act to continue the Railways Act (Ireland) 1851 (14 & 15 Vict. c. 70.) Page 199

*Rating of Stock in Trade.* See *Stock in Trade.*

*Real Estate.* See *Receivers, Appointment of.*

*Receivers, Appointment of.*

19 & 20 Vict. c. 77.—An Act to amend the Law and Practice of the Court of Chancery in Ireland in relation to the Appointment of Receivers over Real Estate, and to expedite the Sale of Estates in the said Court. Page 200

- § 1. Interpretation of Terms.
2. Court to have a Discretion in appointing Receivers.
3. No Receiver to be appointed where Sum due shall not exceed 150*l.*, or where Value of Estate shall not exceed 100*l.* per Annum.
4. Act not to extend to Appointment of Receivers for Payment of Tithes.
5. Act of Parliament of Ireland 11 & 12 Geo. 3. c. 10. repealed, to render Securities by Mortgage more effectual.
6. Power to Court to direct Sale of Estate at any Stage of Suit.

*Redemption of Annuities.*

19 & 20 Vict. c. 43.—An Act to authorize Issues out of the Consolidated Fund for the Redemption of certain Annuities charged on Branches of the gross Revenue. Page 85

- § 1. Power to Treasury to redeem, out of the Consolidated Fund, the Annuities in the Schedule to this Act.
  2. If Hereditary Revenues cease to form Part of Consolidated Fund, an annual Equivalent to Annuities redeemed to be charged on such Revenues.
- SCHEDULE of Annuities to be redeemed.

*Redemption of the Land Tax.* See *Land and Assessed Taxes, &c.*

*Redemption, Freedom of London by.* See *Stamp Duties.*

*Reformatory and Industrial Schools.*

19 & 20 Vict. c. 109.—An Act to amend the Mode of committing Criminal and Vagrant Children to Reformatory and Industrial Schools. Page 319

Preamble recites 17 & 18 Vict. c. 86. and 17 & 18 Vict. c. 74.

- § 1. School to which Youthful Offenders committed need not be named in the Sentence.
2. Supplemental Orders may be made.
3. Young Persons not to be sent to Schools to which Parents, &c. object.
4. As to Settlement and Chargeability of young Persons sent from Scotland to any School out of Scotland.
5. Power of Secretary of State to order Removals, &c. not to be diminished.
6. Expenses of Conveyance, how to be met.
7. Governor of Prisons to send Duplicate of Warrant of Commitment with Child to Reformatory.
8. What is sufficient Evidence as to Certificate of School and Identity of Child.
9. Penalty on wilfully inducing young Persons to abscond from Reformatory.
10. Secretary of State to publish List of all Reformatory or Industrial Schools in London and Edinburgh Gazettes.
11. Justices may use the Forms set forth in the Schedule.
12. Recited Acts and Act 18 & 19 Vict. c. 87. to be read as Part of this Act.
13. Interpretation of the Word "Court."

SCHEDULE.

*Reformatory Schools (Scotland).*

19 & 20 Vict. c. 28.—An Act to make further Provision for rendering Reformatory and Industrial Schools in Scotland more available for the Benefit of Vagrant Children. Page 68

- § 1. In Cases where a young Person shall have been sent to a Reformatory or Industrial School under 17 & 18 Vict. c. 74., Decree against Parent for Support may be for Payment of weekly Sum, enforceable weekly.
2. Young Persons may be kept in Custody for Forty-eight Hours before pronouncing Order for Transmission to School.

- § 3. Where young Persons are brought up under any Police Act, Procedure may go on thereunder till Order for Transmission to School.
4. Inspector may recover his Expenses, &c., notwithstanding no previous Notice of Chargeability has been given to Parish ultimately liable.
5. Discretionary, in certain Cases, to admit or refuse Security for good Behaviour.
6. Power to discharge young Person from School before Expiry of Period of Attendance.
7. Local Reformatories may receive Youthful Offenders and Vagrant Children sent under 17 & 18 Vict. c. 74. or this Act, or under 17 & 18 Vict. c. 86. or 18 & 19 Vict. c. 87.
8. The Schedules in the Schedule to this Act to be substituted for those in 17 & 18 Vict. c. 74.
9. Inspector of Poor of the Parish to be deemed the Inspector to whom Intimation is to be made.
10. Schools not to be certified under both of the Acts 17 & 18 Vict. c. 74. and 17 & 18 Vict. c. 76.
11. Short Titles.
- SCHEDULES.

*Registration of Marriages. See Marriage and Registration Acts Amendment.*

*Registration of Voters (Scotland).*

19 & 20 Vict. c. 58.—An Act to amend the Law for the Registration of Persons entitled to vote in the Election of Members to serve in Parliament for Burghs in Scotland. Page 149

Preamble recites 2 & 3 Will. 4. c. 65.

- § 1. Repeal of certain Provisions of recited Act.
2. Assessors to make out List of Voters; and to publish such List; and all Persons may have Copies.
3. Persons omitted in such Lists, &c. to lodge Claims; and Assessors to make up Lists of Claimants.
4. Objections to List to be lodged.
5. Assessors to make up List of Persons objected to; and to publish Lists of Claimants and Persons objected to; and all Persons may have Copies.
6. Assessors to deliver Lists to Town Clerks.
7. Assessor to be nominated specially for this Act.
8. Assessors disqualified from voting.
9. Provision as to Service of Notices.
10. As to Advertisements under this Act.
11. Lists put up to be maintained; and Provision for replacing same.
12. Penalty for injuring Lists put up.
13. Lists not invalidated by deficient Publication.
14. Errors of Officers not to affect Claims.
15. Provision for filling up ad interim Offices on which Duties are imposed by this Act.
16. Valuation Rolls to be open to Inspection for the Purposes of this Act.
17. Valuation Roll to be primâ facie Evidence of Matters stated therein.
18. Town Clerks to transmit Abstracts of Lists to Sheriffs.
19. Sheriffs to hold Courts for revising Lists.
20. Town Clerks, &c. to attend Burgh Registration Courts, and produce Lists, Valuation Rolls, &c.
21. Claimants omitted in Lists may be enrolled by Sheriff.
22. But Claims omitted may be objected to.
23. Sheriffs to revise and correct Lists.

- § 24. Sheriffs may grant Warrant to cite Parties, Witnesses, and Havers, and Diligence for Recovery of Writings.
25. Sheriffs may adjourn Registration Courts, but to conclude Business by 30th September annually.
26. On Completion of Business of Registration Courts, Lists of Voters to be delivered to Town Clerk for Production at Appeal Courts.
27. Persons dissatisfied may appeal, and all Appeals in Burghs to be disposed of by 21st October annually, and in Counties by 31st October.
28. Town Clerks, &c. to attend Appeal Courts.
29. Town Clerks to print Burgh Lists, and authenticate them.
30. Lists so printed to be the Register of Voters.
31. Register of Voters to be in force till new Register established.
32. Burgh Registers under this Act to come in place of Registers established by 2 & 3 Will. 4. c. 65.
33. Payments by Persons claiming to be registered, &c. abolished.
34. How Distances to be measured.
35. As to Proceedings when Day appointed happens to be a Sunday.
36. Agents and Mandatories may act for Party.
37. No written Pleadings to be allowed in Registration Courts.
38. Penalty on Persons not attending Registration Courts when required.
39. Sheriffs may award Costs, and Witnesses and Havers to be paid their Expenses.
40. Penalties on Assessors and others for Neglect of Duty.
41. Penalties to be applied for the Purposes of this Act.
42. Accounts to be kept of Monies received under this Act.
43. Expenses of annual Registrations, how to be defrayed.
44. Register to be conclusive Evidence of Qualification.
45. Penalty on Persons wilfully contravening this Act.
46. Misnomer not to vitiate.
47. Sheriffs to issue Regulations for carrying Act into effect.
48. Interpretation Clause.
- SCHEDULES.

*Regulation of Dublin Hospitals. See Hospitals (Dublin).*

*Regulation of Lodging Houses. See Health of Towns (Scotland).*

*Relief from Income Tax. See Income Tax.*

*Relief of the Poor. See Poor Law Amendment (Scotland).*

*Relief of Turnpike Trusts. See Turnpike Roads and Trusts.*

*Removal of Nuisances. See Nuisances Removal (Scotland).*

*Repeal of Statutes. See Statutes not in use Repeal; and the List at the End of the Index.*

*Retirement of the Bishops of London and Durham. See London and Durham, Bishops of.*

*Revenue, Public (Supply, Appropriation, &c.)*

19 & 20 Vict. c. 4.—An Act to apply the Sum of One million six hundred and thirty-one thousand and five Pounds One Shilling and Fivepence out of the Consolidated Fund to the Service of the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-six. Page 3

19 & 20 Vict. c. 7.—An Act to apply the Sum of Twenty-six Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-six. Page 11

19 & 20 Vict. c. 19.—An Act for raising the Sum of Twenty-one million one hundred and eighty-two thousand seven hundred Pounds by Exchequer Bills for the Service of the Year One thousand eight hundred and fifty-six. Page 43

19 & 20 Vict. c. 44.—An Act for raising the Sum of Four Millions by Exchequer Bills and Bonds for the Service of the Year One thousand eight hundred and fifty-six. Page 86

19 & 20 Vict. c. 5.—An Act for funding Exchequer Bills and raising Money by way of Annuities. Page 3

- § 1. All Subscribers towards funding Exchequer Bills to be entitled to 11*l.* 2*s.* 2*d.* 3 per Cent. Consols for every 100*l.* of such Bills. Period for First Instalment.
2. Periods for future Instalments.
3. As to Payment of Interest on deposited Exchequer Bills.
4. Subscribers may pay Money instead of Exchequer Bills, paying an additional 5*s.* per Cent. on the Money paid.
5. Guardians, &c. may subscribe, &c. towards funding of Exchequer Bills.
6. Dividends to be paid half-yearly on 5th January and 5th July.
7. Stock to be placed to Credit of Subscribers in Books at Bank of England.
8. Subscribers may make Deposits or Payments in anticipation.
9. Annuities charged on Consolidated Fund.
10. Regulations as to Payment of Dividends.
11. Receipts to be assignable.
12. Subscribers Names to be entered in Books at the Bank of England.
13. Subscribers not paying up to forfeit their Deposits.
14. Annuities to be deemed Personal Estate.
15. Books to be provided for the Entry and Registry of Transfers. Transfers not liable to Stamp Duty.
16. Deposited Exchequer Bills to be cancelled.
17. Monies received to be paid into the Exchequer.
18. Bank to certify Amount of Bills funded and of Stock created.
19. Payments to be made for incident Charges, and to the Bank for Services performed.
20. Appropriation of Money Payments.

- § 21. Three per Cent. Annuities under this Act shall be added to the Joint Stock of the Three per Cent. Consols.
22. Punishment for Forgery of Receipts, &c.
23. Bank of England to continue a Corporation for the Purposes of this Act.
24. Penalty on Persons taking Fees for Receipts or Payments.
25. General Issue may be pleaded in Proceedings under this Act.
26. Provisions of 22 Geo. 3. c. 45., for restraining Persons engaged in Public Contracts from sitting in the House of Commons, not to extend to Subscribers under this Act.

19 & 20 Vict. c. 6. An Act for raising Five Millions by way of Annuities. Page 7

- § 1. Contributors entitled to 11*l.* 2*s.* 2*d.* 3 per Cent. Consols for every 100*l.* contributed, &c.
2. Contributors who have made Deposits to pay the Remainder of Subscriptions by Instalments.
3. Power to Guardians to contribute for Infants.
4. Dividends on Stock to be payable on 5th January and 5th July in each Year.
5. Time at which Contributors, after Payment of Deposit, &c. may assign and transfer Stock.
6. Contributors may make Payments in anticipation of Instalments.
7. Annuities payable and transferable at the Bank of England.
- 8, 9. Money to be issued out of the Consolidated Fund for Payment of Annuities and Charges in respect of 5,000,000*l.*; and shall be charged upon the said Fund.
10. The Bank to appoint a Cashier and an Accountant General, and the Treasury to order Money to be issued to the Cashier for Payment of Annuities.
11. Cashier to give Receipt for Subscriptions, which may be assigned before 24th April 1856; and to give Security for paying the Money he receives into the Exchequer.
12. Treasury may apply the Money paid into the Exchequer.
13. A Book to be kept in the Accountant General's Office for entering Contributors Names, a Duplicate whereof to be transmitted to the Exchequer.
14. Contributors not paying up Sums subscribed to forfeit their Deposits.
15. Annuities to be deemed Personal Estate.
16. Accountant General to keep Books for entering Transfers. Transfers not liable to Stamp Duties.
17. Treasury to defray Incidents attending Execution of this Act.
18. Allowance to Bank of England for the Expense of Management.
19. The 3 per Cent. Annuities to be added to the Joint Stock of the 3 per Cent. Consols.
20. Sinking Fund.
21. Persons counterfeiting Receipts for Contributions, &c. guilty of Felony.
22. Bank of England to continue a Corporation till the Annuities hereby granted shall cease.
23. Penalty on Persons taking Fees for Receipts or Payments.
24. General Issue may be pleaded in Proceedings under this Act.
25. Provisions of 22 Geo. 3. c. 45., for restraining Persons engaged in Public Contracts from sitting in the House of Commons, not to extend to Subscribers under this Act.

19 & 20 Vict. c. 21.—An Act for raising the further Sum of Five Millions by way of Annuities. Page 44

- § 1. Contributors entitled to 107l. 10s. 7d. 3 per Cent. Consols for every 100l. contributed.

[The other Provisions of this Act are similar to those of the preceding Act, Cap. 6.]

19 & 20 Vict. c. 43.—An Act for authorizing Issues out of the Consolidated Fund for the Redemption of certain Annuities charged on Branches of the gross Revenue. Page 85

- § 1. Power to Treasury to redeem, out of the Consolidated Fund, the Annuities in the Schedule to this Act.  
2. If Hereditary Revenues cease to form Part of Consolidated Fund, an annual Equivalent to Annuities redeemed to be charged on such Revenues.

SCHEDULE of Annuities to be redeemed.

19 & 20 Vict. c. 59.—An Act to alter the Mode of providing for certain Expenses now charged upon certain Parts of the Public Revenue. Page 158

- § 1. Charges in Schedule (A.) to be payable out of the Consolidated Fund; and Charges in Schedule (B.) to be voted by Parliament.

19 & 20 Vict. c. 105.—An Act to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year One thousand eight hundred and fifty-six, and to appropriate the Supplies granted in this Session of Parliament. Page 296

### Rice, Distillation from.

19 & 20 Vict. c. 51.—An Act to permit the Use of Rice in the Distillation of Spirits. Page 121

- § 1. Power to distil Spirits from Rice, &c.  
2. How Duty to be charged in respect of Sugar used with other Materials.

*Rights of Way, Extinguishment of.* See *Aldershot Camp.*

*Roads.* See *Turnpike Roads and Trusts.*

*Roasters of Malt.* See *Excise.*

### Roman Catholic Charities.

19 & 20 Vict. c. 76.—An Act to continue for a limited Time the Exemption of certain Charities from the Operation of the Charitable Trusts Acts. Page 200

Preamble. recites the Acts 16 & 17 Vict. c. 137. and 18 & 19 Vict. c. 124., and that certain Roman Catholic Charities were exempted from the Operation of such Acts.

- § 1. Exemption further continued till the 1st Day of September 1857.

19 & 20 VICT.

### Royal Marines.

19 & 20 Vict. c. 8.—An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore. Page 11

The following is the General Arrangement of Provisions contained in the Marine Mutiny Act:—

*General Principles of the Act*, §§ 1-6.—*Courts-martial (Constitution, Powers, and Proceedings)*, §§ 7-20.—*Crimes and Punishments*, §§ 21-41. 79-87.—*Military Gaols, Prisons, &c.*, §§ 42-46. 52.—*Musters*, §§ 47. 48.—*Desertion*, §§ 38. 49-54. 81.—*Furlough*, § 55.—*Enlistment, and Offences connected therewith*, §§ 59-67. 83.—*Billets, Carriages, Routes, Tolls*, §§ 69-76. 79. 80.—*Penalties*, §§ 79-87.—*Miscellaneous Provisions*, §§ 56-58. 68. 77. 78. 85. 88. 89-92.—*Schedules.*

*Royal Navy.* See *Coast-guard Service.*

*Rusholme.* See *Public Health.*

## S.

*Saint Mary College at Winchester.* See *Oxford University.*

*Saint Mary Hospital, Bath.* See *Magdalen Hospital, Bath.*

### Saint Sepulchre's Manor (Dublin).

19 & 20 Vict. c. 57.—An Act to abolish the Jurisdiction of the Court of the Liberties and Manor of Saint Sepulchre in and near Dublin, and for the future Regulation of certain Markets of the said Manor. Page 147

- § 1. Short Title of Act:—"The Manor Court of Saint Sepulchre Abolition Act, 1856."  
2. Interpretation of certain Terms in this Act.  
3. Commencement of Act, 14th September 1856.  
4. Jurisdiction of Court and Officers of the Manor of Saint Sepulchre in Judicial Proceedings, Civil or Criminal, to cease, and the same to be exercised by the Courts and Officers of Her Majesty.  
5. Chairman of Kilmainham, Assistant Barrister of the County of Dublin, Recorder of Dublin, and Assistant Barrister of Kildare or Wicklow may renew Decrees, &c. made by Seneschal before Commencement of Act.  
6. Regulations as to Persons in Custody of Marshal of Saint Sepulchre at Commencement of Act.  
7. Power to sell Court House and Marshalsea.  
8. Application of Proceeds of Sale. Compensation to Officers.  
9. The Markets of Saint Sepulchre within the Limits of the Borough of Dublin to vest in the Corporation.  
10. Manor, &c. lying within the Municipal Boundaries subject to Acts relating to Improvement of the Borough.  
11. The Lord Mayor of Dublin to be Clerk of the Markets of Saint Sepulchre.

[F]

- § 12. The Corporation not to demand any Stallages, &c. in the Markets of Saint Sepulchre until they erect Stalls, &c. therein, such Stallages, &c. not to exceed those specified in Dublin Improvement Act, 1849.
13. Corporation not obliged to maintain Market or to pay Rent, &c. in respect to same.
14. Archbishop of Dublin to recover from his Successors any Charges he may have in respect to Palace or See House, &c.
15. Saving of Rights of Archbishop of Dublin as to the Royalties and Estates, &c. in the See.

*Sale of Advowsons.* See *Advowsons.*

*Sale of Estates.* See *Chancery, Court of Incumbered Estates (Ireland). Leases and Sales of Settled Estates.*

*Sale of Works of Art.* See *National Gallery.*

*Sardinian Loan.*

18 & 19 Vict. c. 39.—An Act to carry into effect a Convention respecting a Loan by Her Majesty to the King of Sardinia. Page 83

Preamble recites Convention of 26th January 1855, and Act 18 & 19 Vict. c. 17.

- § 1. Power to Treasury to direct the Sums required for the further Loan to Sardinia to be issued out of the Consolidated Fund.

*Savings Banks for Seamen.* See *Seamen's Savings Banks.*

*Schemes of the Charity Commissioners.* See *Magdalen Hospital, Bath. Endowed School at Moulton. Stoke Poges Hospital.*

*Schools.* See *Youthful Offenders.*

*Scotland.* For Acts relating especially to Scotland, see the following Heads:—

<i>Bankruptcy.</i>	<i>Mercantile Law.</i>
<i>Commissioners of Supply.</i>	<i>Nuisances Removal.</i>
<i>Deeds.</i>	<i>Poor Law Amendment.</i>
<i>Exchequer, Court of.</i>	<i>Reformatory Schools.</i>
<i>Joint Stock Banks.</i>	<i>Registration of Voters.</i>
<i>Judicial Procedure, &amp;c.</i>	<i>Small Debts Imprisonment Act Amendment.</i>
<i>Justices of the Peace, &amp;c.</i>	
<i>Marriage Law.</i>	

*Seamen's Savings Banks.*

19 & 20 Vict. c. 41.—An Act to make further Provision for the Establishment of Savings Banks for Seamen. Page 84

Preamble recites the Merchant Shipping Act, 1854, (17 & 18 Vict. c. 104.)

- § 1. Board of Trade to establish Savings Banks for Seamen.  
2. Shipping Offices constituted Branch Savings Banks.

- § 3. Commissioners for Reduction of National Debt to receive Deposits and pay Interest.
4. Board of Trade to make Regulations for Conduct of Savings Banks.
5. Application of Deposits of deceased Depositor.
6. Punishment for Forgery or for making false Representations in order to obtain Deposits or Interest.
7. Expenses of carrying Act into effect to be defrayed by Board of Trade.
8. Accounts and Copy of Regulations to be laid before Parliament.
9. Mode of carrying on Criminal Proceedings under this Act.

*Secretary to Poor Law Commissioners (Ireland).*

19 & 20 Vict. c. 14.—An Act to abolish the Office of Secretary to the Poor Law Commissioners in Ireland. Page 32

- § 1. So much of Poor Law Act, 10 & 11 Vict. c. 90., as provides for Appointment of Secretary to Poor Law Commissioners repealed, and Office abolished. Acts done by Commissioners where Counter-signature of Secretary was heretofore necessary, valid.

*Securities for Debts. See Judicial Procedure, &c. (Scotland).*

*Session, Court of (Scotland).*

19 & 20 Vict. c. 56.—An Act to constitute the Court of Session the Court of Exchequer in Scotland, and to regulate Procedure in Matters connected with the Exchequer. Page 131

- § 1. The Court of Session to be the Court of Exchequer in Scotland.
2. One of the Lords Ordinary in the Court of Session to be Lord Ordinary in Exchequer Causes.
3. Lord Ordinary in Exchequer Causes may act in Vacation as well as during Session; and in his Absence any other Lord Ordinary may act in his Room.
4. Clerks to the Lord Ordinary in Exchequer Causes to be Clerks in such Causes; and additional Salaries granted.
5. Exchequer Causes may be commenced by Subpœna.
6. Subpœna to be called in Court as a Summons, and Procedure thereon.
7. Form of Information in Causes commenced by Subpœna.
8. Special Case may be lodged where Parties agreed upon the Facts.
9. Procedure in Cases commenced by Subpœna, so far as not expressly provided, how to be regulated.
10. Proceedings may be commenced by Summons in place of Subpœna; and Procedure under Summons to be the same as in Ordinary Court of Session Cases.
11. Procedure in Cases of Seizure.
12. Procedure in lieu of Writs of Capias, &c.
13. Procedure in lieu of Writs of the Pipe.
14. Procedure in lieu of Injunction.
15. Procedure in lieu of Mandamus.
16. Procedure on Affidavit of Danger.
17. Procedure in lieu of Writs of Habeas and Certiorari.
18. Duties of Court of Exchequer with reference to Crown Entries to be performed by Lord Ordinary in Exchequer Causes.

- § 19. Duties of Court of Exchequer in Appointment of Tutors Dative to be performed by Inner Houses of Session.
20. Interlocutors in Exchequer Causes may be reclaimed against, and appealed, as if pronounced in ordinary Court of Session Causes.
21. Suspension, where competent, to be by Note in the Bill Chamber in common Form; and, when Note passed, Case to depend before Lord Ordinary in Exchequer Causes.
22. The Lord Advocate to sue and be sued on behalf of Her Majesty.
23. Privilege of Audience preserved to the Crown.
24. Costs may be given for and against the Crown.
25. Exchequer Causes to have Precedence of all others.
26. Sittings of the Court of Session to be held to correspond with existing Exchequer Terms.
27. Certified Copies of Interlocutors, equivalent to Extracts, except in order to Diligence.
28. Minute Book dispensed with as to Extracts of Exchequer Decrees; such Extracts to have Priority in the Extractor's Office; and such Extracts, and also Extracts of registered Bonds to Her Majesty, to be in ordinary Form.
29. Exchequer Decrees to be put in execution by Sheriffs.
30. Sheriff may arrest on Extract Decree; and such Arrestment shall transfer to the Crown the arrested Fund.
31. Sheriff may charge Crown Debtor on Extract Decree: Execution of Charge to be in Form scheduled.
32. Sheriff may point on Extract Decree. Pointing to be in ordinary Form; except that Pointed Effects may be taken possession of; and, if no Officer at Sale, Sheriff to retain them on behalf of the Crown.
33. On Expiration of Charge, Sheriff may record the Extract and Execution of Charge.
34. After Execution of Charge recorded, Sheriff may issue Warrant to imprison.
35. Sheriff may seize Books of Crown Debtor.
36. Effects of deceased Crown Debtor may be attached by Arrestment or Pointing.
37. Bonds, &c. heretofore taken by Court of Exchequer may be taken by Sheriffs, &c.
38. Bonds to Her Majesty to be held as containing a Clause of Registration.
39. Where a Bond to Her Majesty is not for a specific Sum, Sum may be supplied by an Account stated and certified, on which Diligence may proceed.
40. Provision for recovering in Scotland Duties accruing in other Parts of the United Kingdom.
41. Jurisdiction of Sheriffs and Justices in Exchequer Cases saved.
42. Preference of Crown over other Creditors not affected.
43. Act 16 Vict. c. 20. s. 3. not to extend to Revenue Cases.
44. Lord President, Lord Advocate, and Lord Ordinary, in Exchequer Causes empowered to make Orders and Regulations to facilitate Procedure.
45. Offices of Attornies or Sworn Clerks and Macers in Exchequer, &c., abolished.
46. Compensation for Offices abolished.
47. Interpretation of Terms.
48. Repeal of Acts, &c.
49. Act to take effect from 12th November 1856.
- SCHEDULE OF FORMS.

*Settled Estates. See Leases and Sales of Settled Estates.*

*Sheep, &c. Contagious Disorders Prevention.*

19 & 20 Vict. c. 101.—An Act to continue certain Acts to prevent the spreading of contagious or infectious Disorders among Sheep, Cattle, and other Animals. Page 270

Preamble recites 11 & 12 Vict. c. 107. and 16 & 17 Vict. c. 62.

§ 1. Recited Acts continued till 1st August 1857.

*Small Debts Imprisonment Act Amendment (Scotland).*

19 & 20 Vict. c. 46.—An Act to exempt Imprisonments under the Act 5 Geo. 4. c. 96. from the Operation of the Act abolishing in Scotland Imprisonment for Civil Debts of small Amount. Page 90

Preamble recites 5 Geo. 4. c. 96., to consolidate and amend the Laws relative to the Arbitration of Disputes between Masters and Workmen, and 5 & 6 Will. 4. c. 70., for abolishing in Scotland Imprisonment for Civil Debts of small Amount; and that it is expedient to encourage the Settlement of all Disputes between Masters and Workmen by Arbitration.

§ 1. Nothing in the last-recited Act contained shall apply to Imprisonment under the first-recited Act.

*Small Livings. See Advowsons.*

*Smoke Nuisance Abatement (Metropolis).*

19 & 20 Vict. c. 107.—An Act to amend the Smoke Nuisance Abatement (Metropolis) Act, 1853. Page 303

Preamble recites 16 & 17 Vict. c. 128.

- § 1. Repealing Exemption of certain Glass and Pottery Works from Operation of recited Act. Steam Vessels plying between London and the Nore Light subject to Provisions of recited Act.
2. Provisions of recited Act extended to Furnaces used in public Baths and Washhouses.
3. No Proceedings to be taken by Secretary of State under recited Act, unless Local Authorities fail to proceed under 18 & 19 Vict. cc. 120. and 121.

*Societies. See Industrial and Provident Societies.*

*Sowerby Bridge. See Public Health.*

*Spirits. See Distillation from Rice.*

*Spiritual Care of Populous Parishes. See New Parishes.*

*Stamp Duties.*

19 & 20 Vict. c. 81.—An Act to reduce the Stamp Duties on certain Instruments of Proxy; to amend the Laws relating to the stamping of Articles of Clerkship to Attorneys and others; and to exempt from Stamp Duty Admissions to the Freedom of the City of London by Redemption. Page 234

§ 1. Stamp Duties on Instruments of Proxies herein named repealed, and new Duties granted in lieu thereof.

- § 2. Provision in Section 6. of 7 Viet. c. 21. and other Stamp Acts to be applied to the new Duties.
3. Power to Treasury to authorize Articles to be stamped on the Terms stated.
4. Admissions to the Freedom of the City of London by Redemption exempted from Stamp Duty.

*Statutes Repealed.* See List at End of the Index.

*Statutes not in use Repeal.*

19 & 20 Viet. c. 64.—An Act to repeal certain Statutes which are not in use. Page 172  
[A List of these Statutes will be found at Pages 172-175 ante.]

*Stock in Trade.*

19 & 20 Viet. c. 42.—An Act to continue the Act 3 & 4 Viet. c. 89. for the Exemption of Stock in Trade from Rating. Page 85  
§ 1. Continuing recited Act until 1st October 1859.

*Stoke Poges Hospital.*

19 & 20 Viet. c. 111.—An Act for confirming a Scheme of the Charity Commissioners for Stoke Poges Hospital in the County of Bucks, with certain Alterations. Page 326

Preamble recites Third Report of the Charity Commissioners, dated 28th February 1856.

- § 1. Scheme of Charity Commissioners, set out in the Schedule, confirmed.

*Straw Trade.* See *Hay and Straw Trade.*

*Sugar used in brewing Beer.* See *Excise.*

*Suits, Foreign.* See *Evidence in Foreign Suits.*

*Superannuations.* See *Lunatic Asylums.*

*Superior Courts.* See *Common Law Procedure (Ireland).* *Chancery.*

*Supplies, Appropriation of.* See *Revenue.*

*Supply, Commissioners of.* See *Commissioners of Supply (Scotland).*

*Survey of Great Britain, &c.*

19 & 20 Viet. c. 61.—An Act to continue the Act 4 & 5 Viet. c. 30. for the Survey of Great Britain, Berwick-upon-Tweed, and the Isle of Man. Page 161

Preamble recites 4 & 5 Viet. c. 30., 9 & 10 Viet. c. 46., and 14 & 15 Viet. c. 22.

- § 1. Powers of Master General and Board of Ordnance under 4 & 5 Viet. c. 30. vested in the Secretary of State for War.
2. First-recited Act, as amended, further continued to 31st December 1861.

*Suspension of Militia Ballots.* See *Militia.*

T.

*Taxes, Rates, and Duties.* See *Customs. Excise. Fire Insurances. Income Tax. Land and Assessed Taxes. Malt. Race-horse Duty. Stamp Duties.*

*Towns, Health of.* See *Nuisances Removal (Scotland).*

*Trade and Commerce.* See *Mercantile Law Amendment.*

*Transfer of Charges.* See *Revenue.*

*Transfer of Incumbered Estates.* See *Incumbered Estates (Ireland).*

*Transfer of Works (Ireland).*

19 & 20 Viet. c. 37.—An Act to amend the Act 16 & 17 Viet. c. 136. for transferring to Counties in Ireland certain Works constructed wholly or in part with the Public Money. Page 81

- § 1. Works mentioned in the Schedule may be transferred to the Counties in which they are situated, and to become the public Property of the County.
2. The Provisions applicable to the Works transferred under 16 & 17 Viet. c. 136. to be applicable to Works transferred under this Act.
3. Extension of the Time within which Money payable under a Final Award of the Commissioners of Public Works may be ordered to be paid.
4. Recited Act and this Act to be construed as One. SCHEDULE of Works to be transferred.

*Trial of Offences.*

19 & 20 Viet. c. 16.—An Act to empower the Court of Queen's Bench to order certain Offenders to be tried at the Central Criminal Court. Page 34

- § 1. The Court of Queen's Bench may order any Indictment which has been removed into that Court to be tried at the Central Criminal Court.
2. When any such Order has been made, the Indictment shall be transmitted to the Central Criminal Court.
3. The Court of Queen's Bench may order any Person charged with any Offence committed out of the Jurisdiction of the Central Criminal Court to be tried at that Court, and thereupon a Certiorari shall issue to remove the Indictment into the Central Criminal Court.
4. When any such Order has been made, the Depositions, &c. shall be returned to the Central Criminal Court.
5. When any such Order has been made, the Prisoner shall be removed to Newgate.
6. A Defendant need not appear in Person or plead in the Queen's Bench.



- § 7. A Defendant shall be arraigned, plead, and be tried in the Central Criminal Court, as if the Offence was committed within the Jurisdiction of that Court.
8. When a Certiorari is delivered to any Court to remove any Indictment, such Court shall bind the Prosecutor and Witnesses to appear on the Trial.
9. Where a Certiorari is delivered to any Court to remove any Indictment, such Court may bail or commit any Defendant who has appeared there under any Recognizance.
10. Recognizances to be obligatory on Persons entering into them to prosecute, &c. at the Central Criminal Court, if Notice be given of the Change of Court. 4 & 5 Will. 4. c. 36. s. 18. Court of Queen's Bench may require Party applying for a Trial at the Central Criminal Court to give Notice to all Parties bound by Recognizance.
11. Where a Certiorari is delivered to any Court the Court shall not discharge any Defendant then in Prison.
12. Process may be issued against any Defendant at large, and Witnesses may be compelled to attend the Trial.
13. Expenses of the Prosecution and Rewards may be ordered to be paid.
14. Her Majesty in Council may make Rules to effect the Purposes of this Act.
15. No Objection to be taken to any Writ of Certiorari, Order, or other Proceeding for removing any Indictment, &c.
16. When the Indictment has been transmitted the Central Criminal Court shall have the same Authority as if the Offence had been committed within its Jurisdiction.
17. It shall not be necessary to prove that any Indictment has been properly removed or transmitted.
18. Verdicts and Judgments to be valid.
19. Any Person convicted may be sentenced to be punished either in the County where the Offence was committed or within the Jurisdiction of the Central Criminal Court.
20. Any Prisoner removed or committed to Newgate under this Act may be taken to and from the Central Criminal Court as often as need be.
21. Every Prisoner whilst being removed or detained under this Act shall be deemed to be in lawful Custody. 14 & 15 Vict. c. 55. s. 22.
22. Any Defendant on Bail may be bailed again or committed to Newgate.
23. Prosecutor and Witnesses may be bound by Recognizance to appear again at the Central Criminal Court.
24. The Court of Queen's Bench may impose any Terms which seem reasonable on any Defendant applying to be tried at the Central Criminal Court.
25. Where the Crown obtains a Trial at the Central Criminal Court, the Expense of Witnesses shall be advanced to the Defendant. 3 & 4 Will. 4. c. 79. s. 4. relating to Ireland.
26. Expenses of any Person acquitted may be ordered by the Court. 3 & 4 Will. 4. c. 79. s. 3.
27. The Treasurer of the County where the Offence was committed shall pay the Expenses of the Prisoner's Maintenance, &c. in Newgate.
28. An Account of the Expenses of any Prisoner shall be delivered to the Treasurer of the County where the Offence was committed. 5 & 6 Vict. c. 98. s. 21.
29. Act not to affect any Peer or Peeress.

*Trusts, Charitable.*

*Trusts, Turnpike.* See *Turnpike Roads and Trusts.*

*Turnpike Roads and Trusts.*

19 & 20 Vict. c. 49.—An Act to continue certain Turnpike Acts in Great Britain. Page 116

- § 1. All Turnpike Acts which will expire on or before the End of next Session continued to 1st October 1857, &c., with certain Exceptions.
  2. Acts in Schedule to this Act continued till 1st November 1857.
  3. Short Title of Act.
  4. Act not to extend to Ireland.
- SCHEDULE of Acts continued.

19 & 20 Vict. c. 71.—An Act to continue certain Acts for regulating Turnpike Roads in Ireland. Page 198

- Preamble recites 4 & 5 Vict. c. 6. and 18 & 19 Vict. c. 83.
- § 1. Turnpike Acts (L) which will expire on or before 31st July 1856, continued till 31st July 1857.
  2. Short Title of Act.

19 & 20 Vict. c. 12.—An Act to confirm certain Provisional Orders made under the Act 14 & 15 Vict. c. 38. to facilitate Arrangements for the Relief of Turnpike Trusts. Page 30

- § 1. Provisional Orders contained in the Schedule to this Act confirmed.
- SCHEDULE of Provisional Orders.

## U.

*University of Cambridge.* See *Cambridge University.*

*University of Oxford.* See *Oxford University.*

*Unlawful Oaths (Ireland).*

19 & 20 Vict. c. 78.—An Act to continue the Act 2 & 3 Vict. c. 74. for preventing the administering and taking of unlawful Oaths in Ireland, as amended by the Act 11 & 12 Vict. c. 89. Page 201

- Preamble recites 50 Geo. 3. c. 102., 4 Geo. 4. c. 87., 2 & 3 Vict. c. 74., 7 & 8 Vict. c. 78., 8 & 9 Vict. c. 55., 11 & 12 Vict. c. 89., and 14 & 15 Vict. c. 48.
- § 1. Recited Act 8 & 9 Vict. c. 55. repealed, and the Provisions of 2 & 3 Vict. c. 74. (repealed by 8 & 9 Vict. c. 55.) REVIVED.
  2. Recited Act 2 & 3 Vict. c. 74. to continue in force for a further Period of Five Years, &c.

*Unnecessary Forms.* See *Deeds (Scotland).*

## V.

*Vagrant Children.* See *Youthful Offenders.*

*Vice-President of Committee of Council on Education.*

19 & 20 Vict. c. 116.—An Act for the Appointment of a Vice-President of the Committee of Council on Education. Page 334

§ 1. Her Majesty may appoint a Vice-President of the Committee of Council on Education, with a Salary not exceeding 2,000*l.* per Annum.

*Voters.* See *Registration of Voters (Scotland).*

## W.

*Waterloo with Seaforth.* See *Public Health.*

*West Ham.* See *Public Health.*

*West Indies.*

17 & 18 Vict. c. 35.—An Act to authorize the West India Relief Commissioners to grant further Time for the Repayment of Monies advanced by them in certain Cases. Page 80

Preamble recites 2 & 3 Will. 4. c. 125., 5 & 6 Will. 4. c. 51., 3 & 4 Vict. c. 40., 7 Vict. c. 17., 8 & 9 Vict. c. 50., and 11 & 12 Vict. c. 38.

- § 1. Commissioners may grant Extension of Time on certain Conditions. Applications for Extension to be made within Two Years.
2. On Payment of Interest due Commissioners to forbear compelling Payment of Principal, upon certain Conditions.
  3. Extension of Time not to prejudice existing Securities.

*Whichwood Forest.*

19 & 20 Vict. c. 32.—An Act to amend the Whichwood Disafforesting Act, 1853, (16 & 17 Vict. c. 36.) Page 73

- § 1. Time for making Award extended to 1st August 1857.
2. Commissioners may allot Parts of Purlieu Wastes to the Crown, in Exchange for Portions of the Forest.
  3. Commissioners may set out Purlieu Wastes as Common Fields, and exonerate The Lord Churchill's Allotment of Forest Land as Compensation.
  4. Commissioners may transfer Rights of Common, &c. to other Portions of Lord Churchill's Lands.
  5. As to what Portion of the Forest shall constitute the Parish of Whichwood.
  6. Roads may be set out without being made.
  7. Commissioners may sell Land to defray Expenses.
  8. 16 & 17 Vict. c. 36. as amended by this Act to remain in force.
  9. Short Title.

*Williams, Sir W. F.*

19 & 20 Vict. c. 30.—An Act to settle an Annuity on Sir William Fenwick Williams, in consideration of his eminent Services. Page 71

§ 1. An Annuity of 1,000*l.* to be paid to Sir W. F. Williams, Bart., during his Life.

*Winchester, College of Saint Mary of.*

19 & 20 Vict. c. 95.—An Act to give to the University of Oxford and to Colleges in the said University, and to the College of Saint Mary of Winchester near Winchester, Power to sell and exchange Lands, under certain Conditions. Page 260

- § 1. Colleges in the University of Oxford, and the College of St. Mary of Winchester, may sell and exchange Lands, under certain Conditions.
2. Act to extend to Lands held in trust for special Endowments.
  3. Colleges may accept Surrenders from Lessees in consideration of annual Payments, and may sell and exchange to or with such Lessees.

See also *Oxford University.*

*Winding-up Acts.* See *Joint Stock Companies.*

*Witnesses.* See *Evidence in Foreign Suits. Grand Juries.*

*Works of Art.* See *National Gallery.*

*Works, Public.* See *Public Works. Public Works (Ireland).*

*Works, Transfer of.* See *Transfer of Works (Ireland).*

## Y.

*Youthful Offenders.*

19 & 20 Vict. c. 109.—An Act to amend the Mode of committing Criminal and Vagrant Children to Reformatory and Industrial Schools. Page 319

Preamble recites 17 & 18 Vict. c. 86. and 17 & 18 Vict. c. 74.

- § 1. School to which Youthful Offenders committed need not be named in the Sentence.
2. Supplemental Orders may be made.
  3. Young Persons not to be sent to Schools to which Parents, &c. object.
  4. As to Settlement and Chargeability of young Persons sent from Scotland to any School out of Scotland.
  5. Nothing to diminish Power of Secretary of State to order Removals, &c.
  6. Expenses of Conveyance, how to be met.
  7. Governor of Prison to send Duplicate of Warrant of Commitment, if it exists, with Child, to Reformatory; if not, then a Copy of Warrant.

- § 8. What is sufficient Evidence as to Certificate of School and Identity of Child.
- 9. Penalty on Persons wilfully inducing young Persons to abscond from Reformatory.
- 10. Secretary of State to publish List of all Reformatory or Industrial Schools in London and Edinburgh Gazettes.
- 11. Justices may use the Forms set forth in the Schedule.
- 12. Recited Acts and 18 & 19 Vict. c. 87. to be read as Part of this Act.
- 13. Interpretation of the Word "Court."

## SCHEDULES.

19 & 20 Vict. c. 28.—An Act to make further Provision for rendering Reformatory and Industrial Schools in Scotland more available for the Benefit of Vagrant Children.

Page 68

- § 1. In Cases where a young Person shall have been sent to a Reformatory or Industrial School under 17 & 18 Vict. c. 74., Decree against Parent for Support may be for Payment of weekly Sum, enforceable weekly.
- 2. Young Persons may be kept in Custody for Forty-eight Hours before pronouncing Order for Transmission to School.

- § 3. Where young Persons are brought up under any Police Act, Procedure may go on thereunder till Order for Transmission to School.
- 4. Inspector may recover his Expenses, &c. notwithstanding no previous Notice of Chargeability has been given to Parish ultimately liable.
- 5. Discretionary, in certain Cases, to admit or refuse Security for good Behaviour.
- 6. Power to discharge young Person from School before Expiry of Period of Attendance.
- 7. Local Reformatories may receive Youthful Offenders and Vagrant Children sent under 17 & 18 Vict. c. 74. or this Act, or under 17 & 18 Vict. c. 86., or 18 & 19 Vict. c. 87.
- 8. Schedules in the Schedule to be substituted for those in 17 & 18 Vict. c. 74.
- 9. Inspector of Poor of the Parish to be deemed the Inspector to whom Intimation is to be made.
- 10. Schools not to be certified under both of the Acts 17 & 18 Vict. c. 74. and 17 & 18 Vict. c. 76.
- 11. Short Titles of Acts.

## SCHEDULES.

See also *Juvenile Convict Prison (Ireland)*.



# A LIST of ACTS and PARTS of ACTS REPEALED and AMENDED during the Session 19 & 20 Vict. (1856).

NOTE.—The entire Act is to be taken as repealed, unless the contrary be specified.  
Local and Private Acts are only inserted here in consequence of their Repeal by Public Acts.

## ACTS AND PARTS OF ACTS REPEALED.

Act or Part of Act repealed.	SUBJECT.	Repealed by Act 19 & 20 Vict.
<i>Administration of Justice—Law and Law Courts (Civil and Criminal):</i>		
9 & 10 Vict. c. 95. ss. 37. 52. 92. 107. 121. 122. 123. 126. 127. 139. and Parts of ss. 102. and 142. - - -		
12 & 13 Vict. c. 101. s. 6. - -	County Courts - - - - -	Cap. 108.
13 & 14 Vict. c. 61. ss. 5, 6, 7. 17. 20, 21. 23. - - -		
15 & 16 Vict. c. 54. s. 1. - -		
17 & 18 Vict. c. 16. s. 1. - -		
22 & 23 Car. 2. c. 10. s. 4. - -	Special Customs as to Distribution of Personal Estate of } Intestates - - - - -	Cap. 94.
11 Geo. 1. c. 18. Part of s. 18. }		
32 Hen. 8. c. 28., and - - -	Lessees enjoying the Farm against Tenants in Tail - -	Cap. 120.
10 Car. 1. Sess. 3. c. 6. (I.) }		
(with an Exception) - - -	Court of Exchequer (Scotland) - - - - -	Cap. 56.
54 Geo. 3. c. 137.* - - -		
2 & 3 Vict. c. 41. - - -	Bankruptcy and Insolvency (Scotland) - - - - -	Cap. 79. s. 2.
16 & 17 Vict. c. 53. - - -		
Scottish Act 1696, c. 15. (in part) - - - - -	Unnecessary Forms in framing of Deeds - - - - -	Cap. 89.
14 & 15 Vict. c. 15. - - -		
13 & 14 Vict. c. 89. Part of s. 16. - - - - -	Court of Chancery (Ireland) - - - - -	Cap. 92. ss. 21. 27.
17 & 18 Vict. c. 125. Part of s. 103. - - - - -	Common Law Procedure (Ireland) - - - - -	Cap. 102. s. 3.
18 & 19 Vict. c. 7. - - -		
12 & 13 Vict. c. 77. s. 51. (in part) - - - - -	Appeals from Incumbered Estates Court - - - - -	Cap. 67. s. 2.
8 & 9 Vict. c. 55. - - -	Unlawful Oaths (Ireland) - - - - -	Cap. 78. s. 1.
11 & 12 Geo. 3. c. 10. (I.) - -	Mortgage Securities - - - - -	Cap. 77. s. 5.
<i>Customs, Excise, Taxes, &amp;c :</i>		
	Customs - - - - -	Cap. 75.
18 & 19 Vict. c. 22. - - -	Sugar used in Brewing Beer - - - - -	Cap. 34.
16 & 17 Vict. c. 90. (in part) -	Repeal and Re-imposition of Duty on Race-horses - -	Cap. 82.
5 & 6 Vict. 35. s. 183. - - -		
16 & 17 Vict. c. 34. s. 57. }	Allowances to Clerks of Commissioners of Income Tax -	Cap. 80. ss. 1, 2.
16 & 17 Vict. c. 117. s. 2. - -	Redemption of Land Tax - - - - -	Cap. 80. s. 3.

\* This Act was amended, and certain Provisions thereof re-enacted, by 19 & 20 Vict. c. 91. See page 253 ante.

LIST OF ACTS AND PARTS OF ACTS REPEALED—*continued.*

Act or Part of Act repealed.	SUBJECT.	Repealed by Act 19 & 20 Vict.
<i>Grand Juries (Ireland) :</i>		
10 & 11 Vict. c. ccliii. s. 32. } (Rathmines Improvement)	Grand Jury Assessments - - - - -	Cap. 63. s. 12.
18 & 19 Vict. c. 74. - - -	Grand Juries (Treasurers of Counties), Ireland - - -	Cap. 63. s. 20.
<i>Public Health, Improvements, &amp;c. :</i>		
16 & 17 Vict. c. 128. (in part) {	Exemption of certain Furnaces from Operation of Smoke } Nuisance Act - - - - -	Cap. 107.
11 & 12 Vict. c. 123. (as far as relates to Scotland) - - -	Nuisances Removal (Scotland) - - - - -	Cap. 103.
12 & 13 Vict. c. 111. (as far as relates to Scotland) - - -		
13 & 14 Vict. c. 33. s. 74. - - -	Sewer Rates (Scotland) - - - - -	Cap. 103. s. 60.
3 & 4 Vict. c. 88. s. 24. - - -	Police (Counties and Boroughs) - - - - -	Cap. 69. s. 21.
MISCELLANEOUS.		
7 Geo. 4. c. 74. (in part) - - -	Prisons (Ireland) - - - - -	Cap. 68.
3 & 4 Vict. c. 44. s. 1. - - -		
3 & 4 Vict. c. 109. s. 9. - - -	Reception of Borough Prisoners in County Gaol - - -	Cap. 68. s. 50.
	Salary of Second Clerk Assistant of the House of Commons	Cap. 1. s. 2.
10 & 11 Vict. c. 90. s. 4. (in part) - - - - -	Secretary to Poor Law Commissioners (Ireland) - - -	Cap. 14. s. 1.
7 & 8 Vict. c. 110. - - - - -	Joint Stock Companies - - - - -	Cap. 47.
10 & 11 Vict. c. 78. - - - - -		
18 & 19 Vict. c. 133. - - - - -		
7 & 8 Vict. c. 32. s. 25. - - -	Compositions payable by Bank of England to Bankers who have discontinued the Issue of Bank Notes - - -	Cap. 20. s. 1.
2 & 3 Will. 4. c. 65. (in part) - - -	Parliamentary Elections (Scotland) - - - - -	Cap. 58.
9 & 10 Vict. c. 10. - - - - -	Payment of Chelsea and Greenwich Out-Pensioners - - -	Cap. 15. s. 1.
52 Geo. 3. c. cxxxvi. (in part) - - -	Allotment of Land in Delamere Forest being kept for Timber	Cap. 13. s. 1.
9 & 10 Vict. c. 101. ss. 8. 17. } 28, 29. - - - - -		
10 & 11 Vict. c. 11. s. 6. and part of s. 2. - - - - -	Advance of Public Money for Purposes of Drainage - - -	Cap. 9.
58 Geo. 3. c. 45. s. 11. - - -	Church Building Commission - - - - -	Cap. 55.

[NOTE.—By the Act 19 & 20 Vict. c. 64., “to repeal certain Statutes which are not in use,” a Number of Acts were declared to be repealed. The Titles of these Acts are fully set out at Pages 172–175 ante.]

ACTS AND PARTS OF ACTS AMENDED.

Act or Part of Act amended.	SUBJECT.	Amended by Act 19 & 20 Vict.
<i>Administration of Justice—Law and Law Courts (Civil and Criminal):</i>		
18 & 19 Vict. c. 126. s. 9. (in part) and s. 20.	Administration of Criminal Justice - - - -	Cap. 118.
9 & 10 Vict. c. 95.	County Courts - - - - -	Cap. 108.
12 & 13 Vict. c. 101.		
13 & 14 Vict. c. 61.		
15 & 16 Vict. c. 54.		
17 & 18 Vict. c. 16.		
8 Anne, c. 14. s. 1.		
17 & 18 Vict. c. 104.	Goods taken in Execution under County Court Warrant -	Cap. 108. s. 75.
5 & 6 Will. 4. c. 70.	Receivers of Real Estate - - - - -	Cap. 77.
54 Geo. 3. c. 137.	Fees to Justices Clerks for Investigations into Wrecks -	Cap. 75. s. 8.
17 & 18 Vict. c. 74.	Imprisonment for Debt (Scotland) - - - - -	Cap. 46.
17 & 18 Vict. c. 86.	Judicial Procedure and Securities for Debt (Scotland) -	Cap. 91.
17 & 18 Vict. c. 74.	Reformatory and Industrial Schools - - - - -	Cap. 109.
Scottish Act 1696, c. 15.	Reformatory and Industrial Schools (Scotland) - - -	Cap. 28.
16 & 17 Vict. c. 113.	Forms in framing of Deeds in Scotland - - - - -	Cap. 89.
26 & 13 Vict. c. 77.	Common Law Procedure (Ireland) - - - - -	Cap. 102.
11 & 17 Vict. c. 64.	Incumbered Estates (Ireland) - - - - -	Cap. 67. ss. 1. 2.
12 & 13 Vict. c. 77. s. 51.	Appeals from Incumbered Estates Court (Ireland) - -	Cap. 92. s. 10.
7 Geo. 4. c. 74.	Prisons (Ireland) - - - - -	Cap. 68.
6 & 7 Will. 4. c. 51.		
3 & 4 Vict. c. 44.		
5 & 6 Vict. c. 95.		
11 & 12 Vict. c. 2. ss. 9. 12.		
<i>Customs, Excise, Stamps, Taxes.</i>		
18 & 19 Vict. c. 96. s. 22.	Customs Act. Extending Powers to Channel Islands -	Cap. 75. s. 4.
5 Vict. Sess. 2. c. 30.	Roasters of Malt - - - - -	Cap. 34.
17 & 18 Vict. c. 27.	Excise Duty on Malt, &c. - - - - -	Cap. 34.
18 & 19 Vict. c. 22.	Sugar used in brewing Beer - - - - -	Cap. 34.
7 Geo. 4. c. 44.	Stamping of Articles of Clerkship - - - - -	Cap. 81. s. 3.
6 & 7 Vict. c. 21. s. 6.	Stamp Duties on Instruments of Proxy - - - - -	Cap. 81. s. 2.
5 & 6 Vict. c. 35.	Income Tax. Relief to Landlords in Scotland - - -	Cap. 80. s. 1:
	Union of Parishes or Places for the more convenient Execution of Acts relating to Land Tax, Income Tax, and the Assessed Taxes - - - - -	Cap. 80. s. 4.
<i>Grand Juries, &amp;c. (Ireland).</i>		
15 & 16 Vict. c. 63.	Grand Jury Assessments - - - - -	Cap. 63.
16 & 17 Vict. c. 7.		
17 & 18 Vict. c. 8.		
13 & 14 Vict. c. 82.		
16 & 17 Vict. c. 136. (in part)	Collection of Grand Jury Cess (Dublin) - - - - -	Cap. 63. s. 9.
	Transfer of Works to Counties (Ireland) - - - - -	Cap. 37.
<i>Lunatic Asylums.</i>		
16 & 17 Vict. c. 97.	Lunatic Asylums - - - - -	Cap. 87.
1 & 2 Geo. 4. c. 33.	Lunatic Asylums :—Superannuations - - - - -	Cap. 99.
6 Geo. 4. c. 54.		
7 Geo. 4. c. 14.		
11 Geo. 4. & 1 Will. 4. c. 22.		
8 & 9 Vict. c. 107.		
9 & 10 Vict. c. 115.		
18 & 19 Vict. c. 109.		

LIST OF ACTS AND PARTS OF ACTS AMENDED—*continued.*

Act or Part of Act amended.	SUBJECT.	Amended by Act 19 & 20 Vict.
<i>Public Health, Improvements, &amp;c.</i>		
18 & 19 Vict. c. 120. - -	Local Management of the Metropolis - - - -	Cap. 112.
16 & 17 Vict. c. 128. - -	Smoke Nuisance Abatement - - - -	Cap. 107.
13 & 14 Vict. c. 33. - -	Towns Improvement (Scotland) - - - -	Cap. 103. s. 60. et seq.
18 & 19 Vict. c. 68. s. 2. - -	Limits of Burghs for Purposes of Burial Acts - - - -	Cap. 103. s. 69.
40 Geo. 3. c. 93. - -	Laws relating to the Burial of the Dead in Ireland - - - -	Cap. 98.
3 & 4 Will. 4. c. 90. - -	Burial Grounds for Waterford - - - -	Cap. 98.
40 Geo. 3. c. 40. (I.) - -	Compensation Fund to Inspectors and Meters of Coals, Dublin - - - - -	Cap. 75. s. 6.
1 Geo. 4. c. 49. - -		
1 & 2 Vict. c. 56. - -	House of Industry Hospitals (Dublin) - - - -	Cap. 110.
<i>Trade and Commerce.</i>		
7 & 8 Vict. c. 113. - -	Laws affecting Trade and Commerce - - - -	Cap. 97.
9 & 10 Vict. c. 75. - -	Election of Directors of Joint Stock Banks - - - -	Cap. 100.
9 Geo. 4. c. 14. ss. 1. 8. - -	Extension of Period for granting Letters of Incorporation to Joint Stock Banks in Scotland - - - -	Cap. 3.
16 & 17 Vict. c. 113. ss. 24. 27. }		
5 Geo. 4. c. 96. - -	Acknowledgments on Promise by Agents - - - -	Cap. 97. s. 13.
17 & 18 Vict. c. 25. - -	Masters and Workmen - - - -	Cap. 46.
	Industrial and Provident Societies - - - -	Cap. 40.
MISCELLANEOUS.		
4 & 5 Vict. c. 30. - -	Ordnance Survey - - - -	Cap. 61. s. 1.
10 Geo. 4. c. 44. - -	Metropolitan Police - - - -	Cap. 2.
2 & 3 Vict. c. 47. - -		
2 & 3 Vict. c. 93. - -	Police (Counties and Boroughs) - - - -	Cap. 69.
3 & 4 Vict. c. 88. - -		
17 & 18 Vict. c. 104. - -	Savings Banks for Seamen - - - -	Cap. 41.
7 & 8 Vict. c. 15. ss. 21. 24. }	Factories:—Fencing Machinery - - - -	Cap. 38.
42, 43. 59. 60. }		
6 & 7 Will. 4. c. 85. - -	Marriage and Registration - - - -	Cap. 119.
1 Vict. c. 22. - -		
3 & 4 Vict. c. 72. - -		
	Law of Marriage in Scotland amending - - - -	Cap. 96.
6 & 7 Vict. c. 37. - -	Spiritual Care of populous Parishes - - - -	Cap. 104.
7 & 8 Vict. c. 94. - -		
8 & 9 Vict. c. 83. - -	Poor Laws (Scotland) - - - -	Cap. 117.
17 & 18 Vict. c. 81. - -	Oxford University - - - -	Cap. 31.
16 & 17 Vict. c. 36. - -	Whichwood Forest - - - -	Cap. 32.



# A LIST of LOCAL and PRIVATE ACTS passed during the Session 19 & 20 Vict. (1856).

In this List the Local and Private Acts are subdivided into Classes, according to the arrangement adopted in the Index to the Statutes compiled by Order of the Committee of the Library of the House of Lords, the Parliamentary Short Title of each Act being adopted. The Local Acts are denoted by Roman Numerals, and the Private Acts by Arabic Figures.

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20° VICTORIÆ, 1857.

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20 Vict. c. 8.—An Act to continue Appointments under the Act 14 & 15 Vict. c. 53., for consolidating the Copyhold and Inclosure Commissions, and for completing Proceedings under the Tithe Commutation Acts. Page 397.

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20 Vict. c. 10.—An Act to continue certain temporary Provisions concerning Ecclesiastical Jurisdiction in England. Page 398.

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20 Vict. c. 19.—An Act to provide for the Relief of the Poor in Extra-parochial Places. Page 442.

- § 1. All Extra-parochial Places, where no Poor Rate is levied, to be deemed Parishes for Relief of the Poor, &c., and Justices having Jurisdiction are to appoint Overseers.
2. One Overseer only may be appointed by the Justices, where it shall appear that Two cannot be conveniently appointed.
3. In the Inns of Court and the Charterhouse the Under Treasurer and the Registrar respectively to be the Overseer.
4. Justices at the Quarter Sessions may, upon Application, and with Consent, annex any Extra-parochial Place to an adjoining Parish.
5. Overseers may act as Guardians until there shall be Ratepayers qualified to elect.
6. All Powers, &c. of Overseers extended to Overseers appointed under this Act.
7. Certain Places excepted.
8. Provision for Extra-parochial Places adjoining Districts acting under Local Acts.
9. Bishop may authorize Publication of Banns in Church or Chapel of the Church of England in Extra-parochial Places.
10. Provisions as to the keeping of Marriage Registers to extend to any Church or Chapel where Banns may be published.
11. Terms used in this Act to be construed as in 4 & 5 W. 4. c. 76., &c., and Provisions of that Act extended to this Act.

## G.

*General Board of Health.*

20 Vict. c. 3.—An Act to confirm certain Provisional Orders of the General Board of Health applying the Public Health Act, 1848, to the Districts of Ipswich, Oldbury, Stroud, Llangollen, and Dukinfield; and for altering the Constitution of the Local Board for the Main Sewerage District of Wisbech and Walsoken. Page 382.

- § 1. Provisional Orders of the General Board of Health confirmed.
- 2-4. First Elections of Local Boards for Oldbury, Llangollen, and Dukinfield.
- 5-7. First Selection and Election of Local Board of Health for Main Sewerage District of Wisbech and Walsoken; and their Proceedings, Rates, &c. to be deemed valid.
8. Incorporation of Act with Public Health Act, 1848 (11 & 12 Vict. c. 63.).

SCHEDULE, containing the Provisional Orders.

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- § 1. Inclosure of Places mentioned in Schedule to Act may be proceeded with.
2. For ascertaining Compensation to be paid to Persons interested in Portions of Bowes Moor in the County of York. Recital of 6 Geo. 4. c. 70. (*Private.*)
3. Short Title of Act, "The Annual Inclosure Act, 1857."

20 Vict. c. 8.—An Act to continue Appointments under the Acts 14 & 15 Vict. c. 53., for consolidating the Copyhold and Inclosure Commissions, and for completing Proceedings under the Tithe Commutation Acts. Page 397.

Preamble recites 14 & 15 Vict. c. 53., 16 & 17 Vict. c. 124., and 18 & 19 Vict. c. 52.

- § 1. Powers of Appointment of Commissioners and other Officers under 14 & 15 Vict. c. 53., continued until 1st August 1857 and to End of next Session of Parliament.

*Income Tax.*

20 Vict. c. 6.—An Act to reduce the Rates of Duty on Profits arising from Property, Professions, Trades, and Offices. Page 396.

- § 1. Reduced Rates of 5*d.* and 7*d.* in the Pound respectively to be charged for the Year commencing from the 5th April 1857.

*Indemnity.*

20 Vict. c. 7.—An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively. Page 396.

Preamble recites 1 G. 1. st. 2. c. 13.,—13 C. 2. st. 2. c. 1., 25 C. 2. c. 2.,—30 C. 2. st. 2., 8 G. 1. c. 6.,—9 G. 2. c. 26.,—18 G. 2. c. 20.,—6 G. 3. c. 53.,—9 G. 4. c. 17., and 10 G. 4. c. 7.

- § 1. Persons who have omitted to qualify themselves as required by the recited Acts indemnified, and allowed further Time.

- § 2. Indemnity to those who have omitted to make and subscribe the Oaths and Declaration required by 2 Anne, c. 6. (I.)
3. Not to indemnify Persons against whom final Judgment has been given.
4. Not to exempt Justices acting without legal Qualification.
5. Admissions to Corporations may be stamped after the Time allowed.
6. Not to restore Persons to any Office avoided by Judgment.
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*Ionian Subjects Commissions.*

20 Vict. c. 4.—An Act to enable the Subjects of the Ionian States to hold Military and Naval Commissions under the Crown. Page 394.

Preamble recites that the Ionian Islands were, by the Treaty of Paris of 5th November 1815, placed under the Protection of Great Britain, &c.

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20 Vict. c. 10.—An Act to continue certain temporary Provisions concerning Ecclesiastical Jurisdiction in England. Page 398.

- § 1. Certain Provisions of 10 & 11 Vict. c. 98. continued until 1st August 1857, and to End of next Session of Parliament.

**L.**

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*Lefevre, Right Hon. C. S.* See *Speaker of the House of Commons.*

*Lighting of Towns (Ireland).*

20 Vict. c. 12.—An Act to amend the Act 9 Geo. 4. c. 82., to make Provisions for the lighting, cleansing, and watching of Cities, Towns Corporate, and Market Towns in Ireland, in certain Cases. Page 399.

- § 1. Provisions in Sections 68., 69., and 70. of 9 Geo. 4. c. 82.; whereby certain Penalties, Forfeitures, and

Disqualifications are imposed, not to affect Proprietors in Joint Stock Companies having Contracts for lighting, &c. Towns subject to said Act.

2. No Commissioner, &c. holding Office in any Company to take part or vote in any Contract, &c.

*Limited Service Acts.*

20 Vict. c. 1.—An Act to amend the Act 10 & 11 Vict. c. 63. for limiting the Time of Service in the Royal Marine Forces. Page 381.

- § 1. The Admiralty may prescribe Terms for the Enlistment and Re-engagement of Marines provided the whole Term do not exceed Twenty-five Years.

[The Act 10 & 11 Vict. c. 63. was also amended as to the Attestation of Recruits by s. 92. of Cap. 14.; and 10 & 11 Vict. c. 37. was similarly amended by s. 105, 106. of Cap. 13.]

*Llangollen.* See *Public Health.*

*Local Boards of Health.* See *General Board of Health.*

*Lunatic Paupers.* See *Pauper Maintenance.*

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20 Vict. c. 13.—An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters. Page 399.

20 Vict. c. 14.—An Act for the Regulation of Her Majesty's Royal Marine Forces while on Shore. Page 422.

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**O.**

*Offices and Employments, Qualifications for.* See *Indemnity.*



*Oldbury.* See *Public Health.*

*Overseers, Appointment of.* See *Extra-parochial Places.*

**P.**

*Pauper Maintenance.*

20 Vict. c. 18.—An Act to continue the Act 18 & 19 Vict. c. 47., for charging the Maintenance of certain Paupers upon the Union Funds. Page 442.

§ 1. Provisions in 18 & 19 Vict. c. 47., for charging upon the Common Fund of the Union the Costs of the Relief and Burial of certain poor Persons, and the Costs of removing and maintaining certain Lunatic Paupers, continued until 30th September 1858, and to End of then next Session.

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*Police.* See *Chief Constables of Counties.*

*Poor.*

20 Vict. c. 19.—An Act to provide for the Relief of the Poor in Extra-parochial Places. Page 442.

- § 1. All Extra-parochial Places, where no Poor Rate is levied, to be deemed Parishes for Relief of the Poor, &c., and Justices, having Jurisdiction, to appoint Overseers.
- 2. One Overseer only may be appointed by the Justices where it shall appear that Two cannot be conveniently appointed.
- 3. In the Inns of Court and the Charterhouse, the Under Treasurer and the Registrar respectively to be the Overseer.
- 4. Justices at the Quarter Sessions may, upon Application, and with Consent, annex any Extra-parochial Place to an adjoining Parish.
- 5. Overseers may act as Guardians until there shall be Rate-payers qualified to act.
- 6. All Powers, &c. of Overseers extended to Overseers appointed under this Act.
- 7. Certain Places excepted.
- 8. Provision for Extra-parochial Places adjoining Districts acting under Local Acts.
- 9. Bishop may authorize Publication of Banns in Church or Chapel of the Church of England in Extra-parochial Place.
- 10. Provisions as to the keeping of Marriage Registers to extend to any Church or Chapel where Banns may be published.
- 11. Terms used in this Act to be construed as in 4 & 5 W. 4. c. 76., &c., and Provisions of that Act extended to this Act.

20 Vict. c. 18.—An Act to continue the Act 18 & 19 Vict. c. 47., for charging the Maintenance of certain Paupers upon the Union Funds. Page 442.

20 Vict.

§ 1. Provisions in 18 & 19 Vict. c. 47., for charging upon the Common Fund of the Union the Costs of the Relief and Burial of certain poor Persons, and the Costs of removing and maintaining certain Lunatic Paupers, continued till 30th September 1858, and to End of then next Session.

*Property Tax.*

20 Vict. c. 6.—An Act to reduce the Rates of Duty on Profits arising from Property, Professions, Trades, and Offices. Page 396.

§ 1. Reduced Rates of 5*d.* and 7*d.* in the Pound respectively to be charged for the Year commencing from 5th April 1857.

*Provisional Orders.* See *Public Health.*

*Public Health.*

20 Vict. c. 3.—An Act to confirm certain Provisional Orders of the General Board of Health applying the Public Health Act, 1848, to the Districts of Ipswich, Oldbury, Stroud, Llangollen, and Dukinfield; and for altering the Constitution of the Local Board for the Main Sewerage District of Wisbech and Walsoken. Page 382.

- § 1. Provisional Orders of the General Board of Health confirmed.
  - 2. First Election of Local Board of Oldbury.
  - 3. First Election of Local Board of Llangollen.
  - 4. First Election of Local Board of Dukinfield.
  - 5. First Selection and Election of Local Board for Main Sewerage District of Wisbech and Walsoken.
  - 6. Proceedings of Local Board for Main Sewerage District of Wisbech and Walsoken to be valid.
  - 7. Rates, &c. of last-mentioned Local Board to be deemed valid.
  - 8. This Act incorporated with Public Health Act, 1848 (11 & 12 Vict. c. 63.).
  - 9. Short Title of Act.
- SCHEDULE, containing the Provisional Orders.

*Public Revenue.* See *Revenue, Public, &c.*

**Q.**

*Qualifications for Offices, &c.* See *Indemnity.*

**R.**

*Race-horse Duty.*

20 Vict. c. 16.—An Act to amend an Act of the last Session of Parliament (19 & 20 Vict. c. 82.), for repealing, and re-imposing under new Regulations, the Duty on Race Horses. Page 441.

- § 1. Duty of 3*l.* 17*s.* imposed by 19 & 20 Vict. c. 82., to be paid to the Receiver of Race-horse Duty previously to the starting of a Race Horse.
2. Commissioners of Inland Revenue to provide Books of printed Forms of Receipts and Counterfoils.
- 3, 4. Receiver of Race-horse Duty to give Receipt for Duty on printed Form, and fill up Counterfoil; and to be accountable for Forms of Receipts and Counterfoils supplied to him.
5. Receiver to give Security, and pay over Monies to Receiver General of Inland Revenue; and to have an Allowance for due Payment and Performance of Duty.
6. Penalty on Receiver of Race-horse Duty for Neglect of Duty.
7. Sections 4, 5, 6, 7, 8, 9, 10, and 11, of recited Act, and so much of Section 12. as enacts that the Person in whose Name the Horse is entered to run shall be deemed the Owner, repealed.

*Relief of the Poor.* See *Poor.*

*Revenue, Public.* (*Supply, Appropriation, &c.*)

20 Vict. c. 17.—An Act for raising the Sum of Twenty-one million forty-nine thousand seven hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and fifty-seven. Page 442.

20 Vict. c. 20.—An Act to apply a Sum out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-seven, and to appropriate the Supplies granted in this Session of Parliament. Page 443.

*Royal Marines.*

20 Vict. c. 14.—An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore. Page 422.

The following is the General Arrangement of Provisions contained in the Marine Mutiny Act:—

*General Principles of the Act, §§ 1-6.—Courts-martial (Constitution, Powers, and Proceedings), §§ 7-20.—Crimes and Punishments, §§ 21-41. 79-87.—Military Gaols, Prisons, &c., §§ 42-46. 52.—Musters, §§ 47, 48.—Desertion, §§ 38. 49-54. 81. Furlough, § 55.—Enlistment, and Offences connected therewith, §§ 59-67. 83.—Attestation of Marines [Amendment of "Limited Service Act," 10 & 11 Vict. c. 63.] § 92. Billets, Carriages, Routes, Tolls, §§ 69-76. 79. 80.—Penalties, §§ 79-87.—Miscellaneous Provisions, §§ 56-58. 68. 77, 78. 85. 88. 89-93.—Schedules.*

20 Vict. c. 1.—An Act to amend the Act 10 & 11 Vict. c. 63., for limiting the Time of Service in the Royal Marine Forces. Page 381.

- § 1. The Admiralty may prescribe Terms for the Enlistment and Re-engagement of Marines, provided the whole Term do not exceed Twenty-one Years.
2. Act 10 & 11 Vict. c. 63. and this Act to be construed together.

[The Act 10 & 11 Vict. c. 63. was also amended, as to the Attestation of Recruits, by s. 92. of Cap. 14.] *Vide supra.*

## S.

*Scotland.* See *Commissioners of Supply.*

*Speaker of the House of Commons.*

20 Vict. c. 9.—An Act for settling and securing an Annuity on the Right Honourable Charles Shaw Lefevre, in consideration of his eminent Services. Page 397.

- § 1. An Annuity of 4,000*l.* to be paid to the Right Honourable C. S. Lefevre, during his Life.
2. Treasury to direct Payment of the Annuity.
3. The Right Honourable C. S. Lefevre to be deemed to have ceased to hold the Office of Speaker on the Day of the Dissolution of Parliament. 2 & 3 Will. 4. c. 105. referred to.
4. One Half of the Annuity to abate in case the Right Hon. C. S. Lefevre holds Office.

*Statutes Repealed.* See List at End of the Index.

*Stroud.* See *Public Health.*

*Sugar Duties.*

20 Vict. c. 15.—An Act for granting certain Duties of Customs on Tea, Sugar, and other Articles. Page 439.

- § 1. Duties on Tea, from 5th April 1857 to 5th April 1858, to be 1*s.* 5*d.* per Pound.
- 2, 3. New Duties on Sugar and Confectionery, &c., for same Period.
4. Bounties and Drawbacks on Exportation of Refined Sugar, &c.
5. Duties to be under the Management of the Commissioners of Customs.
6. Commencement of Act, and Short Title thereof.

*Supplies, Appropriation of.* See *Revenue, Public.*

*Supply, Commissioners of.* See *Commissioners of Supply (Scotland).*

## T.

*Taxes, Duties, &c.* See *Customs Duties. Income Tax. Race-horse Duty.*

*Tea Duties.*

20 Vict. c. 15.—An Act for granting certain Duties of Customs on Tea, Sugar, and other Articles. Page 439.

- § 1. Duties on Tea, from 5th April 1857 to 5th April 1858, to be 1*s.* 5*d.* per Pound.

*Tithe Commutation Acts. See Copyhold and Inclosure Commissions.*

*Towns Improvement (Ireland).*

20 Vict. c. 12.—An Act to amend the Act 9 Geo. 4. c. 82., to make Provision for the lighting, cleansing, and watching of Cities, Towns Corporate, and Market Towns in Ireland, in certain Cases. Page 399.

- § 1. Provisions in Sections 68., 69., and 70. of 9 Geo. 4. c. 82., whereby certain Penalties, Forfeitures, and Disqualifications are imposed, not to affect Proprietors of Joint Stock Companies having Contracts for lighting, &c., Towns, &c. subject to said Act.
2. No Commissioner, &c. holding Office in any Company, to take part or vote in any Contract, &c.

U.

*Union Fund Charges.*

20 Vict. c. 18.—An Act to continue the Act 18 & 19 Vict. c. 47., for charging the Maintenance of certain Paupers upon the Union Funds. Page 422.

- § 1. Provisions in 18 & 19 Vict. c. 47., for charging, upon the Common Fund of the Union the Costs of the Relief and Burial of certain poor Persons, and the Costs of removing and maintaining certain Lunatic Paupers, continued until 30th Sept. 1858, and to End of then next Session.

W.

*Wisbech and Walsoken. See Public Health.*

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# A LIST of ACTS and PARTS of ACTS REPEALED and AMENDED during the Session 20 Vict. (1857.)

NOTE.—The entire Act is to be taken as repealed, unless the contrary be specified.

Local and Private Acts are only inserted here in consequence of their Repeal or Amendment by Public Acts.

## ACTS AND PARTS OF ACTS REPEALED.

Act or Part of Act repealed.	SUBJECT.	Repealed by Act 20 Vict.
6 Geo. 4. c. vi. ss. 1-14., 15. in part, 16-21., 46-51., 60-77., 79., 82-96., and 101-118. }	Stroud (Gloucester), Improvement - - - - -	Cap. 3 Schedule.
2 & 3 Vict. c. 93. (Part of s. 4.)	County and District Constables - - - - -	Cap. 2. s. 1.
19 & 20 Vict. c. 82. s. 4-11. -	Duty on Race Horses - - - - -	Cap. 16. s. 7.
19 & 20 Vict. c. 93. s. 3. -	Commissioners of Supply (Scotland) - - - - -	Cap. 11. s. 1.

## ACTS AND PARTS OF ACTS AMENDED.

Act or Part of Act amended.	SUBJECT.	Amended by Act 20 Vict.
6 Geo. 3. c. 70. ( <i>Private</i> ) - - -	Bowes Moor Inclosure - - - - -	Cap. 5. s. 2.
6 Geo. 4. c. vi. - - - - -	Stroud (Gloucester), Improvement - - - - -	Cap. 3.
9 Geo. 4. c. 82. - - - - -	Lighting, &c. of Towns (Ireland) - - - - -	Cap. 12.
2 & 3 Vict. c. 93. - - - - -	County and District Constables - - - - -	Cap. 2.
7 & 8 Vict. c. 101. - - - - -	Appointment of Overseers in Extra-parochial Places - - - - -	Cap. 19. s. 1.
10 & 11 Vict. c. 37. - - - - -	Attestation of Soldiers - - - - -	Cap. 13. s. 106.
10 & 11 Vict. c. 63. - - - - -	Attestation of Marines - - - - -	Cap. 14. s. 92.
	Enlistment of Marines - - - - -	Cap. 1.
19 & 20 Vict. c. 82. - - - - -	Duty on Race Horses - - - - -	Cap. 16.
19 & 20 Vict. c. 93. - - - - -	Commissioners of Supply (Scotland) - - - - -	Cap. 11.
—	Income Tax - - - - -	Cap. 6.
—	Customs Duties on Tea, Sugar, &c. - - - - -	Cap. 15.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is crucial for ensuring transparency and accountability in the organization's operations.

2. The second part outlines the various methods and tools used to collect and analyze data. This includes both traditional manual processes and modern digital technologies, highlighting the benefits of automation and data integration.

3. The third part focuses on the challenges faced in data management, such as data quality, security, and privacy. It provides strategies to address these challenges and ensure that the data remains reliable and secure.

4. The fourth part discusses the role of data in decision-making and strategic planning. It explains how data-driven insights can help organizations identify trends, opportunities, and risks, leading to more informed and effective decisions.

5. The fifth part covers the importance of data governance and compliance. It outlines the necessary policies and procedures to ensure that data is handled in accordance with relevant laws and regulations, such as the GDPR.

6. The sixth part addresses the future of data management, including emerging trends like artificial intelligence, machine learning, and cloud computing. It discusses how these technologies will shape the way data is collected, stored, and analyzed in the coming years.

7. The seventh part provides a summary of the key points discussed in the document and offers recommendations for organizations looking to optimize their data management practices.

8. The final part concludes the document by emphasizing the ongoing nature of data management and the need for continuous improvement and adaptation to changing circumstances.

## A LIST of LOCAL ACTS passed during the Session 20 Vict. (1857.)

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☞ In this List the Acts are subdivided into Classes, according to the arrangement adopted in the Index to the Statutes compiled by Order of the Committee of the Library of the House of Lords, the Parliamentary Short Title of each Act being adopted.

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### CLASS 16.—RAILWAYS.

	Page.
Cornwall—(Enabling the Great Western, Bristol and Exeter, and South Devon Companies to afford further Assistance towards the Completion of the Cornwall Railway between Plymouth and Truro, and extending the Time for the Completion thereof, &c.)—c. i. - - - - -	448.
Whitehaven, Cleator, and Egremont—(Enabling Company to raise additional Capital)—c. iii. - - -	Ibid.

### CLASS 19.—TRADING AND OTHER COMPANIES.

Price's Patent Candle Company, Limited—(Re-incorporating the Company)—c. ii. - - - - -	Ibid.
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# I N D E X

TO

## THE PUBLIC GENERAL ACTS, 20° & 21° VICTORIÆ, 1857.

### A.

*Abatement.* See *Civil Service Superannuation. Insurance on Lives.*

*Abolition.* See *Ministers Money (Ireland). Sound Dues. Transportation. Turnpike Trusts.*

*Acknowledgments of Deeds by Married Women.*

20 & 21 Vict. c. 57.—An Act to enable Married Women to dispose of Reversionary Interests in Personal Estate. Page 533

- § 1. Married Women may, by Deed, dispose of Reversionary Interests in Personal Estate, &c.
2. Deeds to be acknowledged by Married Women in the Manner required by 3 & 4 Will. 4. c. 74., for disposing of Interests in or Powers over Land in England or Wales, and in Ireland as by 4 & 5 Will. 4. c. 92.

*Administration, Letters of.* See *Probates and Letters of Administration.*

*Administration of Justice.* See—

<i>Attornies and Solicitors.</i>	<i>Crown Suits.</i>
<i>Bankruptcy and Insolvency (Ireland).</i>	<i>Divorce and Matrimonial Causes.</i>
<i>Bankruptcy and Real Securities (Scotland).</i>	<i>Exchequer Chamber, Court of (Ireland).</i>
<i>Bill Chamber (Scotland).</i>	<i>Fraudulent Trustees, &amp;c. Jurisdiction in Siam.</i>
<i>Colonial Courts.</i>	<i>Justices of the Peace.</i>
<i>Common Law Procedure.</i>	<i>Penal Servitude.</i>
<i>Court of Session.</i>	<i>Probates and Letters of Administration.</i>
	<i>Reformatory Schools.</i>

20 & 21 VICT.

*Admiralty.* See *Chatham Lands. Portland Harbour.*

*Admission of Attornies and Solicitors.* See *Attornies and Solicitors.*

*Aids, Application of.* See *Revenue, &c.*

*Aldershot.*

20 & 21 Vict. c. 22.—An Act to apply the Public Health Act, 1848, to the Parish of Aldershot, and to constitute a Local Board of Health therein. Page 478

- § 1. Provisions of 11 & 12 Vict. c. 63. to be applied to Aldershot.
2. Local Board for Aldershot to consist of Twelve Persons.
3. One Third in Number to go out annually.
4. Certain Persons to hold Office during Pleasure.
5. Certain Vacancies to be filled by Secretary of State.
6. Qualification of elected Members.
7. First Election of Local Board.
8. To whom Notices of Qualification are to be given.
9. Short Title of Act.

*Annuity to the Princess Royal.*

20 & 21 Vict. c. 2.—An Act to enable Her Majesty to settle an Annuity on Her Royal Highness the Princess Royal. Page 450

- § 1. Empowering Her Majesty to grant an Annuity of 8,000*l.* for Life to Her Royal Highness the Princess Royal on Her Marriage with Prince Frederick William of Prussia.

*Appeals.* See *Exchequer Chamber, Court of (Ireland).*

*Appropriation of Supplies.* See *Revenue, &c.*

*Army.* See *Militia. Mutiny (East India).*

[K]

*Arrangements for Relief of Turnpike Trusts.*  
See *Turnpike Roads and Trusts.*

*Assessed Taxes.*

20 & 21 Vict. c. 28.—An Act to amend the Laws relating to the Payment of the Land and Assessed Taxes and Property and Income Tax in Scotland. Page 489

Preamble recites 14 & 15 Vict. c. 36. and 16 & 17 Vict. c. 90.; also 43 Geo. 3. c. 161. s. 24., 5 & 6 Will. 4. c. 64. s. 13., and 5 & 6 Vict. c. 35. s. 176.

- § 1. Recited Provisions of 4 Geo. 3. and 5 & 6 Vict. repealed.
2. In Scotland, the Inhabited House Duty, Assessed Taxes, Land Tax, and Property and Income Tax are to be payable every Year on or before 1st January.

*Assignations of Leases.* See *Registration of Leases (Scotland).*

*Asylums (Lunatic).* See *Lunatics (Scotland).*

*Attornies and Solicitors (Colonial Courts).*

19 & 20 Vict. c. 39.—An Act to regulate the Admission of Attornies and Solicitors of Colonial Courts in Her Majesty's Superior Courts of Law and Equity in England in certain Cases. Page 506

- § 1. Short Title of Act. "The Colonial Attornies Relief Act."
2. When Act to come into operation.
3. Attornies and Solicitors of Colonial Courts to be admitted to Courts of Law and Equity in England.
4. No Person to be deemed qualified unless he shall pass an Examination, and produce a Certificate from the Judge of the Court where he was admitted.
5. Judges of Courts of Common Law to appoint Examiners.
6. Stamp Duties on Admissions.
7. Power to Her Majesty, by Order in Council, to direct this Act to come into operation in any One or more Colony or Dependency.

SCHEDULE.

**B.**

*Ballots for the Militia.* See *Militia.*

*Bankers, &c., Frauds by.* See *Fraudulent Trustees.*

*Banking Companies.*

20 & 21 Vict. c. 49.—An Act to amend the Law relating to Banking Companies. Page 520

*Preliminary.*

- § 1. Short Title. "The Joint Stock Banking Companies Act, 1857."
2. Joint Stock Companies Acts, 1856 and 1857, to be incorporated with this Act.

*Registration of existing Banking Companies.*

- § 3. Repealing Section 2. of 19 & 20 Vict. c. 47.
4. Banking Companies of Seven or more Persons required to register under this Act.
5. Penalty on Neglect to register.
6. Certain Banking Companies permitted to register under this Act.
7. Existing Companies not to pay Fees in respect of Registration.
8. Registration under this Act not to affect Obligations incurred previously to Registration.
9. Saving of Liabilities of Persons holding Shares before Registration under Act.
10. Existing Actions and Suits to be continued as if Registration had not taken place.

*Winding up of Banking Companies.*

11. The Acts 11 & 12 Vict. c. 45., 12 & 13 Vict. c. 108., 7 & 8 Vict. c. 111., and 8 & 9 Vict. c. 98. not to apply to Companies registered under this Act or Acts incorporated herewith.

*Repeal of Acts for regulating Joint Stock Banks.*

12. The Acts 7 & 8 Vict. c. 113. and 9 & 10 Vict. c. 75. repealed as respects Banking Companies to be hereafter formed.

*Formation of new Banking Companies.*

13. New Banking Companies may register themselves, subject to certain Conditions.

*Examination of Affairs of Company.*

14. Application for Inspection into Affairs of Bank to be made by One Third in Number and Value of Shareholders.

*Non-application of Nineteenth Section of Joint Stock Companies Act.*

15. Section 19. of 19 & 20 Vict. c. 47. not applicable to Companies in Scotland registered under this Act.

*Transfer of Trust Property.*

16. Trust Property from Time of Registration to vest in Company.

*Banking Companies not registered as such.*

17. Banking Company not registered as such, subject to certain Liabilities.

*Saving Clauses.*

18. Exemption of certain existing Banking Companies from Joint Stock Companies Acts.
19. Not to affect Provisions of 7 & 8 Vict. c. 32. and 8 & 9 Vict. c. 38. regulating the Issue of Bank Notes.

*Bankruptcy and Insolvency (Ireland).*

20 & 21 Vict. c. 60.—An Act to consolidate and amend the Laws relating to Bankruptcy and Insolvency in Ireland. Page 536

[The References within Brackets at the End of the Sections are to corresponding Clauses in former Acts.]

*Preliminary.*

- § 1. Existing Courts of Bankruptcy and Insolvency in Ireland to be discontinued. [6 & 7 Will. 4. c. 14., 12 & 13 Vict. c. 107., and 3 & 4 Vict. c. 107.]

- § 2. Repealing certain Acts and Parts of Acts. (*These Acts are set out in Schedule A.*)
3. Short Title of Act.
  4. Definition of Terms therein.
  5. Commencement of the Act.
  6. Procedure to obtain Adjudication, &c. to be under this Act. [12 & 13 Vict. c. 106. s. 4. and 3 & 4 Vict. c. 107 s. 1.]
  7. Proceedings in Courts discontinued by this Act to be carried on in new Court.
  8. Construction of former Acts, &c. as to the Word "Commission." [12 & 13 Vict. c. 106. s. 5.]
  9. Computation of Time.
  10. Term expiring on Sunday, &c. extended to following Day.

*Constitution of the Court, &c.*

11. Court of Bankruptcy and Insolvency.
12. Appointment of Judges. [6 & 7 Will. 4. c. 14. s. 3., 1 Vict. c. 48., and 3 & 4 Will. 4. c. 47.]
13. The Oath of Office. [6 & 7 Will. 4. c. 14. s. 4.]
14. Judges not to be elected Members of the House of Commons. [6 & 7 Will. 4. c. 14. s. 6.]
15. Salary. [6 & 7 Will. 4. c. 14. s. 6. and 1 Vict. c. 48.]
16. Matters pending in discontinued Courts transferred to new Court.
17. Offices of old Court abolished, and Records, &c. to be transferred to new Court.
18. Court to make General Orders for Transfer of Proceedings, &c. [13 & 14 Vict. c. 51. ss. 3—11.]
19. Court to be a Court of Law and Equity, &c. [12 & 13 Vict. c. 106. s. 6. and 3 & 4 Vict. c. 107. s. 106.]
20. Each Judge shall form the Court. [1 Vict. c. 48. s. 2.]
21. Power to Judges to make General Orders; to be approved by the Lord Chancellor. [17 & 18 Vict. c. 119. s. 15., 6 & 7 Will. 4. c. 14. s. 14., and 12 & 13 Vict. c. 106. s. 8.]
22. Sittings of the Court. [6 & 7 Will. 4. c. 14. s. 12., 12 & 13 Vict. c. 106. s. 10., 16 & 17 Vict. c. 113. s. 233., and 12 & 13 Vict. c. 106. s. 8.]
23. Appointment and Payment of Substitute for Judge or Registrar prevented from attending. [6 & 7 Will. 4. c. 14. s. 12.]

*Jurisdiction.*

24. Jurisdiction of Court. [12 & 13 Vict. c. 106. s. 12.]
25. Power to Court to fine, suspend, or remove Officers in certain Cases. [3 & 4 Vict. c. 107. s. 6.]
26. Enforcement of Orders.
27. Court to settle Forms of Writs.
28. Forms.
29. Power of Appeal to the Court of Appeal in Chancery.
30. No Appeal from certain Orders of the Court.
31. Exclusive Jurisdiction over Traders in Ireland.
32. The Court of Appeal sitting in Bankruptcy to be a Court of Record, &c. [12 & 13 Vict. c. 106. s. 13.]
33. Court of Appeal may direct Question of Fact to be decided by a Jury. Power to move for new Trial. [12 & 13 Vict. c. 106. s. 15. and 8 & 9 Vict. c. 109.]
34. Power of Appeal to the House of Lords. [19 & 20 Vict. c. 92. s. 14.]
35. As to sealing and Signature of Warrants. [12 & 13 Vict. c. 106. s. 29.]
36. Records, Proceedings, &c. to be sealed. [12 & 13 Vict. c. 106. s. 25. and 3 & 4 Vict. c. 107. ss. 12, 13.]
37. As to Procedure and Practice of Court.

*Officers of the Court.*

- § 38. As to Appointment of Officers of Court.
39. Secretary of Bankrupts to be Chief Registrar.
40. Salary of Chief Registrar.
41. As to Appointment of Successors to Chief Registrar and Assistant Registrars.
42. As to Appointment and Salary of Assistant Registrars. [6 & 7 Will. 4. c. 14. s. 13., 1 Vict. c. 48., and 12 & 13 Vict. c. 107. s. 66.]

*Chief Clerk in Insolvency.*

43. Duties and Salary of Chief Clerk in Insolvency.
44. Appointment and Salary of Deputy Assistant to Chief Registrar.
45. Appointment and Salary of Clerk in Town and Country Departments.
46. Appointment and Salaries of other Clerks.
47. Appointment of Successors to Chief Clerks, &c., and not to be removed but by Order of Court, &c.
48. Power to Lord Chancellor to discontinue Offices on Vacancies.

*Registrars.*

49. Court may direct Registrar to take Proof of Debts, &c. [12 & 13 Vict. c. 106. s. 28., and 7 & 8 Vict. c. 96. s. 53.]
50. Seal to be provided. [12 & 13 Vict. c. 106. s. 29.]
51. Registrars and Chief Clerk to tax Bills of Costs, &c. [12 & 13 Vict. c. 107. s. 75.]
52. And settle Bills of Auctioneers, Appraisers, Valuers, and Accountants. [12 & 13 Vict. c. 107. s. 76., and 5 & 6 Vict. c. 122. s. 83.]
53. Office of Clerk of Enrolments in Bankruptcy appointed under 11 & 12 Geo. 3. (I.) abolished, and Duties transferred to Chief Registrar, who shall keep Records, &c. [6 Will. 4. c. 14. ss. 109—111., 2 & 3 Will. 4. c. 114. ss. 1—6., 5 & 6 Vict. c. 122. s. 74., and 15 & 16 Vict. c. 77. s. 11.]
54. Chief Registrar to enter Proceedings. [2 & 3 Will. 4. c. 114. s. 14.]

*Official Assignees.*

55. Present Official Assignees to be continued. [12 & 13 Vict. c. 107. ss. 28—37.]
56. Estates of Insolvents now vested in Provisional Assignee to vest in Official Assignees.
57. Official Assignees to act with Creditors Assignees.
58. Official Assignee removable.
59. Appointment of Official Assignees, who shall give Security. [1 & 2 Will. 4. c. 56. s. 22. and 5 & 6 Vict. c. 122. s. 48.]
60. Duties of Official Assignees. [12 & 13 Vict. c. 106. s. 39. and 3 & 4 Vict. c. 107. ss. 28. 30.]
61. Money, &c. to be paid by Assignees into the Bank of Ireland.
62. Messengers to follow Instructions of Official Assignee. [17 & 18 Vict. c. 119. s. 23.]
63. Official Assignees to act as sole Assignee till Creditors choose Assignees, &c. [12 & 13 Vict. c. 106. s. 40., and c. 107. s. 34.]
64. Not to interfere with Creditors Assignees in Appointment, &c. of Solicitor, &c. [12 & 13 Vict. c. 106. s. 41.]
65. Official Assignee not personally liable for Acts done in execution of his Duty. [12 & 13 Vict. c. 106. s. 41.]
66. If Official Assignee made Defendant in certain Cases, Court may set aside Proceedings. [3 & 4 Vict. c. 107. s. 35.]

§ 67. Remuneration to Official Assignee. [12 & 13 Vict. c. 106. s. 44. and c. 107. s. 37.]

68. Returns to Parliament by Official Assignees; to be certified by Chief Registrar. [12 & 13 Vict. c. 106. s. 45.]

*Messengers.*

69. As to Appointment and Salaries of Two Messengers.

70. Power to appoint Assistant Messengers in special Cases; Duties of Messengers; Travelling Expenses, &c. how paid.

71. Messengers not to act as Agents; Oath to be taken by Messengers before acting. [6 Will. 4. c. 14. s. 154. and 1 Vict. c. 48. ss. 9, 10.]

72. Messenger may break open the Bankrupt's or Insolvent's Doors, &c., and seize upon his Body or Property. [6 Will. 4. c. 14. s. 40. and 12 & 13 Vict. c. 106. s. 109.]

73. Execution of Warrant in England. [6 Will. 4. c. 14. s. 41.]

74. Execution of Warrant in Scotland. [6 & 7 Will. 4. c. 14. s. 43. and 12 & 13 Vict. c. 106. s. 111.]

75. Authority of Messengers in England and Scotland.

76. Remuneration to Messengers.

*Exemptions and Disqualifications of Officers, &c.*

77. Officers exempt from serving on Juries, &c. [12 & 13 Vict. c. 106. s. 47.]

78. No Judge, &c. to practise as a Barrister, &c.; Registrars, &c. to be deemed Officers of the Court of Chancery. [12 & 13 Vict. c. 107. s. 117.]

*Salaries, &c.*

79. Salaries of Registrars and Messengers to be paid out of Funds provided by Parliament.

80. Compensations and Annuities under 6 & 7 Will. 4. c. 14. s. 9. continued.

81. Power to Her Majesty to grant Retiring Pensions to Judges.

82. As to Retiring Allowance to present Commissioner of Insolvent Court in Ireland. [3 & 4 Vict. c. 107. s. 5.]

83. Compensation to Clerk of Inrolments and other Officers whose Emoluments are affected by this Act. [15 & 16 Vict. c. 77. s. 12.]

84. Sum not exceeding 400*l.* per Annum, to be subject to Orders of Lord Chancellor, for incidental Expenses. [12 & 13 Vict. c. 106. s. 58.]

*Place for holding the Court, &c.*

85. Sittings, &c. to be held in Buildings at Four Courts, subject to Order of the Court. [6 Will. 4. c. 14. s. 13.]

86. Court may alter Place of Sitting. Name of Court.

87. Power to employ Short-hand Writer.

88. Short-hand Writer to take Oath before acting.

89. Remuneration to Short-hand Writer.

*Persons liable to become Bankrupt.*

90. Enumeration of the Traders liable to become Bankrupt. What Persons not to be deemed such Traders. [6 Will. 4. c. 14. ss. 18. 25., 12 & 13 Vict. c. 107. s. 10., and 12 & 13 Vict. c. 106. s. 65.]

91. Traders having Privilege of Parliament. [12 & 13 Vict. c. 106. s. 66. and 6 Will. 4. c. 14. s. 25.]

*Acts of Bankruptcy.*

92. Departing the Realm, absenting, beginning to keep House, yielding to Prison, fraudulently Outlawry,

Arrest, Attachment, Execution, Conveyance, Surrender, Gift, Delivery, or Transfer. [6 Will. 4. c. 14. ss. 19-27., 12 & 13 Vict. c. 107. ss. 20-23., and 12 & 13 Vict. c. 106. ss. 69-77.]

§ 93. Conveyance of a Trader's Property not an Act of Bankruptcy unless a Petition for Adjudication be filed within Three Months.

94. As to any Provision on such Conveyance for Allowance to Trader.

95. Lying in Prison and escaping out of Prison. [6 Will. 4. c. 14. s. 21.]

96. Filing a Declaration of Insolvency. [12 & 13 Vict. c. 107. s. 22.]

97. Compounding with Petitioning Creditor. [6 Will. 4. c. 14. s. 24.]

98. Trader not paying, securing, or compounding for a Judgment Debt upon which the Plaintiff might sue out Execution within Fourteen Days after Notice requiring Payment.

99. Trader disobeying Order of a Court of Equity, &c. for Payment of Money after Service of peremptory Order for Payment on a certain Day. [12 & 13 Vict. c. 107. s. 21.]

100. Filing Petition of Insolvency in England, Scotland, or Ireland. [3 & 4 Vict. c. 107. s. 27.]

101. Filing Petition in Insolvent Debtors Court in India. [11 & 12 Vict. c. 21.]

102. Filing Petition for Arrangement between a Trader Debtor and his Creditors. [12 & 13 Vict. c. 107. s. 23.]

103. Trader having Privilege of Parliament not paying or compounding to the Satisfaction of the Creditor, and entering Appearance to Action within One Month. [6 Will. 4. c. 14. s. 26.]

104. Manner of making a Debtor a Bankrupt by Affidavit of Debt, and giving Notice that Affidavit has been filed, and that immediate Payment is required. If Trader shall not within Fourteen Days satisfy Creditor, he shall be deemed to have committed an Act of Bankruptcy. [12 & 13 Vict. c. 107. s. 24.]

*Acts of Bankruptcy by Nonpayment after Summons.*

105. Creditor making Affidavit of Debt, &c., Court may summon the Trader. [12 & 13 Vict. c. 107. ss. 11-19., and 12 & 13 Vict. c. 106. ss. 78-86.]

106. Delivery of Notice, &c. in case of Partnership.

107. Manner of proceeding upon the Appearance of the Trader.

108. Trader not attending Summons, or refusing to admit the Demand, &c., and not paying or compounding within a certain Time, or giving Bond for Payment of the same, if recovered in Action, &c. with Costs, to be an Act of Bankruptcy. [12 & 13 Vict. c. 107. s. 13.]

109. Trader signing Admission, and not paying, securing, or compounding within a certain Time, an Act of Bankruptcy.

110. Trader admitting Part only of a Demand, &c., and not paying, &c. the Sum admitted, and as to Residue not paying the same, &c., or giving Bond to pay the same, if recovered in an Action, with Costs, an Act of Bankruptcy.

111. What shall be deemed a Refusal to admit Debt. Court may enlarge the Time for Admission of entering into Bond, &c. [12 & 13 Vict. c. 107. s. 16.]

112. Admission of Debt, signed elsewhere than in Court, if attested by Trader's Attorney, to have the same

- Force as an Admission signed in Court. [12 & 13 Vict. c. 107. s. 17.]
- § 113. Court may award Costs to the Creditor or to the Trader.
114. Notice of Acts of Bankruptcy to Agents of Corporate Bodies, &c. [6 & 7 Will. 4. c. 14. s. 99. and 12 & 13 Vict. c. 106. s. 87.]
115. No Person liable upon Act of Bankruptcy committed more than Six Months before Petition, &c. [6 & 7 Will. 4. c. 14. s. 36. and 12 & 13 Vict. c. 107. ss. 7-8.]
- Procedure in Bankruptcy.*
116. Proceedings in Bankruptcy to originate by Petition to the Court of Bankruptcy without Commission, &c. [12 & 13 Vict. c. 106. s. 89.]
117. Amount of Petitioning Creditors Debt. Debt may be payable at a future Time although Security given. [6 Will. 4. c. 14. s. 32., 12 & 13 Vict. c. 107. s. 9., and 12 & 13 Vict. c. 106. s. 91.]
118. Petition for Adjudication may be made by the Public Officer of certain Copartnerships. [12 & 13 Vict. c. 106. s. 92.]
119. Verification of Petition of Bankruptcy.
120. Trader may petition against himself. [12 & 13 Vict. c. 106. s. 93. and 17 & 18 Vict. c. 119. s. 20.]
121. If Adjudication be not obtained within Five Days after Petition, any other Creditor may proceed on it. [12 & 13 Vict. c. 107. s. 25. and 12 & 13 Vict. c. 106. s. 96.]
122. Petitions may be presented against One or more Partners, and Petitions against Two or more Persons may be dismissed as to One or more without affecting the rest. [6 Will. 4. c. 14. s. 33. and 12 & 13 Vict. c. 106. s. 97.]
123. Proceedings in Cases of a Second Petition against One or more Members of a Firm. [6 Will. 4. c. 14. s. 34. and 12 & 13 Vict. c. 106. s. 98.]
124. In case Trader against whom a Petition has been filed be about to quit Ireland, or to remove or conceal his Goods, with Intent to defraud Creditors, he may be arrested and his Goods seized. Trader so arrested may apply to the Court for his Discharge forthwith. [12 & 13 Vict. c. 107. ss. 4., 5., 6., and 12 & 13 Vict. c. 106. s. 99.]
125. If Bankrupt be keeping out of the Way, or be about to quit Ireland, &c., Court may issue Warrant for his Arrest. [12 & 13 Vict. c. 106. s. 119.]
126. Court may, before Adjudication, summon Witnesses to prove Trading and Act of Bankruptcy. [6 Will. 4. c. 14. s. 37. and 12 & 13 Vict. c. 106. s. 100.]
127. Court to make Adjudication, &c. upon certain Proofs. [6 Will. 4. c. 14. s. 37. and 12 & 13 Vict. c. 106. s. 101.]
128. In case Petitioning Creditor's Debt be insufficient, Court may proceed upon the Application of any other Creditor whose Debt is sufficient. [6 Will. 4. c. 14. s. 35. and 12 & 13 Vict. c. 106. s. 103.]
129. Bankrupt to have Notice before Advertisement of Adjudication, and to be allowed Three Days, or such Time not exceeding Seven Days, as the Court shall think fit, to show Cause against Adjudication. [12 & 13 Vict. c. 107. s. 45. and 12 & 13 Vict. c. 106. s. 104.]
130. Court to appoint Sittings for Bankrupt to surrender and conform.
- § 131. Adjudication may, with Bankrupt's Consent, be advertised before the Expiration of the Time allowed for showing Cause.
132. Bankrupt to deliver up his Books of Account, &c. to the Official Assignee, upon Oath; to attend Assignees; to be at liberty to inspect Books, &c.; and after Allowance of Certificate, to attend Assignees in settling Accounts; Allowance for Attendance. [6 Will. 4. c. 14. s. 134. and 12 & 13 Vict. c. 106. s. 105.]
133. If Bankrupt be not in Prison or Custody, to be free from Arrest in coming to surrender, &c., and if in Prison may be brought up by Warrant to be examined or to surrender, &c., and if in Prison for Debt the Court may, except in certain Cases, order his Release, absolutely or conditionally. [6 Will. 4. c. 14. ss. 136. 138., 12 & 13 Vict. c. 107. ss. 51., 52., 83., and 12 & 13 Vict. c. 106. s. 112.]
134. If arrested, to be discharged on producing Protection. Penalty on Detention. [6 Will. 4. c. 14. s. 136. and 12 & 13 Vict. c. 106. s. 113.]
135. Petitioning Creditor to proceed at his own Costs until Choice of Assignees. [6 Will. 4. c. 14. s. 31. and 12 & 13 Vict. c. 106. s. 114.]
136. Petition, &c. not to be invalid by reason only of Concert. [6 Will. 4. c. 14. ss. 23. 156. and 12 & 13 Vict. c. 106. s. 115.]
137. Court may proceed notwithstanding Death of Bankrupt. [6 Will. 4. c. 14. s. 39. and 12 & 13 Vict. c. 106. s. 116.]
- Last Examination.*
138. The Bankrupt to prepare and file a Balance Sheet and Accounts, &c. [6 W. 4. c. 14. s. 124. and 12 & 13 Vict. c. 106. s. 160.]
139. As to Bankrupt apprehended by Warrant, and afterwards submitting to be examined. [6 Will. 4. c. 14. s. 133. and 12 & 13 Vict. c. 106. s. 161.]
140. Court may adjourn last Examination sine die. [6 Will. 4. c. 14. s. 137.]
141. Protection of Bankrupt from Arrest. [12 & 13 Vict. c. 107. s. 45. and 12 & 13 Vict. c. 106. s. 162.]
142. If Bankrupt in Custody, Court may appoint a Person to attend him with Books, Papers, &c. [6 Will. 4. c. 14. s. 138. and 12 & 13 Vict. c. 106. s. 163.]
- Certificate of Conformity.*
143. Mode of obtaining Certificate of Conformity. [6 Will. 4. c. 14. s. 141., 12 & 13 Vict. c. 107. s. 56., and 12 & 13 Vict. c. 106. s. 198.]
144. Form of Certificate; Notice of Allowance. [6 Will. 4. c. 14. s. 141. and 12 & 13 Vict. c. 106. s. 199.]
145. Effect of Certificate. [6 Will. 4. c. 14. s. 140., 12 & 13 Vict. c. 107. s. 54., and 12 & 13 Vict. c. 106. s. 200.]
146. Security to induce Creditor to forbear Opposition to Certificate void. [6 Will. 4. c. 14. s. 143., 12 & 13 Vict. c. 107. s. 57., and 12 & 13 Vict. c. 106. s. 202.]
147. Bankrupt not liable upon any Promise to pay Debt discharged by Certificate. [6 Will. 4. c. 14. s. 149., 12 & 13 Vict. c. 107. s. 60., and 12 & 13 Vict. c. 106. s. 204.]
148. Bankrupt having obtained his Certificate free from Arrest. Certificate to be Evidence of the Bankruptcy and Proceedings, and Bankrupt in Execution may be discharged. [6 Will. 4. c. 14. s. 144., 12 & 13 Vict. c. 107. s. 59., and 12 & 13 Vict. c. 106. s. 205.]

*Composition after Bankruptcy.*

- § 149. If after Adjudication Three Fifths in Number and Value of Creditors accept Composition, the same shall bind the rest. [6 Will. 4. c. 14. s. 151., 12 & 13 Vict. c. 107. s. 86., and 12 & 13 Vict. c. 106. s. 230.]
150. Mode of voting in deciding upon such Composition. [6 & 7 Will. 4. c. 14. s. 152., 12 & 13 Vict. c. 107. ss. 87-89., and 12 & 13 Vict. c. 106. s. 231.]

*Bankruptcy of Joint Stock Companies.*

151. If any Joint Stock Company shall commit an Act of Bankruptcy, a Petition of Bankruptcy may be prosecuted as against other Bankrupts, subject to the Provisions herein made. [7 Will. 4. and 1 Vict. c. 73., 7 & 8 Vict. c. 110., and 8 & 9 Vict. c. 98. s. 1.]
152. Bankruptcy of Company not to be the Bankruptcy of any Member individually. [8 & 9 Vict. c. 98. s. 11.]
153. Declaration of Insolvency in pursuance of a Resolution of the Directors, &c., and filed in the Office of the Court, to be an Act of Bankruptcy. [8 & 9 Vict. c. 98.]
154. Company not paying, securing, or compounding for a Judgment Debt within Fourteen Days after Notice, an Act of Bankruptcy. [8 & 9 Vict. c. 98. s. 4.]
155. Company disobeying Order of any Court of Equity, &c. for Payment of Money after Service of Order for Payment on a peremptory Day fixed, an Act of Bankruptcy. [8 & 9 Vict. c. 98. s. 5.]
156. Creditor filing an Affidavit of Debt in the Court, if the Company do not within Twenty-one Days pay, secure, or compound to the Satisfaction of the Creditor, an Act of Bankruptcy. [8 & 9 Vict. c. 98. s. 6.]
157. Assignees of the Estate of a Company may maintain Action to recover a Debt; and any Person may claim any Debt due on the Balance of Accounts. [8 & 9 Vict. c. 98. s. 7.]
158. Member's Share not to be set off against a Demand which the Assignees of the Estate and Effects of a Company may have against such Member. [8 & 9 Vict. c. 98. s. 8.]
159. The Court may order the Directors of a Company adjudged bankrupt, &c. to prepare, verify, and file a Balance Sheet and Accounts. [8 & 9 Vict. c. 98. s. 11.]
160. Persons ordered by the Court to prepare the Balance Sheet to be under the like Obligation to surrender at the last Examination, and to submit to be examined, &c., and to incur such Danger or Penalty for not conforming, &c. as is now provided against a Bankrupt. [8 & 9 Vict. c. 98. s. 12.]
161. Persons ordered to prepare the Balance Sheet to have the same Freedom from Arrest, &c. as a Bankrupt. [8 & 9 Vict. c. 98. s. 13.]
162. As to Costs where a Person summoned was a Member of Company. [8 & 9 Vict. c. 98. s. 15.]
163. Penalty on Persons wilfully concealing the Estate of the Company. [8 & 9 Vict. c. 98. s. 16.]
164. The Court, after Adjudication, may order any Treasurer, &c. to deliver to the Official Assignee, or to the Bank of Ireland, all Monies, &c. in his Custody. [8 & 9 Vict. c. 98. s. 17.]
165. The Court may give Directions for winding up the Affairs of the Company. [8 & 9 Vict. c. 98. s. 19.]
166. Power of Court to make Calls. [19 & 20 Vict. c. 17. s. 82.]

- § 167. The Court may stay Prosecution of Actions.
168. The Court shall inquire into the Cause of the Failure of Company, and shall transmit a Copy of the Balance Sheet to the Board of Trade, and certify the Cause of the Failure, and any special Circumstances. [8 & 9 Vict. c. 98. s. 22.]
169. When Court shall have certified the Cause of the Failure of any such Company, Her Majesty may revoke any Privileges granted to the Company. [8 & 9 Vict. c. 98. s. 24.]
170. The Board may cause the Papers to be laid before the Attorney General to direct any Proceedings thereon. [8 & 9 Vict. c. 98. s. 25.]
171. Until Determination of the Company by the Crown, it shall be considered as subsisting, and, notwithstanding such Determination, shall be considered as subsisting for winding up. [8 & 9 Vict. c. 98. s. 26.]
172. Notwithstanding Determination of Company in any other Manner, the same to be considered as subsisting so long as any Matters remain unsettled. [8 & 9 Vict. c. 98. s. 27.]
173. When Company to be deemed an Irish Company.
174. Service of Order, &c. on Company.
175. Jurisdiction of Court against Joint Stock Companies.
176. Call to have effect of Decree in Chancery.
177. Act not to apply to Companies registered under 19 & 20 Vict. c. 47.

*Procedure in Insolvency.*

178. Persons imprisoned for Debt may apply to the Court for Discharge. What shall be stated in the Petition. Petition to be signed and filed. [3 & 4 Vict. c. 107. s. 18.]
179. Schedule to be filed. Contents of Schedule. [3 & 4 Vict. c. 107. s. 57.]
180. General and Special Balance Sheets to be filed.
181. Form of Petition, Schedule, and Balance Sheets.
182. Court may commit Insolvent in neglecting to file his Schedule.
183. Detaining Creditors of Prisoners may apply by Petition to the Court to vest Debtors Estates in the Official Assignee. [3 & 4 Vict. c. 107. s. 19.]
184. Form of Creditor's Petition.
185. Dismissal of Petition.
186. Power to the Court to direct Prisoner to be discharged on his finding Sureties to attend at the Time and Place of Hearing. [3 & 4 Vict. c. 107. s. 21.]
187. After such Discharge Insolvent to be free from Arrest until Hearing.
188. Insolvent not to be discharged until he delivers up all Property.
189. In case Insolvent shall not duly appear, Recognizance to be forfeited, &c. [3 & 4 Vict. c. 107. s. 21.]
190. Court may empower Persons in the Assize Towns to receive Recognizances. [3 & 4 Vict. c. 107. s. 22. and 6 & 7 Vict. c. 47. s. 1.]
191. Persons residing out of Dublin may enter into Recognizances. [3 & 4 Vict. c. 107. s. 23.]
192. Court to regulate the Amount of such Recognizances. [3 & 4 Vict. c. 107. s. 24.]
193. Warrant to discharge Insolvent on Completion of Recognizance.
194. Notwithstanding Bankruptcy, the Court shall proceed as in other Cases. [3 & 4 Vict. c. 107. s. 28.]
195. Prisoner not to be discharged for Want of Plaintiff proceeding in his Action. [3 & 4 Vict. c. 107. s. 29.]

- § 196. Court to appoint Time for Prisoner to be brought up.
197. Jurisdiction of the Court over Insolvent Debtors in Custody elsewhere than in County or City of Dublin transferred to the Assistant Barristers. [14 & 15 Vict. c. 57. s. 119.]
198. Assistant Barrister to whom the Petition as to Insolvents is referred to have the same Powers as the Court for discharging or remanding the Insolvent, &c.
199. Petition, &c. to be returned by the Clerk of the Peace to the Court.
200. Order for bringing the Insolvent before the Assistant Barrister. [14 & 15 Vict. c. 57. s. 119.]
201. The Expense of his Removal to be paid out of the Estate of Insolvent, or (on Failure of such Estate) then by Grand Jury Presentment.
202. Court to have Jurisdiction before and pending an Adjournment.
203. Jurisdiction of Assistant Barrister to cease after Discharge or Remand.
204. Clerk of Peace to transmit Returns of Quarter Session Days.
205. Order of detaining Creditor for Discharge of Insolvent to be void at Option of Insolvent. [4 & 5 Vict. c. 47. s. 3.]
206. Notice to be given to Creditors, and advertised.
207. At the Hearing, the Schedule to be examined.
208. Hearing may be adjourned.
209. Court may order Prisoner to be again brought up.
210. Affidavits may be received in opposition to Prisoner's Discharge in certain Cases. [3 & 4 Vict. c. 107. s. 63.]
211. Official Assignees to examine Schedule, Balance Sheets, and Accounts.
212. Court may adjudge Prisoner to be discharged, and entitled to the Benefit of Act. [3 & 4 Vict. c. 107. s. 65.]
213. Court may adjudge Discharge, &c. to be forthwith, or not later than Six Months from the filing of the Petition. [3 & 4 Vict. c. 107. s. 66.]
214. Court may grant a special Discharge to Trader, so as to release his future Effects.
215. Discharge shall extend to Process for Contempt in Nonpayment of Money; and to Costs incurred by Creditor. [3 & 4 Vict. c. 107. s. 69.]
216. Discharge shall extend to Sums payable by way of Annuity, &c. [3 & 4 Vict. c. 107. s. 70.]
217. Not to prevent Mortgages and other Charges on Lands, made prior to filing Petition, from taking effect. [3 & 4 Vict. c. 107. s. 71.]
218. Court may order Costs to be paid to opposing Creditors out of the Estate. Where Opposition frivolous, Costs may be awarded to Prisoner. [3 & 4 Vict. c. 107. s. 73.]
219. Court to make Order, pursuant to Adjudication, and issue Warrants to Gaoler. Specification of Debts, &c. not necessary in Adjudication. [3 & 4 Vict. c. 107. s. 74.]
220. In certain Cases Discharge of Insolvent to be at any Period not later than Two Years. [3 & 4 Vict. c. 107. s. 68.]
221. In other Cases, the Discharge of Insolvent to be at any Period not later than Two Years. [3 & 4 Vict. c. 107. s. 68.]
222. Adjudication may be conditional in certain Cases. [3 & 4 Vict. c. 107. s. 75.]
223. Where Adjudication a Discharge at a future Period, the Prisoner may be detained or arrested, &c. till that Period arrives. [3 & 4 Vict. c. 107. s. 76.]
- § 224. Court may order detaining Creditor to pay Prisoner a Sum not exceeding Four Shillings a Week. [3 & 4 Vict. c. 107. s. 78.]
225. If Insolvent becomes able to pay his Debts, Court may make Order on him to pay, &c.
226. If Insolvent dies having sufficient Assets, Court may make Order to pay.
227. Manner of proceeding where, after the Discharge of a Prisoner, any Person shall be possessed of Stock in Public Funds, &c. belonging to him. [3 & 4 Vict. c. 107. s. 80.]
228. Sums recovered under last Three Sections to form Part of Estate.
229. Persons discharged under this Act not liable to Imprisonment for Debts, &c. to which Adjudication extends. If arrested, to be released by Judge of the Court from which Process issued, who may order the Costs to be paid to him. [3 & 4 Vict. c. 107. s. 81.]
230. After Discharge, no Execution to issue against Insolvent for Debts, &c. to which Adjudication extends. Discharge under this Act may be pleaded generally. [3 & 4 Vict. c. 107. s. 82.]
231. When Debts are satisfied, Court may order Property in possession of Assignees to be vested in the Insolvent. [3 & 4 Vict. c. 107. s. 83.]
232. Where Error in Schedule, without Fraud, this Act to operate upon the actual Amount of Debt. [3 & 4 Vict. c. 107. s. 84.]
233. Adjudication and Order to be final, unless obtained on false Evidence, &c., in which Case Court may order a Re-hearing. [3 & 4 Vict. c. 107. s. 85.]
234. Insolvent refusing to appear may be apprehended, &c.
235. In Adjudication of Discharge or Re-hearing, the Time since former Hearing not to be calculated.
236. If Order for Discharge issued by Mistake, the Court may revoke or amend the same. [3 & 4 Vict. c. 107. s. 86.]
237. Insolvent may be examined as to his Estate after his Discharge. Insolvent refusing to appear or to answer Questions may be committed. [3 & 4 Vict. c. 107. s. 86.]
238. Provisions of Act extended to married Women. [3 & 4 Vict. c. 107. s. 90.]
239. Mode of proceeding with Prisoners of unsound Mind. Application may be made by Persons on behalf of such Prisoners. Power to Court to discharge such Prisoners. [3 & 4 Vict. c. 107. s. 91.]
240. No Person to receive Gaol Allowance without subscribing Declaration. [5 & 6 Vict. c. 95. s. 7.]
241. Notice of Declaration to be given in the Dublin Gazette. [5 & 6 Vict. c. 95. s. 8.]
242. Proceedings on filing of Petition.
243. Unless detaining Creditors lodge a Petition within Twenty-one Days, Prisoner to be entitled to his Discharge.
244. This Act not to extend to discharge Crown Debtors, &c. unless the Treasury give Consent. [3 & 4 Vict. c. 107. s. 92.]
245. Sheriffs, &c. indemnified for obeying Orders of Court. [3 & 4 Vict. c. 107. s. 95.]
- Proof of Debts.*
246. When and how Debts may be proved in Bankruptcy. [6 Will. 4. c. 14. s. 56. and 12 & 13 Vict. c. 106. s. 164.]
247. Undisputed Debts may be admitted as if proved.

- § 248. *Bonâ fide* Creditors in respect of Debts contracted after an Act of Bankruptcy may prove. [6 Will. 4. c. 14. s. 58. and 12 & 13 Vict. c. 106. s. 165.]
249. Court may order Six Months Wages or Salary to Clerks or Servants. [6 Will. 4. c. 14. s. 59., 12 & 13 Vict. c. 107. s. 40., and 12 & 13 Vict. c. 106. s. 168.]
250. Apprentices to Bankrupts or Insolvents discharged from their Indentures. Court may order any Sum to be repaid in respect of Apprentice Fees. [6 Will. 4. c. 14. s. 60. and 12 & 13 Vict. c. 106. s. 170.]
251. Mutual Debts and Credits may be set forth. [6 Will. 4. c. 14. s. 61. and 12 & 13 Vict. c. 106. s. 171.]
252. Debts not payable at the Time of the Bankruptcy or Insolvency may be proved, deducting Rebate of Interest. [6 & 7 Will. 4. c. 14. s. 62. and 12 & 13 Vict. c. 106. s. 172.]
253. Sureties and Persons liable for the Debts of a Bankrupt or Insolvent may prove, after having paid such Debts. [6 & 7 Will. 4. c. 14. s. 63. and 12 & 13 Vict. c. 106. s. 173.]
254. Obligees in Bottomry or Respondentia Bonds, and Assured in Policy of Insurance, admitted to claim, and after Loss, to prove. Persons affecting Insurance admitted to prove any Loss. [6 & 7 Will. 4. c. 14. s. 64. and 12 & 13 Vict. c. 106. s. 174.]
255. Annuity Creditor admitted to prove. [6 & 7 Will. 4. c. 14. s. 65. and 12 & 13 Vict. c. 106. s. 175.]
256. Sureties for Payment of Annuities granted by Bankrupt or Insolvent, in what Manner to come in. [6 & 7 Will. 4. c. 14. s. 66. and 12 & 13 Vict. c. 106. s. 176.]
257. Contingent Debt to be provable for the Value thereof, to be ascertained by the Court, or if Value not ascertained before the Contingency has happened, then, after Contingency has happened, Amount of Debt may be proved. [6 Will. 4. c. 14. s. 67., 12 & 13 Vict. c. 106. s. 177.]
258. Liability contingent may be admitted as a claim, and after Contingency has happened, and the Demand has been ascertained, Demand may be proved. [12 & 13 Vict. c. 106. s. 178.]
259. On Bankruptcy or Insolvency of Agent intrusted with Goods, but which have been pledged by him, Owner may prove for Amount paid to redeem, or for Value if the Goods be unredeemed. [5 & 6 Vict. c. 39. and 12 & 13 Vict. c. 106. s. 179.]
260. Interest upon Debts when provable, though not reserved or agreed for. [6 Will. 4. c. 14. s. 68. and 12 & 13 Vict. c. 106. s. 180.]
261. Plaintiff or Defendant obtaining Judgment, &c. entitled to prove for Costs, &c. [6 Will. 4. c. 14. s. 69. and 12 & 13 Vict. c. 106. s. 181.]
262. Proving Debt to be an Election not to proceed by Action. [6 Will. 4. c. 14. s. 70. and 12 & 13 Vict. c. 106. s. 182.]
263. Court may expunge Proof of any Debts which after Investigation do not appear to be due. [6 Will. 4. c. 14. s. 71. and 12 & 13 Vict. c. 106. s. 183.]
264. Ascertainment of Debts in Insolvency.
- Assignees, their Rights and Duties.*
265. Assignees how and when chosen: Power to Court to reject or remove Persons who appear to be unfit. [6 Will. 4. c. 14. ss. 55., 72., 80., 12 & 13 Vict. c. 107. ss. 77., 78., and 12 & 13 Vict. c. 106. s. 139.]
- § 266. Joint Creditor entitled to prove for the Purpose of voting in the Choice of Assignees. [6 Will. 4. c. 14. s. 73. and 12 & 13 Vict. c. 106. s. 140.]
267. Personal Estate to vest in Assignees. [6 Will. 4. c. 14. s. 74., 12 & 13 Vict. c. 106. s. 141., and 3 & 4 Vict. c. 107. s. 20.]
268. Real Estate to vest in Assignees. [6 Will. 4. c. 14. s. 77. and 12 & 13 Vict. c. 106. s. 142.]
269. Where a Conveyance of a Property of a Bankrupt or Insolvent would require to be registered, the Certificate of the Appointment of the Assignees shall be registered. [6 & 7 Will. 4. c. 14. s. 78. and 12 & 13 Vict. c. 106. s. 143.]
270. Assignees not to take Crop in any other Way than Bankrupt or Insolvent would have been entitled to. [12 & 13 Vict. c. 106. s. 144.]
271. Bankrupt or Insolvent not liable to Rents or Covenants in Conveyances, Leases, &c. ; and if Assignees decline to determine whether they will accept Conveyance, &c., any Person entitled may apply to the Court. [6 & 7 Will. 4. c. 14. s. 89., 12 & 13 Vict. c. 106. s. 145., and 3 & 4 Vict. c. 107. s. 38.]
272. Vendor of Estate in Lands may compel Assignees to elect whether they will abide by or decline the Agreement for Sale. [6 & 7 Will. 4. c. 14. s. 90., 12 & 13 Vict. c. 106. s. 146., and 3 & 4 Vict. c. 107. s. 37.]
273. Assignees may execute Powers previously vested in Bankrupt or Insolvent. [6 & 7 Will. 4. c. 14. s. 91., 12 & 13 Vict. c. 106. s. 147., and 3 & 4 Vict. c. 107. s. 37.]
274. Court may order Bankrupts or Insolvents to join in Conveyances. [6 & 7 Will. 4. c. 14. s. 92. and 12 & 13 Vict. c. 106. s. 148.]
275. Conditional Estates granted by the Bankrupt or Insolvent may be redeemed. [6 & 7 Will. 4. c. 14. s. 84. and 12 & 13 Vict. c. 106. s. 149.]
276. Assignees may appoint the Bankrupt or Insolvent to manage the Estate. [6 & 7 Will. 4. c. 14. s. 135. and 12 & 13 Vict. c. 106. s. 150.]
277. Assignees subject to Orders of Court. [6 & 7 Will. 4. c. 14. s. 119. and 12 & 13 Vict. c. 106. s. 151.]
278. Member of a Firm becoming bankrupt or insolvent, the Court may authorize Suit in Name of Assignees and of remaining Partner. Partner to have Notice and may show Cause. Court may direct Partner to have Part of Proceeds. [6 & 7 Will. 4. c. 14. s. 103., 12 & 13 Vict. c. 107. s. 43., and 12 & 13 Vict. c. 106. s. 152.]
279. Assignees may institute or defend Suits, and compound for Debts or submit Disputes to Arbitration. [6 & 7 Will. 4. c. 14. s. 102., 12 & 13 Vict. c. 106. s. 153., and 3 & 4 Vict. c. 107. s. 39.]
280. Reference to Arbitration be made a Rule of Court. [12 & 13 Vict. c. 106. s. 154. and 6 Will. 4. c. 14. s. 102.]
281. Persons from whom the Assignees have recovered, or who have paid the Assignees, &c., discharged from Claims by the Bankrupt or Insolvent. [6 & 7 Will. 4. c. 14. s. 108. and 12 & 13 Vict. c. 106. s. 155.]
282. Allowance to Persons disclosing concealed Property.
283. Suits not to abate by Death or Removal of Assignees. [12 & 13 Vict. c. 107. s. 79., 12 & 13 Vict. c. 106. s. 157., and 3 & 4 Vict. c. 107. s. 41.]
284. Protection to Assignees if Prisoner discharged without Adjudication. [3 & 4 Vict. c. 107. s. 33.]
285. Limitations of Actions for Things done in pursuance of this Act. General Issue. Costs. [6 & 7 Will. 4. c. 14. s. 54. and 12 & 13 Vict. c. 106. s. 159.]



*The Audit and Dividend.*

- § 286. Appointment for Sitting for Audit. [6 & 7 Will. 4. c. 14. s. 124., 12 & 13 Vict. c. 106. s. 185., and 3 & 4 Vict. c. 107. s. 49.]
287. Court may direct Money to be invested in Exchequer Bills. [6 & 7 Will. 4. c. 14. s. 121. and 12 & 13 Vict. c. 106. s. 186.]
288. Method of making Dividends. [6 & 7 Will. 4. c. 14. s. 125. and 12 & 13 Vict. c. 106. s. 187.]
289. Sitting for Audit and Dividend.
290. Final Dividend within Eighteen Months, except where Suits depending or Estates not sold, &c. [6 & 7 Will. 4. c. 14. s. 127. and 12 & 13 Vict. c. 106. s. 188.]
291. Outstanding Debts, &c. may be sold by the Assignees after a certain Time.
292. Debtor and Creditor Account to be furnished by Official Assignee to Trade Assignee, &c. before final Dividend. [12 & 13 Vict. c. 107. s. 36. and 12 & 13 Vict. c. 106. s. 189.]
293. No Action to be brought for Dividends, but the Remedy to be by Application to the Court. [6 & 7 Will. 4. c. 14. s. 129. and 12 & 13 Vict. c. 106. s. 190.]

*Unclaimed Dividends, &c.*

294. Monies standing to Credit of General Fund Account in Insolvency to be carried to the Unclaimed Dividend Account.
295. Unclaimed Dividends to be carried to the same Account.
296. Court may direct Investment.
297. Application of Interest.

*Allowances to the Bankrupt or Insolvent.*

298. Bankrupt, &c. allowed to return as "Excepted Articles," Furniture, Tools, &c. [17 & 18 Vict. c. 119. ss. 25., 26., 27.]
299. An Inventory and Valuation of the Remainder of the Bankrupt's or Insolvent's Household Furniture, &c. to be made, which shall not be sold without Order of the Court.
300. If Bankrupt or Insolvent entitled to any Allowance, his Household Furniture, &c. to be taken in lieu of Money.
301. Allowance for Maintenance. [6 & 7 Will. 4. c. 14. s. 132., 3 & 4 Vict. c. 107. s. 34., and 12 & 13 Vict. c. 106. s. 194.]
302. Allowance to Bankrupt 5 per Cent. and not exceeding 400*l.* as soon as 10*s.* paid in the Pound. 7½ per Cent. and not exceeding 500*l.* if 12*s.* 6*d.* 10 per Cent. and not exceeding 600*l.* if 15*s.* [6 & 7 Will. 4. c. 14. s. 146., 12 & 13 Vict. c. 107. s. 61., and 12 & 13 Vict. c. 106. s. 195.]
303. One Partner may receive Allowance although other not entitled. [6 & 7 Will. 4. c. 14. s. 147., 12 & 13 Vict. c. 107. s. 62., and 12 & 13 Vict. c. 106. s. 196.]
304. If Estate pay 20*s.* in the Pound and Interest, and leave a Surplus, the same to be paid to Bankrupt, &c. [6 & 7 Will. 4. c. 14. s. 150. and 12 & 13 Vict. c. 106. s. 197.]

*Power of Court in relation to Property, &c.*

305. Court may summon Bankrupt or Insolvent, and issue Warrant if he does not attend. [6 & 7 Will. 4. c. 14. s. 49. and 12 & 13 Vict. c. 106. s. 119.]
306. Court may examine Bankrupt or Insolvent as to his Estate, &c.

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- § 307. Court may summon and examine the Wife of Bankrupt or Insolvent. [6 & 7 Will. 4. c. 14. s. 50. and 12 & 13 Vict. c. 106. s. 118.]
308. Court empowered to summon Persons suspected of having Bankrupt's or Insolvent's Property, &c. [6 & 7 Will. 4. c. 14. s. 46. and 12 & 13 Vict. c. 106. s. 120.]
309. Service of Summons where Persons keep out of the Way. [12 & 13 Vict. c. 107. s. 72. and 12 & 13 Vict. c. 106. s. 121.]
310. Power to examine Persons summoned or present at any Sitting. [6 & 7 Will. 4. c. 14. s. 47. and 12 & 13 Vict. c. 106. s. 122.]
311. In a Case of Debts due to Bankrupt's or Insolvent's Estate, Court may order Payment. [12 & 13 Vict. c. 106. s. 123.]
312. Court may order Letters addressed to Bankrupt or Insolvent to be re-directed or delivered to Official Assignees, &c. [12 & 13 Vict. c. 106. s. 124. and 10 & 11 Vict. c. 85. s. 11.]
313. Court may order Goods in the Possession, Order, or Disposition of the Bankrupt or Insolvent to be sold. Not to apply to Assignment of Vessels under the Laws for registering Vessels. [6 & 7 Will. 4. c. 14. s. 86. 12 & 13 Vict. c. 106. s. 125., and 3 & 4 Vict. c. 107. s. 45.]
314. Power of Court over certain Conveyances, &c. made by Bankrupt or Insolvent. [6 & 7 Will. 4. c. 14. s. 87. and 12 & 13 Vict. c. 106. s. 126.]
315. Court may sell Property improperly extended. [6 & 7 Will. 4. c. 14. s. 85. and 12 & 13 Vict. c. 106. s. 127.]
316. Court may permit Mortgagees to bid at Sale. [12 & 13 Vict. c. 107. s. 67.]
317. Discretion as to the Disposal of Property in certain Cases. [3 & 4 Vict. c. 107. s. 36.]
318. Property may be mortgaged if more beneficial.
319. Pay, Half Pay, and Pensions of Bankrupts and Insolvents to be applicable for Creditors. [12 & 13 Vict. c. 107. s. 38. and 3 & 4 Vict. c. 107. s. 44.]
320. Where Bankrupt or Insolvent beneficially entitled to Stock, Court may make Order for Transfer. [6 & 7 Will. 4. c. 14. s. 94. and 12 & 13 Vict. c. 106. s. 128.]
321. Distress not to be available for more than One Half Year's Rent due; the Landlord to prove for the Residue. [6 & 7 Will. 4. c. 14. s. 88., 12 & 13 Vict. c. 106. s. 129., and 3 & 4 Vict. c. 107. s. 46.]
322. Where Bankrupt or Insolvent is a Trustee, Court may order Assignment to another Trustee. [6 & 7 Will. 4. c. 14. s. 93. and 12 & 13 Vict. c. 106. s. 130.]
323. Titles to Property sold not to be impeached. [6 & 7 Will. 4. c. 14. s. 101., 12 & 13 Vict. c. 107. s. 26., and 12 & 13 Vict. c. 106. s. 131.]
324. The Court may order any Treasurer, &c. or Agent of the Bankrupt to deliver all Monies, &c. [12 & 13 Vict. c. 106. s. 132. and 12 & 13 Vict. c. 107. s. 68.]
325. Goods under Attachment to be delivered up.
326. Search Warrants may be granted. [6 & 7 Will. 4. c. 114. s. 42., 12 & 13 Vict. c. 107. s. 42., and 12 & 13 Vict. c. 106. s. 106.]
327. No Action to be brought against Persons acting in obedience to Warrant of the Court. [6 & 7 Will. 4. c. 14. s. 44. and 12 & 13 Vict. c. 106. s. 107.]

*Protected Transactions.*

328. Payments, Conveyances, Contracts, &c., Executions against Lands (if executed by Seizure), and against Goods (if executed by Seizure and Sale), to be valid,

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if no Notice of Prior Act of Bankruptcy. Nothing herein to give Validity to Payment, &c. by way of fraudulent Preference. [6 & 7 Will. 4. c. 14. ss. 95., 96., 98., 12 & 13 Vict. c. 106. s. 133., and 7 & 8 Vict. c. 90. s. 36.]

- § 329. Creditors having Security not to receive more than other Creditors. [6 & 7 Will. 4. c. 14. s. 126., 12 & 13 Vict. c. 106. s. 184., and 2 & 3 Vict. c. 86. s. 1.]
330. No Validity to null or fraudulent Matters. [12 & 13 Vict. c. 106. s. 184.]
331. Registry of Judgment under 13 & 14 Vict. c. 29. not to give Priority unless, &c.
332. Bonâ fide Purchases not to be impeached unless Petition filed within Six Months after Act of Bankruptcy. [6 & 7 Will. 4. c. 14. s. 100., 7 & 8 Vict. c. 90. ss. 37., 38., and 12 & 13 Vict. c. 106. s. 134.]

*Warrants of Attorney, &c.*

333. Certain Warrants of Attorney, Cognovits, and Consents, given within Two Months of filing Petition, to be null and void. [12 & 13 Vict. c. 106. s. 135.]
334. Warrants of Attorney and Cognovits actionem to be void unless the same or a Copy thereof be filed, &c. within Twenty-one Days after the Execution thereof. [12 & 13 Vict. c. 106. s. 136. and 3 & 4 Vict. c. 105. s. 12.]
335. Pleas of Confession, Consents, &c. to be void unless filed within Twenty-one Days, in like Manner with Warrants of Attorney and Cognovits actionem. [12 & 13 Vict. c. 107. s. 111. and 12 & 13 Vict. c. 106. s. 137.]
336. Judgments not registered within Twenty-one Days of entering to be void. [12 & 13 Vict. c. 107. s. 113.]
337. Fee for Search. [12 & 13 Vict. c. 107. s. 112.]
338. Voluntary Preference fraudulent and void as against Assignees. [3 & 4 Vict. c. 107. s. 47.]
339. Warrant of Attorney and Cognovit actionem not to be acted upon against Goods of Insolvent after his Imprisonment. [3 & 4 Vict. c. 48.]

*Estates Tail.*

340. Clauses in 4 & 5 Will. 4. c. 92. with respect to the Disposition of Estates Tail under Bankruptcies, extended to Proceedings under this Act.

*Copyholds.*

341. Court may make Sale of Copyhold Lands for the Benefit of Creditors. [6 & 7 Will. 4. c. 14. s. 82. and 12 & 13 Vict. c. 106. s. 209.]
342. Vendees of Copyhold Lands shall compound with the Lord for their Fines. [6 & 7 Will. 4. c. 14. s. 83. and 12 & 13 Vict. c. 106. s. 210.]

*Arrangements under the Control of the Court.*

343. Any Trader unable to fulfil his Engagements with his Creditors may petition the Court for Protection. Petition to be supported by Affidavit. [12 & 13 Vict. c. 107. ss. 90-107. and 12 & 13 Vict. c. 106. ss. 211-223.]
344. Court to appoint private Sitting, and Estate to be possessed by Official Assignee.
345. Petitioning Trader to file Account Ten Days before the Day appointed for private Sitting.
346. At First Sitting Creditors to prove their Debts, and if Three Fifths in Number and Value of those who have proved Debts to the Amount of 10*l.* and upwards

assent to Proposal, Sitting for Confirmation to be appointed.

- § 347. If at Second Sitting Three Fifths in Number and Value of the Creditors who have proved Debts to the Amount of 10*l.* and upwards agree to accept, Resolution to be binding on all, and Court may approve and confirm the same.
348. Agent of Creditor may vote.
349. Estate to vest in Official Assignee either alone or (if required by Resolution) jointly with any other Person.
350. Official Assignee to file Account every Six Months.
351. If any Difficulty arise in the Execution of Resolution, &c., a special Sitting may be held.
352. When Resolution or Agreement has been carried into effect, Court to give Petitioning Debtor a Certificate thereof, and such Certificate to operate as a Certificate of Conformity.
353. If Petitioning Debtor do not attend Sitzings of the Court, or if he do not file Account, &c., Petition to be dismissed; and if at First Sitting Proposal be not assented to, or if Debts contracted by Frauds, &c., or if Petitioning Debtor has not made true Discovery, &c., Court may adjudge him bankrupt, and adjourn the Proceedings into the public Court, &c.
354. Private Sitzings.
355. Questions of Law raised by Consent. [15 & 16 Vict. c. 76. s. 46., 16 & 17 Vict. c. 113. s. 92., and 3 & 4 Vict. c. 105. s. 50.]
356. Payment of Money by Party on Judgment being given.

*Evidence.*

357. Officer of Court to produce Proceedings, and give Copies thereof. [12 & 13 Vict. c. 106. s. 233., 6 & 7 Will. 4. c. 14. ss. 109-111., 12 & 13 Vict. c. 107. s. 84., and 3 & 4 Vict. c. 107. s. 94.]
358. If Bankrupt do not dispute the Adjudication, the Gazette to be conclusive Evidence of the Bankruptcy as against the Bankrupt and against Persons whom the Bankrupt might have sued. [12 & 13 Vict. c. 107. s. 26. and 17 & 18 Vict. c. 119. s. 24.]
359. In certain Actions by or against any Person acting under the Bankruptcy, no Proof required at the Trial of Petitioning Creditor's Debt, Trading, or Act of Bankruptcy, unless Notice be given that those Matters are to be disputed. [6 & 7 Will. 4. c. 14. s. 104. and 12 & 13 Vict. c. 106. s. 234.]
360. The same in Suits in Equity. [6 & 7 Will. 4. c. 14. s. 105. and 12 & 13 Vict. c. 106. s. 235.]
361. Proceedings purporting to be sealed with the Seal of the Court receivable in Evidence. Commissions of Bankrupt, &c. entered of Record under 11 & 12 Geo. 3. c. 8. (I.) and 6 & 7 Will. 4. c. 14. to be received as Evidence of the same. [6 & 7 Will. 4. c. 14. s. 114., 12 & 13 Vict. c. 106. s. 236., 8 & 9 Vict. c. 113., and 3 & 4 Vict. c. 107. ss. 16., 94.]
362. Judicial Notice to be taken of Signature of Judge or Registrar, and of the Seal of the Court. [12 & 13 Vict. c. 106. s. 237.]
363. Evidence of Declaration of Insolvency. [12 & 13 Vict. c. 100. s. 236.]
364. Advertisements, when Evidence. [12 & 13 Vict. c. 106. s. 240.]
365. On Death of Witness, Office Deposition or Copy thereof to be Evidence. [6 & 7 Will. 4. c. 14. s. 113. and 12 & 13 Vict. c. 106. s. 242.]
366. Before whom Affidavits are to be sworn. 12 & 13 Vict. c. 107. s. 69. and 12 & 13 Vict. c. 106. s. 243.]

- § 367. Affidavits may be sworn in Prison before Visiting Justice or Keeper of Prison. [12 & 13 Vict. c. 106. s. 244.]
368. No Fees payable for swearing Affidavits.
369. Evidence may be taken vivâ voce or upon Affidavit. [6 & 7 Will. 4. c. 14. s. 155. and 12 & 13 Vict. c. 106. s. 245.]
370. Examination of Witnesses at a Distance from Dublin in certain Cases.
371. Forms of Rules and Proceedings of the Court. [3 & 4 Vict. c. 107. s. 96.]
- Solicitors.*
372. Every Attorney or Solicitor of the Superior Courts may practise in the Court. [6 Will. 4. c. 14. s. 16. and 12 & 13 Vict. c. 106. s. 247.]
373. Misconduct of Attorney or Solicitor.
- Costs.*
374. The Provisions and Powers given to Lord Chancellor, &c. in Bankruptcy under 3 & 4 Vict. c. 105. s. 27. to be applicable to this Act.
375. Court may in all Cases award Costs.
- Offences against the Law of Bankruptcy, and Insolvency.*
376. Bankrupt or Insolvent, not delivering up Books, &c., or removing, concealing, or embezzling Estate. [6 & 7 Will. 4. c. 14. s. 130., 12 & 13 Vict. c. 107. s. 44., and 12 & 13 Vict. c. 106. s. 251.]
377. Wilfully omitting anything in the Schedule. [3 & 4 Vict. c. 107. s. 88.]
378. Bankrupt or Insolvent destroying or falsifying Books, &c. [12 & 13 Vict. c. 107. s. 46. and 12 & 13 Vict. c. 106. s. 252.]
379. Any Member of a Company, with Knowledge of or in contemplation of a Bankruptcy, destroying or falsifying Books, &c. of the Company, or making false Entries, &c. [8 & 9 Vict. c. 98. s. 28.]
380. Bankrupt or Insolvent within Three Months preceding his Bankruptcy or Insolvency obtaining Goods on Credit under false Pretence of dealing in the ordinary Course of Trade. [12 & 13 Vict. c. 107. s. 47. and 12 & 13 Vict. c. 106. s. 253.]
381. Bankrupts or Insolvents within Three Months preceding his Bankruptcy or Insolvency committing Fraud on his Creditors, &c. guilty of Misdemeanors.
382. Persons convicted of Misdemeanor to be liable to Imprisonment.
383. False Evidence deemed wilful and corrupt Perjury. [6 & 7 Will. 4. c. 14. s. 117., 12 & 13 Vict. c. 107. s. 73., 12 & 13 Vict. c. 106. s. 254., and 3 & 4 Vict. c. 107. s. 89.]
384. Court may direct Prosecution. [12 & 13 Vict. c. 107. s. 53. and 12 & 13 Vict. c. 106. s. 255.]
385. Any Person refusing to be sworn, or refusing to answer, or not fully answering, or refusing to sign Examination, or to produce Books, &c., may be committed. [6 & 7 Will. 4. c. 14. ss. 47., 49., 50., and 12 & 13 Vict. c. 106. s. 260.]
386. Warrant of Committal for unsatisfactory answering, or refusing to answer, need not specify Questions. Copy of the Examination to be furnished to the Person committed. [12 & 13 Vict. c. 107. s. 49.]
387. Form of Warrant.
388. On Habeas corpus, Judge or Court may inspect the whole Examination.
389. Obstructing the Messenger, &c. a Misdemeanor. [12 & 13 Vict. c. 107. s. 50.]
- § 390. Assignee disobeying Direction to pay or invest Money, and retaining it, or permitting Co-assignee to retain or employ it, to be charged with Twenty per Cent. [6 & 7 Will. 4. c. 14. s. 122. and 12 & 13 Vict. c. 106. s. 265.]
391. Persons disobeying any Order of Court to be committed to Prison until they conform, or the Court or the Lord Chancellor shall otherwise order. [12 & 13 Vict. c. 106. s. 266. and 6 Will. 4. c. 14. s. 158.]
392. Petitioning Creditor compounding with Trader after Bankruptcy. [6 & 7 Will. 4. c. 14. s. 224. and 12 & 13 Vict. c. 106. s. 268.]
393. Concealing Bankrupt's or Insolvent's Effects. [6 & 7 Will. 4. c. 14. s. 139. and 12 & 13 Vict. c. 106. s. 269.]
394. Obtaining Money, &c. as Inducement to forbear Opposition or Consent to Certificate or Discharge. [6 & 7 Will. 4. c. 14. s. 143., 12 & 13 Vict. c. 107. s. 58., and 12 & 13 Vict. c. 106. s. 270.]
395. Officers, &c. taking Fees improperly. [6 & 7 Will. 4. c. 14. s. 157. and 12 & 13 Vict. c. 106. s. 271.]
396. Inserting Advertisements without Authority. [12 & 13 Vict. c. 106. s. 272.]
397. Forging Signature of Judge or Officer, or the Seal of Court. [12 & 13 Vict. c. 106. s. 273.]
398. Gaoler suffering Persons committed to escape. [12 & 13 Vict. c. 106. s. 274. c. 107. s. 5.]
399. Application of Forfeitures. [6 & 7 Will. 4. c. 14. s. 118. and 12 & 13 Vict. c. 106. s. 275.]
- Fees and Stamp Duties.*
400. Stamps in lieu of Fees. No Fees to be payable other than as directed by this Act. [6 & 7 Will. 4. c. 14. ss. 5., 8., 11., 12 & 13 Vict. c. 107. s. 116., and 12 & 13 Vict. c. 106. s. 48.]
401. Commissioners of Inland Revenue to give the necessary Directions. [12 & 13 Vict. c. 106. s. 49.]
402. After deducting Expenses, Commissioners to pay over Balance of Stamp Duties to "Bankruptcy Fee Fund Account."
403. Drafts on Bankruptcy Fee Fund.
404. Power to order Surplus of Bankruptcy Fee Fund to be paid into the Exchequer.
405. Commissioners of Inland Revenue may appoint Persons for Sale and Distribution of Stamps, and make Allowance for spoiled Stamps. [12 & 13 Vict. c. 106. s. 50.]
406. Provisions of former Acts relating to Stamps to be applied to the Stamps to be provided under this Act. [12 & 13 Vict. c. 106. s. 51.]
407. Appointment of Accountant General.
408. As to Payments out of Bankruptcy Fee Fund Account.
409. Act to extend to Aliens and Denizens. [12 & 13 Vict. c. 107. s. 117.]
410. Act to extend to Ireland only, except where expressly mentioned.
- SCHEDULE A.—Acts and Parts of Acts repealed.
- B. to Y.—Forms in Bankruptcy and Insolvency.
- Z.—Stamp Duty in lieu of Fees.
- Bankruptcy and Real Securities (Scotland).*
- 20 & 21 Vict. c. 19.—An Act to remove Doubts as to the Law of Bankruptcy and Real Securities in Scotland. Page 476
- Preamble recites 19 & 20 Vict. c. 79. and 19 & 20 Vict. c. 91.

- § 1. Short Title of Act.
2. Court of Session or Sheriffs may award Sequestration of deceased Debtor.
3. Notice of Remit by the Sheriffs to be given in the Gazette.
4. Expense of Competition for Office of Trustee.
5. Oath, &c. to be produced to entitle Creditor to a Second Dividend.
6. Procedure requisite in reference to subsequent Dividends.
7. Abbreviate of Discharge of Bankrupt to be issued and recorded as in Schedule.
8. As to the Application of the Provisions of 10 & 11 Vict. c. 50. and 17 & 18 Vict. c. 62. (relating to Heritable Securities) to the Seventh Section of 19 & 20 Vict. c. 91.
9. The Tenth Section of 19 & 20 Vict. c. 79. to apply to Actions, &c. in the Sheriffs Court.
10. Recited Acts, except as altered, to remain in force.

SCHEDULES.

*Barristers.* See *Revising Barristers (Dublin).*

*Belfast Custom House.* See *Customs.*

*Bill Chamber (Scotland).*

20 & 21 Vict. c. 18.—An Act to regulate Procedure in the Bill Chamber in Scotland. Page 475

Preamble recites the Appointment of Two Clerks of the Bills under 1 & 2 Vict. c. 118.

- § 1. Office of One of the Two Clerks of the Bills abolished, and Duties in future to be performed by One Clerk.
2. Assistant Clerk and Ordinary Clerks to be appointed.
3. Clerks to be paid wholly by Salaries.
4. Salaries, &c. to be voted by Parliament. Fees to be accounted for and paid over to the Treasury.
5. Clerk of the Bills to keep separate Accounts of consigned Monies.
6. Monies consigned with former Clerks of the Bills to be paid over to the Treasury.
7. Court of Session may make Acts of Sederunt for Performance of Duties of Clerk of the Bills.
8. Recited Act, and all Statutes, Laws, and Usages repealed so far only as necessary to give effect to this Act.
9. Act to commence in Two Months from passing thereof.

*Boards of Health.* See *Public Health.*

*Books, &c., Obscene.* See *Obscene Books, &c.*

*Boroughs.* See *Municipal Corporations.*

*Boundaries (Canada and New Brunswick).*

20 & 21 Vict. c. 34.—An Act to explain the Act 14 & 15 Vict. c. 63. for the Settlement of the Boundaries between the Provinces of Canada and New Brunswick. Page 503

- § 1. Definition of "River Mistouche," named in the Award of the Commissioners for Settlement of the Boundary.

*Boundaries of Burghs (Scotland).*

20 & 21 Vict. c. 70.—An Act to provide for the Extension of the Boundaries of Burghs in Scotland, and to remove Doubts as to the Right of certain Persons holding Offices to be registered as Voters for Municipal Purposes. Page 633

- § 1. Ratepayers may present a Petition to the Sheriff for Extension of Boundary.
2. Sheriff to call Meeting of Ratepayers for the Consideration of the proposed Extension of Boundaries.
3. In case Town Council consent to proposed Extension, the same shall be reconsidered by Meeting of Ratepayers.
4. Consent of Town Council required before Resolution considered. Sheriff may, on Objection of Proprietors, suspend Proceedings until their Consent be obtained.
5. In the event of Proposal being rejected by Ratepayers, no Extension to be proposed until Expiration of Two Years.
6. Sheriff to appoint a Scrutiny if Ratepayers petition.
7. Penalties for false Representation as to voting.
8. Persons incapacitated by Office not to be excluded from the Register of Voters.
9. Expenses of Meeting how to be provided.
10. Interpretation of Terms.

*Boundaries of Land (Ireland).*

20 & 21 Vict. c. 45.—An Act to make further Provision for defining the Boundaries of certain Denominations of Land in Ireland for public Purposes. Page 512

Preamble recites 6 Geo. 4. c. 99. and 17 & 18 Vict. c. 17.

- § 1. The Boundary Surveyor may alter the Boundary of Lands erroneously marked out on the Ordnance Map of any County, provided that Application be made to him for such Alteration by the Owners of Land in Question.
2. Boundary Surveyor may define and mark out Boundaries of Land reclaimed from the Sea, &c.
3. Boundary Surveyor may define Boundaries of Baronies divided under Provisions of 6 & 7 Will. 4. c. 116. (Grand Jury Act);
4. And of Parishes divided under Provisions of 3 & 4 Will. 4. c. 37. (Church Temporalities Act).
5. Act 17 & 18 Vict. c. 17. and this Act to be construed as One Act.

*Building Leases.* See *Glebe Lands (Ireland).*

*Burghs.* See *Boundaries of Burghs (Scotland).*  
*Police (Scotland).*

*Burials — Burial Grounds :*

1.—*Burial Acts Amendment.*

20 & 21 Vict. c. 81.—An Act to amend the Burial Acts. Page 711

Preamble recites 15 & 16 Vict. c. 85., 16 & 17 Vict. c. 134., 17 & 18 Vict. c. 87., and 18 & 19 Vict. cc, 78., 128.

- § 1. Approval of a Majority of Vestries of Parishes sufficient for Acts done by Burial Boards acting for more than Two Parishes.
2. Joint Burial Boards may be dissolved.
3. Burial Boards may provide more than One Burial Ground.
4. Local Board of Health may, by Order in Council, be constituted a Burial Board.
5. Burial Board may be established for a District not maintaining its own Poor, and which has had no separate Burial Ground.
6. Ordinary of Diocese may consecrate the whole or Part of Land belonging to any Parish for the Burial of poor Persons.
7. Provision for Transfer to a Burial Board of a Burial Ground provided under Church Building Acts.
8. Vestry of Parish in which Burial Ground is closed may purchase such Burial Ground if not belonging to Parish.
9. Burial Boards not to be appointed for united Parishes, &c. in Cases provided for by 18 & 19 Vict. c. 128. without Consent of Secretary of State, where One of the Places separately maintains its own Poor or has a Burial Ground.
10. Orders in Council may be made for regulating Burial Grounds, &c.
11. No Wall or Fence required between the consecrated and unconsecrated Portions of Burial Ground. Boundary Marks to be provided.
12. As to Appeal to Archbishop if Bishop refuse to consecrate.
13. Power to Incumbent or Curate to bury in Burial Ground certified by Secretary of State prior to Consecration.
14. Section 32. of 3 Geo. 4. c. 126. exempting Funerals from Tolls, extended to Funerals in Burial Grounds provided for the Parish, although not within its Limits.
15. Persons wilfully destroying, &c. Register Book of Burials guilty of Felony.
16. Section 4. of 52 Geo. 3. c. 146. not to apply to Burials in Grounds provided under the Burial Acts.
17. Fees for Service done in unconsecrated Portion of Burial Ground to be identical as for consecrated Portion.
18. So much of Section 20. of 15 & 16 Vict. c. 85. as to Payment of Money borrowed repealed.
19. Clauses of 10 & 11 Vict. c. 16. with respect to Mortgages incorporated.
20. Sinking Fund to be provided for paying off Mortgages.
21. Power to Burial Boards to borrow Money on terminable Annuities.
22. Power to Councils of Boroughs to make a separate Rate for Burial and Expenses.
23. Orders in Council may be issued, on Representation of Secretary of State, so as to prevent Vaults, &c. being dangerous to Health.
24. Trustees of closed Cemeteries empowered, with Sanction of Secretary of State, to let, lease, or sell Portions thereof which have not received Interments.
25. Bodies not to be removed from Burial Grounds save under Faculty, without Licence of Secretary of State.
26. Burial Boards may in certain Cases purchase Cemeteries which have been closed.
27. Orders in Council to remain in force. Resolutions, &c. of Vestries not to be void by reason of Irregularity of Notices, &c.

- § 28. Construction of "Burial Board."
29. Construction of certain Expressions used in 17 & 18 Vict. c. 87.
30. Recited Acts and this to be as One.

2.—*Burial of the Dead (City, &c. of London).*

20 & 21 Vict. c. 35.—An Act to amend the Act 15 & 16 Vict. c. 85. to amend the Laws concerning the Burial of the Dead in the Metropolis, so far as relates to the City of London and the Liberties thereof. Page 503

- § 1. The Fees in Schedule to be the Fees payable to Incumbents of Parishes within the City of London and Liberties thereof, in respect of Interments in the Cemetery at Little Ilford.
  2. Approval of a Majority of Vestries in the City of London to be deemed sufficient.
  3. Sections 32, 33, 35, 36, 37, and 50 in recited Act repealed as to the City of London.
  4. Commissioners of Sewers of the City of London acting as Burial Board, with the Approval of the major Part of the Vestries, to settle Fees payable to Churchwardens, &c.
  5. Fees to be paid by the Commissioners of Sewers.
  6. Commissioners of Sewers to settle Fees for Burial of Persons not residing in London.
  7. Chaplains of Cemetery to conform to Regulations of Commissioners of Sewers.
  8. Interpretation of Terms.
  9. Expenses of Act to be paid out of the Consolidated Rate authorized to be made by the City of London Sewers Act, 1848.
- SCHEDULE of Fees.

3.—*Burial Grounds (Scotland).*

20 & 21 Vict. c. 42.—An Act to amend "The Burial Grounds (Scotland) Act, 1855." Page 510

- § 1. Repealing Section 28. of 18 & 19 Vict. c. 88.
2. Commissioners of Public Works may make Loans to Parochial Boards for the Purposes of Burial Ground (Scotland) Acts.

*Business of Court of Session. See Court of Session (Scotland.)*

C.

*Caledonian and Crinan Canals.*

20 & 21 Vict. c. 27.—An Act to amend the Acts relating to the Caledonian and Crinan Canals, and to make further Provision for the Accommodation of the Traffic thereon. Page 487

Preamble recites 11 & 12 Vict. c. 54., incorporating the Commissioners of the Caledonian Canal, and that it is expedient that Piers and Jetties should be erected.

- § 1. Interpretation of Terms in this Act.

- § 2. Expense of Piers and Jetties to be defrayed by the Commissioners.
3. Power to Commissioners to levy Rates at Piers and Jetties.
4. Power to Commissioners to enter into Agreements for Erection of Piers and Jetties.
5. Power to Commissioners to borrow Money on Security of Tolls, &c.
6. Power to Exchequer Loan Commissioners to lend Money to the Commissioners.
- 7, 8. Application of Moneys borrowed and Rates to be levied under this Act.
9. Power to Commissioners to provide or license Steam Tugs and Horses for towing.
10. For preserving and improving Channels leading to Caledonian Canal.
11. Ballast not to be thrown into Channels leading to Caledonian Canal.
12. Power to place Beacons and Buoys on the Caledonian Canal and Channels leading thereto.
13. Penalty for injuring or removing Beacons or Buoys.
14. For Recovery of Rates and Penalties.
15. Saving Rights of Inverness Harbour Trustees.
- SCHEDULE of Rates to be levied at Piers, &c.

### Canada and New Brunswick Boundaries.

20 & 21 Vict. c. 34.—An Act to explain the Act 14 & 15 Vict. c. 63. for the Settlement of the Boundaries between the Provinces of Canada and New Brunswick. Page 503

- § 1. Definition of the "River Mistouche" mentioned in the Award of the Commissioners.

### Capitular Estates.

20 & 21 Vict. c. 74.—An Act to continue the Act 14 & 15 Vict. c. 104. concerning the Management of Episcopal and Capitular Estates in England. Page 673

- § 1. The Act 14 & 15 Vict. c. 104., as amended by 17 & 18 Vict. c. 116., continued until 1st January 1860.

*Channel Islands.* See *Customs.*

### Charitable Trusts Acts Continuance.

20 & 21 Vict. c. 76.—An Act further to continue for a limited Time the Exemption of certain Charities from the Operation of the Charitable Trusts Acts. Page 674

Preamble recites the Acts 16 & 17 Vict. c. 137., 18 & 19 Vict. c. 124., and 19 & 20 Vict. c. 76., and that certain Roman Catholic Charities were exempted from the Operation of the two first-mentioned Acts.

- § 1. Exemption further continued until 1st September 1858.

*Charity Commissioners.* See *Dulwich College.*

*Charter of Incorporation.* See *Cinque Ports Acts Amendment.* *Hanley Borough Incorporation.*

### Chatham Lands.

20 & 21 Vict. c. 30.—An Act for enabling the Commissioners of the Admiralty to purchase certain Lands in the Parish of Chatham in the County of Kent, and to stop up, divert, or alter certain Ways in the said Parish; and for other Purposes relating thereto. Page 490

- § 1. Short Title. "The Chatham Lands Purchase Act, 1857."
2. Incorporation of 8 & 9 Vict. c. 18.
3. Interpretation of Terms.
4. Commissioners of the Admiralty may purchase Lands.
5. Lands to be held in trust for Her Majesty.
6. Instead of Bond required by 8 & 9 Vict. c. 18., Commissioners may give Undertaking.
7. Powers to apply to Purchases already made.
- 8, 9. Notices by and to Commissioners.
10. Lands to continue liable to Land Tax.
11. Commissioners may stop up and divert Ways, &c. Soil of Ways, &c. to vest in Commissioners.
12. Soil of substituted Ways, &c. to vest in Persons in whom Ways, &c. stopped up vested.
13. Other public Drains, &c. to be made in lieu of any stopped up.
14. Substituted Ways, &c. to be repaired by Commissioners for Twelve Months.
15. After Twelve Months, by Persons liable to repair the old Ways, &c.
16. Commissioners may sell Lands.
17. Lands obtained on Exchange to vest in Commissioners.
18. Monies received to be paid to Paymaster General.
19. Lands to vest free from prior Estates, &c.
20. Powers to be exercised by Two Commissioners or by Lord High Admiral.
21. Saving of Rights of Her Majesty.
22. Protection of Commissioners personally.
- SCHEDULE of Lands to be taken.

*Children.* See *Reformatory Schools.* *Industrial Schools.*

### Christ Church, West Hartlepool.

20 & 21 Vict. c. 29.—An Act to render valid certain Marriages in Christ Church, West Hartlepool, in the Parish of Stranton, in the County of Durham. Page 490

- § 1. Marriages heretofore solemnized in Christ Church, West Hartlepool, declared valid.
2. Ministers indemnified.
3. Registers of such Marriages to be Evidence.

*Church in Ireland.* See *Ministers' Money (Ireland).*

### Cinque Ports Act Amendment.

20 & 21 Vict. c. 1.—An Act for the Amendment of the Cinque Ports Act (18 & 19 Vict. c. 48.) Page 449

Preamble recites Section 5. of 18 & 19 Vict. c. 48.; and that the Inhabitants of Margate have, under the Municipal Corporations Act 7 Will. 4. and 1 Vict. c. 78., petitioned for a Charter of Incorporation.

- § 1. Section 5. of recited Act not to apply to any District until Her Majesty shall have granted a Commission of the Peace and a Court of Quarter Sessions.

*City of London.* See *Burial of the Dead.*

*Civil Service Superannuations.*

20 & 21 Vict. c. 37.—An Act to repeal the Twenty-seventh Section of the Superannuation Act, 1834. (4 & 5 Will. 4. c. 24.) Page 506

Preamble recites 4 & 5 Will. 4. c. 24., and that it is inexpedient to enforce its Provisions so far as relates to Abatements from Salaries of Officers who have taken Office since 4th August 1829.

§ 1. Repealing Section 27 of recited Act.

*Claims of New Zealand Company.* See *New Zealand.*

*Clerk of the Bills.* See *Bill Chamber (Scotland).*

*Collection of County Cess.* See *County Cess (Ireland).*

*Colleges.* See *Dulwich College. Oxford University.*

*Colonial Attornies Relief.*

19 & 20 Vict. c. 39.—An Act to regulate the Admission of Attornies and Solicitors of Colonial Courts in Her Majesty's Courts of Law and Equity in England, in certain Cases. Page 506

- § 1. Short Title of Act.  
 2. When Act to come into operation.  
 3. Attornies and Solicitors of Colonial Courts to be admitted to Courts of Law and Equity in England.  
 4. No Person to be deemed qualified unless he shall pass an Examination, and produce a Certificate from the Judge of the Court where he was admitted.  
 5. Judges of Courts of Common Law to appoint Examiners.  
 6. Stamp Duties on Admissions.  
 7. Power to Her Majesty, by Order in Council, to direct this Act to come into operation in any One or more Colony or Dependency.

SCHEDULES.

*Colonies.* See *Attornies and Solicitors. Canada and New Brunswick Boundaries. East Indies. New Zealand.*

*Commissioners of the Admiralty.* See *Admiralty.*

*Commissioners of Land Tax.* See *Land Tax.*

*Commissioners of Public Works.* See *Public Works (Ireland).*

*Commissioners of Works and Buildings.*  
 See *Pimlico Improvements.*

*Common Law Procedure (Ireland).*

20 & 21 Vict. c. 6.—An Act to alter the Constitution and amend the Procedure of the Court of Exchequer Chamber in Ireland. Page 451

Preamble recites 40 Geo. 3. c. 39. (I.), 1 Geo. 4. c. 68., and the Common Law Procedure (Ireland) Acts 16 & 17 Vict. c. 113. and 19 & 20 Vict. c. 102., as to Writs of Error and Appeals.

- § 1. In Cases in which Error on an Appeal shall be brought in the Exchequer Chamber upon Judgments, &c. of Courts of Queen's Bench, Common Pleas, or Exchequer, the Proceedings shall be before the Judges of Two other of said Courts.  
 2. Power of Chief Justices or Chief Baron to fix the Sittings of the Court not to be affected.  
 3. Procedure in Error to be uniform; and no Error to be brought in Cases in which Error cannot now be brought.  
 4. Power to make General Orders under Section 233. of 16 & 17 Vict. c. 113. to extend to all Proceedings in Error in Court of Exchequer Chamber.

*Commons Inclosure.*

20 & 21 Vict. c. 20.—An Act to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners for England and Wales. Page 477

[The Lands authorized to be inclosed are set out in the Schedule.]

20 & 21 Vict. c. 31.—An Act to explain and amend the Inclosure Acts. Page 497

- § 1. Fences may be dispensed with.  
 2. Allotment, until fenced, to be deemed a regulated Pasture.  
 3. Notices and Claims may be sent by Post, or left at usual Place of Abode.  
 4. Exchanges of Land by Railway and other Companies.  
 5. Exchange of Lands in which Her Majesty is interested in reversion.  
 6. On an Exchange Inequality of Value may be compensated by a Rentcharge.  
 7. On a Partition Disproportion in Value of Allotments in Severalty may be compensated by a Rentcharge.  
 8. Deficiency in Value not to exceed One Eighth of the actual Value.  
 9. The Amount of Rentcharge and the Lands to be charged to be determined by the Inclosure Award or Order of Exchange.  
 10. Indefeasible Title and Priority and Recovery of Rentcharges. 6 & 7 Will. 4. c. 71.  
 11. Rentcharge to go with the Land the Deficiency in Value whereof it compensates.  
 12. Protecting from Nuisances Town and Village Greens and Allotments for Exercise and Recreation.  
 13. Power to Commissioners to review Instructions given under Section 34 of 8 & 9 Vict. c. 118. as to Appropriation of Allotments for Sites of Schools, &c.  
 14. Act deemed Part of "The Acts for the Inclosure, &c. of Land."

*Companies.* See *Banking Companies. Insurance Companies. Joint Stock Companies. New Zealand.*

*Consolidated Fund.* See *Revenue, &c.*

*Constables.* See *Constabulary Force (Ireland). Police.*

*Constabulary Force (Ireland).*

20 & 21 Vict. c. 17.—An Act to amend the Act 11 & 12 Vict. c. 72. so far as relates to the Distribution of the Constabulary Force in Ireland. Page 474

- § 1. Schedule in this Act to be substituted for Schedule to recited Act.
2. As to the Distribution of Officers of the Constabulary Force.
3. Power to Lord Lieutenant to vary Number of Constables, &c. for each County, &c. every Five Years.
4. Interpretation of Terms.

See also *County Cess (Ireland). Illicit Distillation (Ireland).*

*Constitution of New Zealand.* See *New Zealand.*

*Convention with Denmark.* See *Sound Dues.*

*Convicts.* See *Transportation and Penal Servitude.*

*Corporations.* See *Municipal Corporations.*

*County Cess (Ireland).*

20 & 21 Vict. c. 7.—An Act to revive and amend certain Acts relating to the Collection of County Cess in Ireland; and also to provide for the Appointment, in certain Cases, of Collectors to levy the Charges and Expenses of additional Constabulary appointed under the Act 19 & 20 Vict. c. 36. Page 452

Preamble recites 11 & 12 Vict. c. 32. as revived and continued by 16 & 17 Vict. c. 13. until the End of the Year 1854.

- § 1. First-recited Act revived and continued until the End of the Year 1859.
2. Justices to take Security from Collectors appointed under this Act.
3. Recital of the Peace Preservation (Ireland) Act, 19 & 20 Vict. c. 36. [See also 11 & 12 Vict. c. 2. s. 8.] Power to Lord Lieutenant to appoint special Collectors of estimated Charges and Expenses of additional Constabulary Force.
4. Collectors so appointed to have the same Powers, Remedies, &c. as are given to Collectors of Grand Jury Cess.
5. Not to prevent Lord Lieutenant from issuing his Warrants to Collectors of County Cess, requiring them to levy such Charges, &c.
6. Construction of Term "Lord Lieutenant."

*County Court Judges (Falconer and Yates's Salaries).*

20 & 21 Vict. c. 36.—An Act to supply an Omission in a Schedule to the Act 19 & 20 Vict. c. 108. to amend the Acts relating to County Courts. Page 505

- § 1. Recited Act to be read and to take effect, as from the Time it came into operation, in the same Manner with respect to the Salaries of T. Falconer and J. St. John Yates, Esquires, as if those Salaries had been therein mentioned to be payable.

*County Police.* See *Police (Scotland).*

*Court of Divorce.* See *Divorce and Matrimonial Causes.*

*Court of Session (Scotland).*

20 & 21 Vict. c. 56.—An Act to regulate Distribution of Business in the Court of Session in Scotland. Page 532

- § 1. Power to the Lord President of the Court of Session to take Measures for promoting Dispatch of Business.
2. Lord President may order Lists to be prepared of Causes transferred.
3. Lists to be entered and published.
4. Summary Petitions, &c., how disposed of.
5. Lord Ordinary before whom such Petitions shall be brought may consult professional Persons or Persons of Science or Skill.
6. Review of the Lord Ordinary by Interlocutor on Merits only allowed.
7. Causes may be transferred from the Rolls of One Division to the other Division.
8. Court of Session may remit Cause to Lord Ordinary.
9. Sittings of the Court of Session to be extended.
10. Lord Ordinary on Bills during Vacation may dispose of Petitions for Factors, Curators, &c.

See also *Bankruptcy and Real Securities (Scotland). Bill Chamber (Scotland).*

*Courts.* See *Attornies and Solicitors. Common Law Procedure. County Courts. Court of Session. Crown Suits. Exchequer Chamber, Court of (Ireland).*

*Crinan Canal.* See *Caledonian and Crinan Canals.*

*Crown, &c. Suits (Scotland).*

20 & 21 Vict. c. 44.—An Act to regulate the Institution of Suits at the Instance of the Crown and the Public Departments in the Courts of Scotland. Page 512

- § 1, 2. Crown Suits, &c. may be brought in Name of the Lord Advocate; with the Sanction of the Department having the Interest.
3. Persons prosecuted may not object to the Instance.
4. Meaning of "Public Department."
5. Existing Actions, &c., not to be affected.
6. All Laws, &c. are hereby repealed, so as to give effect to this Act, but no further or otherwise.



*Customs.*

20 & 21 Vict. c. 62.—An Act for the Alteration and Amendment of the Laws and Duties of Customs.

Page 600

- § 1. Duties on Oxymuriate of Tin to cease.
2. New Duties on Hats, Lucifers of Wax, Plums, &c.
3. New Duties on Rice.
4. New Duties on Ships broken up or to be broken up.
- 5, 6. Repeal of Section 10. of 16 & 17 Vict. c. 107. ; and Proviso for Continuance of existing Warehouses for Tobacco already warehoused.
7. Tobacco already warehoused to remain on the Terms existing at the passing of this Act.
8. Power to Commissioners of Customs to approve of Tobacco Warehouses for general Purposes.
9. And to keep Tobacco Warehouses for any Purposes.
10. And also to enter into Agreements with Owners of Tobacco Warehouses for their Surrender.
11. Commissioners may arrange with Warehouse Keeper of Tobacco Warehouses surrendered, or other Warehouse Keeper, for Deposit of warehoused Tobacco until cleared.
12. Provision for warehousing future Importations of Tobacco.
13. Tobacco abandoned by Importer as not worth the Duty to be destroyed.
14. Defendants in Customs Cases not to give Evidence.
15. Customs Acts to extend and apply to British Possessions abroad, except where otherwise expressly provided for in the said Acts, or by any Colonial Act.
16. Account of Bullion or Coin to be delivered to the Officers of Customs.
17. So much of 16 & 17 Vict. c. 106. as repeals Sections 9, 10, 11, and 12 of 8 & 9 Vict. c. 90., as to Treaties of Reciprocity repealed, and such Sections deemed not to have been repealed.
18. Section 19 of 18 & 19 Vict. c. 96. repealed.
19. As to imposing and exporting Spirits from and to the Channel Islands in Ships of Fifty Tons and upwards, and Casks of Twenty Gallons. Not to extend to Spirits in Glass Bottles, or to Stores ; nor to certain warehoused Goods exported ; nor to licensed Boats of Ten Tons supplying Island of Sark.
20. Interpretation of Terms.
21. Act to be registered in Royal Courts of Guernsey and Jersey.
22. Confirmation of certain Purchases of Land in Belfast for Erection of a Custom House, &c.
23. Commencement of Act, and Short Title thereof.

20 & 21 Vict. c. 61.—An Act for granting certain Duties of Customs and Excise. Page 598

- § 1. New Duties of Customs and Excise on Sugar and certain Articles made with Sugar, and on Confectionery, &c.
2. Drawback on Sugar exported.
3. Duties to be under the Management of Commissioners of Customs and Inland Revenue respectively.
4. Commencement of Act, and Short Title thereof.

SCHEDULE of Duties and Drawbacks.

See also *Illicit Distillation (Ireland)*.

20 & 21 VICT.

**D.**

*Dead, Burial of.* See *Burials*.

*Debts of Turnpike Trusts.* See *Turnpike Roads and Trusts*.

*Deeds by Married Women.* See *Acknowledgment of Deeds by Married Women*.

*Denmark.*

20 & 21 Vict. c. 12.—An Act to carry into effect a Convention between Her Majesty and the King of Denmark. Page 457

Preamble recites Treaty with the King of Denmark for the Abolition of the Sound Dues, and also a Convention for Payment to the King of Denmark of 10,126,855 Rigs Dollars.

- § 1. Power to Treasury to direct Payment of 1,125,206*l.*, in accordance with said Convention.

*Desertion.* See *Mutiny (East India)*.

*Distillation, Illicit.* See *Illicit Distillation (Ireland)*.

*Distribution of the Constabulary Force.* See *Constabulary Force (Ireland)*.

*Divorce and Matrimonial Causes.*

20 & 21 Vict. c. 85.—An Act to amend the Law relating to Divorce and Matrimonial Causes in England. Page 733

- § 1. Act to commence on 1st January 1858.
2. Jurisdiction in Matters Matrimonial now vested in Ecclesiastical Courts to cease.
3. The Court may enforce Decrees or Orders made before this Act comes into operation.
4. As to Suits pending when this Act comes into operation.
5. Power to Judges whose Jurisdiction is determined to deliver written Judgments.
6. Jurisdiction over Causes Matrimonial to be exercised by the Court for Divorce and Matrimonial Causes.
7. No Decree for Divorce à Mensâ et Thoro to be made hereafter, but a Judicial Separation.
8. Judges of the Court.
9. Judge of the Court of Probate to be the Judge Ordinary, and shall have full Authority, &c.
10. Petitions for Dissolution of a Marriage, &c. to be heard by Three Judges.
11. Who to act as Judge during Absence of the Judge Ordinary.
12. Sittings of the Court.
13. Seal of the Court.
14. Officers of the Court.
15. Power to Advocates, Barristers, &c. of Ecclesiastical and Superior Courts to practise in the Court.

[M]

- § 16. Sentence of Judicial Separation may be obtained by Husband or Wife for Adultery, &c.
17. Application for Restitution of Conjugal Rights or Judicial Separation may be made by Husband or Wife by Petition to Court, &c.
18. Powers of Judges of Assize for Purposes of deciding Applications under Authority of this Act.
19. The Court to regulate Fees on Proceedings before Judges, &c.
20. Orders may be reviewed.
21. Wife deserted by her Husband may apply to a Police Magistrate or Justices in Petty Sessions for Protection.
22. Court to act on Principles of the Ecclesiastical Courts.
23. Decree of Separation obtained during the Absence of Husband or Wife may be reversed.
24. Court may direct Payment of Alimony to Wife or to her Trustee.
25. In case of Judicial Separation the Wife to be considered a Feme Sole with respect to Property she may acquire, &c.
26. Also, for Purposes of Contract and suing.
27. On Adultery of Wife or Incest, &c. of Husband, Petition for Dissolution of Marriage may be presented. As to "Incestuous Adultery."
28. Adulterer to be a Co-Respondent. Cause may be tried by a Jury.
29. Court to be satisfied of Absence of Collusion.
30. Dismissal of Petition in certain Cases.
31. Power to Court to pronounce Decree for dissolving Marriage.
32. Alimony may be ordered by the Court.
33. Husband may claim Damages from Adulterers.
34. Power to Court to order Adulterer to pay Costs.
35. Power to Court to make Orders as to Custody of Children.
36. Questions of Fact may be tried before the Court.
37. Where a Question is ordered to be tried, a Jury may be summoned as in the Common Law Courts. Rights to challenge.
38. Such Question to be reduced into Writing, and a Jury to be sworn to try it, Judge to have same Powers as at Nisi Prius.
39. Bill of Exceptions, Special Verdict, and Special Case.
40. Court may direct Issues to try any Fact.
41. Affidavit in support of a Petition.
42. As to Service of Petition.
43. Examination of Petitioner.
44. Adjournment of Hearing.
45. Court may order Settlement of Property for Benefit of innocent Party and Children of Marriage.
46. Mode of taking Evidence.
47. Court may issue Commissions or give Orders for Examination of Witnesses abroad or unable to attend.
48. Rules of Evidence in Common Law Courts to be observed.
49. Attendance of Witnesses on the Court.
50. Penalties for false Evidence.
51. Costs on Hearing and on Appeal.
52. Enforcement of Orders and Decrees.
53. Power to make Rules, &c. for Procedure, and to alter them from Time to Time.
54. Fees to be regulated.
55. Appeal from the Judge Ordinary to the full Court.
56. Appeal to the House of Lords in case of Petition for Dissolution of a Marriage.
- § 57. Liberty to Parties to marry again. No Clergyman compelled to solemnize certain Marriages.
58. If Minister of any Church &c. refuses to perform Marriage Ceremony, any other Minister may perform such Service.
59. No Action in England for Criminal Conversation.
60. All Fees, except as herein provided, to be collected by Stamps.
61. Provisions concerning Stamps for the Court of Probate to be applicable to the Purposes of this Act.
62. Expenses of the Court to be paid out of Moneys to be provided by Parliament.
63. Stamp Duty on Admission of Proctors, and annual Certificates.
64. Compensation to Proctors.
65. As to Salary of Judge of Court of Probate, if appointed Judge of Court of Divorce, &c.
66. Power to Secretary of State to order all Letters Patent, Records, &c. to be transmitted from all Ecclesiastical Courts. Penalty on disobeying such Order.
67. Rules, &c. to be laid before Parliament.
68. Yearly Account of Fees, &c. to be laid before Parliament.

### *Drainage and Navigation (Ireland)*

20 & 21 Vict. c. 23.—An Act to authorize the Commissioners of Public Works in Ireland to sell Mill Sites and Water Power, notwithstanding Final Award, in any Drainage or Navigation District. Page 478

Preamble recites 5 & 6 Vict. c. 89., and 8 & 9 Vict. c. 69., 9 & 10 Vict. c. 4., 10 & 11 Vict. c. 79., 16 & 17 Vict. c. 130., 18 & 19 Vict. c. 110., and 19 & 20 Vict. c. 62. amending the same.

- § 1. Sites for Mills or Factories acquired by the Commissioners to continue vested in them, notwithstanding Final Award.
2. Commissioners may sell such Sites within Five Years after Final Award.
3. Application of Proceeds of Sale.
4. Recited Acts and this Act to be construed as One.

*Drawbacks. See Customs.*

### *Dublin.*

20 & 21 Vict. c. 68.—An Act to enable the Lord Lieutenant to appoint Revising Barristers for the Revision of Lists and Registry of Voters for the City of Dublin. Page 626

Preamble recites 2 & 3 Will. 4. c. 88., 13 & 14 Vict. c. 69., 14 & 15 Vict. c. 57., and 16 & 17 Vict. c. 58.

- § 1. Power to Lord Lieutenant to appoint Two Barristers under Section 161. of 14 & 15 Vict. c. 57.
2. Powers, Duties, and Remuneration of Revising Barristers.
3. Vacancies in Office of Revising Barrister to be filled up.
4. Oath to be taken by Revising Barrister before acting.
5. In case of Illness or Absence of Revising Barrister Lord Chancellor may appoint Deputy.
6. Remuneration of Deputies.

*Dulwich College.*

20 & 21 Vict. c. 84.—An Act for confirming a Scheme of the Charity Commissioners for the College of God's Gift in Dulwich in the County of Surrey, with certain Alterations. Page 719

Preamble recites Third Report of the Charity Commissioners, dated 23d February 1856.

§ 1. Scheme confirmed.

SCHEDULE :—Scheme of the Charity Commissioners.

*Dunbar Harbour.*

20 & 21 Vict. c. 63.—An Act to authorize the Advance of Money out of the Consolidated Fund to the Magistrates and Town Council of Dunbar, for the Purpose of improving the Victoria Harbour of Dunbar. Page 603

Preamble recites 57 Geo. 3. c. 34., 19 & 20 Vict. c. 17., and 11 & 12 Vict. c. cxxii.

- § 1. Power to Treasury to charge the Consolidated Fund, and direct the Issue thereof of 20,000*l*.
2. Public Works Loan Commissioners authorized to make Advance to Trustees of Harbour.
3. Power for Harbour Trustees to borrow Money of the Public Works Loan Commissioners.
4. Power for Treasury to increase or diminish Rates, &c., and to exercise Powers of Borrowers relating thereto.
5. Accounts to be kept.
6. Powers, &c. of Public Works Loan Acts to have the same Force as if re-enacted in this Act.
7. Short Title "Dunbar Harbour Loan Act, 1857."

*Duties, Rates, and Taxes. See Assessed Taxes. Customs. Excise. Income Tax.*

**E.***East Indies.—East India Company.*

20 & 21 Vict. c. 66.—An Act for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the East India Company, and for regulating in such Service the Payment of Regimental Debts and the Distribution of the Effects of Officers and Soldiers dying in the Service. Page 608

Preamble recites 12 & 13 Vict. c. 43.

- § 1. Power to Her Majesty to make Articles of War, of which all Courts shall take judicial Notice, and Copies to be transmitted to Judges and Governors. Trial of Native Officers or Soldiers.
2. Persons subject to this Act.
3. For the Purposes of this Act, the Presidency of Fort William to comprise that of Agra.
4. Officers, &c. raised or serving in Places occupied by Persons subject to the Government of the Company liable to the same Law as Company's other Forces.
5. After Embarkation all Officers and Soldiers subject to Provisions of this Act, Offences committed during Passage cognizable after Arrival.
6. Power to the Commanders-in-Chief at the several Presidencies to convene Courts-martial for Trial of Offences. Power to Her Majesty to grant Commissions or Warrants for convening of Courts-martial for trying Offences against Articles of War.

- § 7. Composition and Constitution of General Courts-martial.
8. Composition and Powers of District or Garrison Courts-martial.
9. Regimental or Detachment Courts-martial.
10. Courts-martial on Line of March or in Troop Ships.
11. Power to Officers in Command of Troops in Foreign Countries to convene Courts-martial. Sentences not to be executed until approved.
12. Proceedings on mixed Courts-martial how to be regulated. Courts-martial in some Cases may be wholly composed of Queen's Officers.
13. President of Court-martial.
14. Proceedings at Trial.
15. As to swearing and summoning Witnesses.
16. Previous Convictions may be put in Evidence before passing Sentence.
17. Report of Proceedings of General and District Courts-martial to be transmitted to Judge Advocate General.
18. No Second Trial to be had for the same Offence, and no Revision more than once.
19. Crimes punishable with Death.
20. Judgment of Death.
21. Judgment of Death may be commuted for Transportation or other Punishments.
22. Embezzlement punished by Transportation or Penal Servitude.
23. As to Execution of Sentences of Transportation or Penal Servitude.
24. Transports to be subject to the Convict Laws of the Place of Transportation or Penal Servitude.
- 25, 26. Power to inflict Corporal Punishment and Imprisonment.
27. Power to commute Corporal Punishment for Imprisonment.
28. Courts-martial may, in addition to other Punishment, order Forfeiture of Pay and Pension.
29. Forfeiture of Pay on being found guilty of Desertion, and on Conviction for Felony.
30. Forfeiture of Pay when in Confinement under Sentence of Court-martial or for Debt, &c.; or during Absence on Commitment under a Charge; or in Confinement for Debt; or when Prisoner of War, until Inquiries shall be made; or when convicted of Desertion or of Absence without Leave, or when absent without Leave not exceeding Five Days.
31. Forfeiture of Pay for Drunkenness on Duty.
32. Forfeiture of Pay and Liquor for habitual Drunkenness.
33. Stoppages.
34. Power to discharge Soldier with Ignominy.
35. Marking Deserters.
36. Power of Imprisonment by different Kinds of Courts-martial.
37. As to Imprisonment of Offenders already under Sentence for previous Offence.
38. Terms of Imprisonment under Sentence of Courts-martial.
39. Place of Imprisonment.
40. Keepers of Prisons to receive Military Offenders.
41. Orders as to Removal of Prisoners to be obeyed.
42. Diet of Prisoners.
43. Notice to be given of the Expiration of Imprisonment.
44. Musters and Punishments for false Musters.
45. Trials for Desertion after subsequent Enlistment.
46. As to fraudulent Confession of Desertion.
47. Punishment for inducing or assisting in Desertion.
48. Enlisting and attesting Recruits.

- § 49. Recruits concealing Infirmities punishable.  
 50. Penalty on Militia Men enrolled under 15 & 16 Vict. c. 50. wrongfully enlisting.  
 51. No Paymaster to receive Fees, or to make unusual Deductions out of Pay, or to detain Pay. Penalty for so doing.  
 52. Penalty for procuring false Musters.  
 53. Penalty on purchasing Soldiers Necessaries, Stores, &c.  
 54. Soldiers entitled to Discharge may claim to be sent home free of Expense. Punishment of Offences on the Voyage.  
 55. Power to appoint General Courts-martial anywhere beyond 120 Miles from the Presidencies (except Prince of Wales Island, Singapore, and Malacca,) for the Trial of Capital and other Offences.  
 56. Proviso for Confirmation by the Governor in Council in certain Cases.  
 57. Governments of the Presidencies may suspend Proceedings.  
 58. Certain Offenders, if apprehended by Civil Authorities, to be delivered over for Trial by Court-martial.  
 59. The ordinary Course of Law not to be interfered with.  
 60. Soldier not to be arrested for Debt unless amounting to 300 Company's Rupees.  
 61. Persons employed under Articles of War to collect Effects of Officers dying in Service abroad may do so without Probate or Letters of Administration.  
 62. What Debts to be deemed Regimental Debts, and to have Priority accordingly.  
 63. Regimental Debts to be paid without Probate or Letters of Administration, and the Surplus only to be deemed the Personal Estate to be administered. Military Secretary to administer such Surplus when not exceeding 1000 Company's Rupees, without Probate or Administration, and Duty free.  
 64. Effects, &c. remitted not to be deemed Assets in the Place to which remitted so as to render Administration necessary. Power to Military Secretary to order Remittance of Effects to any other Place in India.  
 65. Mode of administering Surplus prescribed. Registrar of Supreme Courts to take out Administration to Surplus.  
 66. Power to Her Majesty to make Provision for the Collection and Administration of the Effects of Deserters.  
 67. Where Troops are serving beyond the Jurisdiction of the Courts of Requests, Actions of Debt not exceeding 400 Company's Rupees to be cognizable by a Military Court. Composition and Constitution of the Court prescribed; and its Powers defined.  
 68. Term and Limitation of Actions. Mode of Procedure.  
 69. Mode of receiving Penalties.  
 70. One Moiety to Informer, Remainder to Military Secretary of the Presidency.  
 71. Punishment for giving false Testimony.  
 72. Offences against former Mutiny Acts and Articles of War, and all existing Proceedings, continued.  
 73. Queen's Prerogative of Mercy not affected.  
 74. Not to affect Provisions of 7 & 8 Vict. c. 18.  
 75. Act to commence on 1st Jan. 1858, after which Date Provisions of 12 & 13 Vict. c. 43., and Articles of War made in pursuance of the same, to cease, except as herein provided.

## SCHEDULE.

*Ecclesiastical Commissioners.* See *Episcopal and Capitular Estates.*

*Ecclesiastical Commissioners for Ireland.* See *Ministers Money (Ireland).*

*Ecclesiastical Courts.* See *Divorce and Matrimonial Causes. Probates and Administrations.*

*Education of Vagrant Children.* See *Industrial Schools.*

*Election of Representative Peers for Ireland.*

20 & 21 Vict. c. 33.—An Act to regulate certain Proceedings in relation to the Election of Representative Peers for Ireland. Page 502

Preamble recites 40 Geo. 3. (I.)

- § 1. As to Issue of Writs in future on Occasion of Seat of a Temporal Peer of Ireland being vacated.  
 2. As to Returns to such Writs.

*Embodiment of the Militia.* See *Militia.*

*Episcopal and Capitular Estates.*

20 & 21 Vict. c. 74.—An Act to continue the Act (14 & 15 Vict. c. 104.) concerning the Management of Episcopal and Capitular Estates in England. Page 673

- § 1. The Act 14 & 15 Vict. c. 104., as amended by 17 & 18 Vict. c. 116., continued until 1st January 1860.

*Error, Writs of.* See *Exchequer Chamber, Court of (Ireland).*

*Exchequer Chamber, Court of (Ireland).*

20 & 21 Vict. c. 6.—An Act to alter the Constitution and amend the Procedure of the Court of Exchequer Chamber in Ireland. Page 451

Preamble recites 40 Geo. 3. c. 39. (I.), 1 Geo. 4. c. 68., and the Common Law Procedure (Ireland) Acts 16 & 17 Vict. c. 113. and 19 & 20 Vict. c. 102., as to Writs of Error and Appeals.

- § 1. In Cases in which Error or an Appeal shall be brought in the Exchequer Chamber upon Judgment, &c. of Courts of Queen's Bench, Common Pleas, or Exchequer, the Proceedings shall be before the Judges of Two other of said Courts.  
 2. Power of Chief Justices or Chief Baron to fix Sittings of the Court not to be affected.  
 3. Procedure in Error to be uniform; and no Error to be brought in Cases in which Error cannot now be brought.  
 4. Power to make General Orders under Section 233 of 16 & 17 Vict. c. 113. to extend to all Proceedings in Error in Court of Exchequer Chamber.

*Excise.*

20 & 21 Vict. c. 61.—An Act for granting certain Duties of Customs and Excise. Page 598

§ 1. In lieu of Duties now chargeable, new Duties of Excise granted on Sugar made in the United Kingdom.

See also *Illicit Distillation (Ireland)*.

## F.

*Factories, Sites for.* See *Drainage and Navigation (Ireland)*.

*Falconer, T., Esq.* See *County Court Judges, &c.*

*Final Awards of Commissioners of Public Works.* See *Public Works (Ireland)*.

*Fraudulent Trustees, &c.*

20 & 21 Vict. c. 54.—An Act to make better Provision for the Punishment of Frauds committed by Trustees, Bankers, and other Persons intrusted with Property. Page 528

- § 1. Trustees fraudulently disposing of Trust Property guilty of Misdemeanor.
2. Bankers, &c. fraudulently selling, &c. Property intrusted to their Care guilty of Misdemeanor.
3. Persons acting under Powers of Attorney fraudulently selling Property guilty of Misdemeanor.
4. Bailiffs fraudulently converting Property to their own Use guilty of Larceny.
- 5-8. Directors, &c. of any Body Corporate or public Company fraudulently appropriating Property; or keeping fraudulent Accounts; or wilfully destroying Books, &c.; or publishing fraudulent Statements, guilty of Misdemeanor.
9. Persons receiving Property fraudulently disposed of, against this Act, knowing the same to have been so, guilty of Misdemeanor.
10. Punishment for a Misdemeanor under this Act, Three Years Penal Servitude, &c.
11. Persons not to be exempt from answering Questions in any Court, but such Evidence is not to be admissible against them in Prosecutions under this Act.
12. No Remedy at Law or in Equity shall be affected. Convictions shall not be received in Evidence in Civil Suits.
13. No Prosecution shall be commenced without the Sanction of some Judge or the Attorney General, &c.
14. If Offence amounts to Larceny, Person not to be acquitted of a Misdemeanor.
15. Costs of Prosecutions may be allowed.
16. Misdemeanors not triable at Sessions.
17. Interpretation of certain Terms.
18. Act not to extend to Scotland.

*Furnaces, Smoke from.* See *Smoke Nuisance (Scotland) Abatement*.

## G.

*General Board of Health.*

20 & 21 Vict. c. 38.—An Act to continue the General Board of Health. Page 506

Preamble recites 17 & 18 Vict. c. 95. and 19 & 20 Vict. c. 85.

- § 1. Board of Health continued until 1st September 1858.
2. Salary not to be payable to a President holding at the Time of his Appointment any Office of Profit under the Crown; and if a Member of the House of Commons he shall not vacate his Seat by reason of such Appointment.

See also *Aldershot*.

*Glebe Lands (Ireland).*

20 & 21 Vict. c. 47.—An Act to enable Ecclesiastical Persons in Ireland to grant Building Leases of Glebe Lands in certain Cases. Page 513

- § 1. Short Title "The Glebe Lands Leasing Powers (Ireland) Act, 1857."
2. Interpretation of Terms in this Act.
3. Power to Ecclesiastical Persons to grant Building Leases for Ninety-nine Years.
4. The best improved Rent without Fine to be reserved in Leases under this Act.
5. Restrictions on leasing Lands under this Act.
6. Before Lease granted a Surveyor to make Maps and a Valuation, and to report respecting such Lease. Such Map, &c. to be verified by Surveyor. Existing Maps may be used.
7. Covenants to be contained in Leases made under this Act.
8. Execution by Lord Lieutenant, Archbishop, Bishop, and Patron to be Evidence that the Lands are proper to be leased.
9. When Patron is under Incapacity or beyond Seas.
10. As to Consent when the Patronage is in the Crown, and also when in a Corporate Body.
11. Person who for the Time being would be entitled to present shall be considered the Patron.
12. Lease to be by Indenture, and to be registered.
13. Act to extend to Ireland only.

*God's Gift College.* See *Dulwich College*.

*Grand Juries (Ireland).*

20 & 21 Vict. c. 15.—An Act to amend the Act 6 & 7 Will. 4. c. 116., for consolidating and amending the Laws relating to the Presentment of Public Money by Grand Juries in Ireland. Page 463

- § 1. When no Contract entered into for Works approved of at Road Sessions, Grand Jury may present for the same.
2. Where Work is given in charge to County Surveyor Treasurer to make Payments.
3. This Act and 6 & 7 Will. 4. c. 116. to be construed together.

See also *County Cess. Turnpike Roads and Trusts*.

## H.

*Hanley Borough Incorporation.*

20 & 21 Vict. c. 10.—An Act to amend the Charter of Incorporation granted to the Borough of Hanley in the County of Stafford. Page 456

Preamble recites the Staffordshire Potteries Act, 2 & 3 Vict. c. xliv., and that a Charter of Incorporation had been granted by which the Inhabitants of Hanley and Shelton were incorporated, and that by Mistake no Exception was made therein of that Part of Shelton over which recited Act extends.

- § 1. The Incorporation of Hanley to take effect as if Part of the Township of Shelton had been duly excepted therefrom.
2. Postponement of Time for completing Revision of Burgess Lists, and for subsequent Proceedings.
3. In case Revision of Burgess List be completed before passing of Act, certain Names to be omitted from Burgess Roll; if Burgess Roll be made out, the same to be amended, &c.
4. Charter as amended by this Act confirmed.

*Harbours.* See *Dunbar Harbour.* *Portland Harbour.*

*Hartlepool.*

20 & 21 Vict. c. 29.—An Act to render valid certain Marriages in Christ Church, West Hartlepool, in the Parish of Stranton, in the County of Durham. Page 490

- § 1. Marriages heretofore solemnized in Christ Church, West Hartlepool, declared valid.
2. Ministers indemnified.
3. Registers of such Marriages to be Evidence.

*Health, Public.* See *Public Health.*

*Heritable Securities.* See *Bankruptcy and Real Securities (Scotland).*

## I.

*Illicit Distillation (Ireland).*

20 & 21 Vict. c. 40.—An Act to continue and amend an Act of the Seventeenth and Eighteenth Years of Her Majesty's Reign, Chapter Eighty-nine, and also the Laws for the Suppression and Prevention of Illicit Distillation in Ireland; and to constitute the Constabulary Force Officers of Customs for certain Purposes. Page 508

- § 1. Sections 13, 14, and 17, of 17 & 18 Vict. c. 89. and Section 3. of 18 & 19 Vict. c. 103. repealed.
2. As to Disposal of Seizures made under 17 & 18 Vict. c. 89. and this Act.
3. Penalties and Proceeds of Sales of Seizures to whom to be paid.
4. Lord Lieutenant may appoint Officers for the Prevention of Illicit Distillation.

- § 5. Officers of Constabulary to have the same Power as Officers of Excise and Customs in relation to Offences against Laws of Customs and Excise.
6. Proceedings to be conducted according to Provisions of Petty Sessions (Ireland) Act, 14 & 15 Vict. c. 93.
7. Treasury may grant Compensation to Officers of the Revenue Police deprived of their Employment by the Operation of this Act.
8. Interpretation of Terms.

*Improvements in Pimlico.* See *Pimlico Improvements.*

*Inclosure of Lands.*

20 & 21 Vict. c. 20.—An Act to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners for England and Wales. Page 477

[*The Lands authorized to be inclosed are set out in the Schedule.*]

20 & 21 Vict. c. 31.—An Act to explain and amend the Inclosure Acts. Page 497

- § 1. Fences may be dispensed with.
2. Allotments until fenced, to be deemed a regulated Pasture.
3. Notices and Claims may be sent by Post, or left at usual Place of Abode.
4. Exchanges of Land by Railway and other Companies.
5. Exchange of Lands in which Her Majesty is interested in reversion.
6. On an Exchange Inequality of Value may be compensated by a Rentcharge.
7. On a Partition Disproportion in Value of Allotments in Severalty may be compensated by a Rentcharge.
8. Deficiency in Value not to exceed One Eighth of the actual Value.
9. Amount of Rentcharge and Lands to be charged to be determined by the Inclosure Award or Order of Exchange, &c.
10. Indefeasible Title and Priority and Recovery of Rentcharges. [6 & 7 Will. 4. c. 71.]
11. Rentcharge to go with the Land the Deficiency in Value whereof it compensates.
12. Protecting from Nuisances Town and Village Greens and Allotments for Exercise and Recreation.
13. Power to Commissioners to review Instructions given under Sect. 34. of 8 & 9 Vict. c. 118. as to Appropriation of Allotments for Sites of Schools, &c.
14. Act deemed Part of "The Acts for the Inclosure, &c. of Land."

*Income Tax.*

20 & 21 Vict. c. 5.—An Act to continue the Act 16 & 17 Vict. c. 91., for extending for a limited Time the Provision for Abatement of Income Tax in respect of Insurance on Lives. Page 451

- § 1. Recited Act, as amended by 19 & 20 Vict. c. 33., continued until 6th April 1860.

See also *Property and Income Tax (Scotland).*

*Incorporation, Charter of.* See *Cinque Ports Acts Amendment. Hanley Borough Incorporation.*

### *Industrial Schools.*

20 & 21 Vict. c. 48.—An Act to make better Provision for the Care and Education of vagrant, destitute, and disorderly Children, and for the Extension of Industrial Schools. Page 515

- § 1. Short Title of Act.
2. Interpretation of Terms.
3. Committee of Privy Council on Education may certify any Industrial School under this Act, but not both under this Act and 17 & 18 Vict. c. 86.
4. Inspector to report annually on Condition of certified School, and if Committee of Council is dissatisfied, Certificate may be withdrawn.
5. Child taken into Custody for Vagrancy may be sent to School while Inquiries are made respecting him.
6. Justice may order Child to be discharged or sent to a Certified Industrial School, or may make Parent responsible for Child's good Behaviour.
7. Parent liable to Penalty for Neglect during Responsibility.
8. Time passed in Industrial School to be excluded in Computation of Time under 9 & 10 Vict. c. 66.
9. Parent may (under Conditions) have Child sent to a School which he approves.
10. Book to be kept in which Religious Denomination of Children to be entered; Hours to be fixed for Visits of Clergymen.
11. Duplicate of Order to be given to Managers, to be sufficient for Detention of Child.
12. On Application of Parent, &c. Child may be discharged from School.
13. Child may be discharged from School on good Security being found.
14. Child not to be detained in School beyond the Age of Fifteen.
15. On Application of Manager, the Parent may be summoned, and ordered to pay according to his Ability.
16. Payment by the Parents may be diminished or increased at Discretion of Justices.
17. Managers may permit Children to sleep out of School.
18. Children absconding, &c. may be sent back to the School.
19. Penalties on Persons inducing Children to abscond, &c. or harbouring them.
20. Service of Notices under this Act.
21. Guardians of Unions may contract with Managers of Certified Industrial Schools.
22. What is sufficient Evidence as to Certificate of School, Identity of Child, and making of Orders.
23. Committee of Education to give Notice in the Gazette of Certified Schools.
24. Forms in Schedule to this Act may be used.
25. Act not to extend to Ireland or Scotland.

SCHEDULE of Forms.

See also *Reformatory Schools.*

*Inhabited House Duty.* See *Land and Assessed Taxes (Scotland).*

*Inland Revenue.* See *Excise.*

*Insolvency.* See *Bankruptcy and Insolvency.*

*Insurance on Lives (Abatement of Income Tax).*

20 & 21 Vict. c. 5.—An Act to continue the Act 16 & 17 Vict. c. 91., for extending for a limited Time the Provision for Abatement of Income Tax in respect of Insurance on Lives. Page 451

- § 1. Continuing recited Act, as amended by 19 & 20 Vict. c. 33., until 6th April 1860.

*Insurance Companies.* See *Joint Stock Companies.*

*Interests, Reversionary.* See *Married Women's Reversionary Interests.*

*Ireland.* For Acts relating specially to Ireland see the following Heads:—

<i>Bankruptcy and Insolvency.</i>	<i>Militia.</i>
<i>Boundaries of Land.</i>	<i>Ministers Money.</i>
<i>Constabulary Force.</i>	<i>Probates and Letters of Administration.</i>
<i>County Cess.</i>	<i>Public Works.</i>
<i>Crown Suits, &amp;c.</i>	<i>Representative Peers.</i>
<i>Exchequer Chamber.</i>	<i>Revising Barristers (Dublin).</i>
<i>Glebe Lands.</i>	<i>Turnpike Roads and Trusts.</i>
<i>Grand Juries.</i>	
<i>Illicit Distillation.</i>	

## J.

### *Joint Stock Companies:*

#### *1.—Amendment of Principal Act.*

20 & 21 Vict. c. 14.—An Act to amend the Joint Stock Companies Act, 1856, (19 & 20 Vict. c. 47.) Page 459

#### *Preliminary.*

- § 1. Short Title of Act, "The Joint Stock Companies Act, 1857."
2. The Joint Stock Companies Act, 1856, (herein called the Principal Act) and this Act to be construed as One Act.

#### *Registry.*

##### *(PART I. of Principal Act.)*

3. Penalty on Partnerships exceeding Twenty Persons, unless registered, or legally incorporated, or engaged in working Mines, &c.—(Repeal of Section 4. of Principal Act).
4. Registrar to give Certificate of Incorporation.

#### *Register of Shareholders.*

##### *(PART I. of Principal Act.)*

5. Power of Limited Company to convert paid-up Shares into Stock.
6. Company to give Notice of Conversion of Capital into Stock.
7. Register of Holders of Stock.

- § 8. Remedy for improper Entry or Omission of Entry in Register of Stock.
9. Power of Superior Court under 25th Section of Principal Act to decide on disputed Questions.
10. Penalty on not forwarding Copies of Memorandum, &c. to Shareholders.
- Winding-up by Court.*  
(PART III. of Principal Act.)
11. Power to arrest Shareholder about to abscond, or to remove or conceal any of his Property.
12. Arrested Shareholder may apply to Court for his Discharge.
13. Calls under Third Part of Principal Act to be Specialty Debt.
- Official Liquidators.*  
(PART III. of Principal Act.)
14. Proviso as to Appointment of Liquidators by Courts other than Court of Bankruptcy.
15. Provision as to Appointment of Liquidators by Court of Bankruptcy.
16. Extension of Power given by Principal Act to compromise Debts.
17. Power for Liquidators to accept Shares as a Consideration for Sale of Property of Company.
18. Power of Liquidators to call General Meeting.
19. Power of Court to adopt Proceedings of voluntary Winding-up.
20. Penalty on Liquidators not reporting Dissolution of Company to Registrar.
21. Remedy for Liquidators having in their Hands undistributed Assets of the Company. Liquidators to be deemed Trustees within the Meaning of 10 & 11 Vict. c. 96.
- Alteration of Forms.*  
(PART III. of Principal Act.)
22. Proviso as to Alterations in Table B. in Schedule to Principal Act.
- Repeal.*  
(PART V. of Principal Act.)
23. Repeal of Section 107. of the Principal Act; and in lieu thereof, the Joint Stock Companies Act, 7 & 8 Vict. c. 110., 10 & 11 Vict. c. 78., and the Limited Liabilities Act, 18 & 19 Vict. c. 133. are to a certain Extent to be deemed unrepealed.
- Costs by Limited Companies.*
24. Provision as to Costs in Actions brought by certain Limited Companies.
- Temporary Provisions.*  
(PART V. of Principal Act.)
25. Provisions as to Companies completely registered under 7 & 8 Vict. c. 110.
26. Repeal of Section 110. of Principal Act, as to Registration of existing Companies.
27. Time within which completely registered Companies are required to register.
28. Penalty on Company not registering before 2d November 1857.
29. Power for Companies to register at their Discretion. Repeal of Section 113. of Principal Act.
30. Power for existing Company to register Amount of Stock instead of Shares.
- § 31. Provision as to List of Shareholders required by Section 111. of Principal Act.
32. Exemption of certain Companies from Payment of Fees.
33. Grant of Certificate of Registration, and Effect thereof.
- 2.—Banking Companies.*
- 20 & 21 Vict. c. 49.—An Act to amend the Law relating to Banking Companies. Page 520
- Preliminary.*
- § 1. Short Title of Act, "The Joint Stock Banking Companies Acts, 1857."
2. Act to be construed with the Joint Stock Companies Acts, 1856 and 1857.
- Registration of existing Banking Companies.*
3. Repeal of Section 2. of Joint Stock Companies Act, 1856.
4. Banking Companies required to register under Act.
5. Penalty on Neglect to register.
6. Certain Banking Companies permitted to register under Act.
7. Existing Companies exempted from Payment of Fees for Registration.
8. Registration under Act not to affect Obligations incurred previously to Registration.
9. Saving of Liabilities of Persons holding Shares before Registration under Act.
10. Existing Actions and Suits to be continued as if Registration had not taken place.
- Winding-up of Banking Companies.*
11. The Acts 11 & 12 Vict. c. 45., 12 & 13 Vict. c. 108., 7 & 8 Vict. c. 111., and 8 & 9 Vict. c. 98., not to apply to Companies registered under this Act or Acts incorporated therewith.
- Repeal of Acts for regulating Joint Stock Banks.*
12. The Acts 7 & 8 Vict. c. 113. and 9 & 10 Vict. c. 75., as respects Banking Companies to be hereafter formed.
- Formation of new Banking Companies.*
13. New Banking Companies may register themselves, subject to certain Conditions.
- Examination of Affairs of Company.*
14. Application for Inspection into Affairs of Bank to be made by One Third in Number and Value of Shareholders.
- Non-application of Nineteenth Section of Joint Stock Companies Act.*
15. Section 19. of 19 & 20 Vict. c. 47. not applicable to Companies in Scotland registered under this Act.
- Transfer of Trust Property.*
16. Trust Property from Time of Registration to Company.
- Banking Companies not registered as such.*
17. Banking Company not registered as such subject to certain Liabilities.
- Saving Clauses.*
18. Exemption of certain existing Banking Companies from the Joint Stock Companies Acts.
19. Not to affect 7 & 8 Vict. c. 32. and 8 & 9 Vict. c. 38., regulating the Issue of Bank Notes.



3.—*Insurance Companies.*

20 & 21 Vict. c. 80.—An Act to amend the Joint Stock Companies Act, 1856, (19 & 20 Vict. c. 47.) Page 711

- § 1. Joint Stock Companies Acts 1856, 1857, not to be deemed to repeal 7 & 8 Vict. c. 110., &c., as respects Insurance Companies. Proviso as to Companies having acted as if such Act had been repealed.

4.—*Winding-up Acts.*

20 & 21 Vict. c. 78.—An Act to amend the Act 7 & 8 Vict. c. 111., for facilitating the winding-up the Affairs of Joint Stock Companies unable to meet their pecuniary Engagements, and also the "Joint Stock Companies Winding-up Acts, 1848 and 1849." Page 692

- § 1. Judge or Master by Advertisement may call Meetings of Creditors to appoint Representative of Creditors. After such Advertisement, Creditors to be deemed Parties to the Winding-up. Assignees of Bankrupt Companies to be such Representatives.
2. Where Company bankrupt, and no Winding-up Order, Assignees may compromise with Shareholders, so as to bind all the Creditors.
3. Representatives of Creditors may concur in Proceedings and in Compromises. All Creditors to be bound thereby.
4. Compromise, &c. to be subject to Consent of Creditors, if required by Judge or Master.
5. Creditors Rights against Third Persons not to be prejudiced.
6. Proceedings under this Act subject to Appeal.
7. After Advertisements for Representative, Creditors not to sue at Law without Leave of Judge or Master, and Time is not to run against them.
8. Court may require Security.
9. Creditors to be at liberty to attend Proceedings and inspect Books of Company.
10. Judge or Master may appoint Commissioners for receiving Evidence.
11. Rights of Creditor under Judgment obtained in Ireland not to be affected.
12. Petitions for winding-up certain Mining Companies not to be filed in Court of Chancery, except upon Application to the Court of Stannaries, &c.
13. In Cases where such Petitions are filed, Proof of Debts, Sales of Effects, &c. to be effected through the Court of Stannaries.
14. Act to be deemed Part of Winding-up Acts.
15. Interpretation of Terms.
16. Short Title of Act.

*Judges of County Courts.* See *County Court Judges (Falconer and Yates's Salaries).*

*Justices of the Peace.*

20 & 21 Vict. c. 43.—An Act to improve the Administration of the Law so far as respects summary Proceedings before Justices of the Peace. Page 510

- § 1. Interpretation of Terms.
2. Justices on Application of a Party aggrieved to state a Case for the Opinion of Superior Court.
3. Security and Notice to be given by the Appellant.

20 & 21 VICT.

- § 4. Justices may refuse a Case where they think the Application frivolous.
5. Where the Justices refuse, the Court of Queen's Bench may by Rule order a Case to be stated.
6. Superior Court to determine the Questions on the Case; its Decisions to be final.
7. Case may be sent back for Amendment.
8. Powers of Superior Court may be exercised by a Judge at Chambers.
9. After the Decision of Superior Court, Justices may issue Warrants.
10. Certiorari not to be required for Proceedings under this Act.
11. Superior Courts may make Rules for Proceedings.
12. "Justices" to include a Stipendiary Magistrate.
13. Recognizances how to be enforced. [2 & 3 Vict. c. 71. s. 45.]
14. Appellants under this Act not allowed to appeal to Quarter Sessions.
15. Act not to extend to Scotland.
- SCHEDULE.

*Jurisdiction in Siam.*

20 & 21 Vict. c. 75.—An Act to confirm an Order in Council concerning the Exercise of Jurisdiction in Matters arising within the Kingdom of Siam. Page 673

Preamble recites 6 & 7 Vict. c. 94., and Order in Council dated 28th July 1856, vesting certain Powers in Her Majesty's Consul in Siam.

- § 1. The said Order in Council confirmed.

*Justice, Administration of.* See *Administration of Justice.*

*Juvenile Offenders.* See *Industrial Schools. Reformatory Schools.*

## L.

*Land, Boundaries of.* See *Boundaries of Land (Ireland).*

*Land, Inclosure of.* See *Inclosure of Lands.*

*Lands, Valuation of.* See *Valuation of Lands (Scotland).*

*Land Tax.*

20 & 21 Vict. c. 46.—An Act to appoint additional Commissioners for executing the Acts for granting a Land Tax and other Rates and Taxes. Page 513

Preamble recites 7 & 8 Geo. 4. c. 75., 9 Geo. 4. c. 38., 2 & 3 Will. 4. c. 127., 3 & 4 Will. 4. c. 95., 6 & 7 Will. 4. c. 80., 1 & 2 Vict. c. 57., 7 & 8 Vict. c. 79., 11 & 12 Vict. c. 62., and 16 & 17 Vict. c. 111.

- § 1. Appointment of additional Commissioners for putting in execution the recited Acts.

[N]

*Land and Assessed Taxes, &c. (Scotland).*

20 & 21 Vict. c. 28.—An Act to amend the Laws relating to the Payment of the Land and Assessed Taxes and Property and Income Tax in Scotland. Page 489

Preamble recites 14 & 15 Vict. c. 36. and 16 & 17 Vict. c. 90. Also, 43 Geo. 3. c. 161. s. 24. and 5 & 6 Will. 4. c. 64. s. 13. recited as to the Duties on Inhabited Houses and of Assessed Taxes, and Land Tax, being payable in Scotland by half-yearly Instalments, and as to the Forfeiture of Treble Duties for neglect of Payment. Also, 5 & 6 Vict. c. 35. s. 176. recited as to the Property Tax in Scotland being payable by half-yearly Instalments.

- § 1. Recited Provisions of 43 Geo. 3. c. 161. and 5 & 6 Vict. c. 35. repealed.
2. In Scotland the Inhabited House Duty, Assessed Taxes, Land Tax, and Property and Income Tax payable every Year on or before 1st January.

*Leases, Registration of. See Registration of Leases (Scotland).*

*Letters of Administration. See Probates and Letters of Administration.*

*Life Insurance. See Income Tax.*

*Limited Liability. See Joint Stock Companies.*

*Loan to New Zealand. See New Zealand.*

*Loan Societies.*

20 & 21 Vict. c. 41.—An Act to revive and continue the Act 3 & 4 Vict. c. 110. to amend the Laws relating to Loan Societies. Page 509

- § 1. 3 & 4 Vict. c. 110. revived, and continued until 1st August 1858.
2. After Termination of Period limited by this Act for the Continuance of 3 & 4 Vict. c. 110. the Provisions of that Act are to remain in force as to existing Societies, save only that no new Loans shall be made.
3. Provision of 5 & 6 Will. 4. c. 23. repealed by 3 & 4 Vict. c. 110. not to be revived.

*Local Boards of Health. See Public Health.*

*London. See Burial of the Dead.*

*Long Leases, Registration of. See Registration of Leases (Scotland).*

*Lunatics (Scotland).*

20 & 21 Vict. c. 71.—An Act for the Regulation of the Care and Treatment of Lunatics, and for the Provision, Maintenance, and Regulation of Lunatic Asylums, in Scotland. Page 635

*Preliminary.*

- § 1. From and after Jan. 1, 1858, 55 Geo. 3. c. 69., 9 Geo. 4. c. 34., and 4 & 5 Vict. c. 60. repealed.

- § 2. Officers to continue till recalled, and Orders made under the repealed Acts to be good.
3. Interpretation of Terms.

*Board of Commissioners, Powers, Duties, &c.*

4. Constitution of Board, to be called the General Board of Commissioners in Lunacy for Scotland.
5. Meetings of the Board.
6. Power to Board to name Committees.
7. Commissioners before acting to take Oath.
8. Commissioners not to derive Profit for discharging the Duties of their Office.
9. Powers of Commissioners.
10. Public Asylums founded after passing of this Act to be subject to it.
11. Commissioners may institute Inquiries, and summon Witnesses, and examine them on Oath.
12. Payment of Expenses of Witnesses.
13. Power to Her Majesty to appoint a Secretary.
14. Secretary to make annual Returns.
15. Secretary to keep Books, Minutes, and Accounts, and Accounts to be annually furnished to the Commissioners of the Treasury, &c.
16. Power to Board to appoint a Clerk.
17. Duties of Commissioners.
18. Commissioners to visit Lunatics in Prisons.
19. Commissioners to visit Poor-houses.
20. Commissioners may take Assistance of Medical Persons.
21. Secretary of State may appoint One or Two Medical Persons to be Deputy Commissioners.
22. Board to cease after Five Years, and the paid Commissioners to be the Inspectors General in Lunacy.
23. After Five Years Secretary of State may empower the Inspector General to exercise Powers of Board.
24. Oath to be taken by Officers before acting.
25. Sheriff to visit and inspect Asylums.
26. Justices of the Peace to visit and inspect Asylums.

*Licences for Private Asylums, and Orders, and Certificates.*

27. On Application for Licence, Plan of the House to be exhibited.
28. Licences to be granted by the Board according to Form in Sched. (B.)
29. In case of refusal to renew Licence, existing Licence may be continued for a Time.
30. Licence and Patients may be transferred.
31. Sums to be paid for Orders of Admission to Public Asylums.
32. Monies received for Licences, &c. to be applied in Payment of Salaries and other Expenses of Act.
33. Balance of Payments over Receipts may be paid out of Monies to be voted by Parliament.
34. Lunatic to be admitted by Order of Sheriff, and on Medical Certificates.
35. Medical Certificate to specify Facts on which Opinion of Insanity has been formed.
36. Orders and Medical Certificates may be amended.
37. Copies of Orders, Medical Certificates, &c. to be sent to the Board.
38. No Certificate to be granted without Examination. Penalty on granting false Certificate.
39. Penalty for receiving Lunatics in unlicensed Houses or without the required Order.
40. Board may grant an Order for Search of Records as to whether any particular Person has been confined as a Lunatic within Twelve Months.

- § 41. As to Lunatic received into any Private House.  
 42. House where Lunatic detained under Order of the Sheriff may be visited by the Board.  
 43. Board may order Examination of Lunatics in Private Houses.  
 44. Patients may be transferred.  
 45. Medical Attendance upon Asylums.  
 46. Board, where Licence is for less than 11 Persons, may lessen the Number of Medical Visits.

*Access of Friends and others to Lunatics.*

47. Power to Ministers and Friends of Patients to visit them, subject to Regulations of Asylums.  
 48. Power to Board to grant Orders for Access to Patients.

*District Asylums.*

49. Districts fixed.  
 50. District Boards to be appointed. [2 & 3 Vict. c. 42.]  
 51. Board to inquire into the Necessities of the Districts, and require Asylums to be provided.  
 52. Board to require the District Boards to provide District Asylums. Provisions of 2 & 3 Vict. c. 42. applied to this Act.  
 53. District Asylums vested in District Boards.

*Assessments for Purposes of Act.*

54. Expense of District Asylum how to be raised.  
 55. Expense of Asylums to be defrayed out of Assessment.

*Special Arrangements.*

56. Property or Money held in trust for Establishment of an Asylum may be contributed in lieu of Assessment.  
 57. County making over Asylum to the District Board to have Deduction from Amount of Assessment.  
 58. Right of Accommodation may be brought up.  
 59. District Boards may agree with existing Asylums for the Reception of Pauper Lunatics.  
 60. As to Pauper Lunatics to be received into the Crichton Institution at Dumfries or the Southern Counties Asylum.

*Borrowing Money.*

61. Power to borrow Money on Security of Assessments.  
 62. Power to Public Works Loan Commissioners to lend Money for Purposes of this Act.  
 63. Provision for Payment of the Interest on borrowed Monies and a Portion of the Principal in each Year.  
 64. Provision for Money borrowed being paid off within Thirty Years.  
 65. Persons lending Money on Security of Assessments protected against Omissions to comply with Provisions of this Act.  
 66. Power to raise Money to pay off Sums already borrowed.  
 67. District Boards to furnish Annual Statements.  
 68. District Board to take charge of Asylum when finished.  
 69. Notice of the District Asylum being ready for the Reception of Patients to be given.  
 70. District Inspectors to be appointed, and their Duty.  
 71. Unqualified Medical Persons not to practise under this Act.  
 72. Provision for Neglect in Execution of Act.  
 73. Charge for Pauper Lunatics, and Application of the Monies to be received.  
 74. District Boards to keep Books.  
 75. Pauper Lunatic to be held to belong to the Parish of his Settlement.

- § 76. Parish of the Settlement to be liable in the Repayment of Expenses.  
 77. Expense incurred for Lunatic, from whom to be recovered.  
 78. Expenses to be paid in the first instance by the Parish in which Lunatic was committed. Notice to Parish of Settlement.  
 79. Access to Pauper Lunatics by Parties interested in the Expense of their Maintenance, &c.  
 80. Where District Asylum can accommodate more than the Lunatics of the District, other Lunatics may be admitted.

*Property of Lunatics.*

81. Where Property of Lunatic not under judicial Management, and not properly applied for his Benefit, Application to be made to the Court.  
 82. Where Property of Lunatic, though under Management of Judicial Factor, not properly applied for Benefit of Lunatic, Application to be made to the Court.  
 83. Expenses incurred as to Property of Lunatics to be defrayed from such Property.  
 84. Accountant of Court of Session to see that Caution for Judicial Factors to Lunatics is sufficient.

*Dangerous and Criminal Lunatics.*

85. Sheriff may commit dangerous Lunatics.  
 86. Power to Sheriff to transmit Lunatic to another County.  
 87. Provision for Cases where Insanity stands in bar of Trial.  
 88. Provision for Case of Lunatic acquitted of a Criminal Charge on the Ground of Insanity.  
 89. Provision for Case of Prisoner exhibiting Insanity when in Confinement as a Prisoner.  
 90. Provision for Detention of Lunatics in remote Places.  
 91. Lunatics may be removed from one Asylum to another.  
 92. Liberation of Lunatic by Relation or others.  
 93. Exception of Lunatics detained by Courts of Law.  
 94. Patient released to have Copy of Order, and Certificates, &c. on which he was confined.  
 95. Pauper Lunatics to be sent to a District Asylum, except under special Circumstances.  
 96. Register of Lunatics to be kept in Asylums.  
 97. Registration and Notice of Death of Lunatics.  
 98. General Register to be kept.  
 99. Punishment for maltreating any Lunatic.  
 100. Power to the Lord Advocate to inspect Books of Commissioner.  
 101. Penalty on false Statements, or Refusal to comply with Act.  
 102. Board annually to report to Secretary of State.  
 103. Orkney and Shetland to be separate Counties for Purposes of this Act.  
 104. Provision for the Visitation of Lunatics under Order from Secretary of State.  
 105. Power to Secretary of State to order a special Visitation of any Place where a Lunatic is represented to be confined.  
 106. Penalties, how to be recovered.  
 107. Application of Penalties.  
 108. Informalities.  
 109. Powers granted to Sheriffs to be without Prejudice to their Power at Law.  
 110. Any County may constitute itself into a District under this Act.  
 111. Provisions of this Act may be enforced summarily.

- § 112. Inspectors of Poor to give intimation of Pauper Lunatics within their Parishes.  
 113. Certain Provision of 8 & 9 Vict. c. 83. repealed.  
 114. Assessing Clauses not to apply to Shetland.  
 SCHEDULE of Forms, &c.

## M.

*Margate.* See *Cinque Ports Act Amendment.*

*Marriage of the Princess Royal.* See *Princess Royal's Annuity.*

*Marriages Validity.* See *Christchurch, West Hartlepool.*

*Married Women's Reversionary Interests.*

20 & 21 Vict. c. 57.—An Act to enable Married Women to dispose of Reversionary Interests in Personal Estate. Page 533

- § 1. Married Women may dispose of Reversionary Interests in Personal Estate, and release Powers over such Estate, and also their Rights to a Settlement out of such Estate in possession.  
 2. Deeds to be acknowledged by Married Women in the Manner required by 3 & 4 Will. 4. c. 74. for disposing of Interests in or Powers over Land in England or Wales; and in Ireland, as by 4 & 5 Will. 4. c. 92.  
 3. The Powers of Disposition given by this Act not to interfere with any other Powers.  
 4. Act not to extend to Settlements of Married Women upon Marriage.  
 5. Act not to extend to Scotland.

*Matrimonial Causes.* See *Divorce and Matrimonial Causes.*

*Metropolitan Police Stations.*

20 & 21 Vict. c. 64.—An Act for raising a Sum of Money for building and improving Stations of the Metropolitan Police, and to amend the Acts concerning the Metropolitan Police. Page 604

- § 1. Receiver of the Metropolitan Police Force empowered to borrow 60,000*l.* on Security (by Mortgage) of the Police Rates of the Metropolitan Police District.  
 2. Power to Public Works Loan Commissioners, acting under 14 & 15 Vict. c. 23., to make Advances.  
 3. Form of Mortgage. Register of Mortgages to be kept.  
 4. Repayment of Money borrowed at a Time agreed upon. Interest to be paid half-yearly. As to Repayment of Money borrowed when no Time has been agreed upon. Interest to cease on Expiration of Notice to pay off a Mortgage Debt.  
 5. Power to borrow to pay off existing Securities.  
 6. Transfer of Mortgages. Register of such Transfers to be kept.

- § 7. Money advanced to be paid into the Bank to the Credit of the Receiver's Account.  
 8. Monies borrowed under this Act to be a First Charge on the Police Rate.  
 9. Monies borrowed to be repaid within Thirty Years.  
 10. Recital of Section 2. of 3 & 4 Will. 4. c. 89., and Section 3. of 2 & 3 Vict. c. 47. Repealing Section 2. of 3 & 4 Will. 4. c. 89.; but the Contribution under the Two Enactments not to exceed 2*d.* in the Pound on the Rental assessed.  
 11. Recital of 10 Geo. 4. c. 44. The rateable Value of Buildings erected since the last County Rate Valuation to be taken into account for the Purposes of the Police Rate.  
 12. Overseers of the Poor to make Returns of new Buildings.  
 13. Power to Receiver for Metropolitan Police District, &c. to inspect Poor Rates.  
 14. Penalty on Overseers neglecting to make Returns, or refusing to produce Rates.  
 15. Deficiency of Police Superannuation Fund may be made good out of other Monies applicable to the Charge of the Police.  
 SCHEDULE. (Form of Mortgage, &c.)

*Militia :*

1.—*Militia Ballots Suspension.*

20 & 21 Vict. c. 21.—An Act to suspend the making of Lists and the Ballots for the Militia of the United Kingdom. Page 478

- § 1. General and Subdivision Meetings relating to the Militia of the United Kingdom and Ballots for such Militia suspended.  
 2. Proceedings may be had during such Suspension by Order in Council.  
 3. Not to extend to prevent the holding of Meetings relating to the Militia, under the Authority of a Secretary of State or Lord Lieutenant of Ireland.

2.—*Militia Pay.*

20 & 21 Vict. c. 65.—An Act to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in Great Britain and Ireland; to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, and Surgeons Mates of the Militia; and to authorize the Employment of the Non-commissioned Officers. Page 607

- § 1. Secretary of State for War to issue the Money required for Pay of Regular Militia. Rates of Pay. Rates of Pay when absent on Furlough. Contingent Fund. Clothing.  
 2. Adjutant, &c. to reside where the Secretary of State for War shall appoint.  
 3. Adjutants, Quartermasters, and Non-commissioned Officers of Militia may be employed in their Counties.  
 4. Quartermaster, &c. to have Charge of the Arms and Clothing. Adjutant to issue the Money for contingent Expenses on an Order signed by the Colonel. Balance to form a Stock Purse. Arms may be deposited in War Office Stores, by Order of Secretary of State for War.

- § 5. In Absence of the Adjutant, the Serjeants to be under the Command of the Quartermaster, and, in his Absence, of the Serjeant Major.
6. Militia when called out for Training or Exercise entitled to Pay.
7. Volunteers attached to Regiments of the Line to be subject to the Mutiny Act.
8. Certain Officers unfit for Duty entitled to a retired Allowance, upon making the following Declaration. Form of Declaration.
9. Out-Pension to reduced Non-commissioned Officers and Privates not to be received while serving.
10. Persons on Half Pay, or entitled to an Allowance as having served in the Army or Navy, empowered to receive Pay, &c. during Training.
11. Adjutants, &c., Non-commissioned Officers, or Privates, not to lose their Right to Chelsea or Kilmainham Pensions, &c.
12. Allowance to be made for Medicines.
13. Reduced Adjutants to receive 4s. per Day till 31st July 1858. Right to Half Pay reserved.
14. Adjutants entitled to Allowance under 39 & 40 Geo. 3. c. 44.
15. Reduced Adjutants may take such Allowance with any Pay or other Allowance under 39 & 40 Geo. 3. c. 44. and 26 Geo. 3. c. 107. Proviso.
16. Allowances to Adjutants, Surgeons, and Quartermasters.
17. Allowances granted to Adjutants on Completion of certain Periods of Service.
18. Restrictions as to Allowances to reduced Adjutants of the Local Militia.
19. A Declaration to be taken by Adjutants of Local Militia claiming the said Allowance.
20. Allowance to Clerks of General Meetings, &c.
21. Manner of granting Allowances. Clerks, &c. to make Declaration of the Justness of their Accounts.
22. Deputy Lieutenants may require the Attendance of any Surgeon residing near the Place of Meeting for Appeals. Declaration to be made by Surgeon. Allowance to Surgeon.
23. Pay, &c. to be issued under Directions of the Secretary of State for War.
24. Bills drawn for Pay, &c. may be on unstamped Paper.
25. No Fee to be taken.
26. All Things in this Act relating to Counties shall extend to Ridings, Shires, &c.
27. Act to continue in force till 1st September 1858.
- SCHEDULES. (Scales of Rates of Remuneration.)

### 3.—Militia, Embodiment of.

- 20 & 21 Vict. c. 82.—An Act to authorize the Embodying of the Militia. Page 717
- § 1. Power to Her Majesty, &c., to cause the Militia to be drawn out and embodied.
2. Provisions of Acts relating to the Militia extended to this Act.
3. Provisions requiring the Meeting of Parliament within Fourteen Days not to apply.
4. Pay of Militia drawn out to commence from the Time appointed for their assembling.
5. Section 4. of 17 & 18 Vict. c. 13. (concerning Service of Notices) to apply to this Act.

### 4.—Militia (Ireland).

- 20 & 21 Vict. c. 11.—An Act to amend "The Militia (Ireland) Act, 1854." Page 456
- Preamble recites 17 & 18 Vict. c. 107., and the Cork and Limerick Improvements Acts 15 & 16 Vict. c. cxliii. and 16 & 17 Vict. c. cxciv.
- § 1. Councils of Boroughs of Cork and Limerick may raise by way of Rates such Sums as the Grand Juries of the Counties of the Cities of Cork and Limerick would have been required to raise if the Two last-recited Acts had not passed.
2. Interpretation of "the County Cess and Rates" or "the County Cess" in first-recited Act in relation to the Boroughs of Dublin, Cork, and Limerick.
3. Short Title of Act.

### Mill Sites. See Drainage and Navigation (Ireland).

### Ministers Money (Ireland).

- 20 & 21 Vict. c. 8.—An Act to amend the Act 17 & 18 Vict. c. 11. with a view to the Abolition of Ministers Money in Ireland. Page 453
- Preamble recites 17 & 18 Vict. c. 11. authorizing Collection of Rates in Dublin, Cork, Limerick, Waterford, Drogheda, Kilkenny, Clonmel, and Kinsale; and that Sums so collected should be paid over to the Ecclesiastical Commissioners for Ireland.
- § 1. Repealing Sections 2, 3, 4, 5, 6, 7, 9, and 11 of recited Act.
2. Proceedings not to be taken for Recovery of Arrears.
3. Not to interfere with Rights of Incumbents to be paid by the Ecclesiastical Commissioners as provided by Section 8. of recited Act.

### Municipal Corporations.

- 20 & 21 Vict. c. 50.—An Act to amend the Acts concerning Municipal Corporations in England. Page 523
- § 1. Repealing Section 75. of 5 & 6 Will. 4. c. 76. as to Powers of Trustees for paving, lighting, &c. certain Boroughs.
2. Powers, Property, and Liabilities of Trustees for paving, &c. may be, on the Grant of a Charter of Incorporation under 5 & 6 Will. 4. c. 76., transferred to the Body Corporate of the Borough.
3. But Transfer not to be made without a Resolution of the Borough Council.
4. Confirmation of Transfers under 5 & 6 Will. 4. c. 76. s. 75. of Property and Liabilities.
5. All Duties imposed upon Town Clerks of Boroughs, &c. by the Act 3 Geo. 4. c. 46. for the more speedy Return of Fines, Penalties, and Forfeitures to be performed by the Clerks of the Peace.
6. In Boroughs consisting of more than One Parish, in case the Burgess Roll for any Parish not made out in any Year, previous Burgess Roll to continue in force for such Parish.
7. Overseers of the Poor to make out Burgess Roll on or before First Day of September in every Year.
8. The Act 5 & 6 Will. 4. c. 76. and this Act to be construed as One.

*Mutiny (East India).*

20 & 21 Vict. c. 66.—An Act for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the East India Company, and for regulating in such Service the Payment of Regimental Debts and the Distribution of the Effects of Officers and Soldiers dying in the Service. Page 608

See *East Indies, &c.*

## N.

*Navigation Districts.* See *Drainage and Navigation (Ireland).*

*New Brunswick.* See *Canada and New Brunswick Boundaries.*

*New Zealand:*1.—*Government.*

20 & 21 Vict. c. 53.—An Act to amend the Act 15 & 16 Vict. c. 72. for granting a Representative Constitution to the Colony of New Zealand. Page 527

- § 1. Repealing Sections 67, 68, 69, and 74, and Part of Section 62. of 15 & 16 Vict. c. 72.
- 2. Power to General Assembly of New Zealand to alter, suspend, or repeal the Provisions of the recited Act, with certain Exceptions specified.
- 3. Commencement of Act.

2.—*Loan Guarantee.*

20 & 21 Vict. c. 51.—An Act to guarantee a Loan for the Service of New Zealand. Page 524

- § 1. Sums borrowed under an Act of the General Assembly of New Zealand not exceeding 500,000*l.* and Interest, guaranteed under this Act.
- 2. Advances issued and paid out of the Consolidated Fund to be charged on Revenues of New Zealand.
- 3. No Act of Legislature of New Zealand varying the Security for the Money borrowed and Interest to be valid unless confirmed by Her Majesty in Council.
- 4. Certificate of the Amount paid out of Consolidated Fund to be communicated to the Governor of New Zealand.
- 5. Accounts of Sums issued by virtue of this Act to be laid before Parliament.

3.—*New Zealand Company's Claims.*

20 & 21 Vict. c. 52.—An Act for discharging Claims of the New Zealand Company on the Proceeds of Sales of Waste Lands in New Zealand. Page 526

Preamble recites 10 & 11 Vict. c. 112. and 15 & 16 Vict. c. 72.

- § 1. Payment of a Sum to the New Zealand Company in full of their Claim for Balance of 268,370*l.* 15*s.* and Interest.
- 2. Act not to prejudice Claims against Her Majesty under Section 19 of 10 & 11 Vict. c. 112.

§ 3. Act to be in force throughout Her Majesty's Dominions.

4. Short Title. "The New Zealand Company's Claims Act, 1857."

*Nuisances.* See *Smoke Nuisance (Scotland) Abatement.*

## O.

*Obscene Books, Prints, &c.*

20 & 21 Vict. c. 83.—An Act for more effectually preventing the Sale of Obscene Books, Pictures, Prints, and other Articles. Page 717

- § 1. Justices, &c. may authorize Search of suspected Premises, and Seizure of Obscene Books, Pictures, &c.
- 2. Tender of Amends.
- 3. Limitation of Actions.
- 4. Appeal to Quarter Sessions.
- 5. Act not to extend to Scotland.

*Offenders, Juvenile.* See *Industrial Schools. Reformatory Schools.*

*Officers.* See *Militia. Mutiny.*

*Ordnance Survey.* See *Boundaries of Land (Ireland).*

*Oxford University.*

20 & 21 Vict. c. 25.—An Act to continue the Powers of the Commissioners under the Act 17 & 18 Vict. c. 81., concerning the University of Oxford and the College of St. Mary, Winchester, and further to amend the said Act. Page 481

Preamble recites 17 & 18 Vict. c. 81., and 19 & 20 Vict. c. 31. amending the same:

- § 1. Powers of the Commissioners continued until 1st July 1858.
- 2. The Foundation of Mr. John Michel, in the Queen's College may be consolidated with the Old Foundation of Queen's College.
- 3. Power to Colleges with Consent of Visitor to apply Property held for Purchase of Advowsons for Benefit of Colleges, &c.
- 4. Certain Provisions of Lands Clauses Act 8 & 9 Vict. c. 18. incorporated with this Act and 17 & 18 Vict. c. 81., so far as relates to certain Lands.

## P.

*Parochial Schoolmasters (Scotland).*

20 & 21 Vict. c. 59.—An Act concerning the Parochial Schoolmasters in Scotland. Page 535

Preamble recites 43 Geo. 3. c. 54., and 17 & 18 Vict. c. 98.

- § 1. On or before 1st July 1859 the Sheriff or Steward of every County or Stewartry in Scotland to fix the average Fiars Prices of a Chalders of Oatmeal.
2. Salaries of Schoolmasters to be paid according to average Amount of Fiars Prices of Oatmeal.
3. When not inconsistent with this Act the Act 43 Geo. 3. c. 54. is to continue in full Force and Effect.

*Pay.* See *Militia. Mutiny.*

*Peers, Representative.* See *Representative Peers (Ireland).*

*Penal Servitude.*

20 & 21 Vict. c. 3.—An Act to amend the Act 16 & 17 Vict. c. 99., to substitute in certain Cases other Punishment in lieu of Transportation. Page 450

- § 1. Repeal of Sections 1, 2, 3, and 4 of 16 & 17 Vict. c. 99.
2. Sentence of Transportation abolished, and Penal Servitude substituted.
3. Provisions of recited Act, or of 5 Geo. 4. c. 84., concerning transported Offenders to apply to Offenders under Penal Servitude.
4. Existing Power of appointing Places of Transportation to be applicable to Places for Penal Servitude under this Act.
5. Magistrates may re-commit Convicts whose Licences are revoked to Penal Servitude in any Convict Prison.
6. Enactments having reference to Transportation to have reference to Penal Servitude.
7. 16 & 17 Vict. c. 99. and this Act to be read together.
8. Commencement of Act, 1st July 1857.

*Personal Estate.* See *Married Women's Reversionary Interest.*

*Pictures.* See *Obscene Books, &c.*

*Pimlico Improvements.*

20 & 21 Vict. c. 67.—An Act to extend the Time for enabling the Commissioners of Her Majesty's Works to complete Improvements in Pimlico and in the Neighbourhood of Buckingham Palace. Page 625

Preamble recites 15 & 16 Vict. c. 78. and 16 & 17 Vict. c. 44.

- § 1. Power to purchase the Hereditaments mentioned in the Schedule to this Act.
2. Short Title of Act.

*Police.* See *Metropolitan Police.*

*Police (Ireland).* See *Constabulary Force. Illicit Distillation (Ireland).*

*Police (Scotland).*

20 & 21 Vict. c. 72.—An Act to render more effectual the Police in Counties and Burghs in Scotland. Page 659

Preamble recites 11 Geo. 1. c. 26., 2 & 3 Will. 4. c. 65., 2 & 3 Vict. c. 65., 3 & 4 Will. 4. c. 46., 10 & 11 Vict. c. 39., and 13 & 14 Vict. c. 33.

- § 1. Commissioners of Supply to establish Police Force.
2. Commissioners of Supply to appoint Police Committee to carry Act into execution.
3. Rules for Government, Pay, &c. of Constables to be made by Secretary of State.
4. Chief Constable of the County to be appointed; and may serve for more than One County.
5. Number of Constables may be increased or diminished.
6. Chief Constable to appoint the other Constables.
7. Additional Constables may be appointed at the Cost of Individuals.
8. Power to appoint additional Constables to keep the Peace on Public Works. Company or Parties carrying on such Works to pay Expenses of such Constables.
9. Repealing 8 & 9 Vict. c. 3. after Twelve Months from the Date of this Act.
10. Chief Constable to appoint a Deputy.
11. Oath to be taken by Constables, and their Powers.
12. Duties of Constables.
13. Constables may, in certain Cases, accept Bail or Deposit.
14. Warrants and Deliverances in Criminal Proceedings to be executed by Constables.
15. Constables to perform all Duties connected with the Police.
16. Constables not to receive to their own Use Fees for Performance of their Duties.
17. Constables disqualified from voting at certain Elections.
18. Constables exempted from serving on Juries, &c.
19. Constables not prevented from receiving Half Pay.
20. Penalty on Constables for Neglect of Duty.
21. Constables not to resign without Leave or Notice.
22. Constables dismissed to deliver up Accoutrements, &c.
23. Penalty on unlawful Possession of Accoutrements, and assuming Dress of Constables.
24. Penalty on Publicans harbouring Constables during the Hours of Duty.
25. Horses, &c. in the Service of the Police exempted from Toll.
26. Chief Constable to make Reports.
27. Allowances to Chief Constable, &c. for necessary Expenses.
28. Expenses of County Police to be defrayed out of Police Assessments.
29. Police Assessment to be levied for the Purposes of this Act.
30. Regulations as to Payment of small Assessments.
31. Commissioners of Supply may grant Relief from Assessment in case of Poverty.
32. Mode of recovering Assessments.
33. Disputes as to Assessments to be summarily settled.
34. Repealing 2 & 3 Vict. c. 65. as to Assessments levied thereunder prior to passing of this Act.
35. Detached Parts of Counties to be taken as Part of the County in which locally situated.
36. Sheriffs and Justices may Act in detached Parts of other Counties locally situate within their Counties.
37. Contributions to be paid on account of detached Parts of Counties.
38. How such Contributions to be reimbursed.
39. In case of Default in Payment the Amount may be levied directly on the detached District.
40. Collector under this Act to be appointed by Commissioners of Supply.
41. Collector to lodge all Monies received by him in Bank.

- § 42. Collector, &c. to keep separate Accounts of Receipts and Expenditure.
43. In case of Insolvency of Collectors, Deficiency may be assessed.
44. Books of Accounts and Minutes of Proceedings to be kept by Commissioners of Supply.
45. Accounts of Receipts and Expenditure to be annually made out and published.
46. Auditors to be appointed.
47. Auditors to inspect and audit Accounts, and Appeal may be taken against any Part of such Audit to the Sheriff.
48. Three Commissioners of Supply to be a Quorum. Preses at Meetings to have Casting Vote.
49. Convener to act as Preses.
50. Papers and Documents emanating from the Commissioners of Supply and Police Committee how to be authenticated.
51. Actions by or against Commissioners of Supply how to be brought, and not to abate.
52. Power to grant, out of the Superannuation Fund, Gratuities to incapacitated Constables.
53. Power to grant Superannuations to Chief Constables.
54. On Establishment of County Constabulary under this Act old Police Force to be discontinued.
55. Station Houses and Strong Rooms or Lock-ups to be provided.
56. Provisions of 8 & 9 Vict. c. 19. (Lands Clauses Act) for Purpose of Purchase of Station-houses, &c. incorporated with this Act.
57. Money may be borrowed on Credit of Police Assessments.
58. Police Districts may be formed.
59. Each Police District to pay for its own Constables.
60. Her Majesty may, by Order in Council, require separate Police Districts to be constituted in Counties.
61. Burghs may agree to consolidate their Police with County Police.
62. Provisions for Government of County and Burgh Police when consolidated.
63. Her Majesty in Council, on Representation from Burghs, may arrange Terms of Consolidation of Police with Counties.
64. Annual Statement as to Crime in Counties and Burghs to be furnished to Secretary of State.
65. Her Majesty may appoint Inspector of Police.
66. On Certificate of Secretary of State that an efficient Police has been established in any County or Burgh, One Fourth of the Charge for Pay and Clothing to be paid by Treasury.
67. No such Sum to be paid to any Burgh where Population does not exceed 5,000, &c.
68. Recovery of Penalties under this Act.
69. Application of Penalties.
70. Parishes of Cumbernauld and Kirkintilloch to be considered as Part of County of Dumbarton.
71. Parishes of Tulliallan and Culross, and Perthshire, Portions of Logie, to be considered as Part of County of Clackmannan, and Perthshire Portions of Fosso-way and Muckhart as Part of County of Kinross.
72. Burghs not having a Police Establishment may adopt One within Six Months. [3 & 4 Will. 4. c. 46. and 13 & 14 Vict. c. 33.]
73. In Royal Burghs, &c., containing more than Two thousand Inhabitants, Chief Magistrate to be an ex-officio Member of Police Committee.

- § 74. Act not to diminish Powers of Magistrates of Royal and other Burghs which may form Part of any District under this Act.
75. Any Burgh maintaining efficient Police to be dealt with as if it maintained a separate Police Force under a Police Act.
76. Act not to extend to Orkney or Shetland unless Her Majesty shall so direct.
77. Act not to affect Railway, &c. Police.
78. Interpretation of Terms.

*Poor. See Sites for Workhouses.*

*Portland Harbour.*

20 & 21 Vict. c. 32.—An Act for the better Supply of Water for the Use of Vessels resorting to the Harbour of Refuge at Portland, and for enabling the Commissioners of the Admiralty to supply such Water; for vesting in the said Commissioners certain Lands belonging to Her Majesty; and for other Purposes relating thereto. Page 499

- § 1. Short Title, "Portland Harbour Waterworks Act, 1857."
2. Incorporation of Lands Clauses and Waterworks Clauses Acts.
3. Interpretation of Words and Phrases.
4. Power to Commissioners of Admiralty to construct Works.
5. Power to deviate.
6. Power to supply Water on Terms agreed upon.
7. Instead of Bond required by Lands Clauses Act 8 & 9 Vict. c. 18., Commissioners may give Undertaking.
8. Powers to apply to Purchases already made.
- 9, 10. Notices by and to Commissioners.
11. Lands delineated on the Plan, and thereon coloured Red, to vest in Commissioners.
12. Commissioners to hold Lands in trust for Her Majesty, &c.
13. Commissioners may sell Lands.
14. Lands obtained in Exchange to vest in Commissioners.
15. Monies received on Sale to be paid to Paymaster General.
16. Lands to vest free from prior Estates.
17. Powers to be executed by Two Commissioners or by Lord High Admiral.
18. Saving all Rights of Her Majesty.
19. Protection of Commissioners personally.

*Presentments by Grand Juries. See Grand Juries (Ireland).*

*Princess Royal's Annuity.*

20 & 21 Vict. c. 2.—An Act to enable Her Majesty to settle an Annuity on Her Royal Highness the Princess Royal. Page 450

- § 1. Empowering Her Majesty to grant an Annuity of 8,000*l.* for Life to Her Royal Highness the Princess Royal on Her Marriage with Prince Frederic William of Prussia.



*Probates and Letters of Administration :*1. *England.*

20 & 21 Vict. c. 77.—An Act to amend the Law relating to Probates and Letters of Administration in England. Page 674

- § 1. Act to commence on 1st January 1858.
2. Interpretation of Terms.
3. Testamentary Jurisdiction of Ecclesiastical and other Courts abolished.
4. Testamentary Jurisdiction to be exercised by a Court of Probate, to be held in London or Middlesex.
5. Power to Her Majesty to appoint a Judge of the Court of Probate.
6. Judge's Tenure of Office.
7. Judge before acting to take Oath.
8. Rank and Precedence of Judge, who shall appoint a Secretary and Usher.
9. Salaries of Judge, Secretary, and Usher.
10. Judge of Court of Probate to be also Judge of the Admiralty Court on the next Vacancy.
11. As to Increase of Salary upon Union of the Two Offices.
12. Retiring Pensions of Judges.
13. District Registries to be established as in Schedule.
14. Appointment of Officers of the Court of Probate.
15. As to Appointment of the First Officers of the Principal Registry.
16. Clerks and Officers of Prerogative Court to be transferred to like Offices in Court of Probate.
17. Existing Diocesan Registrars to be entitled to be appointed District Registrars at the same Places.
18. As to Appointment to Offices, and Salaries of Officers.
19. Tenure of Office of Officers.
20. Qualification of Registrars and District Registrars.
21. Officers of the Court to execute their Offices in Person. Registrars, &c. not to act as Proctors, &c.
22. Power to Judge to cause Seals of the Court to be provided.
23. The Court to have throughout all England the same Powers as the Prerogative Court within the Province of Canterbury. Suits for Legacies or Distribution not to be entertained.
24. Power to examine Witnesses. As to Production of Deeds, &c.
25. Powers of the Court to enforce Orders.
26. Court may order Production of any Instrument purporting to be testamentary.
27. Registrars, &c. to have Power to administer Oaths. Power to appoint, also, Commissioners to administer Oaths, &c.
28. Penalty on forging or counterfeiting Seals or Signatures of Officers.
29. Practice of the Court to be according to present Practice of the Prerogative Court.
30. Rules and Orders to be made for regulating the Procedure of the Court.
31. Mode of taking Evidence in contentious Matters.
32. Court may issue Commissions or give Orders for Examination of Witnesses abroad, or who are unable to attend.
33. Rules of Evidence in Common Law Courts to be observed.
34. Common Law Judges may sit, on Request of Judge of Court.

20 & 21 Vict.

- § 35. Court may cause Questions of Fact to be tried by a Jury before itself, or direct an Issue to a Court of Law.
36. Powers of the Court for the Trial of Questions by a Jury.
37. Question to be stated, and Jury sworn to try it. Court, on Trial, to have the same Authority as a Judge at Nisi Prius.
38. Court may direct where Issues shall be tried.
39. Appeal to the House of Lords.
40. Advocates admitted to practise. Barristers may practise in contentious Causes.
41. Advocates admitted to practise as Barristers.
42. Proctors admitted to practise.
43. Admission of Registrars and Proctors as Solicitors.
44. Admission of Articled Clerks to Proctors as Solicitors.
45. Solicitors and Attornies may practise in the Court.
46. Probates and Administration may be granted in Common Form by District Registrars, if it shall appear by Affidavit that the Testator, &c. had a fixed Place of Abode.
47. Affidavit to be conclusive for authorizing Grant of Probate.
48. District Registrars not to make Grants where there is Contention, &c.
49. As to Transmission of Notice of Application for Grants of Probate, &c. to District Registrar.
50. District Registrar in case of Doubt as to Grant to take the Directions of the Judge.
51. District Registrars to transmit Lists of Probates and Administrations, and Copies of Wills.
52. District Registrars to preserve original Wills.
53. As to Caveats.
54. Where Personalty is under 200*l.* and Real Property is under 300*l.*, County Court to have Jurisdiction.
55. Registrar of County Court to transmit Certificate of Decree for Grant or Revocation of Probate.
56. The Judge of the County Court to decide Causes and enforce Judgments as in other Cases.
57. Affidavit of the Facts giving the County Court Jurisdiction to be conclusive, unless disproved while the Matter is pending.
58. As to Appeals from County Court.
59. Not obligatory to apply for Probate, &c. to District Registries or County Court, but may in every Case be made to Court of Probate.
60. Rules and Orders for regulating the Procedure of County Courts under the Act to be made by the Judges now having Authority for the like Purpose.
61. Where a Will affecting Real Estate is proved in solemn Form, or is the Subject of a contentious Proceeding, the Heir and Persons interested in the Real Estate to be cited.
62. Where the Will is proved in solemn Form, or its Validity otherwise decided on, the Decree of the Court to be binding on the Persons interested in the Real Estate.
63. Heir in certain Cases not to be cited, and where not cited not to be affected by Probate.
64. Probate or Office Copy to be Evidence of the Will in Suits concerning Real Estate, save where the Validity of the Will is put in issue.
65. As to Costs of Proof of Will.
66. Place of Deposit of original Wills.
67. Judge to cause Calendars to be made from Time to Time in the Principal Registry, and to be printed.
68. Registrar to transmit printed Copies to certain Offices.
69. Official Copy of whole or Part of Will may be obtained,

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- § 70. Administration pendente lite.  
 71. Receiver of Real Estate pendente lite.  
 72. Remuneration to Administrators pendente lite and Receivers.  
 73. Power as to Appointment of Administrator.  
 74. 38 Geo. 3. c. 87. extended to Administrators.  
 75. After Grant of Administration no Person to have Power to sue as an Executor.  
 76. Revocation of temporary Grants not to prejudice Actions or Suits.  
 77. Payments under revoked Probates or Administration to be valid.  
 78. Persons, &c. making Payment upon Probates granted for Estate of deceased Person to be indemnified.  
 79. Rights of an Executor renouncing Probate to cease as if he had not been named in the Will.  
 80. Sureties to Administration Bonds.  
 81. Persons to whom Grant of Administrations shall be committed shall give Bond.  
 82. Bond to be in Penalty of double the Amount of Estate.  
 83. Power of Court to assign Bond.  
 84. Pending Suits transferred to Court of Probate. Not to apply to Appeals pending before Her Majesty in Council.  
 85. Power to Judges whose Jurisdiction is determined to deliver written Judgments.  
 86. Void and voidable Probates and Administrations.  
 87. Probates and Administrations granted before this Act comes into operation.  
 88. Probate or Administration may be granted of Personal Estate not affected by the former Grants.  
 89. Judges of present Ecclesiastical Courts and others to transmit all Wills, &c. to the Registry.  
 90. Penalty for Default.  
 91. As to Depositories for safe Custody of the Wills of living persons.  
 92. This Act not to affect the Stamp Duties on Probates and Administrations.  
 93. The Registrars to deliver Copies of Wills, &c. to the Commissioners of Inland Revenue.  
 94. Sections 8. and 9. of 53 Geo. 3. c. 127. repealed in part as to the Court of Probate.  
 95. Fees to be taken by Officers of Court and by Officers of County Courts.  
 96. Taxation of Costs.  
 97. Fees not to be paid in Money, but by Stamps.  
 98. Provisions of Acts relating to Stamps to be applicable to Stamps for collecting Fees.  
 99. No Document to be received or used unless stamped.  
 100. Officers of the Court may be dismissed for Fraud or wilful Neglect in relation to Stamps.  
 101. Salary of Judge and Compensations to be charged on Consolidated Fund.  
 102. Salaries and Expenses not charged on the Consolidated Fund to be paid out of Moneys to be provided by Parliament.  
 103. Compensation to Registrars, &c. of existing Courts.  
 104. Persons receiving Compensation to continue to discharge the remaining Duties of their Offices.  
 105. Compensation to Proctors.  
 106. Compensation to Proctors in Partnership.  
 107. For the Protection of the Interests of Viscount Canterbury. [2 & 3 Will. 4. c. 109.]  
 108. The Registry of Prerogative Court of Canterbury to vest in Registrars of the Court.  
 109. Compensation to Sir John Dodson in case he be not appointed Judge of the Court of Probate.
- § 110. Establishments in District Registries.  
 111. Fees payable to District Registrars. District Registrars may be paid by Salaries instead of Fees.  
 112. Compensation to Clerical Surrogates, &c.  
 113. Persons receiving Compensation to be liable to be called upon to fill Offices, &c.  
 114. Publication of Accounts.  
 115. Judge, if a Privy Councillor, to be a Member of Judicial Committee.  
 116. College of Doctors of Law may let, sell, &c. their Real and Personal Estate, and lay out Monies in purchase of other Estates, &c.  
 117. College may surrender their Charter, and upon such Surrender shall be dissolved.  
 118. Treasury to provide the Buildings for Registries, &c.  
 119. Rules and Orders to be laid before Parliament.
- SCHEDULE.
- 2.—Ireland.
- 20 & 21 Vict. c. 79.—An Act to amend the Law relating to Probates and Letters of Administration in Ireland. Page 695
- § 1. Act to commence 1st January 1858.  
 2. Interpretation of Terms.  
 3. Short Title of Act.  
 4. Act not to extend to England or Scotland, except, &c.  
 5. Testamentary Jurisdiction of Ecclesiastical and other Courts in Ireland abolished.  
 6. Testamentary Jurisdiction to be exercised by a Court of Probate.  
 7. Power to Her Majesty to appoint Judge of the Court of Probate; the First Judge to be the present Judge of the Prerogative Court.  
 8. Judge's Tenure of Office.  
 9. Judge, before acting, to take Oath.  
 10. Rank and Precedence of Judge, who shall appoint a Secretary and Usher.  
 11. The Judge to be a Commissioner of Charitable Donations and Bequests.  
 12. Salaries of Judge, Secretary, and Usher.  
 13. Repeal of 7 & 8 Geo. 4. c. 44. as to certain Salaries.  
 14. Judge of Court of Probate to be also Judge of the Admiralty Court on the next Vacancy.  
 15. Retiring Pensions of Judges.  
 16. District Registries to be established as in Schedule.  
 17. Lord Lieutenant may alter Districts.  
 18. Appointment of Officers of the Court of Probate.  
 19. As to Appointment of the First Officers of the Principal Registry.  
 20. Clerks and Officers of Prerogative Court to be transferred to like Offices in Court of Probate.  
 21. Existing Diocesan Registrars to be entitled to be appointed District Registrars at the same Places.  
 22. Clerk of Peace to be appointed District Registrar in certain Cases.  
 23. As to Appointment to Offices. Salaries of Officers.  
 24. Tenure of Office of Officers.  
 25. Qualification of Registrars and District Registrars.  
 26. Officers of the Court to execute their Offices in Person. Registrars, &c. not to act as Proctors, &c.  
 27. Power to Judge to cause Seals of the Court to be provided.  
 28. The Court to have throughout all Ireland the same Powers as the Prerogative Court. Suits for Legacies or Distribution not to be entertained.

- § 29. Power to examine Witnesses. As to Production of Deeds, &c.
30. Powers of the Court to enforce Orders.
31. Order of Court to produce any Instrument purporting to be testamentary.
32. Registrars, &c. to have Power to administer Oaths. Power to appoint, also, Commissioners to administer Oaths, &c.
33. Penalty on forging or counterfeiting Seals or Signatures of Officers.
34. Practice of the Court to be according to present Practice in Prerogative Court.
35. Rules and Orders to be made for regulating the Procedure of the Court.
36. Mode of taking Evidence in contentious Matters.
37. Court may issue Commissions or give Orders for Examination of Witnesses abroad or unable to attend. [3 & 4 Vict. c. 105.]
38. Rules of Evidence in Common Law Courts to be observed.
39. Common Law Judges may sit, on Request of Judge of Court.
40. In case of Illness, &c. of Judge, his Duties to be performed by Judge of Superior Courts.
41. Court may cause Questions of Fact to be tried by a Jury before itself, or direct an Issue to a Court of Law.
42. Powers of the Court for the Trial of Questions by a Jury.
43. Question to be stated, and Jury sworn to try it. Court, on Trial, to have the same Authority as a Judge at Nisi Prius.
44. Court may direct Issues to try any Fact.
45. Appeal to the House of Lords.
46. Advocates admitted to practise. Barristers may practise in contentious Causes.
47. Proctors admitted to practise.
48. Admission of Proctors as Solicitors.
49. Attornies and Solicitors may be Practitioners in the Court.
50. Probates and Administration may be granted in Common Form by District Registrars, if it shall appear by Affidavit that the Testator had a fixed Place of Abode.
51. Affidavit to be conclusive for authorizing Grant of Probate.
52. District Registrars not to make Grants where there is Contention, &c.
53. As to Transmission of Notice of Applications for Grants of Probate, &c. to District Registrar.
54. District Registrar in case of Doubt as to Grant to take the Directions of the Judge.
55. District Registrars to transmit Lists of Probates and Administrations, and Copies of Wills.
56. District Registrars to preserve original Wills.
57. As to Caveats.
58. Where Personalty is under 200*l.* and Real Property under 300*l.*, Assistant Barrister to have Jurisdiction.
59. Clerk of the Peace of the County Court to transmit Certificate of Decree for Grant or Revocation of Probate.
60. The Assistant Barrister to decide Causes and enforce Judgments as in other Cases.
61. Affidavit of the Facts giving the Assistant Barrister Jurisdiction to be conclusive, unless disproved while the Matter is pending.
62. As to Appeals from Determination of Assistant Barrister.
- § 63. Not obligatory to apply for Probate, &c. to District Registries or Assistant Barrister, but may in every Case be made to Court of Probate.
64. Judge to make Rules and Orders regulating the Procedure of Assistant Barristers Courts under the Act.
65. Where a Will affecting Real Estate is proved in solemn Form, or is the Subject of a contentious Proceeding, the Heir and Persons interested in the Real Estate to be cited.
66. Where the Will is proved in solemn Form, or its Validity otherwise decided on, the Decree of the Court to be binding on the Persons interested in the Real Estate.
67. Heir in certain Cases not to be cited, and where not cited not to be affected by Probate.
68. Probate or Office Copy to be Evidence of the Will in Suits concerning Real Estate, save where the Validity of the Will is put in issue.
69. As to Costs of Proof of Will.
70. Repeal of Sections 31., 32., and 33 of 19 & 20 Vict. c. 113.
71. Place of Deposit of original Wills.
72. Judge to cause Calendars to be made from Time to Time in the Principal Registry, and to be printed.
73. Registrar to transmit printed Copies to certain Offices.
74. Official Copy of whole or Part of Will may be obtained.
75. Administration pendente lite.
76. Receiver of Real Estate pendente lite.
77. Remuneration to Administrators pendente lite and Receivers.
78. Power as to Appointment of Administrator.
79. 38 Geo. 3. c. 87. (England) extended to Ireland, and to apply to Administrators.
80. After Grant of Administration no Person to have Power to sue as an Executor.
81. Revocation of temporary Grants not to prejudice Actions or Suits.
82. Payments under revoked Probates or Administration to be valid.
83. Persons, &c. making Payment upon Probates granted for Estate of deceased Person to be indemnified.
84. Rights of an Executor renouncing Probate to cease as if he had not been named in the Will.
85. Sureties to Administration Bonds.
86. Persons to whom Grant of Administration shall be committed shall give Bond.
87. Penalty on Bond to be in double the Amount of the Value of Estate.
88. Power of Court to assign Bond.
89. Pending Suits transferred to Court of Probate.
90. Power to Judges whose Jurisdiction is determined to deliver written Judgments.
91. Void and voidable Probates and Administrations.
92. Probates and Administrations granted before this Act comes into operation.
93. Probate or Administration may be granted of Personal Estate not affected by the former Grants.
94. Probates granted in England to be of like Force as if originally granted in Ireland on being resealed.
95. Probates granted in Ireland to be of like Force as if originally granted in England on being resealed.
96. Judges of present Ecclesiastical Courts and others to transmit all Wills, &c. to the Registry.
97. Penalty for Default.
98. As to Depositories for safe Custody of the Wills of living Persons.
99. This Act not to affect the Stamp Duties on Probates and Administrations.

- § 100. The Registrars to deliver Copies of Wills, &c. to the Commissioners of Inland Revenue.
  - 101. Sections 9. and 10. of 54 Geo. 3. c. 68. repealed in part as to the Court of Probate.
  - 102. Table of Fees to be taken by Officers of Court and by Officers of Assistant Barristers Courts.
  - 103. Taxation of Costs.
  - 104. Fees not to be paid in Money, but by Stamps.
  - 105. Provisions of Acts relating to Stamps to be applicable to Stamps for collecting Fees.
  - 106. No Document to be received or used unless stamped.
  - 107. Officers of the Court may be dismissed for Fraud or wilful Neglect in relation to Stamps.
  - 108. Salary of the Judge and Compensations to be charged on the Consolidated Fund.
  - 109. Salaries and Expenses not charged on the Consolidated Fund to be paid out of Monies to be provided by Parliament.
  - 110. Persons receiving Compensation to continue to discharge the remaining Duties of their Offices.
  - 111. Persons receiving Compensations to be liable to serve in any public Office in Ireland.
  - 112. Compensation to Proctors.
  - 113. Compensation to Proctors in Partnership.
  - 114. Establishments in District Registries.
  - 115. Fees payable to District Registrars. District Registrars may be paid by Salaries instead of Fees.
  - 116. Publication of Accounts.
  - 117. Treasury to provide the Buildings for Registries, &c.
  - 118. Accountant General of Court of Chancery to act for Court of Probate.
  - 119. Compensation to Registrars, &c. of existing Courts.
  - 120. Compensation to A. Hawkins.
  - 121. Rules and Orders to be laid before Parliament.
- SCHEDULES.

*Procedure. See Bill Chamber. Common Law Procedure. Court of Session. Exchequer Chamber, Court of.*

*Proceedings before Justices. See Justices of the Peace.*

*Property and Income Tax (Scotland).*

20 & 21 Vict. c. 28.—An Act to amend the Laws relating to the Payment of the Land and Assessed Taxes and Property and Income Tax in Scotland. Page 489

Preamble recites 14 & 15 Vict. c. 36. and 16 & 17 Vict. c. 90. Also Section 24. of 43 Geo. 3. c. 161. and Section 13. of 5 & 6 Will. 4. c. 64. recited, as to the Duties on inhabited Houses and of Assessed Taxes, and Land Tax, being payable in Scotland by half-yearly Instalments, and as to Forfeiture of Treble Duties for neglect of Payment. Also Section 176. of 5 & 6 Vict. c. 35. recited as to the Property Tax in Scotland being payable by half-yearly Instalments.

- § 1. Recited Provisions of 43 Geo. 3. c. 161. and 5 & 6 Vict. c. 35. repealed.
- 2. In Scotland the Inhabited House Duty, Assessed Taxes, Land Tax, and Property and Income Tax payable every Year on or before 1st January.

*Prosecutions. See Crown, &c. Suits (Scotland).*

*Provisional Orders. See Turnpike Roads and Trusts.*

*Prussia, Prince Frederic William of. See Princess Royal's Annuity.*

*Public Departments, Suits by. See Crown, &c. Suits (Scotland).*

*Public Health.*

20 & 21 Vict. c. 38.—An Act to continue the General Board of Health. Page 506

Preamble recites 17 & 18 Vict. c. 95. and 19 & 20 Vict. c. 85.

- § 1. Board of Health continued until 1st September 1858.
- 2. Salary not to be payable to a President holding at the Time of his Appointment any Office of Profit under the Crown; and if a Member of the House of Commons he shall not vacate his Seat by reason of such Appointment.

20 & 21 Vict. c. 22.—An Act to apply the Public Health Act, 1848, to the Parish of Aldershot, and to constitute a Local Board of Health therein. Page 478

- § 1. Provisions of 11 & 12 Vict. c. 63. to be applied to Aldershot.
- 2. Local Board of Health for Aldershot to consist of Twelve Persons.
- 3. One Third to go out annually.
- 4. Certain Persons to hold Office during Pleasure.
- 5. Certain Vacancies to be filled up by Secretary of State.
- 6. Qualification of elected Members.
- 7. First Election of Local Board.
- 8. To whom Notices of Qualification are to be given.
- 9. Short Title of Act.

*Public Prosecutions. See Crown, &c. Suits.*

*Public Works and Buildings. See Pimlico Improvements.*

*Public Works (Ireland).*

19 & 20 Vict. c. 23.—An Act to authorize the Commissioners of Public Works in Ireland to sell Mill Sites and Water Power, notwithstanding Final Award, in any Drainage or Navigation District. Page 478

Preamble recites 5 & 6 Vict. c. 89., 8 & 9 Vict. c. 69., 9 & 10 Vict. c. 4., 10 & 11 Vict. c. 79., 16 & 17 Vict. c. 130., 18 & 19 Vict. c. 110., and 19 & 20 Vict. c. 62. amending the same.

- § 1. Sites for Mills or Factories acquired by the Commissioners to continue vested in them notwithstanding Final Award.
- 2. Commissioners may sell such Sites within Five Years after Final Award.
- 3. Application of Proceeds of Sale.
- 4. Recited Acts and this Act to be construed as One.

## R.

*Real Securities.* See *Bankruptcy and Real Securities (Scotland)*.

*Redemption of the Sound Dues.* See *Denmark*.

*Reformatory Schools.*

20 & 21 Vict. c. 55.—An Act to promote the Establishment and Extension of Reformatory Schools in England. Page 529

- § 1. Power to Justices of a County or Council of Borough Sessions to grant Money in aid of Reformatory Schools.
2. Notice of the proposed Grant to be given.
3. Money granted to be applied in Purchase of Site, in building, and for like permanent Objects.
4. No Money to be granted to Schools already established, unless certified under 17 & 18 Vict. c. 86. Plans to be approved by Secretary of State.
5. Justices or Council may contract with the Managers for the Reception of Offenders from their County or Borough.
6. Schools may be visited by Clergymen of Religious Persuasion of Offenders.
7. Monies granted under this Act how to be raised.
8. Contribution by Parents to the Maintenance of Offenders in a Reformatory School how to be enforced.
9. Proceedings for enforcing Contribution from Parents may be taken at any Time during the Detention of the Offender.
10. Power to Justices to remit or lessen the weekly Payments, or to increase same, but so as not to exceed Five Shillings weekly.
11. How such Payments are to be made.
12. Provisions of 18 & 19 Vict. c. 87. in case of Default in Payment by Parents to be applicable to the Purposes of this Act.
13. Providing for Care of juvenile Offenders when discharged from Reformatory Schools.
14. Penalty for harbouring any young Person absconding from a Reformatory.
15. Interpretation of Terms.
16. Act to extend only to England.

See also *Industrial Schools*.

*Registration of Leases (Scotland).*

20 & 21 Vict. c. 26.—An Act to provide for the Registration of long Leases in Scotland, and Assignations thereof. Page 482

- § 1. Long Leases, and Assignations thereof, registerable in Register of Sasines.
2. Recorded Leases effectual against singular Successors in the Lands let.
3. Assignation of recorded Leases.
4. Assignations in Security.
5. Where Party presenting for Registration is not the original Lessee or Assignee.
6. Translation of Assignations in Security. Creditor's Entry to Possession in default of Payment.
7. Heir may complete Title by Writ of Acknowledgment.

- § 8. Heir or Disponee may complete Title by recording Notarial Instrument.
9. Where Assignee has died without recording Assignation, Mode of making up Title.
10. Adjudgers to complete Right by recording Abbreviate.
11. Trustees on sequestrated Estate may be entered on Register.
12. Preferences regulated by Date of recording Transfer.
13. Renunciations and Discharges to be recorded.
14. Entry of Decree of Reduction.
15. Mode of registering. Extracts to make faith as Writs registered.
16. Registration equivalent to Possession.
17. Leases with Obligation to renew, registerable.
18. No Lease executed after Date of Act to be registerable where Name of Lands and Boundaries not given.
19. Extracts registerable where Leases recorded in Court of Session or Sheriff Court Books prior to Act.
20. Clauses in the Schedules to this Act to be held to import and to have effect as is declared by 10 & 11 Vict. c. 50. ss. 2. and 3. to belong to the corresponding Clauses in Schedule to that Act.
21. Short Title, "The Registration of Leases (Scotland) Act, 1857."

SCHEDULE OF FORMS.

*Registration of Companies.* See *Joint Stock Companies*.

*Registration of Voters.* See *Dublin. Boundaries of Burghs (Scotland)*.

*Relief of Turnpike Trusts.* See *Turnpike Roads and Trusts*.

*Representative Assembly of New Zealand.*  
See *New Zealand*.

*Representative Peers (Ireland).*

20 & 21 Vict. c. 33.—An Act to regulate certain Proceedings in relation to the Election of Representative Peers for Ireland. Page 502

Preamble recites 48 Geo. 3. (I.)

- § 1. As to Issue of Writs in future on Occasion of Seat of a Temporal Peer of Ireland being vacated.
2. As to Returns to such Writs.

*Revenue (Supply, Appropriation, &c.)*

20 & 21 Vict. c. 4.—An Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-seven. Page 451

20 & 21 Vict. c. 69.—An Act to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year One thousand eight hundred and fifty-seven, and to appropriate the Supplies granted in this Session of Parliament. Page 628

*Reversionary Interests.* See *Married Women's Reversionary Interests.*

*Revising Barristers (Dublin).*

20 & 21 Vict. c. 68.—An Act to enable the Lord Lieutenant to appoint Revising Barristers for the Revision of Lists and Registry of Voters for the City of Dublin. Page 626

Preamble recites 2 & 3 Will. 4. c. 88. ss. 44. 68.; 13 & 14 Vict. c. 69. ss. 44., 45., 46., 117.; 14 & 15 Vict. c. 57. ss. 2., 161.; 16 & 17 Vict. c. 58.

- § 1. Power to Lord Lieutenant to appoint Two Barristers under Section 161. of the Civil Bills Act 14 & 15 Vict. c. 57.
2. Powers, Duties, and Remuneration of Revising Barristers.
3. Office of Revising Barrister to be filled up.
4. Oath to be taken by Revising Barrister before acting.
5. In case of Illness or Absence of Revising Barrister Chancellor may appoint Deputy.
6. Remuneration of Deputies.

*Roads.* See *Turnpike Roads and Trusts.*

*Roman Catholic Charities.*

20 & 21 Vict. c. 76.—An Act further to continue for a limited Time the Exemption of certain Charities from the Operation of the Charitable Trusts Acts. Page 674

Preamble recites the Acts 16 & 17 Vict. c. 137., 18 & 19 Vict. c. 124., and 19 & 20 Vict. c. 76., and that certain Roman Catholic Charities were exempted from the Operation of the Two first-mentioned Acts.

- § 1. Exemption further continued until 1st September 1858.

S.

*Saint Mary Winchester.* See *Oxford University.*

*Salaries.* See *County Court Judges.*

*Sale of Obscene Books, &c.*

20 & 21 Vict. c. 83.—An Act for more effectually preventing the Sale of Obscene Books, Pictures, Prints, and other Articles. Page 717

- § 1. Justices, &c. may authorize search of suspected Premises, and the Seizure of Obscene Books, Pictures, &c.
2. Tender of Amends.
3. Limitation of Actions.
4. Appeal to Quarter Sessions.
5. Act not to extend to Scotland.

*Sale of Waste Lands.* See *New Zealand.*

*Scheme of the Charity Commissioners.*  
See *Dulwich College.*

*Schoolmasters (Scotland).* See *Parochial Schoolmasters (Scotland).*

*Schools.* See *Industrial Schools. Reformatory Schools.*

*Scotland.* For Acts relating specially to Scotland, see the following Heads:—

<i>Bankruptcy and Real Securities.</i>	<i>Dunbar Harbour.</i>
<i>Bill Chamber.</i>	<i>Land and Assessed Taxes.</i>
<i>Boundaries of Burghs.</i>	<i>Lunatics.</i>
<i>Burials.</i>	<i>Parochial Schoolmasters.</i>
<i>Caledonian and Crinan Canals.</i>	<i>Police.</i>
<i>Court of Session.</i>	<i>Registration of Leases.</i>
<i>Crown, &amp;c. Suits.</i>	<i>Smoke Nuisance.</i>
	<i>Valuation of Lands.</i>

*Securities.* See *Bankruptcy and Real Securities (Scotland).*

*Session, Court of.* See *Court of Session (Scotland).*

*Settlements of Married Women.* See *Married Women's Reversionary Interests.*

*Siam, Jurisdiction in.*

20 & 21 Vict. c. 75.—An Act to confirm an Order in Council concerning the Exercise of Jurisdiction in Matters arising within the Kingdom of Siam. Page 673

Preamble recites 6 & 7 Vict. c. 94., and Order in Council, dated 28th July 1856, vesting certain Powers in Her Majesty's Consul in Siam.

- § 1. The said Order in Council confirmed.

*Sites for Mills.* See *Drainage and Navigation (Ireland).*

*Sites for Workhouses.*

20 & 21 Vict. c. 13.—An Act to facilitate the procuring of Sites for Workhouses in certain Cases. Page 458

Preambles recites 5 & 6 Will. 4. c. 69. to facilitate the Conveyance of Workhouses, &c.

- § 1. Provision for Acquisition of Site for a Workhouse where the Land belongs to an Ecclesiastical Corporation Sole unsound in Mind.
2. If such Corporation Sole be the Incumbent of a Benefice, the Consent of the Patron shall be necessary, directing Application of the Purchase Money.
3. As to Application of Dividends or annual Income until Investment.
4. How Consent of the Patron is to be given.
5. Provision where the Right of Patronage is in the Crown, the Duke of Cornwall, or in Persons under Disability.

- § 6. Interpretation of the Word "Benefice."  
 7. Provisions of 7 Will. 4. and 1 Vict. c. 50., and Interpretation of Terms in 4 & 5 Will. 4. c. 76. and 16 & 17 Vict. c. 70. to apply to this Act.

### *Smoke Nuisance (Scotland) Abatement.*

20 & 21 Vict. c. 73.—An Act for the Abatement of the Nuisance arising from the Smoke of Furnaces in Scotland. Page 671

- § 1. From and after 1st August 1858, all Furnaces within the Limits of the Act to consume their own Smoke.
2. Power to remit Penalties where Furnaces have been so constructed or altered as to consume, as far as possible, all the Smoke arising from the same.
3. No Complaint to be brought except by Local Authority, &c.
4. All Complaints brought and all Applications to Sheriff, &c. to be by summary Petition, &c.
5. No written Pleadings, &c. (other than the Petition and Answers) allowed.
6. Justices and Magistrates not to act, where Expense of altering Furnace, &c. will exceed a certain Sum.
7. Appeal allowed in certain Cases.
8. Expense may be awarded against the Local Authority or Party complaining.
9. No Appeal, save in Cases certified.
10. Service of Notices and Petitions.
11. One or more joint Owners may be proceeded against alone.
12. As to Expenses incurred in executing this Act.
13. How Moneys recovered under this Act to be applied.
14. Interpretation of Terms.

*Solicitors.* See *Attornies and Solicitors.*

### *Sound Dues.*

20 & 21 Vict. c. 12.—An Act to carry into effect a Convention between Her Majesty and the King of Denmark. Page 457

Preamble recites Treaty between Her Majesty and the King of Denmark for the Abolition of the Sound Dues, dated 14th March 1857; and also a Convention of same Date, for Payment to the King of Denmark of 10,126,855 Rigs Dollars.

- § 1. Power to Treasury to direct Payment of 1,125,206*l.* in accordance with said Convention.

*Spirits.* See *Customs.*

*Stations (Police).* See *Metropolitan Police Stations.*

*Stranton.* See *West Hartlepool.*

*Sugar.* See *Customs. Excise.*

*Suits at Instance of the Crown.* See *Crown, &c. Suits (Scotland).*

### *Summary Proceedings before Justices.*

20 & 21 Vict. c. 43.—An Act to improve the Administration of the Law so far as respects summary Proceedings before Justices of the Peace. Page 510

- § 1. Interpretation of Terms.
2. Justices on Application of a Party aggrieved to state a Case for the Opinion of Superior Court.
3. Security and Notice to be given by the Appellant.
4. Justices may refuse a Case where they think the Application frivolous.
5. Where the Justices refuse, the Court of Queen's Bench may by Rule order a Case to be stated.
6. Superior Court to determine the Questions on the Case: Its Decisions to be final.
7. Case may be sent back for Amendment.
8. Powers of Superior Court may be exercised by a Judge at Chambers.
9. After the Decision of Superior Court, Justices may issue Warrants.
10. Certiorari not to be required for Proceedings under this Act.
11. Superior Courts may make Rules for Proceedings.
12. "Justices" to include a Stipendiary Magistrate.
13. Recognizances how to be enforced. [2 & 3 Vict. c. 71. s. 45.]
14. Appellants under this Act not to have Right of Appeal to Quarter Sessions.
15. Act not to extend to Scotland.
16. SCHEDULE.

### *Superannuations (Civil Service.)*

20 & 21 Vict. c. 37.—An Act to repeal the Twenty-seventh Section of the Superannuation Act, 1834, (4 & 5 Will. 4. c. 24.) Page 506

Preamble recites 4 & 5 Will. 4. c. 24., and that it is inexpedient to enforce its Provisions so far as relates to Abatements from Salaries of Officers who have taken Office since 4th August 1829.

- § 1. Repealing Section 27. of recited Act.

*Supplies.* See *Revenue, &c.*

*Suspension of the Militia Ballots.* See *Militia.*

## T.

*Taxes.* See *Assessed Taxes. Income Tax. Land Tax. Property Tax.*

*Ticket of Leave Convicts.* See *Penal Servitude.*

*Tobacco.* See *Customs.*

*Tolls, Discontinuance of.* See *Turnpike Roads and Trusts.*

*Transportation and Penal Servitude.*

20 & 21 Vict. c. 3.—An Act to amend the Act 16 & 17 Vict. c. 99., to substitute in certain Cases other Punishment in lieu of Transportation. Page 450

- § 1. Repeal of Sections 1, 2, 3., and 4. of 16 & 17 Vict. c. 99.
2. Sentence of Transportation abolished; and Sentence of Penal Servitude substituted.
3. Provisions of recited Act or of the Act 5 Geo. 4. c. 84. concerning transported Offenders to apply to Offenders under Sentence of Penal Servitude.
4. Existing Power to appoint Places of Transportation to be applicable to Pleas for Penal Servitude under this Act.
5. Magistrates may recommit Convicts whose Licences are revoked to Penal Servitude in any Convict Prison.
6. Enactments having reference to Transportation to have reference to Penal Servitude.
7. 16 & 17 Vict. c. 99. and this Act to be read together.
8. Commencement of Act, 1st July 1857.

*Treaty with Denmark.* See *Sound Dues.*

*Trustees.*

20 & 21 Vict. c. 54.—An Act to make better Provision for the Punishment of Frauds committed by Trustees, Bankers, and other Persons intrusted with Property. Page 528

- § 1. Trustees fraudulently disposing of Trust Property guilty of a Misdemeanor.
2. Bankers, &c. fraudulently selling, &c. Property intrusted to their Care, guilty of Misdemeanor.
3. Persons intrusted with Powers of Attorney fraudulently selling Property guilty of Misdemeanor.
4. Bailees fraudulently converting Property to their own Use guilty of Larceny.
- 5-8. Directors, &c. of any Body Corporate or Public Company fraudulently appropriating Property; or keeping fraudulent Accounts; or wilfully destroying Books, &c.; or publishing fraudulent Statements, guilty of Misdemeanors.
9. Persons receiving Property fraudulently disposed of, knowing the same to have been so, guilty of Misdemeanor.
10. Punishment for a Misdemeanor under this Act, Three Years Penal Servitude, &c.
11. Persons not to be exempt from answering Questions in any Court, but such Evidence is not to be admissible against them in Prosecutions under this Act.
12. No Remedy at Law or in Equity shall be affected. Convictions shall not be received in Evidence in Civil Suits.
13. No Prosecution shall be commenced without the Sanction of some Judge or the Attorney General.
14. If Offence amounts to Larceny, Person not to be acquitted of a Misdemeanor.
15. Costs of Prosecutions may be allowed.
16. Misdemeanors not triable at Sessions.
17. Interpretation of certain Terms.
18. Act not to extend to Scotland.

*Trusts, Charitable.* See *Charitable Trusts.*

*Trusts, Turnpike.* See *Turnpike Roads and Trusts.*

*Turnpike Roads and Trusts:*1.—*Acts Continuance.*

20 & 21 Vict. c. 24.—An Act to continue certain Turnpike Acts in Great Britain. Page 480

- § 1. All Turnpike Acts which will expire on or before the End of next Session continued to 1st October 1858, &c., with certain Exceptions.
2. Acts in Schedule to this Act continued till 1st November 1858.
3. Short Title of Act.
4. Act not to extend to Ireland.  
SCHEDULE of Acts continued.

2.—*Turnpike Trusts Relief.*

20 & 21 Vict. c. 9.—An Act to confirm certain Provisional Orders made under the Act 14 & 15 Vict. c. 38. to facilitate Arrangements for the Relief of Turnpike Trusts. Page 454

- § 1. Provisional Orders contained in the Schedule to this Act confirmed.  
SCHEDULE of Provisional Orders.

3.—*Turnpikes Abolition (Ireland).*

20 & 21 Vict. c. 16.—An Act to discontinue the taking of Toll on the Turnpike Roads now existing in Ireland, and to provide for the Maintenance of such Roads as public Roads, and for the Discharge of the Debts due thereon, and for other Purposes relating thereto. Page 464

Preamble recites Appointment of Commission to inquire into and report upon the Propriety of abolishing Turnpikes in Ireland.

- § 1. Short Title of Act, "The Turnpikes Abolition Act (Ireland), 1857."
2. Interpretation of Terms.
3. Appointment of Commissioner for executing this Act.
4. As to Authentication of Documents.
5. Proceedings, &c. of Commissioner to be binding, and not removable by Certiorari, &c.
6. Notices may be sent by Post.
7. Remuneration of Commissioner.
8. Declaration to be made by Commissioner before acting.
9. Commissioner to proceed to sit for Execution of Act, and to give Notice of Sittings. Sittings may be adjourned.
10. Commissioner to inquire into Debts, Conditions, &c. of Trusts. When Securities lost, Commissioner may include Rentholders among Creditors.
11. Power to Commissioner to summon Witnesses and to require Production of Documents.
12. Penalty on Persons giving false Evidence, refusing to give Evidence, destroying Documents, &c.
13. Record of Proceedings of Commissioner.
14. Commissioner to ascertain Mortgages charged on each Trust.
15. Commissioner to ascertain Rents payable by each Trust.



- § 16. Debts so ascertained to be charged on Counties and Baronies.
17. Commissioner to make a separate Award in the Case of each Trust.
18. Parties dissatisfied with Award may enter a Traverse.
19. Awards may be to Representatives of Persons under Disabilities.
20. The Cost of carrying Act into execution, how to be paid.
21. Commissioner to make a General Award.
22. General Award to be enrolled, &c.
23. Commissioner may make supplemental Awards.
24. Grand Juries to present Sums and Annuities payable pursuant to this Act.
25. Commissioner to give Mortgagees Certificate of Amount due.
26. Register of Mortgages, &c. to be kept by Treasurer of County.
27. Register of Transfer of Mortgage, &c.
28. Payments to Persons named in Certificates, &c. to be a Discharge.
29. Treasurer of County may deposit Sums awarded in the Court of Chancery.
30. On Payment of Sums mentioned in the Award, Claims to be extinguished.
31. Grand Juries may present for Mortgages.
32. Power to Grand Juries to borrow Money to pay off or redeem Mortgages. Grand Jury may appoint Committee to treat, &c. for Loan.
33. Power to Committee to negotiate Loan.
34. Loan to be paid to Treasurer.
35. Treasurer to insert in Warrants Instalments of Loan.
36. Grand Juries may redeem Mortgages or Annuities.
37. Redeemed Mortgages or Annuities to be cancelled.
38. Acts in Schedule (A.) repealed on and after 5th April 1858, and Roads declared to be public Roads.
39. Officers to account, and deliver up Documents, &c.
40. Penalties, &c. how to be recovered.
41. Property of Trusts to vest in Commissioner.
42. Power to Justices at Petty Sessions to give Possession of Toll House, &c. to Commissioner.
43. Trust Property to be sold.
44. Application of Produce of Sales and Balances in Hands of Trustees.

## SCHEDULES.

- (A.) Acts to be repealed from 5th April 1858.  
 (B.) to (F.) Forms of Mortgage, Annuity, Transfer, &c.

See also *Grand Juries (Ireland)*.

## U.

*University of Oxford.*

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 St. Mary Winchester, and further to amend the said Act. Page 481

Preamble recites 17 & 18 Vict. c. 81. and 19 & 20 Vict. c. 31. amending the same.

- § 1. Powers of the Commissioners continued until 1st July 1858.

20 & 21 VICT.

- § 2. The Foundation of Mr. John Michel may be consolidated with the Old Foundation of Queen's College.
3. Power to Colleges, with Consent of Visitor, to apply Property held for Purchase of Advowsons for Benefit of Colleges, &c.
4. Certain Provisions of 8 & 9 Vict. c. 18. incorporated with this Act and 17 & 18 Vict. c. 81. so far as relates to certain Lands.

## V.

*Vagrant Children.* See *Industrial Schools. Reformatory Schools.*

*Valuation of Lands (Scotland).*

20 & 21 Vict. c. 58.—An Act to amend the Act 17 & 18 Vict. c. 91. for the Valuation of Lands in Scotland. Page 534

- § 1. Power to Commissioners of Supply and Magistrates of Burghs to appoint Officers of Inland Revenue to be Assessors.
2. Persons charged may appeal; Officer of Inland Revenue or Appellant, if dissatisfied with Decision of Commissioners or Magistrates, may demand a Case for the Opinion of the Judges.
3. If Commissioners or Magistrates do not appoint Officers of Inland Revenue to be the Assessors, Valuations not to be conclusive.
4. Town of Maxwelltown to be deemed Part of the Stewartry of Kirkcudbright for Purposes of 17 & 18 Vict. c. 91.

*Victoria Harbour of Dunbar.* See *Dunbar Harbour.*

*Voters, Registry of.* See *Boundaries of Burghs. Revising Barristers (Dublin).*

## W.

*Waste Lands in New Zealand.* See *New Zealand.*

*Water Power.* See *Drainage and Navigation (Ireland).*

*Waterworks at Portland Harbour.* See *Portland Harbour.*

*West*]

I N D E X.

[*Yates*

*West Hartlepool.*

20 & 21 Vict. c. 29.—An Act to render valid certain Marriages in Christ Church, West Hartlepool, in the Parish of Stranton, in the County of Durham. Page 490

- § 1. Marriages heretofore solemnized in Christ Church, West Hartlepool, declared valid.
2. Ministers having solemnized such Marriages indemnified.
3. Registers of such Marriages to be Evidence.

*Winchester, St. Mary College at.* See *Oxford University.*

*Winding-up Acts.* See *Joint Stock Companies.*

*Workhouses.* See *Sites for Workhouses.*

*Works, Public.* See *Public Works.*

*Writs of Error.* See *Exchequer Chamber, Court of (Ireland).*

Y.

*Yates, J. St. John, Esquire.* See *County Court Judges, &c.*



# A LIST of ACTS and PARTS of ACTS REPEALED and AMENDED during the Session 20 & 21 Vict. (1857).

NOTE.—The entire Act is to be taken as repealed, unless the contrary be specified.  
Local and Private Acts are only inserted in consequence of their Repeal by Public Acts.

## ACTS AND PARTS OF ACTS REPEALED.

Act or Part of Act repealed.	SUBJECT.	Repealed by Act 20 & 21 Vict.
<i>Administration of Justice, &amp;c.</i>		
19 & 20 Vict. c. 113. ss. 31, 32, 33.	Common Law Procedure (Ireland) - - - - -	Cap. 79. s. 70.
16 & 17 Vict. c. 99. ss. 1, 2, 3, 4.	Transportation—Substitution of Penal Servitude - - - - -	Cap. 3. s. 1.
53 Geo. 3. c. 127. ss. 8, 9.	Proctors - - - - -	Cap. 77. s. 127.
54 Geo. 3. c. 68. ss. 9. and 10. } (in part) - - - - -	Court of Probate in Ireland - - - - -	Cap. 79. s. 101.
7 & 8 Geo. 4. c. 44. (in part) -	Salary of Judge of Prerogative Court in Ireland - - - - -	Cap. 79. s. 13.
1 & 2 Vict. c. 118. (in part) -	Clerks of the Bills (Scotland) - - - - -	Cap. 18. s. 8.
	Crown Suits (Scotland) - - - - -	Cap. 44. s. 6.
<i>Colonies.</i>		
15 & 16 Vict. c. 72. ss. 67, 68, } 69, 74. and Part of s. 62. - }	New Zealand Government - - - - -	Cap. 53. s. 1.
12 & 13 Vict. c. 43. -	Mutiny (East India) - - - - -	Cap. 66.
<i>Duties, Taxes, &amp;c.</i>		
43 Geo. 3. c. 161. s. 24. - -	Land and Assessed Taxes (Scotland) - - - - -	Cap. 28. s. 1.
5 & 6 Vict. c. 35. s. 176. - -	Property and Income Tax (Scotland) - - - - -	Cap. 28. s. 1.
16 & 17 Vict. c. 106. - - -	Customs—Reciprocity Treaties - - - - -	Cap. 62. s. 17.
16 & 17 Vict. c. 107. s. 10. -	Customs—Tobacco Warehouses - - - - -	Cap. 62. s. 5.
18 & 19 Vict. c. 96. s. 19. -	Customs—Spirits - - - - -	Cap. 62. s. 18.
17 & 18 Vict. c. 89. ss. 13, 14. } 67. - - - - -	Illicit Distillation (Ireland) - - - - -	Cap. 40. s. 1.
18 & 19 Vict. c. 103. s. 3. - }		
<i>Police, Municipal Regulations, &amp;c.</i>		
3 & 4 Will. 4. c. 89. s. 2. - -	Metropolitan Police - - - - -	Cap. 64. s. 10.
8 & 9 Vict. c. 3. - - - - -	Police (Scotland)—Constables on Public Works - - - - -	Cap. 72. s. 9.
2 & 3 Vict. c. 65. - - - - -	Police (Scotland)—Assessments for Rogue Money - - - - -	Cap. 72. s. 34.
18 & 19 Vict. c. 68. s. 28. -	Burial Grounds (Scotland) - - - - -	Cap. 42. s. 1.
15 & 16 Vict. c. 85. ss. 32, 33. } 35, 36, 37. 50. (as to City } of London) - - - - -	Burial of the Dead - - - - -	Cap. 35. s. 3.
5 & 6 Will. 4. c. 76. s. 75. -	Municipal Corporations - - - - -	Cap. 50. s. 1.

LIST OF ACTS AND PARTS OF ACTS REPEALED—*continued.*

Act or Part of Act repealed.	SUBJECT.	Repealed by Act 20 & 21 Vict.
<i>Trade and Commerce.</i>		
19 & 20 Vict. c. 47. ss. 4. 107. } 110. 113. - - - - - }	Joint Stock Companies - - - - -	Cap. 14.
19 & 20 Vict. c. 47. s. 2. - } 7 & 8 Vict. c. 113. - - - } 9 & 10 Vict. c. 75. - - - } 1 & 2 Geo. 4. c. 40. - - - } 6 Will. 4. c. 14. - - - - }	Banking Companies - - - - -	Cap. 49. ss. 3. 12.
6 & 7 Will. 4. c. 74. s. 34. - } 1 Vict. c. 48. - - - - - }	Bankruptcy and Insolvency (Ireland) - - - - -	Cap. 60.
2 & 3 Vict. c. 86. - - - - - }		
3 & 4 Vict. c. 105. s. 8. - }		
3 & 4 Vict. c. 107. - - - - - }		
4 & 5 Vict. c. 47. - - - - - }		
5 & 6 Vict. c. 95. ss. 7, 8. - }		
7 & 8 Vict. c. 90. ss. 36, 37, 38. - }		
8 & 9 Vict. c. 48. (so far as re- lates to Ireland) - - - - - }		
8 & 9 Vict. c. 98. (except s. 29.) - }		
10 & 11 Vict. c. 85. s. 11. - - }		
12 & 13 Vict. c. 107. - - - - - }		
14 & 15 Vict. c. 57. s. 119. - - }		
<i>Turnpike Roads (Ireland).</i>		
11 Geo. 4. and 1 Will. 4. c. cxi. - }	Newcastle, Limerick, and Charleville Road - - - - - }	Cap. 16.
1 & 2 Geo. 4. c. xxxviii. - - - }	Athy and Kilkenny Roads - - - - - }	
5 & 6 Vict. c. xcii. - - - - - }	Carlow County, &c. Roads - - - - - }	
3 & 4 Will. 4. c. cxii. - - - - - }	Shankhill and Waterford Roads - - - - - }	
2 & 3 Will. 4. c. lix. - - - - - }	Dundalk, Castle Blayney, and Carrickmacross Roads - - - - - }	
11 Geo. 4. and 1 Will. 4. c. cxii. - }	Dundalk and Dunleer Road - - - - - }	
11 & 12 Vict. c. l. - - - - - }	Dundalk and Bannbridge Road - - - - - }	
1 & 2 Vict. c. lxxiv. - - - - - }	Newry and Charlemont Road - - - - - }	
5 & 6 Vict. c. lxxvi. - - - - - }	Bannbridge and Belfast Road - - - - - }	
6 & 7 Vict. c. xlviii. - - - - - }	Belfast and Lisbourne (The Falls and Crumlin) Road - - - - - }	
5 & 6 Will. 4. c. lxxvii. - - - - }	Belfast and Crumlin Road - - - - - }	
59 Geo. 3. c. cxxviii. - - - - }	Belfast and Antrim Road - - - - - }	
4 & 5 Will. 4. c. lxxiv. - - - - }		
7 Will. 4. and 1 Vict. c. xlii. - - }		
5 & 6 Will. 4. c. ii. - - - - - }		
9 Geo. 4. c. cxxi. - - - - - }		
MISCELLANEOUS.		
4 & 5 Will. 4. c. 24. s. 27. - - - }	Civil Service Superannuation (Abatement) - - - - -	Cap. 37.
17 & 18 Vict. c. 11. ss. 2, 3, 4, } 5, 6, 7, 9, 11. - - - - - }	Ministers Money (Ireland) - - - - -	Cap. 8. s. 1.
14 & 15 Vict. c. 61. - - - - - }	Metropolitan Cattle Market - - - - -	Cap. cxxxv. s. 1.
25 Geo. 3. c. 67. - - - - - }	Driving of Cattle in the Metropolis - - - - -	Cap. cxxxv. s. 1.
55 Geo. 3. c. 69. - - - - - }	Lunatics (Scotland) - - - - -	Cap. 71. s. 1.
9 Geo. 4. c. 34. - - - - - }		
4 & 5 Vict. c. 60. - - - - - }		
8 & 9 Vict. c. 83. s. 59 (in part) }	Watchet Harbour (Somerset) - - - - -	Cap. cxli.
10 Anne, c. 24. (in part) - - - }		

ACTS AND PARTS OF ACTS AMENDED.

Act or Part of Act amended.	SUBJECT.	Amended by Act 20 & 21 Vict.
<i>Administration of Justice, &amp;c.</i>		
18 & 19 Vict. c. 48. - - -	Cinque Ports—Commission of Peace and Quarter Sessions } to Districts - - - - - }	Cap. 1. s. 1.
5 Geo. 4. c. 84. - - -		Transportation - - - - -
16 & 17 Vict. c. 99. - - -	Transportation—Substitution of Penal Servitude - - -	Cap. 3.
1 & 2 Vict. c. 118. - - -	Clerks of the Bills (Scotland) - - - - -	Cap. 18. s. 8.
40 Geo. 3. c. 39. (I.) - - -	Appeals and Writs of Error, Exchequer Chamber (Ireland) }	Cap. 6.
1 Geo. 4. c. 68. - - -		
16 & 17 Vict. c. 113. - - -		
19 & 20 Vict. c. 102. - - -		
19 & 20 Vict. c. 108. - - -	County Court Judges (Yates's and Falconer's Salaries) -	Cap. 36.
3 Geo. 4. c. 46. - - -	Duties of Clerks of the Peace - - - - -	Cap. 50.
38 Geo. 3. c. 87. [ <i>Extended</i> ] -	Probates and Letters of Administration - - - - - }	Cap. 77. s. 74. Cap. 79. s. 79.
<i>Colonies.</i>		
15 & 16 Vict. c. 72. - - -	New Zealand Government - - - - -	Cap. 53.
10 & 11 Vict. c. 112. - - -	New Zealand Company's Claims - - - - -	Cap. 52.
14 & 15 Vict. c. 63. [ <i>Explained</i> ] -	Canada and New Brunswick Boundaries - - - - -	Cap. 34.
<i>Duties, Taxes, &amp;c.</i>		
43 Geo. 3. c. 161. - - -	Land and Assessed Taxes (Scotland) - - - - -	Cap. 28.
5 & 6 Vict. c. 35. - - -	Property and Income Tax (Scotland) - - - - -	Cap. 28.
6 & 7 Will. 4. c. 116. - - -	Grand Jury Presentments (Ireland) - - - - -	Cap. 15.
11 & 12 Vict. c. 32. - - -	Collection of County Cess (Ireland) - - - - - }	Cap. 7.
16 & 17 Vict. c. 13. - - -		
17 & 18 Vict. c. 89. - - -	Illicit Distillation (Ireland) - - - - - }	Cap. 40.
18 & 19 Vict. c. 103. - - -		
<i>Police, Municipal Regulations, &amp;c.</i>		
11 & 12 Vict. c. 72. - - -	Constabulary Force (Ireland) - - - - -	Cap. 17.
5 & 6 Will. 4. c. 76. - - -	Municipal Corporations - - - - - }	Cap. 50.
7 Will. 4. and 1 Vict. c. 78. -		
15 & 16 Vict. c. 85. - - -	Burial of the Dead - - - - - }	Cap. 81.
16 & 17 Vict. c. 134. - - -		
17 & 18 Vict. c. 87. - - -		
18 & 19 Vict. cc. 78. 128. - - -		
52 Geo. 3. c. 146. - - -	Burials - - - - -	Cap. 81. s. 16.
3 Geo. 4. c. 126. - - -	Burials—Tolls on Funerals - - - - -	Cap. 81. s. 14.
15 & 16 Vict. c. 85. - - -	Burial of the Dead (City and Liberties of London) - - -	Cap. 35.
18 & 19 Vict. c. 68. - - -	Burial Grounds (Scotland) - - - - -	Cap. 42.

LIST OF ACTS AND PARTS OF ACTS AMENDED—*continued.*

Act or Part of Act amended.	SUBJECT.	Amended by Act 20 & 21 Vict.
<i>Public Works (Ireland).</i>		
5 & 6 Vict. c. 89. - - - }	Public Works (Ireland)—Drainage, Navigation, and Water Power - - - - - }	Cap. 23.
8 & 9 Vict. c. 69. - - - }		
9 & 10 Vict. c. 4. - - - }		
10 & 11 Vict. c. 79. - - - }		
16 & 17 Vict. c. 130. - - - }		
18 & 19 Vict. c. 110. - - - }		
19 & 20 Vict. c. 62. - - - }		
<i>Trade and Commerce.</i>		
19 & 20 Vict. c. 47. - - - }	Joint Stock Companies - - - - - }	Cap. 14. Cap. 80.
7 & 8 Vict. c. 111. - - - }	Joint Stock Companies—Winding-up Acts - - - - - }	Cap. 78.
11 & 12 Vict. c. 45. - - - }		
12 & 13 Vict. c. 108. - - - }	Joint Stock (Banking) Companies - - - - - }	Cap. 49. s. 3.
19 & 20 Vict. c. 47. s. 2. - - - }		
19 & 20 Vict. c. 79. - - - }	Bankruptcy and Judicial Procedure (Scotland). - - - }	Cap. 19.
19 & 20 Vict. c. 91. - - - }		
6 & 7 Will. 4. c. 74. - - - }	Bankruptcy and Insolvency (Ireland) - - - - - }	Cap. 60.
3 & 4 Vict. c. 105. - - - }		
5 & 6 Vict. c. 95. - - - }		
7 & 8 Vict. c. 90. - - - }		
8 & 9 Vict. c. 98. - - - }		
10 & 11 Vict. c. 85. - - - }		
14 & 15 Vict. c. 57. - - - }	Loan Societies - - - - - }	Cap. 41.
3 & 4 Vict. c. 110. [ <i>Revived and continued</i> ] - - - }		
MISCELLANEOUS.		
8 & 9 Vict. c. 118., &c. &c. - - - }	Inclosure, &c. of Lands - - - - - }	Cap. 31.
6 Geo. 4. c. 99. - - - }	Boundaries of Land (Ireland) - - - - - }	Cap. 45.
17 & 18 Vict. c. 17. - - - }		
17 & 18 Vict. c. 91. - - - }	Valuation of Lands (Scotland) - - - - - }	Cap. 58.
43 Geo. 3. c. 54. - - - }	Parochial Schoolmasters (Scotland) - - - - - }	Cap. 59.
17 & 18 Vict. c. 98. - - - }		
25 Geo. 3. c. 67. - - - }	Driving Cattle in the Metropolis - - - - - }	Cap. cxxxv. s. 1.
4 & 5 Will. 4. c. 24. - - - }	Civil Service Superannuation - - - - - }	Cap. 37.
17 & 18 Vict. c. 11. - - - }	Ministers Money (Ireland) - - - - - }	Cap. 8.
17 & 18 Vict. c. 107. - - - }	Militia (Ireland) - - - - - }	Cap. 11.
17 & 18 Vict. c. 81. - - - }	Oxford University - - - - - }	Cap. 25.
40 Geo. 3. (L) - - - }	Elections of Representative Peers for Ireland - - - - - }	Cap. 33.
11 & 12 Vict. c. 54. - - - }	Caledonian and Crinan Canals - - - - - }	Cap. 27.

# A LIST of LOCAL and PRIVATE ACTS passed during the Session 20 & 21 Vict. (1857).

In this List the Local and Private Acts are subdivided into Classes, according to the Arrangement adopted in the Index to the Statutes compiled by Order of the Committee of the Library of the House of Lords, the Parliamentary Short Title of each Act being adopted. The Local Acts are denoted by Roman Numerals, and the Private Acts by Arabic Figures.

<b>CLASS 1.—BRIDGES AND FERRIES.</b>			
Backwater Bridge and Road.—c. ci.	758	Glasgow.—c. xxxv.	746
Fownhope and Holme Lacy Bridge.—c. xlviii.	748	Glasgow City and Suburban.—c. lxxx.	754
Lowestoft and Burgh Saint Peter Ferry and Roads.— c. cxi.	760	Guildford.—c. xii.	743
Wearmouth Bridge, Ferries, and Approaches.—c. xxxix.	747	London Gaslight Company.—c. lxxiii.	753
<b>CLASS 2.—CANALS, RIVERS, NAVIGATIONS, &amp;c.</b>			
Clyde Navigation.—c. xcii.	757	Lowestoft Water, Gas, and Market.—c. lvii.	750
Mersey Conservancy and Docks.—c. clxii.	794	South Shields.—c. vi.	741
Saint Helen's Canal and Railway.—c. xvi.	743	Shrewsbury.—c. lviii.	750
Shropshire Union Railways and Canal, &c.—c. cviii.	759	Stockton New Gas and Stockton Gas Consumers Com- panies.—c. lii.	749
Slaney River Improvement.—c. xcvi.	757	Stratford-upon-Avon.—c. lxvii.	752
Thames Conservancy.—c. cxlvii.	784	Sunderland.—c. vii.	742
<b>CLASS 3.—CHARITABLE FOUNDATIONS AND INSTITUTIONS.</b>			
Nil.		United General Gaslight Company (Cork).—c. xxv.	745
<b>CLASS 4.—COUNTY AFFAIRS.</b>			
Nil.		Victoria Docks.—c. cxxvii.	771
<b>CLASS 5.—DRAINAGES AND EMBANKMENTS.</b>			
Dumbarton Water, Reclamation, &c.—c. xx.	743	Willenhall (Wolverhampton).—c. xv.	743
Norfolk Estuary.—c. cxlvi.	783	<b>CLASS 10.—HARBOURS, DOCKS, PORTS, PIERS, QUAYS, &amp;c.</b>	
North Level Drainage.—c. cix.	760	Briton Ferry Docks.—c. lxxix.	754
<b>CLASS 6.—ECCLESIASTICAL AFFAIRS.</b>			
Hereford Cathedral Restoration.—c. 3.	801	Elie Harbour.—c. xciv.	757
Saint Philip's Church, Liverpool.—c. xxxvi.	746	Ely Tidal Harbour and Railway.—c. lxix.	752
<b>CLASS 7.—ESTATES.</b>			
Bridgwater's (Duke of).—c. 4.	801	Fraserburgh Harbour.—c. xxxii.	746
Carew's.—c. 6.	801	Great Yarmouth Britannia Pier.—c. xxviii.	745
Fleming's.—c. 2.	801	Hartlepool Dock and North-eastern Railway Com- panies Amalgamation.—c. xxxiii.	746
Hereford Cathedral.—c. 3.	801	Hartlepool (West) Harbour and Railway.—c. xliii.	747
Rivers' (Lord).—c. 5.	801	Meriton's and Hagen's Sufferance Wharves.—c. ix.	742
Scotsraig.—c. 1.	801	Mersey Conservancy and Docks.—c. clxii.	794
Treffry's.—c. xc.	757	Newquay Pier, Harbour, and Railway.—c. xc.	757
Windsor's (Baroness).—c. 7.	802	Penarth Harbour, Dock, and Railway.—c. lxix.	752
<b>CLASS 8.—FISHERIES.</b>			
Tweed Fisheries.—c. cxlviii.	784	Pulteney Town Harbour.—c. xciii.	757
<b>CLASS 9.—GASLIGHT COMPANIES.</b>			
Burslem and Tunstall.—c. lix.	750	Swansea Harbour Trust and Swansea Dock Company. —c. cxlii.	782
Bury.—c. lxiii.	751	Thames Conservancy.—c. cxlvii.	784
Chepstow.—c. ii.	741	Victoria (London) Docks.—c. lxxxiii.	754
Cork.—c. xxv.	745	Watchet Harbour.—c. cxli.	781
<b>CLASS 11.—IMPROVEMENTS IN TOWNS.</b>			
Cardigan Markets and Improvements.—c. xxxviii. 747			
Covent Garden Approach, and Southwark and West- minster Communication.—c. cxv. 761			
Dumbarton Water, Municipal Extension, &c.—c. xx. 743			
Finsbury Park.—c. cl. 785			
Landport and Southsea Improvement.—c. xxxvii. 746			
London (City) Coal Duties.—c. lxxxix. 755			
Milford Improvement.—c. lxxiv. 753			
Manchester Burial Boards.—c. cxvii. 769			
Mayor's Court of the City of London.—c. clvii. 786			
Metropolitan New Streets and Improvements.—c. cxv. 761			
Salford Borough.—c. cxxxii. 772			
Tyne Improvement.—c. lxxi. 752			

LIST OF LOCAL AND PRIVATE ACTS—*continued.*

CLASS 12.—INCLOSURES AND ALLOTMENTS.

Nil.

CLASS 13.—MARKETS AND FAIRS.

	Page
Bridgwater Markets and Fairs.—c. xxx.	745
Cardigan Markets and Improvements.—c. xxxviii.	747
Kidsgrove Market.—c. xxvi.	745
Lowestoft Water, Gas, and Market.—c. lvii.	750
Metropolitan Cattle Market.—c. cxxxv.	772

CLASS 14.—PARISH AFFAIRS.

Islington.—cc. xxi. and cxviii.	744 769
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CLASS 15.—PERSONAL AFFAIRS.

1. <i>Disabilities Removal:</i>	
Shepherd's.—c. 12.	(not printed)
2. <i>Marriages, Dissolutions of:</i>	
Baring's.—c. 13.	} (not printed)
Campbell's.—c. 10.	
Keay's.—c. 15.	
Ley's.—c. 9.	
Smith's.—c. 11.	
3. <i>Naturalization:</i>	
Giustiniani's.—cc. 8. 14.	(not printed)

CLASS 16.—RAILWAYS.

Banff, Macduff, and Turriff Extension.—c. 1.	749
Banff, Portsoy, and Strathisla.—c. liii.	749
Bedale and Leyburn.—c. x.	742
Blyth and Tyne.—c. cxiv.	761
Bourn and Essendine.—c. cxii.	761
Bristol, South Wales, and Southampton Union.—c. liv.	749
British and Irish Grand Junction.—c. cxlix.	784
Calcutta and South-eastern.—c. xxiii.	745
Caledonian (Lines to Granton).—c. cxxiii.	770
Cannock Mineral Railway.—c. lxiv.	751
Coniston.—c. cx.	760
Cork and Youghal.—c. li.	749
Dartmouth and Torbay.—c. ciii.	759
Deeside Extension.—c. xlix.	748
Dorset Central.—c. cxxxix.	781
Dublin and Wicklow.—c. xxix.	745
Dundalk and Enniskillen.—c. civ.	759
East Kent (Extension to Dover).—c. lxxvi.	753
East Somerset (Extension to Wells).—c. cv.	759
Eastern Bengal.—c. clix.	793
Ely Tidal Harbour and Railway.—c. lxix.	752
Ely Valley.—c. xli.	747
Exeter and Exmouth.—c. xxiv.	745
Fife and Kinross (Diversion and Extension).—c. cxxix.	771
Forth and Clyde Junction.—c. xxxiv.	746
Great Northern (Capital).—c. cxxxviii.	779
Great Northern and Western of Ireland.—c. lxxxiv.	754
Great Southern and Western (Capital).—c. i.	741
Great Southern and Western Extension.—c. lxxxv.	754
Great Western and Brentford.—c. xiii.	743
Hamilton and Strathaven.—c. cxxviii.	771
Herne Bay and Faversham.—c. clii.	785
Inverness and Nairn.—c. v.	741
Keith and Dufftown.—c. lxxxvii.	755
Kinross-shire.—c. cxxiv.	771
Lancaster and Carlisle and Ingleton.—c. clxi.	793
Leslie.—c. lxxxvi.	755
Lewes and Uckfield.—c. lx.	750

London and North-western (Shropshire Canal, &c.)—c. cviii.	759
London and South-western (Acts Amendment).—c. cxxxvi.	778
Mallow and Fermoy and Great Southern and Western.—c. lxii.	751
Metropolitan.—c. cxxv.	771
Midland Great Western of Ireland (Sligo Extension).—c. lxxvii.	753
Midland Great Western of Ireland (Streamstown and Clara Junction).—c. cxiii.	761
Mid-Sussex.—c. cxxxiii.	772
Monkland.—c. lxxviii.	753
Newport, Abergavenny, and Hereford.—c. cxix.	770
Newquay Pier and Harbour and Railway.—c. xcv.	757
Newry and Enniskillen.—c. clvi.	786
Newry, Warrenpoint, and Rostrevor.—c. lxi.	751
Newtown and Machynlleth.—c. cvi.	759
New Brunswick and Canada Railway and Land Company.—c. cliv.	785
North-eastern (Capital).—c. xix.	743
North-eastern (Lancaster Valley Branch).—c. xlvi.	748
North-eastern and Hartlepool Dock and Railway Companies Amalgamation.—c. xxxiii.	746
North-western.—c. cxxxiv.	772
Oldham, Ashton-under-Lyne, and Guide Bridge Junction Railways.—c. cxxxvii.	778
Peebles.—c. xiv.	743
Penarth Harbour, Dock, and Railway.—c. lxix.	752
Portadown and Dungannon.—c. cxx.	770
Portpatrick.—c. cxlix.	784
Portsmouth.—c. xviii.	743
Reading Railways Junction.—c. xevi.	757
Rhymney.—c. cxl.	781
Saint Helens Canal and Railway.—c. xvi.	743
Salisbury and Yeovil (Deviation).—c. cxxi.	770
Scinde.—c. clx.	793
Scottish Central (Denny Branch Extension).—c. lxxxix.	754
Sittingbourne and Sheerness.—c. cli.	785
South Devon.—c. viii.	742
South Durham and Lancashire Union.—c. xl.	747
South-eastern (Tunbridge).—c. clv.	786
Stamford and Essendine.—c. lxxxii.	754
Stockport, Disley, and Whaley Bridge.—c. xcvi.	758
Stratford-upon-Avon.—c. cxvi.	769
Taff Vale.—c. cliii.	785
Tralee and Killarney.—c. xvii.	743
Waterford and Tramore.—c. xxviii.	745
Westminster Terminus Extension (Clapham to Norwood Abandonment).—c. c.	758
West of Fife Mineral.—c. xci.	756
West Hartlepool Harbour and Railway.—c. xliii.	747
West London and Crystal Palace.—c. cxliii.	782
West Somerset.—c. cxlv.	783
West Somerset Mineral.—c. lxvi.	751
Whitehaven and Furness Junction.—c. cxxii.	770
Wimbledon and Dorking.—c. lxxii.	752
Wycombe (Extension).—c. clviii.	793

CLASS 17.—SMALL DEBTS COURTS AND COURTS OF CONSCIENCE.

Nil.

CLASS 18.—TITHES.

Nil.



LIST OF LOCAL AND PRIVATE ACTS—continued.

CLASS 19.—TRADING AND OTHER COMPANIES.			Page
[The Acts relating to Canals, Harbours, Docks, Piers, &c., Gasworks, Railways, and Waterworks, will be found under their respective Classes.]			
Australian Agricultural Company.—c. lxxviii.	-	752	
Atlantic Telegraph Company.—c. cii.	-	758	
European and Indian Junction Telegraph Company.—c. xc.	-	756	
New Brunswick and Canada Railway and Land Company.—c. cliv.	-	785	
Reversionary Interest Society.—c. iii.	-	741	
CLASS 20.—TURNPIKE AND OTHER ROADS,			
Backwater Bridge and Road.—c. ci.	-	758	
Dexthorpe Turnpike Trust.—c. lxxxviii.	-	755	
Haslingden and Todmorden Roads.—c. cxliv.	-	782	
Langport, Somerton, and Castle Cary Roads.—c. lvi.	-	750	
Lowestoft and Burgh Saint Peter Ferry and Roads.—c. cxi.	-	760	
Mansfield and Worksop Road.—c. xliv.	-	748	
Newcastle-under-Lyme and Leek Roads.—c. lv.	-	750	
Orkney Roads.—c. lxxv.	-	753	
Otley and Skipton Road.—c. cxxxii.	-	772	
Prestwich, Bury, and Radcliffe Roads.—c. cvii.	-	759	
Selby and Market Weighton Road.—c. lxxv.	-	751	
Wilmslow and Lawton Road.—c. xxxi.	-	746	
Worksop and Attercliffe Road.—c. xcix.	-	758	
CLASS 21.—WATERWORKS.			
Brighton, Hove, and Preston Constant Service.—c. xxii.	-	745	
Chester.—c. xi.	-	742	
Dumbarton.—c. xx.	-	743	
Great Yarmouth.—c. cxxx.	-	772	
Guildford.—c. iv.	-	741	
Ipswich.—c. xlvii.	-	748	
Lowestoft Water, Gas, and Market.—c. lvii.	-	750	
Margate.—c. lxx.	-	752	
New River.—c. xlii.	-	747	
Portsmouth.—c. xlv.	-	748	
South Staffordshire.—c. cxxvi.	-	771	



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