





THE
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OF
THE UNITED KINGDOM
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20° V I C T O R I Æ, 1857.

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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.

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THE

STATUTES AT LARGE.

Anno Regni VICTORIÆ, Britanniarum Reginae,
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 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.]

WHEREAS 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 competent 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

10 & 11 Vict.
c. 63.

Service

B

20 VICT.

Chief Constables.

‘ 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:

Power to the Admiralty to prescribe Terms for Enlistment and Re-engagement of Marines.

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.

Recited Act and this Act to be read as One.

II. The herein-before recited Act and this Act shall be read and construed together as One Act.

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 the 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

I. So much of the Fourth Section of the said Act of the Second and

and

Public Health Supplemental Act.

and Third Years of Her Majesty as is herein-before recited shall be repealed.

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.

Justices appoint as Chief Constable a Person holding similar Appointment in an adjoining County.

III. And whereas Doubts have arisen as to the Validity of the Appointment of Chief Constables in certain Cases :

Previous Appointments of Chief Constables confirmed, and all Acts done by them valid.

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.

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.

2 & 3 Vict. c.93.
3 & 4 Vict. c.88.
19 & 20 Vict. c. 69. and this Act to be construed as One.

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—

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

Certain Provisional Orders of General Board of Health confirmed.

Public Health Supplemental Act.

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 Sewerage District of Wisbech and Walsoken.

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 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.

Proceedings of Local Board for the last-mentioned District valid.

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.

Rates, &c. of said Local Board to be deemed valid.

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.

Act incorporated with Public Health Act 1848.
Short Title.

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."

*Public Health Supplemental Act.***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."

Public Health Supplemental Act.

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:

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

Public Health Supplemental Act.

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,

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- 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 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.

Public Health Supplemental 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 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

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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

Public Health Supplemental Act.

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 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

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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

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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.

No. 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, Sam.
783	Brook Leasow -	Do. -	Do.
784	Do. -	Do. -	Do.
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, Dan. 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, Geo.

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Nos. on Plan.	Names of Fields referred to.	Owners.	Occupiers.
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
399.	In Langley Green Meadow -	Hill, Mrs. Ann -	Essex, Charles. 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. Wil- liam - -	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 Gar- dens - -	Hodgetts, Wm. Jervis - -	Turley, David, and others.
480	Part of Long Mea- dow - -	Do. - -	Brinton, John.
478	Canal Feeders, &c.	Birmingham Ca- nal Co. -	Themselves.
474	Lower Field -	Hodgetts, Wm. Jervis - -	Hadley, William.
473	House Leasow -	Do. - -	Do.

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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 Gloucester, 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, 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

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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

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tution 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 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

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penses 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

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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 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 Rammell, 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

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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

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- 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 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.

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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

said

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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 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

Public Health Supplemental Act.

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 WALSOKE.

*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 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

Public Health Supplemental Act.

viously 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,

Ionian Subjects Commissions.

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.]

‘ **W**HEREAS 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. 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.]

‘ **W**HEREAS the Inclosure Commissioners for *England* and *Wales* have, in pursuance of “The Acts for the Inclosure, Exchange, and Improvement of Land,” issued their Provisional Orders for and concerning the proposed Inclosures mentioned in the Schedule to this Act, and 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

Commons Inclosure.

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

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*.

Commons Inclosure.

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.

Short Title.

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."

SCHEDULE to which this Act refers.

Inclosure.	County.	Date of Provisional Order.
Tresparrett 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.
Whittlebury (Alderton)	Northampton	20th November 1856.
Whittlebury (Grafton Regis) - - -	Northampton	20th November 1856.
Whittlebury (Paulers- pury) - - -	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.
Chiltington 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.

*Income Tax.**Indemnity.*

C A P. VI.

An Act to reduce the Rates of Duty on Profits arising from Property, Professions, Trades, and Offices.

[21st March 1857.]

‘ **WHEREAS** 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 Four-pence 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 :

L 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 Five-pence for every Twenty Shillings of his Profits and Gains.

Reduced Rate of 7d. in the Pound to be charged for the Year commencing from the 5th April, 1857.

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.]

CAP.

Copyhold and Inclosure Commissions, &c.

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.]

14 & 15 Vict.
c. 53.

‘ **W**HEREAS 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 Commis-
 ‘ sioner 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 thence-
 ‘ forth 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 Par-
 ‘ liament: 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 Ex-
 ‘ cellent Majesty, by and with the Advice and Consent of the
 ‘ Lords Spiritual and Temporal, and Commons, in this present Par-
 ‘ liament 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.

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.

Mr. Speaker's Retirement.

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 his natural Life, which said Annuity shall commence and take effect upon the Day

An Annuity of 4,000*l.* to be paid to the Right Honourable C. S. Lefevre.

Ecclesiastical Jurisdiction.

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.

Commissioners of Supply.

C A P. XL

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:

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.

Section 3. of
19 & 20 Vict.
c. 93. repealed.

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.

Clerk of Sup-
ply to make up
List of Com-
missioners
under subsist-
ing Act of
Supply.

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.

Claims to be
given to the
Clerk in
Writing.
Notice of Ob-
jections to be
given to Per-
sons objected
to.

IV. This Act and the said recited Act shall be read as One Act.

Recited Act
and this Act
to be as One.

Lighting of Towns.

C A P. XII.

9 G. 4. c. 82.
ss. 68, 69, 70.

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.]

‘ **W**HEREAS 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 :

Recited Provisions not to affect Proprietors in Joint Stock Companies having Contracts for lighting, &c., Towns subject to said Act.

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.

No Commissioner, &c., holding Office to take part or vote in any Contract, &c.

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.

Mutiny.

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:

Numbers,
126,796 Men.

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

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.

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 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

Mutiny.

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.

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.

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

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

District or Garrison Courts-martial.

Mutiny.

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.

As to Courts-martial in special Cases out of the Queen's Dominions.

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 Appointment of mixed Courts-martial in Cases of Trials of Marines and Soldiers of the East India Company.

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 swearing and summoning of Witnesses.

XV. All General and other Courts-martial shall have Power and Authority, and are hereby required, to administer an Oath
to

Mutiny.

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.

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, 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

Previous Convictions may be put in Evidence before passing Sentence.

Mutiny.

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
form

Mutiny.

from the Date of the Approval or other final Decision upon the Proceedings before such General Court-martial.

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.

Crimes punishable with Death.

XXI. Whenssoever 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 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

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

General

Mutiny.

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.

Embezzlement
punishable by
Transportation
or Penal
Servitude.

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 Noncommissioned 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.

As to Execu-
tion of Sen-
tences of

XXIV. Whenever any Sentence of Transportation or Penal Servitude heretofore or hereafter passed upon any Offender by
any

Mutiny.

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.

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

Transportation or Penal Servitude in the Colonies.

Power to inflict Corporal Punishment and Imprisonment.

Power to commute Corporal

Mutiny.

Punishment
for Imprison-
ment, &c.

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.

Court-martial
may, in addi-
tion to other
Punishment,
order For-
feiture of Pay
and Pension.

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 Infirmity, 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

Mutiny.

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 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

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 War until Inquiry shall be made ;

or when convicted of Desertion or of Absence with-

State

Mutiny.

out Leave; or when absent without Leave, not exceeding Five Days.

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.

Proviso.

Power to discharge Soldiers with Ignominy.

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.

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 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

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Ink or Gunpowder, or other Preparation, so as to be visible and conspicuous, and not liable to be obliterated.

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.

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

Regulations as to Military Prisons.

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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

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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.

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.

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 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

Musters, and
Punishment
for false
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of Deserters in
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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.

As to the temporary Custody of Deserters in Gaols.

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

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serter 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.

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.

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 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.

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

Desertion of Recruits prior to joining their Regiments or Corps.

Furlough in case of Sick-ness.

No Person acquitted or convicted by the Civil Magistrate or by a Jury to be tried by a Court-martial for the same Offence.

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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.

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.

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

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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.

LV. 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 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

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swearing of
Recruits.

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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.

Offences connected with Enlistment.

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

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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 Infirmity concealed or not declared by such Recruit before the Justice at the Time of his Attestation, may be transferred to any Garrison or Veteran or Invalid Battalion or Company, notwithstanding he shall have enlisted for any particular Regiment or Corps, and shall be entitled to receive such Proportion or Residue of Bounty only as Her Majesty may allow in that Behalf, instead of the Bounty upon which such Recruit shall have been enlisted, anything in any Act or Acts, or any Rules and Regulations relating to Soldiers, to the contrary notwithstanding; and it shall be lawful for any Two Justices acting for the County, District, City, Burgh, or Place where any such Recruit shall at any Time happen to be when any such Recruit shall be brought before them, and shall be proved upon Oath 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 Infirmity, 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 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

Further Offences connected with Enlistment.

7 & 8 G. 4.
c. 29.

9 G. 4. c. 55.

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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

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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.

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 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

Apprentice enlisting to be liable to serve after Expiration of his Apprenticeship.

Claims of Masters to Apprentices.

above

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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 Apprentice 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.

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 Three-pence, 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

Suspending
Operation of
certain Acts
herein recited.

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

Mutiny.

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.

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 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

How and where Troops may be billeted.

Mutiny.

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

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such Officers and Soldiers are billeted, stating the Street or Place where such Persons dwell, and the Sign, if any, belonging to the Houses.

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.

Military Officers not to act as Justices in billeting.

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 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,

Allowance to Innkeepers.

Mutiny.

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.

Definition of
Terms.

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

Powers and
Regulations
as to Billets.

Houses

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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.

Exemptions
from Billets.

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 authorised in that Behalf, shall, on Production to them of such Order, or a Copy thereof certified by the Commanding Officer, by some Officer or Non-commissioned Officer of the Regiment or Corps so ordered to march, issue a Warrant to any Constable having Authority to act in any Place, from, through, near, or to which the Troop shall be ordered to march, (for each of which Warrants the Fee of One Shilling only shall be paid), requiring him to provide the Carriages, Horses, and Oxen, and Drivers therein mentioned, and allowing sufficient Time to do the same, specifying the Places from and to which the said Carriages shall travel, and the Distance between the Places, for which Distance only so specified Payment shall be demanded, and which Distance shall not, except in Cases of pressing Emergency, exceed a Day's March prescribed in the Order of Route, and shall in no Cases exceed Twenty-five Miles; and the Constables receiving such Warrants shall order such Persons as they shall think proper, having Carriages, to furnish the requisite Supply, who are hereby required to furnish the same accordingly; and when sufficient Carriages cannot be procured within the proper Jurisdiction, any Justice of the next adjoining Jurisdiction shall, by a like Course of Proceeding, supply the Deficiency; and in order that the Burden of providing Carriages may fall equally, and to prevent Inconvenience arising from there being no Justice near the Place where Troops may be quartered on the March, any Justice residing nearest to such Place may cause a List to be made out once

Supply of Car-
riages.

in

Mutiny.

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 seasonable 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

Mutiny.

required, in the Presence of a Justice or Constable; and no Carriage shall be liable to carry more than Thirty Hundredweight in *Great Britain*, and in *Ireland* no Car shall be liable to carry more than Six Hundredweight, and no Dray more than Twelve Hundredweight; but the Owner of such Carriages, in *Ireland* consenting to carry a greater Weight shall be paid at the same Rate for every Hundredweight of the said Excess; and the Owners of such Carriages in *Ireland* shall not be compelled to proceed, though with any less Weight, under the sum of Threepence a Mile for each Car and Sixpence a Mile for each Dray; and the Loading of such Carriages in *Ireland* shall be first weighed, if required, at the Expense of the Owner of the Carriage, if the same can be done in a reasonable Time, without Hindrance to Her Majesty's Service; provided that a Cart with One or more Horses, for which the Furnisher shall receive Ninepence a Mile, shall be required to carry Fifteen Hundredweight at the least; and no Penalties or Forfeitures in any Act relating to Highways or Turnpike Roads in the United Kingdom shall apply to the Number of Horses and Oxen, or Weight of Loading of the aforesaid Carriages, which shall not on that Account be stopped or detained; and whenever it shall be necessary to impress Carriages for the March of Soldiers from *Dublin*, at least Twenty-four Hours Notice of such March, and in case of Emergency as long Notice as the Case will admit, shall be given to the Lord Mayor of *Dublin*, who shall summon a proportional Number of Cars and Drays, at his Discretion, out of the licensed Cars and Drays and other Cars and Drays within the County of the said City, and they shall by Turns be employed on this Duty at the Prices and under the Regulations herein-before mentioned; and no Country Cars, Drays, or other Carriages coming to Markets in *Ireland* shall be detained or employed against the Will of the Owners in carrying the Baggage of the Army on any Pretence whatsoever.

LXXVI. 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 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

Supply of Carriages in Cases of Emergency.

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fyng 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.

Justices empowered to reimburse Constables for Sums expended by them.

LXXVII. 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.

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

LXXXIII. 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 an

Mutiny.

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, 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 procuring false Musters.

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 inducing Soldiers to desert.

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.

Penalty for forcible Entry in pursuit of Deserters.

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

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

Mutiny.

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

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

Mutiny.

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.

XCLII. 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 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,

Penalty on
purchasing
Soldiers Ne-
cessaries,
Stores, &c.

Mutiny.

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.

Penalty on
killing Game
without Leave.

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.

Form of Ac-
tions at Law.

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 assoilzie the Defendant or dismiss the Complaint, the Court in which the said Matter shall be tried shall allow unto the Defendant Treble Costs, for which the said Defendant shall have the like Remedy as in other Cases where Costs are by Law given to Defendants; and every Action against any Person for anything done in pursuance of this Act, or against any Member or Minister of a Court-martial in respect of any Sentence of such Court, or of anything done by virtue or in pursuance of such Sentence, shall be brought in some One of the Courts of Record at *Westminster* or in *Dublin*, or in the Court of Session in *Scotland*, and in no other Court whatsoever.

Administra-
tion of Oaths.
Perjury.

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.

Mutiny.

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 Schoolmasters 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 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.

Certain Soldiers to be deemed to have been duly attested.

CVL '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.

Alterations in the Forms of Attestation.

10 & 11 Vict. c. 37.

CVIL 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

Duration of this Act.

Mutiny.

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

Mutiny.

Date _____ 185

at _____ o'Clock* you enlisted with
 _____ 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
 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 Com-
manding Officer on any Foreign Station ?

* A.M. or P.M., as the Case may be.

Mutiny.

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?

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

* The Blank to be filled up with the Words Infantry, Cavalry, or Artillery, as the Case may be.

Mutiny.

Allegiance to Her Majesty, Her Heirs and Successors, and that I will, as in Duty bound, honestly and faithfully defend Her Majesty, Her Heirs and Successors, in Person, Crown, and Dignity, against all Enemies, and will observe and obey all Orders of Her Majesty, Her Heirs and Successors, and of the Generals and Officers set over me.

So help me GOD.

Witness my Hand _____ *Signature of Recruit.*
 _____ *Witness present.*

Sworn before me at _____ this }
 Day of _____ }
 One thousand eight hundred and _____ }
 at _____ o'Clock. }

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 _____ One of Her Majesty's
 Justices of the Peace of
 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 _____ Number _____ do declare, That I
 am at present (or was, as the Case may be,) _____ in Captain
 _____ 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 Com-
 pany, as the Case may be,] for a further Term of
 Years [to be filled up with Eleven Years in the Infantry, and
 Twelve

Mutiny.

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.

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 Apprenticed to me in the said Trade, by Indenture dated the _____ Day of _____ for the Term of _____ Years; and that the said _____ did on or about the _____ Day of _____ abscond and quit my Service without my Consent; and that to the best of my Knowledge and Belief the said _____ is aged about _____ Years. Witness my Hand at _____ the _____ Day of _____

One thousand eight hundred and _____

Sworn before me at _____ this _____

Day of _____

hundred and _____

One thousand eight _____

}

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 Apprenticed to him in the said Trade, by Indenture dated the _____ Day of _____ for the Term of _____ Years; and that the said Apprenticed 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 Apprenticed is aged about _____ Years.

FORM

<i>Mutiny.</i>					
Age	-	-	-	-	
Height	-	-	-	-	Feet. Inches.
Complexion	-	-	-	-	
Hair	-	-	-	-	
Eyes	-	-	-	-	
Marks	-	-	-	-	
Probable Date of Enlistment, and where	-	-	-	-	
Probable Date of Desertion, and from what Place	-	-	-	-	
<div style="border-left: 1px solid black; border-right: 1px solid black; padding: 5px;"> Name and Occupation and Address of the Person by whom apprehended - - </div>					
<div style="border-left: 1px solid black; border-right: 1px solid black; padding: 5px;"> * Particulars in the Evidence on which the Prisoner is committed, and showing whether he surrendered or was apprehended, and in what Manner, and upon what Grounds - - </div>					

* 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.

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 "is" or "is not," as the Case may be.

‡ 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.

Marine Mutiny.

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.]

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 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.

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,

No Person tried by Civil Power to be punished by Court-martial for same Offence except by cashiering.

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

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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.

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*, 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.

Swearing and
Summoning
Witnesses.

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 Arrests, 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

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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.

XVIII. After any Person subject to this Act has been found guilty of any Charge or Charges the Court before which any such Person shall have been tried, before passing Sentence on such Person, and for the Purpose only of awarding Punishment, may receive in Evidence against him any previous Convictions by Courts-martial; and in like Manner and for the like Purpose the Court may receive in Evidence any previous Conviction of any such Person, not being a Commissioned Officer, by a Court of ordinary Criminal Jurisdiction, 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

Previous Con-
victions to be
put in
Evidence.

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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

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shall compel the Governor or Commanding Officer of any Garrison, Fortress, or Post to deliver up to the Enemy or to abandon the same; or shall speak Words or use any other Means to induce such Governor or Commanding Officer or any other to misbehave before the Enemy, or shamefully to abandon or deliver up any Garrison, Fortress, Post, or Guard committed to their respective Charge, or which he or they shall be commanded to defend; or shall leave his Post before being regularly relieved, or shall sleep on his Post; or shall hold Correspondence with or give Advice or Intelligence to any Rebel, Pirate, or Enemy of Her Majesty, either by Letters, Messages, Signs, Tokens, or any other Ways or Means whatever; or shall treat or enter into any Terms with any such Rebel, Pirate, or Enemy, without the Licence of the Lord High Admiral of the said United Kingdom or the Commissioners for executing the Office of Lord High Admiral aforesaid, for the Time being; or shall strike or use or offer any Violence against his Superior Officer being in the Execution of his Office, or shall disobey any lawful Command of his Superior Officer; or who being confined in a Military Prison shall offer any Violence against a Visitor or other Officer being in the Execution of his Office, or shall violate any Law or Regulation of or relating to any Military Prison; or shall desert 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. Whensoever 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

Commutation
of Death for
Transportation
or other
Punishment.

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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 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.

Transportation
of Offenders.

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

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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 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.

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

In the
Colonies.

Marine Mutiny.

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 hereinafter prescribed.

Power to inflict Corporal Punishment and Imprisonment.

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.

Power to commute 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

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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.

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 any 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 Infirmary, 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 Mutiny.

Forfeiture of
Pay on Con-
viction of
Desertion or
Felony.

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

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 herein-after provided, such Portion of his Time shall not be reckoned as a Part of the limited Service for which such Non-commissioned Officer or Marine was enlisted or re-engaged, or for which his Time of Service may have been prolonged; and no Marine shall be entitled to Pay, or to reckon Service towards Pay, or Pension, when in Confinement under a Sentence of any Court, or during any Absence from Duty by Commitment or Confinement 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

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 with
out Leave ;
or when ab-
sent without

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account for the same to the Satisfaction of the Commanding Officer, or if any Marine shall be guilty of any other Offence which the Commanding Officer may not think necessary to bring before a Court-martial, the Commanding Officer may, in addition to any minor Punishment he is 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.

Leave not exceeding Five Days.

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.

Discharge with Ignominy.

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.

Marking Deserters.

Marine Mutiny.

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 *per Diem* shall be carried to the credit of the Fund from which the Expense of such Place of Confinement is defrayed.

Expiration of

XLV. Every Gaoler or Keeper of any public Prison, Gaol, House

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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.

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

Musters, and
Penalty on
false *Musters*.

Marine Mutiny.

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.

Apprehension of Deserters.

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 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,

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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.

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.

Temporary
Custody of
Deserters in
Gaols.

LVI. Any

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Marines liable to be taken out of Her Majesty's Service only for Felony and certain Misdemeanors, or for Debts amounting to 30*l.* and upwards; but not liable to be taken out of Her Majesty's Service for not maintaining their Families or for Breach of Contract.

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 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

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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 *bona 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,

Enlisting and
swearing of
Recruits.

at

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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.

Offences connected with Enlistment.

LXI. If any Recruit shall receive Enlisting Money, knowing it to be such, from any Person employed in the Recruiting Service and authorized to enlist Recruits, and shall abscond or refuse to go before such Justice, or shall after his Enlistment absent himself from the Recruiting Party or Person with whom he enlisted, and shall not voluntarily return to go before some Justice within such Period of Ninety-six Hours as aforesaid, such Recruit shall at the Expiration of such Period of Ninety-six Hours be deemed to be enlisted and a Private in Her Majesty's Royal Marine Forces as fully to all Intents and Purposes as if he had been duly attested, and may be apprehended and punished as a Deserter, or for being absent without Leave, under any Articles of War made for the Punishment of Mutiny and Desertion; and such Recruit shall not be discharged by any Justice of the Peace after the Expiration of such Ninety-six Hours as aforesaid, unless it shall be proved to the Satisfaction of such Justice that the true Name and Residence of the Recruit were disclosed and known to the Recruiting Party, and that no Notice was given to the Recruit, or left at his usual Place of Abode of his having so enlisted, or that the true Name and Residence of the Recruit were not taken down in Writing: Provided always, that in every Case wherein any Recruit shall have received Enlisting Money, and shall have absconded so that it shall not be possible immediately to apprehend and bring him before a Justice, the Officer or Non-commissioned Officer commanding the Party shall produce to the Justice before whom the Recruit ought regularly to have been brought for Attestation a Certificate of the Name and Place of Residence of such Recruit; and the Justice to whom such Certificate shall be produced shall, after satisfying himself that the Recruit who had so absconded cannot be found and apprehended, transmit a Duplicate thereof to the Secretary of the Admiralty, in order that, in the event of such Recruit being afterwards apprehended and reported as a Deserter, the Facts of his having received Enlisting Money, and having absconded after having been enlisted, may be ascertained before he shall be finally adjudged to be a Deserter; and it shall be lawful for any Two Justices acting for the County, Division, District, or Place where any such Recruit shall at any Time happen to be when any such Recruit shall be brought, and shall be proved upon Oath before them to have concealed his belonging or having belonged to any Regiment, or to the Marines, Ordnance, 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 Infirmity, or designedly made any false Representation at or previously to the Time of receiving Enlisting Money or upon being attested, to adjudge such Recruit, if in *England*, to be a Rogue and Vagabond, and to sentence him to such Punishment as by any Law may be inflicted on Rogues and Vagabonds, and to adjudge such Person, if in *Scotland* or *Ireland*, to be imprisoned with Hard Labour in any Prison or House of Correction for any Period

not

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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

7 & 8 G. 4.
c. 29.

9 G. 4. c. 55.

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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 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.

Apprentices
enlisting to be
liable to serve
after the Expi-
ration of their
Apprenticeship.

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

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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 War-

Claims of
Masters to
Apprentices.

No Apprentice
claimed by the
Master shall be
taken away
without a
Warrant.

Marine Mutiny.

Punishment of
Apprentices
enlisting.

rant 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.

Billeting of
Marines.

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, 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

Marine Mutiny.

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

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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 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

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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 War-
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Rates for
Carriages.

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rant 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 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.

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

Providing for
Supply of Car-
riages, &c. in
Cases of Emer-
gency.

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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.

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

Justices of
Peace to direct
Payment of
Sums expended
for Carriages,
&c.

and

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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 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.

Penalty for
purchasing
Clothes, &c.
from any Ma-
rine.

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

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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.

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.

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

Penalty on Officers killing Game.

Mode of recording a Marine's Settlement.

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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.

Definition of
Terms.

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 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

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

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ment, 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.

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.

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 for a Term of Years; that I am of the Age of Years; and that I will serve Her Majesty, Her Heirs and Successors, as a Marine, for a further Term of Years

Alterations in Forms of Attestation.

Duration of Act.

Marine Mutiny.

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 RETURN of _____ who was apprehended
[or surrendered himself, as the Case may be] on the _____
Day of _____ and was committed to
Confinement at _____ on the _____ Day of
as Deserter from the Royal Marines.

Age	-	-	-	-	}		
Height	-	-	-	-			Feet.
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 surrendered or was apprehended, and in what Manner, and upon what Grounds							

* It is important for the Public Service, and for the Interest of the Deserter, that this Part of the Return should be accurately filled up, and the Details should be inserted by the Magistrate in his own Handwriting, or, under his Direction, by his Clerk.

Customs Duties.

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.*

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 "is" or "is not," as the Case may be.

† 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, Alteration of Duties on Tea.

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.

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, Alteration of Customs Duties on Sugar.

Customs Duties.

	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
Molasses - - - 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 - - -	£ 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 - }	
	the Pound

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

Race-horse Duty Act Amendment.

	£	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,				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 <i>per Centum</i> 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	
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 under the Provisions of any Act or Acts now in force or hereafter to be made relating to the Customs.				Duties to be under Management of Commissioners of 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."				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

Race-horse Duty Act Amendment.

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

Duty imposed by said Act to be paid to the Receiver of Race-horse Duty previously to the starting of a Race Horse.

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.

Commissioners of Inland Revenue to provide Books of printed Forms of Receipts and Counterfoils.

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.

Receiver of Race-horse Duty to give Receipt for Duty on printed Form, and fill up Counterfoil;

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.

to be accountable for Forms of Receipts and Counterfoils supplied to him;

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 an 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 an

*Exchequer Bills.**Pauper Maintenance.*

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.

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.

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.

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.

Penalty on Receiver of Race-horse Duty for Neglect of Duty

Certain Sections of 19 & 20 Vict. c. 82 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.]

[19 & 20 Vict. c. 47., continued until 30th September 1857.]

Extra-parochial Places.

C A P. XIX.

An Act to provide for the Relief of the Poor in Extra-parochial Places. [21st March 1857.]

2 5926 *Unf. Act.*
 832.
 2928 *Unf. Act.*
 55.
 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 Unior or other District for the Purposes aforesaid.

Extra-parochial Places.

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, 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.

Justices at the Quarter Sessions may upon Application, and with Consent, annex, any Extra-parochial Place to an adjoining Parish.

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.

Overseers may act as Guardians until there shall be Ratepayers qualified to elect.

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.

Powers, &c. of Overseers extended to Overseers appointed under this Act.

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,

Certain Places excepted.

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.

Provision for Extra-parochial Places adjoining Districts under Local Acts.

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 situate may, if he think fit, authorize by Writing under his Hand and Seal the Publication of Banns and the Solemniza-

Bishop may authorize Publication of Banns in Extra-parochial Place.

Consolidated Fund (Appropriation).

tion 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.

Provisions as to the keeping of Marriage Registers to extend to any Church or Chapel where Banns may be published.

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.

Terms used in this Act to be construed as in 4 & 5 W. 4. c. 76. &c.

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.

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 3 & 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 Sea-
			men and Marines -
300,000	0	0	For Victuals, &c. in the
			Navy - - - -
50,000	0	0	For Salaries, &c. of the Ad-
			miralty Office - - -
80,000	0	0	For Coast Guard Service
			and Royal Naval Coast
			Volunteers - - -
30,000	0	0	For the Navy Scientific De-
			partments - - -
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 Miscella-
			neous 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, Con-
			veyance of Troops, &c. -
400,000	0	0	For Packet Service. -

On account, to
31st March 1858.

XI. For Army Services, £1,082,000, on account, viz.

£111,000	0	0	For Wages of Artificers, &c.
140,000	0	0	For Clothing and Necessaries
319,000	0	0	For Provisions, Barrack Fur-
			niture, &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
			India) - - -
184,000	0	0	For Miscellaneous Charges
			at home and abroad (ex-
			clusive of India) -
14,000	0	0	For Volunteer Corps in
			Great Britain - -

On account, from
1st April 1857 to
31st March 1858.

Consolidated Fund (Appropriation).

£62,000	0	0	For Salaries, &c. of War Departments - - -	} On account, from 1st <i>April</i> 1857 to 31st <i>March</i> 1858.
125,000	0	0	For Manufacturing Departments, Military Storekeepers, 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>Kilmatham</i> Hospitals, and 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, <i>viz.</i> —			
£280,000	0	0	For Salaries, &c. of the Customs Department -	} On account, to 31st <i>March</i> 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, <i>viz.</i>			
	CIVIL SERVICES.— <i>Class 1.</i>			
60,000	0	0	For Royal Palaces and Public Buildings - - -	} On account, to 31st <i>March</i> 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> - -

On account, to
31st *March* 1858.

Consolidated Fund (Appropriation).

£2,000	0	0	For Salaries, &c. of the General Register Office, Scotland
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

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

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

On account, to
31st *March* 1858.

Consolidated Fund (Appropriation).

£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 - - -

On account, to
31st *March* 1858.

CIVIL SERVICES.—Class 4.

180,000	0	0	For Education, <i>Great Britain</i> - - -
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Consolidated Fund (Appropriation).

£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 - -

On account, to
31st *March* 1858.

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 - -
200	0	0	The <i>Rotunda</i> Lying-in Hospital - -
100	0	0	The <i>Coombe</i> Lying-in Hospital - -

Consolidated Fund (Appropriation).

£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 Commis-
			sioners - - - - -)
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 In-
			cumbered 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 and Wales</i>) - -
5,000	0	0	For the Expense of the In-
			spection 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.

Consolidated Fund (Appropriation).

XX. Half Pay allowed to Officers of the *Mass* 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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TO

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20° VICTORIÆ (1857).

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Preamble recites 14 & 15 Vict. c. 53., 16 & 17 Vict. c. 124., and 18 and 19 Vict. c. 52.

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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 3.

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2–4. First Elections of Local Boards for Oldbury, Llangollen, and Dukinfield.

5–7. First Selection and Election of Local Board for Main Sewerage District of Wisbech and Walsoken; and their Proceedings, Rates, &c., to be deemed valid.

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§ 8. Incorporation of Act with Public Health Act, 1848
(11 & 12 Vict. c. 63).

9. Short Title.

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20 Vict. c. 2.—An Act to facilitate the Appointment of Chief Constables for adjoining Counties, and to confirm Appointments of Chief Constables in certain Cases. Page 2.

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§ 1. Repealing Provision in recited Act as to Appointment of the same Chief Constables for Two or more adjoining Counties.

2. Power to Justices to appoint a Person to be Chief Constable, although he may hold a similar Appointment in an adjoining County.

3. Previous Appointments of Chief Constables confirmed, and all Acts done by them valid.

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20 Vict. c. 11.—An Act to amend the Commissioners of Supply (Scotland) Act, 1856. Page 33.

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2. Clerk of Supply to make up List of Commissioners under subsisting Act of Supply.

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20 Vict. c. 5.—An Act to authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for England and Wales. Page 26.

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2. For ascertaining, &c., the Compensation to be paid to Persons interested in Portions of Bowes Moor in the County of York. 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 Act 14 & 15 Vict. c. 53., for consolidating the Copyhold and Inclosure Commissions, and for completing Proceedings under the Tithe Commutation Acts. Page 30.

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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.

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20 Vict. c. 10.—An Act to continue certain temporary Provisions concerning Ecclesiastical Jurisdiction in England. Page 32.

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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 115.

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20 Vict. c. 19.—An Act to provide for the Relief of the Poor in Extra-parochial Places. Page 116.

§ 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.

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- § 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.
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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 3.

- § 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.
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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 26.

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.

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20 Vict. c. 6.—An Act to reduce the Rates of Duty on Profits arising from Property, Professions, Trades, and Offices. Page 29.

- § 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.

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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 29.

Indemnity - - - - *Jurisdiction.*

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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20 Vict. c. 4.—An Act to enable the Subjects of the Ionian States to hold Military and Naval Commissions under the Crown. Page 26.

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20 Vict. c. 10.—An Act to continue certain temporary Provisions concerning Ecclesiastical Jurisdiction in England. Page 32.

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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 34.

- § 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.
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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 1.

- § 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.*]

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Military and Naval 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 26.

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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 35.

20 Vict. c. 14.—An Act for the Regulation of Her Majesty's Royal Marine Forces while on Shore. Page 79.

N.

Naval Commissions. See *Military and Naval Commissions.*

O.

Offices and Employments, Qualifications for.
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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 115.

§ 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.

Pay - - - - - *Poor.*

Pay. See *Army. Royal Marines.*

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 116.

- § 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 115.

- § 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 - - - *Qualifications.*

Property Tax.

20 Vict. c. 6.—An Act to reduce the Rates of Duty on Profits arising from Property, Professions, Trades, and Offices. Page 29.

- § 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 3.

- § 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 113.

- § 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 115.

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 118.

Royal Marines.

20 Vict. c. 14.—An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore. Page 79.

The following is the General Arrangement of Provisions contained in the Marine Mutiny Act:—

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Royal Marines - - - - *Stroud.*

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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 1.

- § 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 31.

- § 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 - - - - *Towns.*

Sugar Duties.

20 Vict. c. 15.—An Act for granting certain Duties of Customs on Tea, Sugar, and other Articles. Page 111.

- § 1. Duties on Tea, from 5th April 1857 to 5th April 1858, to be 1s. 5d. 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.

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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 111.

- § 1. Duties on Tea, from 5th April 1857 to 5th April 1858, to be 1s. 5d. 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 34.

- § 1. Provisions in Sections 68., 69., and 70. of 9 Geo. 4. c. 82., whereby certain Penalties, Forfeitures, and

Towns - - - - - *Wisbech.*

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 115.

§ 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.*

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.
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A LIST
OF
LOCAL ACTS

PASSED DURING THE
SESSION 20 VICT. (1857.)

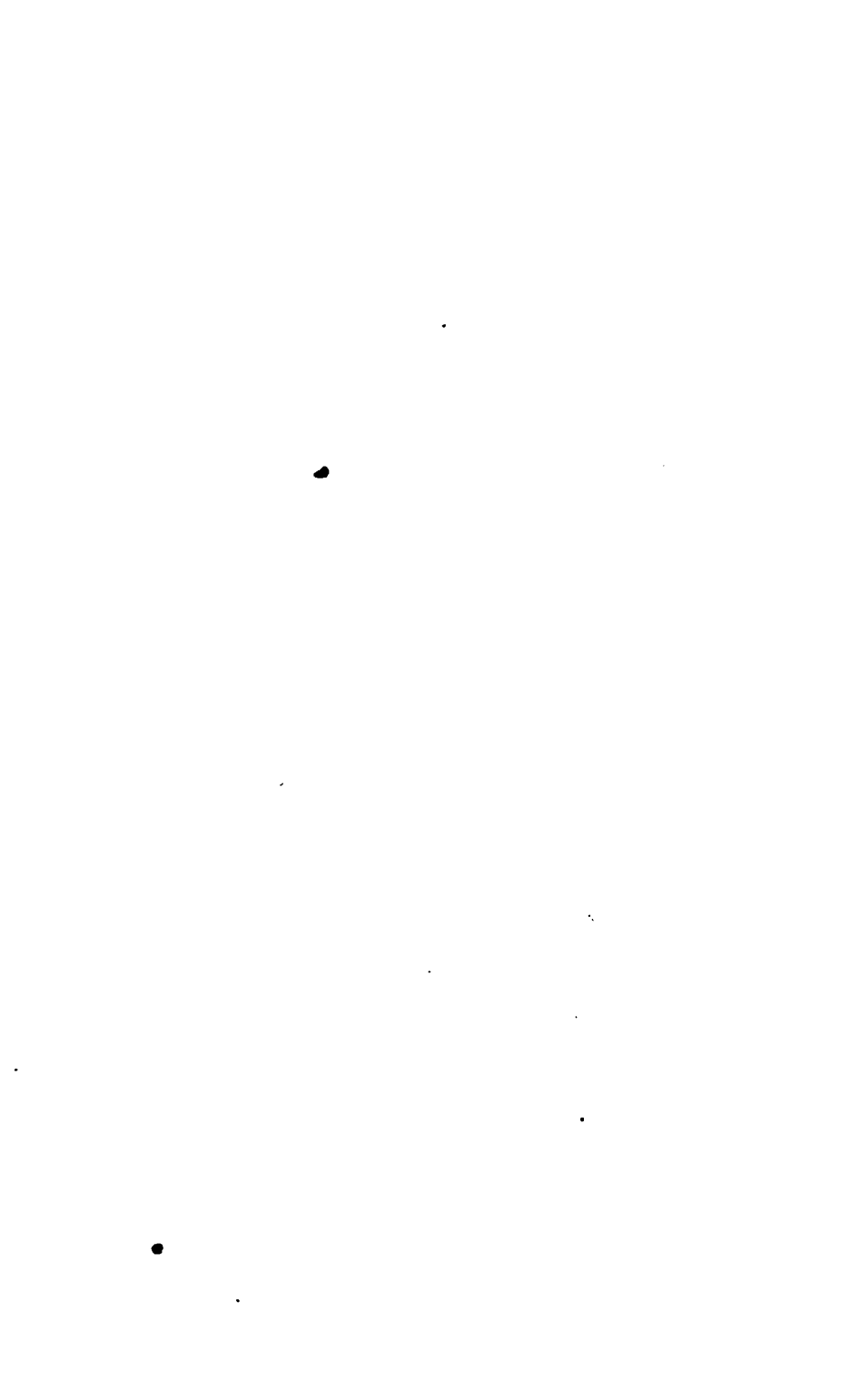
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THE
S T A T U T E S
OF
THE UNITED KINGDOM
OF
GREAT BRITAIN AND IRELAND,
20 & 21 VICTORIA, 1857.

WITH A COPIOUS INDEX.

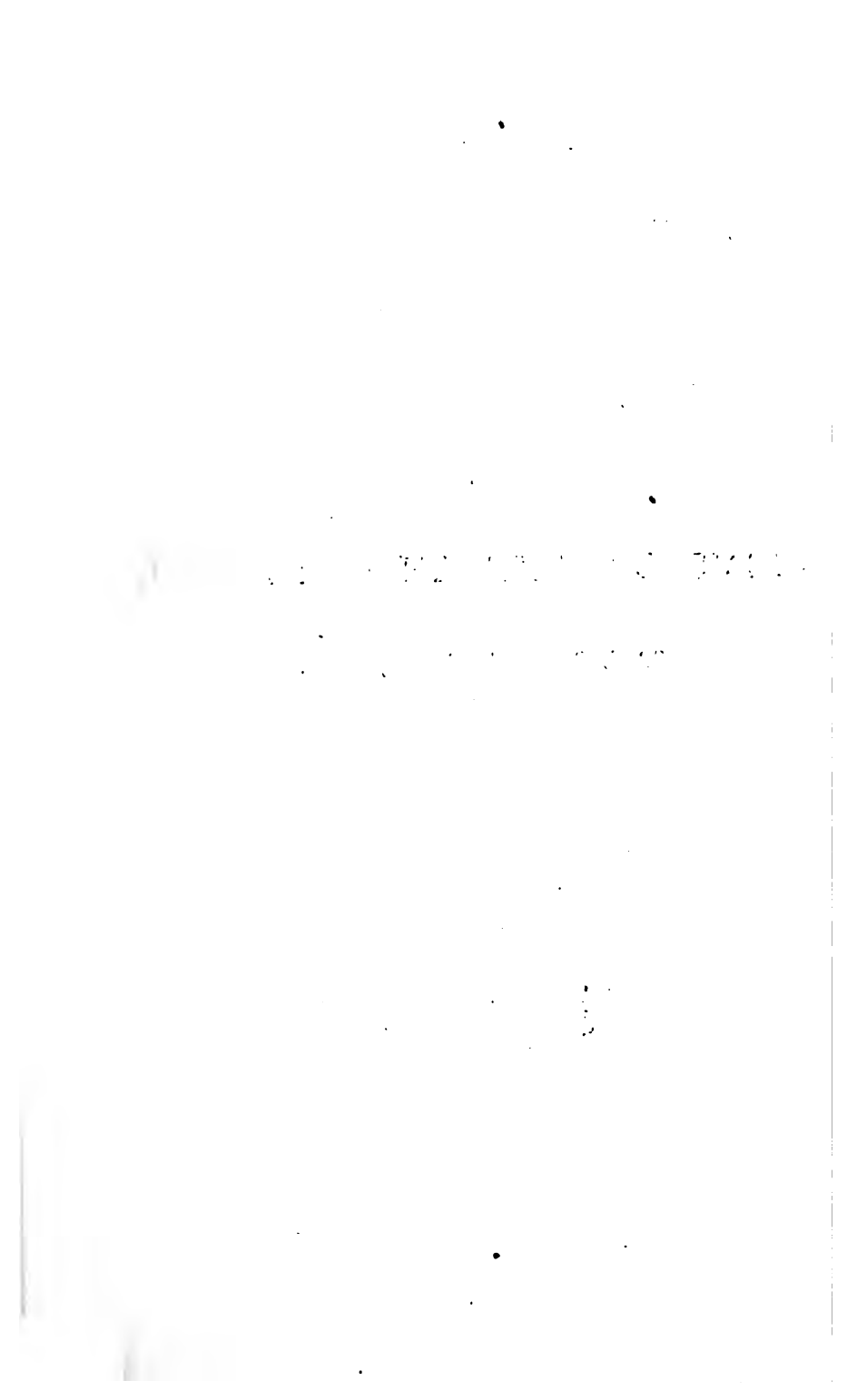


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A
T A B L E

Containing the TITLES of all

THE STATUTES

Passed in FIRST Session of the SEVENTEENTH
Parliament

OF

The United Kingdom of GREAT BRITAIN and IRELAND

20° & 21° VICTORIÆ.

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- 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. 556
- 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. 557
- 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*. 558
- 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*. *Ibid.*
- xxxii. An Act to enable the *Fraserburgh* Harbour Commissioners to purchase Lands and to borrow a further Sum of Money. 559
- 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. Page 560
- 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 *Southsea*, and the Neighbourhoods, in the Parishes of *Portsmouth* and *Portsea*, in the County of *Southampton*. 561
- 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. *Ibid.*
- 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. 562
- 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 *Penrhiwfer* in the Parish of *Llantrissant* in the County of *Glamorgan*, with Branches to *Glanmychydd* and *Mynydd Gellyrhaid*, both in the said Parish of *Llantrissant*. 563
- 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*. 564
- 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. *Ibid.*
- xlvii. An Act for better supplying with Water the Town of *Ipswich*. 565

- xlvi. 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. Page 565
- xlix. An Act for making a Railway from the *Deeside* Railway at *Banchory* to *Charleston* of *Aboyme*. 566
- l. An Act to incorporate a Company for, extending the *Banff, Macduff, and Turriff Junction* Railway from *Turriff* to *Banff* and *Macduff*. *Ibid.*
- li. An Act to extend the Time for making the *Cork and Youghal* Railway, and to vary the borrowing Powers of the Company. 567
- 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*. 568
- 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. *Ibid.*
- 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. 569
- 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* Gas-light Company and extending their Powers, and for authorizing additional Works, and the raising of further Moneys; and for other Purposes. 570
- 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. 571

- 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. Page 571
- 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*. 572
- 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. 573
- 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. *Ibid.*
- lxviii. An Act for granting additional Powers to "The *Australian Agricultural* Company." 574
- 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*. 575
- 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. 576
- 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. 577
- 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. Page 578
- lxxix. An Act to empower the *Briton Ferry* Floating Dock Company to raise Money; and for other Purposes connected with their Undertaking. *Ibid.*
- lxxx. An Act for granting further Powers to "The City and Suburban Gas Company of *Glasgow*." 579
- lxxxi. 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. 580
- 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. *Ibid.*
- lxxxv. An Act to enable the *Great Southern and Western* Railway Company to make a Railway from *Tullamore* to *Athlone*; and for other Purposes. 581
- 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 *Prinlows Lower Mills*, and other Purposes. *Ibid.*
- 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. 582
- 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. 585
- 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. 586
- xciii. An Act to enable the *British Fisheries* Society to enlarge, improve, and maintain *Pulteney* Harbour in the County of *Caitness*; and for other Purposes. *Ibid.*
- xciv. An Act for improving and maintaining the Harbour of *Elie* in the County of *Fife*. 587

- 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. *Page* 587
- 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*. 588
- 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. *Ibid.*
- xcix. An Act for the *Worksop and Attercliffe* Turnpike Road in the County of *Nottingham* and the West Riding of the County of *York*. 589
- 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. 590
- 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.*
- ciii. 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. 591
- 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.*
- cv. An Act to authorize the *East Somerset* Railway Company to extend their Railway from *Shepton Mallett* to *Wells*. 592
- 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. Page 593
- cix. An Act for improving the *North Level Drainage*, and for other Purposes relating to the Level. 594
- cx. An Act for making a Railway from *Broughton to Coniston* in the County Palatine of *Lancaster*; and for other Purposes. 595
- cxl. 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.*
- cxli. 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. 596
- cxlii. 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.*
- cxliii. 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.*
- cxlv. 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*. 597
- cxlvi. An Act for the making and maintaining of the *Stratford-upon-Avon* Railway; and for other Purposes. 617
- cxlvii. 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.*
- cxlviii. 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.*

- 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. Page 618
- cxx. 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. 619
- cxxii. An Act to enable the *Whitehaven and Furness Junction* Railway Company to raise additional Capital; and for other Purposes. *Ibid.*
- cxxiii. An Act to enable the *Caledonian* Railway Company to construct Branch Railways from their Line near *Edinburgh* to *Granton*; and for other Purposes. *Ibid.*
- cxxiv. 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. 620
- cxxv. An Act to extend the Time for the Purchase of certain Lands required for the *Metropolitan* Railway; and for other Purposes. *Ibid.*
- cxxvi. 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. 621
- cxxvii. 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.*
- cxxviii. 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. 622
- cxxix. 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.*
- cxxx. An Act to enable the *Great Yarmouth* Waterworks Company to raise a further Sum of Money. *Ibid.*
- cxxxi. 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. 623
- cxxxii. 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.*

- cxxxiii. An Act for making a Railway from the *London, Brighton, and South Coast* Railway at *Horsham*, through *Billingshurst*, to *Pulborough*, with a Branch from *Pulborough* to *Coultershaw Mill* in the Parish of *Petworth*, all in the County of *Sussex*. Page 623
- cxxxiv. 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. 624
- 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." *Ibid.*
- 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. 638
- cxxxvii. An Act for the Construction of Railways to supply direct Communication between *Oldham, Ashton-under-Lyne, and Guide Bridge*, and for the Accommodation of the Neighbourhood. 639
- cxxxviii. An Act to make Provision with respect to Capital fraudulently created in the *Great Northern and East Lincolnshire* Railway Companies. 640
- 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. 645
- 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. 646
- 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. 647
- 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. 648
- 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. 649

- 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. Page 649
- cxlvi. An Act to alter, amend, and consolidate the Acts relating to the Company of Proprietors of the *Norfolk Estuary*. 650
- cxlvii. An Act to provide for the Conservation of the River *Thames*, and for the Regulation, Management, and Improvement thereof. 652
- 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*. 653
- 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*. 654
- 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. 655
- 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)." 656
- 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. *Ibid.*
- 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. 657
- 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. 658
- clviii. An Act to authorize the *Wycombe* Railway Company to extend their Railway to *Princes Risborough* and to *Trame*. 674
- 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. 675

- dxi. 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. Page 675
- cxii. 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. 676
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PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

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IN EVIDENCE.

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. Page 692
 2. An Act to amend and explain *Fleming's* Estate Act, 1852. *Ibid.*
 3. An Act for authorizing the Dean and Chapter of *Hereford* to raise Money for the Repair of the Cathedral Church of *Hereford*. *Ibid.*
 4. An Act to enable the Trustees of the Will of the late *Francis Duke of Bridgewater* to complete the Purchase of the *Run-corn and Weston* Canal, and to enable such Trustees more effectually to administer the Trusts of the Will of the said Duke. 693
 5. An Act for authorizing the Sale to the *Dorset Central* 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 *Dorset* of which the Right Honourable *George Pitt Rivers* Lord *Rivers* is now Tenant for Life in possession; and for other Purposes. *Ibid.*
 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. 694
 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 Improvement 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. *Ibid.*
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PRIVATE ACTS,

NOT PRINTED.

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

Anno Regni VICTORIÆ, Britanniarum Reginæ,
Vicesimo & Vicesimo Primo.

‘ AT the Parliament begun and holden at *Westminster*, the
‘ Thirtieth Day of *April*, *Anno Domini* 1857, in the Twen-
‘ tieth 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.]

‘ 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* 18 & 19 Vict.
‘ *Administration of Justice in the Cinque Ports*, it was enacted c. 48.
‘ (by the Fifth Section), that from and after the granting 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 House-
‘ holders 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* 7 W. 4. &
‘ *Act for the Regulation of Municipal Corporations in England* 1 Vict. c. 78.
‘ and *Wales*, petitioned Her Majesty to grant a Charter of Incor-
‘ poration to the Inhabitants of the said Town of *Margate* within
‘ the Limits defined in the Schedule to an Order of the General
‘ Board
20 & 21 VICT. B

*Cinque Ports Act Amendment.**Princess Royal's Annuity.*

‘ 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 hereinafter
 ‘ 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 Commission 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:

Sect. 5. of recited Act inapplicable to any District not having a Commission of the Peace and Court of Quarter Sessions.

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.

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,
 ‘ **W**E, 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

Princess Royal's Annuity. Transportation and Penal Servitude.

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

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.

Power to Her Majesty to grant an Annuity of 8,000*l.* to Her Royal Highness the Princess Royal for Her Life.

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.]

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 :

16 & 17 Vict.
c. 99.

I. Sections One, Two, Three, and Four of the said Act shall be repealed.

Part of recited Act 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

Sentence of Transportation abolished, and Sentence of Penal Servitude substituted.]

Transportation and Penal Servitude.

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 concern-
ing transported
Offenders ap-
plicable to Of-
fenders sen-
tenced 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 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.

Power to ap-
point Places of
Transportation
applicable un-
der this Act.

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.

Magistrates
may recommit
Convicts whose
Licences are
revoked, &c.

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

Insurance on Lives (Abatement of Income Tax) Continuance.

' 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.

Enactments to have reference to 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.

Recited Act and this to be read as One.

VIII. This Act shall commence on the First Day of July One thousand eight hundred and fifty-seven.

Commencement of Act.

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:

16 & 17 Vict. c. 91.

19 & 20 Vict. c. 33.

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.

16 & 17 Vict. c. 91. continued until 6th April 1860

Court of Exchequer (Ireland).

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.]

40 G. 3. c. 39.

1 G. 4. c. 68.

16 & 17 Vict.
c. 113.

19 & 20 Vict.
c. 102.

Appeals from
one Court to
Judges of
Two other
Courts.

Act not to
affect Chief
Justices or
Chief Baron.

Procedure in
Error shall
be uniform.

‘ **W**HEREAS 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 Procedure 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:

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.

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.

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,

Court of Exchequer (Ireland). County Cess (Ireland).

form, 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.

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.

Power to make General Orders.

C 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.]

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:

11 & 12 *Vict.* c. 32.

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

11 & 12 *Vict.* c. 32. revived and continued to End of 1

County Cess (Ireland).

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.

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 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.

Collectors so
appointed to
have same
Powers as
Collectors of
County Cess
under last-
recited Act.

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.

Charges, &c.
levied by
Collectors of
County Cess.

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.

"Lord Lieu-
tenant,"

VI. In the Construction of this Act the Term "Lord Lieutenant" shall be held to include any other Chief Governor or Governors of *Ireland*.

Ministers Money (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:

I. The Second, Third, Fourth, Fifth, Sixth, Seventh, Ninth, and Eleventh Sections of the said recited Act shall be and are hereby repealed.

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.

17 & 18 Vict.
c. 11.

Certain Sections of recited Act repealed.

Arrears not to be recovered.

III. Nothing

Ministers Money (Ireland). Turnpike Trusts Arrangements.

Incumbents
to be paid by
Ecclesiastical
Commissioners.

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.

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	£ s. d.		

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.	" County of Surrey, to " Ramshill near Petersfield " in the County of South- " ampton " - - -	£ s. d. 5,050 0 0	{ 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 Mar- " ket 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 repair- " ing and improving the " Roads from the Town of " Malmesbury to Copped " Hall Turnpike, Sutton " Bengier 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 Ma- " jesty King George the " Third, for repairing and " improving the Road lead- " ing from the City of Can- " terbury to the Town of " Ramagate in the County " of Kent; and for sus- " pending and varying for " a further limited Time so " much of an Act passed in " the Twenty-seventh Year			

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.	<p>“ 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.” So far as the same relates to the Second District of Roads - - -</p>	£ s. d.	{ 2l. per Cent.	{ 31 Dec. 1854.
3 Nov.	<p>6 G. 4. c. 27., “ An Act for “ more effectually repairing “ and improving the Road “ from Stockport in the “ County Palatine of Ches- ter to near New Houses “ in the County of York, “ and other Roads in the “ said Counties, and in the “ County Palatine of Lan- caster, and for making “ and maintaining several “ new Branches to commu- nicate therewith ” - - -</p>	4,300 0 0	{ 2l. per Cent.	{ 31 Dec. 1854.
14 Nov.	<p>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 ” - - -</p>	8,013 10 0	{ 4l. per Cent. }	No Arrears extinguished.
18 Nov.	<p>9 G. 4. c. 32., “ An Act for “ more effectually amend- “ ing, widening, and keep- ing 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</p>	4,264 3 4	{ 2l. 10s. per Cent.	{ 29 Sept. 1855.

Turnpike Trusts Arrangements.

Date of Provisional Order.	TITLE OF LOCAL ACT.	Amount of Principal Debt.	Interest to be reduced to the following Rates per Annam.	Arrears of Interest to be extinguished to the following Dates.
1857. 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" - - -	£ s. d. 17,858 10 0	{ 4l. per { Cent. {	No Arrears extinguished.

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. xlv.
(Local.)

‘ **W**HEREAS 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 Excep-
‘ tion 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 com-
‘ monly known by the Name of the Glebe Lands: And whereas
‘ a Charter of Incorporation has been granted by Her Majesty,
‘ and

Hanley Borough Incorporation.

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:

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 Twenty-ninth 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

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.

Militia (Ireland) Act (1854) Amendment.

gess Roll made out or amended as aforesaid shall be valid for the Purposes of the said Charter as amended by this Act.

Amended Charter confirmed.

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 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.

Powers of Councils of *Cork* and *Limerick* to raise Monies, &c.

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.

II. The

Militia (Ireland) Act (1854) Amendment. Sound Dues.

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 Execution of Mortgages.

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:

*Sound Dues.**Sites for Workhouses.*

Treasury may direct Payment of 1,125,206*l.*, in accordance with recited Convention.

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.

C A P. XIII.

An Act to facilitate the procuring of Sites for Workhouses in certain Cases. [13th July 1857.]

5 & 6 W. 4.
c. 69.

‘ **W**HEREAS 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 :

Provision for the Acquisition of Sites for a Workhouse, when the Land belongs to an Ecclesiastical Corporation Sole unsound 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

Sites for Workhouses.

sents 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.

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.

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

Certain Consents to be obtained to the Acquisition.

Application of Purchase Money.

Application of Dividends or annual Income until Investment.

Sites for Workhouses.

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.

How Consent
of Patron, &c.
to be given.

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.

Provision
where the
Right of
Patronage is
in the Crown,
the Duke of
Cornwall, or
in Persons
under Dis-
ability.

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.

Interpretation
of the Word
"Benefice."

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.

7 W. 4. &
1 Vict. c. 50.
and Interpre-
tation of Terms
in 4 & 5 W. 4.
c. 76. and
16 & 17 Vict.
c. 70. to apply.

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.

Joint Stock Companies Act, 1857.

C A P. XIV.

An Act to amend the Joint Stock Companies Act, 1856.

Repealed 25 & 26 Vic. c. 89.

[13th July 1857.]

see hist. cap 80.

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."

Short Title.

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."

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.

Register of Shareholders (Part I. of Principal Act).

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

Power of Limited Company to convert paid-up Shares into Stock.

Joint Stock Companies Act, 1857. .

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 Resoluton 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

Joint Stock Companies Act, 1857.

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.

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.

Arrested Shareholder may apply to Court for his Discharge.

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.

Calls under Third Part of Principal Act to be Specialty Debt.

Official Liquidators (Part III. of Principal Act).

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.

Proviso as to Appointment of Liquidators by Courts other than Court of Bankruptcy.

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

Extension of Power to compromise Debts.

As far as the law (now established) 21 & 22 Vic. c. 60

Joint Stock Companies Act, 1857.

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.

Power for Liquidators to accept Shares as a Consideration for Sale of Property of Company.

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 of Liquidators to call General Meeting.

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 Court to adopt Proceedings of voluntary Winding-up.

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

21 & 22 Vic. c. 60
10 RR. 309

Joint Stock Companies Act, 1857.

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.

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 intituled *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 (Part V. of 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

Repeal of Sect. 107. of the Principal Act.

28/1/57. The Registrar's Committee is of opinion that the Registrar is bound to hold that the Court of Chancery is not bound to give the same effect to the Act as the Court of Chancery.

(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,

Acts,

Joint Stock Companies Act, 1857.

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.

*4 K & S. 407
26 Bea 427
1192 978.*

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 registered 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 completely registered Companies to register.

*last. cap. 80.
11 Nov. 1852
25 & 26 Vic. c. 89. s. 40.*

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

Joint Stock Companies Act, 1857.

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.

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 Companies to register at their Discretion.

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.

Power for existing Company to register Amount of Stock instead of Shares.

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 it 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,

Grant of Certificate of Registration, and Effect thereof.

Joint Stock Companies Act, 1857.

ment, 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 Provisoos:

- (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.]

‘ **W**HEREAS 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 Exe-
 ‘ cution

Grand Juries (Ireland) Act (1836) Amendment.

' cution 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 :

I. When any Application for the Repair, Maintenance, or Con-
struction of any Public Work or Road shall have been approved
of at Road Sessions, and duly advertised for Tenders in the Man-
ner 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 Con-
tractor can be obtained, to direct the County Surveyor to execute
the same, anything in the said recited Act to the contrary not-
withstanding : 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 Con-
tract entered
into for Works
approved of at
Road Sessions,
Grand Jury
may present
for the same.

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 Regu-
lations 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 Pre-
-sentment : 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.

Where Work
is given in
charge to
County Sur-
veyor, Treas-
urer to make
Payments.

III. This Act and the said recited Act shall be construed as
One Act.

This and re-
cited Act con-
strued together.

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 Pur-
poses relating thereto. [27th July 1857.]

• **W**HEREAS, 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

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‘ 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 main-
 ‘ taining 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 Pro-
 ‘ portion thereof which should be charged to the respective
 ‘ Counties or Baronies concerned : And whereas the said Com-
 ‘ missioner 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 Re-
 ‘ commendations 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 ”

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“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.

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 Time appointed shall be the Commissioner for executing this Act, and shall be styled “The Turnpikes Abolition Commissioner.”

Commissioner appointed for executing the Act.

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

Remuneration of Commissioner.

Turnpike Trusts Abolition (Ireland).

vacating his Office, shall be paid in respect of the Services of such Commissioner.

Declaration to be made by Commissioner before acting.

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,

‘ 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*.

Commissioner to proceed to sit for Execution of Act, and to give Notice of Sittings.

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.

Sittings may be adjourned.

Commissioner to inquire into Debts, Conditions, &c. of Trusts.

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.

When Securities lost, Commissioner may include Rentholders among Creditors.

Power to summon Witnesses and to require Production of Documents.

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

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lating 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.

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.

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.

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.

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.

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,

Penalty on giving false Evidence, refusing to give Evidence, destroying Documents, &c.

Record of Proceedings.

Commissioner to ascertain Mortgages charged on each Trust.

Commissioner to ascertain Rents payable by each Trust.

Debts so ascertained to be charged on Counties and Baronies.

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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 Installments 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 dis-
satisfied with

XVIII. It shall be lawful for any Creditor of any Turnpike Trust by this Act abolished who shall be dissatisfied with the
Award

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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 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.

Award may enter a Traverse.

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

Awards may be to Representatives of Persons under Disabilities.

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Writing under his Hand, may appoint another Trustee for the Purpose of receiving such Payment.

The Cost of carrying Act into execution, how to be paid.

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.

Commissioner to make a General Award.

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

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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 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:

XXII. Such General Award, when executed by the Commissioner, 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.

Award to be enrolled, &c.

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 herein-before 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 Rent-holders, included in such supplemental Awards, shall for the Purposes of this Act be considered as included in such General Award.

Commissioner may make supplemental Awards.

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

Grand Juries to present Sums and Annuities payable pursuant to this Act.

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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 Mort-
gagees Cer-
tificate 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 secured.

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, as stated in the Transfer; and upon any

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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 or 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 Chan-
cery.

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 Sum 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

Power to
Grand Juries
to borrow
from

Turnpike Trusts Abolition (Ireland).

Money to pay off or redeem Mortgages.

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.

Grand Jury may appoint Committee to treat, &c. for Loan.

Power to Committee to negotiate Loan.

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.

Loan to be paid to Treasurer.

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.

Treasurer to insert in Warrants Instalments of Loan.

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 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

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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.

XXXVI. So soon as the Amount of the Presentment so made or 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.

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.

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.

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

Grand Juries
may redeem
Mortgages or
Annuities.

Redeemed
Mortgages or
Annuities to be
cancelled.

Acts in
Schedule (A.)
repealed on and
after 5th April
1858, and
Roads declared
to be public
Roads.

Officers to
account and
deliver up
Documents, &c.

Oath

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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 Commis-
sioner.

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 Jus-
tices at Petty
Sessions to give
Possession of
Toll House,
&c. to Com-
missioner.

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, 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.

Trust Property
to be sold.

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

Turnpike Trusts Abolition (Ireland).

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 Commissioner 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.

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.

Turnpike Trusts Abolition (Ireland).

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.
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

Turnpike Trusts Abolition (Ireland).

Date and Chapter of Act.	Title of Act.
Local and Personal Acts.	
1 & 2 Vict. c. 74. -	<p>“ Roads from the Town of Dundalk in the County of Louth to the Towns of Castleblayney and Carrickmacross in the County of Monaghan.”</p> <p>An Act for more effectually repairing the Road from Dundalk to Dunleer in the County of Louth.</p>
5 & 6 Vict. c. 76. -	<p>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.</p>
6 & 7 Vict. c. 48. -	<p>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.</p>
5 & 6 Will: 4. c. 67.	<p>An Act for more effectually repairing and improving the Road from Newry to Charlemont through the County of Armagh.</p>
59 Geo. 3. c. 128. -	<p>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.</p>
4 & 5 Will. 4. c. 74.	<p>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.</p>
7 Will. 4. and 1 Vict. c. 42.	<p>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.</p>
5 & 6 Will. 4. c. 2. -	<p>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.</p>
9 Geo. 4. c. 121. -	<p>An Act for repairing and maintaining a Turnpike Road from Belfast to Antrim, and from Belfast to the Copeland Water.</p>

Turnpike Trusts Abolition (Ireland).

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 _____ on 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 thereon from the _____ at the Rate of _____ Pounds per Centum per Annum, upon the County of _____ [*or upon the Barony or Baronies of _____ in 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 _____

Turnpike Trusts Abolition (Ireland).

in pursuance of the said Act, to be payable for 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 Pay-
 ments on every Day of and
 Day of in every Year, the First Payment thereof to
 be made on the Day of next 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 in 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 } WHEREAS the Turnpikes Abolition Commis-
 to wit } sioner, 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 in 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 Instal-
 ments

Turnpike Trusts Abolition (Ireland).

ments 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.

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.

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.

As to Distribution of

II. The Inspectors and Head Constables of the said Force included in the Schedule to this Act may be from Time to Time distributed

Constabulary Force (Ireland).

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.

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.

Officers of the Constabulary.

Lord Lieutenant may vary Number of Constables, &c. every Five Years.

Interpretation of Terms.

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	North - - -	189
Cavan - - -	300	Mayo - - -	349
Clare - - -	400	Meath - - -	284
Cork { East Riding -	462 } 762	Monaghan - - -	175
		{ West Riding -	300 }
Donegal - - -	326	Roscommon - - -	347
Down - - -	274	Sligo - - -	201
Dublin - - -	231	Tipperary { North Riding	320 } 784
Fermanagh - - -	181		
Galway { East Riding -	335 } 669	Tyrone - - -	212
		{ West Riding -	334 }
Kerry - - -	268	Westmeath - - -	282
Kildare - - -	220	Wexford - - -	270
Kilkenny - - -	360	Wicklow - - -	199
King's - - -	309		
Leitrim - - -	251		
Limerick - - -	387	Total - - -	9,591

Constabulary Force (Ireland). Bill Chamber (Scotland).

				Constables and Sub-Constables.
COUNTIES AND RIDINGS	-	-	-	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.]

1 & 2 Vict.
c. 118.

‘ 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:

Office of One of the Two Clerks of the Bills abolished, &c.

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.

Assistant Clerk and Ordinary Clerks to be appointed.

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

Bill Chamber (Scotland).

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.

III. The Clerk of the Bills, and the Assistant and Ordinary Clerks, shall be wholly paid 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.

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.

Fees to be accounted for and paid over to the Treasury.

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 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

Monies consigned with former Clerks of the Bills to be paid over to the Treasury.

Bill Chamber (Scotland).

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.

Court of Session may make Acts of Sederunt.

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.

Certain Acts, &c. repealed.

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.

Commencement of Act.

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.]

19 & 20 Vict. c. 79.

19 & 20 Vict. c. 91.

‘ 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:

Short Title.

I. This Act may be cited as “The Bankruptcy and Real Securities (*Scotland*) Act, 1857.”

As to Sequestration of deceased Debtor.

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.

Notice of Remit by Sheriffs to be given in the Gazette.

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

Bankruptcy and Real Securities (Scotland).

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.

As to Expense for Office of Trustee.

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.

Oath, &c. to be produced for Second 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.

Procedure in reference to subsequent Dividends.

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.

Abbreviate of Discharge of Bankrupt to be issued, &c. as in Sched. (A.)

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.

As to the Application of 10 & 11 Vict. c. 50., and 17 & 18 Vict. c. 62., to certain Heritable Securities.

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.

Application of 19 & 20 Vict. c. 79. s. 10.

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.

Recited Acts to remain in force.

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

Bankruptcy and Real Securities (Scotland).

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.]

‘ **W**HEREAS the Inclosure Commissioners for *England* and *Wales* have, in pursuance of "The Acts for the Inclosure, Exchange, and Improvement of Land," issued their Provisional Orders for and concerning the proposed Inclosures mentioned in the Schedule to this Act, and the requisite Consents thereto have been given since the Date of their 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.

*Commons Inclosure.**Public Health Act (Aldershot).*

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 Hornead and Lay- ston.	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. 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

Public Health Act (Aldershot).

Queen's most Excellent Majesty, by and with 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—

Provisions of 11 & 12 Vict. c. 63. to be applied to Aldershot.

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.

Local Board to consist of Twelve Persons.

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.

One Third to go out of Office annually.

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.

Tenure of certain Members.

IV. The Three Persons to be nominated by the Secretary of State for War shall hold Office during his Pleasure.

How Vacancies to be filled up.

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.

Qualification of elected Members.

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.

First Election.

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.

To whom Notices of Qualification are to be given.

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*.

Short Title.

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."

Public Works (Ireland).

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 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:

5 & 6 Vict. c.89.

I. That

Public Works (Ireland).

All Mill Sites to continue vested in the Commissioners, notwithstanding Final Award.

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.

Power to sell such Mill Sites within Five Years after 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.

Application of the Proceeds of Sale of Sites; Water Powers, &c.

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

Public Works (Ireland). Turnpike Acts Continuance.

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.

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.

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:

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.

Acts expiring
before the End
of next Session
continued to 1st
Oct. 1858.

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.

Acts in Sched-
ule continued
till Nov. 1, 1858.

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."

Short Title.

IV. This Act shall not apply to *Ireland*.

Extent of Act.

SCHEDULE.

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 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,

54 G. 3. c. xlix.

Turnpike Acts Continuance.

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. xix. 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 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. xcvi. 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

*Turnpike Acts Continuance.**Oxford University.*

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.

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. 4 G. 4. c. lxxxvi.

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. xxxiii.

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. xlvi.

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, 17 & 18 Vict. c. 81. 19 & 20 Vict. c. 31.

Oxford University.

jesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

Powers of the Commissioners continued until 1st July 1858.

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.

The Foundation of Mr. John Michel may be consolidated with the Old Foundation of Queen's College.

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.

Power to Colleges with Consent of Visitor to apply Property held for Purchase of Advowsons for Benefit of Colleges, &c.

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.

Oxford University. Registration of Long Leases (Scotland).

itions, 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 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.

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."

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.

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:

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

Long Leases, and Assignations thereof, registerable in Register of Sasines.

Registration of Long Leases (Scotland).

nations 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 Infestment 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
Assignee.**

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.

**Translation of
Assignations
Security.**

VI. All such Assignations in Security as aforesaid shall, when recorded, be transferable, in whole or in part, by Translation, in the

Registration of Long Leases (Scotland).

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 Assignment in Security to the Extent assigned ; and the Creditor or Party in Right of such Assignment 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 Assignment 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.

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 Assignment in Security, recorded as aforesaid, to make up his Title thereto by a Writ of Acknowledgment from the Proprietor infest 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 Assignment 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 Assignment in Security is registered shall complete the Title of such Heir to such Lease or Assignment in Security aforesaid : Provided always, that no Defect in the Title of the Proprietor or Party Granter of such Writ shall affect the Right or Title of such Heir.

Heir may
complete Title
by Writ of
Acknowledg-
ment.

VIII. It shall be competent to the Heir who shall have been served by general or special Service, or to the General Disponee of any Party who shall have died fully vested in Right of any such Lease or Assignment 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 Disponee to such Lease or Assignment in Security.

Heir or Dis-
ponee may com-
plete Title by
recording
Notarial
Instrument.

IX. Where any Assignment, Assignment 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 Disponee 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

Where Assig-
nee has died
without record-
ing Assignment,
Mode of making
up Title.

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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 Assignment, Assignment in Security, or Translation, together with the said Instrument.

Adjudgers to complete Right by recording Abbreviate.

X. When an Adjudication of any such Lease or Assignment 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 Assignment in Security.

Trustees on sequestrated Estate may be entered on Register.

XI. It shall be lawful for the Trustee on the sequestrated Estate of any Party in Right of any such Lease or Assignment 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 Assignment in Security.

Preferences regulated by Date of recording Transfer.

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.

Renunciations and Discharges to be recorded.

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 Assignment in Security as aforesaid therein recorded, by or on behalf of the Party appearing on the Register as in Right of such Lease or Assignment 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 Assignment in Security, he shall forthwith duly record the same.

Entry of Decree of Reduction.

XIV. On the Production to any such Keeper of an Extract of a Decree of Reduction of any such Lease, Assignment, Assignment 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.

Mode of registering.

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 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

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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.

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.

Registration equivalent to Possession.

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.

Leases, with Obligation to renew, registerable.

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.

No Lease executed after Date of Act to be registerable where Name of Lands and Boundaries not given.

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.

Extracts registerable where Leases recorded in certain Books prior to Act.

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 Assignation in Security as is herein-before mentioned.

Clauses in Schedules to be held to have Effect as declared by 10 & 11 Vict. c. 50.

XXI. This Act may be cited for all Purposes as "The Registration of Leases (Scotland) Act, 1857."

Short Title.

Registration of Long Leases (Scotland).

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 Warrandice; 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, 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 Warrandice; and I reserve Power of Redemption; and I oblige myself and my foresaids for the Expenses of assigning and discharging _____

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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 Decrees 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 _____

* *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.

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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 infest in the Lands of C., by Infestment 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 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 Case

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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 sequestrated 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 _____]

* Note.—If Granter not original Creditor, here state his Title, and Date of recording the same.

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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.]

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.]

11 & 12 Vict.
c. 54.

‘ **W**HEREAS an Act was passed in the Eleventh and Twelfth Years of the Reign of Her present Majesty, intitled *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 :

Interpretation
of Terms.

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.

As to defray-
ing the Ex-
pense of Piers
and Jetties.

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.

Power to
Commissioners
to levy Rates
at 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 hereto annexed.

IV. It

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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

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Power to Commissioners to provide or license Steam Tugs and Horses for towing.

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 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 Seemarks 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 Seemark 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 Seemark be erected with such Sanction as aforesaid, the same shall not be afterwards altered without the like Sanction; and every such Beacon or Seemark 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, Seemark, 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

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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.

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.*

Saving Rights
of Inverness
Harbour Trustees.

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
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

Land and Assessed Taxes, &c. (Scotland) Acts Amendment.

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

43 G. 3. c. 161.
s. 24.

5 & 6 W. 4.
c. 64. s. 13.

Land and Assessed Taxes, &c. (Scotland) Acts Amendment.

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:

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, 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.

In *Scotland* the Inhabited House Duty, Assessed Taxes, Land Tax, and Property and Income Tax payable every Year on or before 1st January.

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-

Christ Church (West Hartlepool).

' 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.

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*.

Ministers having solemnized Marriages indemnified.

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. 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

Chatham Lands, &c.

' 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 Occu-
' pation thereof that the Commissioners have Power to stop up,
' divert, or alter certain Ways in the same Parish : ' Be it there-
fore 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 :

I. In citing this Act for any Purpose whatever it shall be
sufficient to use the Expression " The *Chatham Lands Purchase*
Act, 1857."

Short Title.

II. The Lands Clauses Consolidation Act, 1845, save and ex-
cept such Parts as and so far only as such Parts relate to Com-
pensation 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 modi-
fied by this Act, be incorporated with and for all Intents and
Purposes whatever form Part of this Act.

Incorporation
of 8 & 9 Vict.
c. 18

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, Foot-
paths, Causeways, Passages, and other Ways of every Kind
whatsoever :

" The Lord High Admiral " shall mean the Lord High Ad-
miral 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,
Appur-

Chatham Lands, &c.

Appurtenances, Easements, and Privileges of every Description, in, over, upon, under, or through any Lands, Messuages, Tenements, or Hereditaments.

Commissioners may purchase Lands.

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.

Lands to be held in trust for Her Majesty.

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.

Commissioners may give Undertaking instead of Bond.

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.

Powers to apply to Purchases already made.

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.

Notices by Commissioners.

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, &c. to the 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*.

Lands to continue liable to Land Tax.

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.

Commissioners may stop up and divert Ways, &c.

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.

Chatham Lands, &c.

dule, 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.

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 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.

Other public Drains, &c. to be made in lieu of any stopped up.

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.

As to Repair of substituted Ways, &c.

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.

After Twelve Months, by Persons liable to repair the old Ways, &c.

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.

Commissioners may sell Lands.

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.

Lands to vest in Commissioners.

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

Monies received on Sale to be paid to Paymaster General.

Chatham Lands, &c.

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.

Chatham Lands, &c.

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 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, Passage Way and Yard	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		Harriet Best, the Reverend Sir Charles Hardinge, Clerk and Baronet, and Mawditsly 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 Chesseman 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 Chesseman Croft.
	4	Dwelling House, Yard, Garden, and Premises.	Harriet Best, the Reverend Sir Charles Hardinge, Clerk and Baronet, and Mawditsly Gausson Best.	Edward Winch	Walker Hill, William Harding, Henry Baker, Henry Jones, and Neale Gorman.

Chatham Lands, &c.

Parish Township, Townland, or Extra- parochial Place.	Number on Par- liamentary Plan.	Description of Property.	Owners or reputed Owners.	Leases or reputed Lessees.	Occupiers.
Parish of Chatham in the County of Kent <i>(continued.)</i>	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 Gausseu Best.	Edward Winch -	Rebecca Jell. Rebecca Jell, Walker Hill, William Harding, Henry Baker, Henry Jones, and Neale Gorman. Rebecca Jell, Walker Hill, William Harding, Henry Baker, Henry Jones, Neale Gorman, John Connell, William Brigden, John Taylor, William Mor- dell, Edward Payne, Edward Mackay, John Miller, Benjamin Surrel, Robert Irving, Christopher Duffey, Walter Murdock, William Harrison, and Michael Hare.
	6	Passage, Yard, and Out- building.	Harriet Best, the Reverend Sir Charles Hardinge, Clerk and Baronet, and Mawdistly Gausseu Best.	Edward Winch -	
	7	Passage, Yard, and Well of Water.	Harriet Best, the Reverend Sir Charles Hardinge, Clerk and Baronet, and Mawdistly Gausseu Best, James Hulkes, Charles William Beauclerk and Pen- elope his Wife, Robert Henry Forman, Charles Gilbert Eversfield, Henry Blair Mayne, and Robert Gage.	Edward Winch, John Connell.	
	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.
	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.

Chatham Lands, &c.

11	Loan-to Wash-houses and Premises.	James Harkins, Charles William Beaulierk 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 Beaulierk 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 Outbuilding	James Hulkes, Charles William Beaulierk 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 Beaulierk 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 Out-buildings.	James Hulkes, Charles William Beaulierk 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 Beaulierk 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.	James Hulkes, Charles William Beaulierk and Penelope his Wife, Robert Henry Forman, Charles Gilbert Eversfield, Henry Blair Mayne, and Robert Gage.	Robert Hanbury, Sir Edward North Buxton, Baronet, Arthur Pryor, Robert Hanbury the younger, Thomas Fowell Buxton, and Charles Buxton.	Robert Bailey.

Parish, Township, 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 Hodgen.
	20	Covered Passage, Yard, Outbuildings, Paddings, and Well of Water.	Humphrey Wickham	-	Henry Wright, Miles Marney, William Banks, James Palmer, William Hodgen, 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.
	206	Passage-way	Humphrey Wickham and Sarah Rimington	-	Henry Wright, Miles Marney, William Banks, James Palmer, William Hodgen, 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 Kirby, Henry Pattison, Robert Howard, and Frank Lynch.

Chatham Lands, &c.

Lots, and Premises.	Description of Lots, and Premises.	Names of Tenants, and Occupiers.	Names of Owners.	Names of Agents, and other particulars.
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, Kirkland.
23	Cow-house, 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, Fowlhouse, 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.
24b	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.

Chatham Lands, &c.

Parish, Township, Townland, or Extra-parochial Place.	Number on Parliamentary Plan.	Description of Property.	Owners or reputed Owners.	Leases or reputed Leases.	Occupiers.
Parish of Chatham in the County of Kent (continued).	31	Dwelling House, Yard, and Premises.	Samuel William Brooks - - - -	Edward Goody	William Carter, Martin Hughes, Charles Baker, Thomas Horton, John Megan, and Patrick Connel.
	32	Yard, Garden, Out-buildings, and Premises.	Samuel William Brooks - - - -	Edward Goody	Edward Goody, William Carter, Martin Hughes, Charles Baker, Thomas Horton, John Megan, and Patrick Connel.
	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 Connel, 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 Welch.
	38	Dwelling House and Premises.	Humphrey Wickham - - - - -	-	George Ellis and John Taylor.
	39	Dwelling House and Premises.	Humphrey Wickham - - - - -	-	Thomas Allabip.
	40	Dwelling House and Premises.	Humphrey Wickham - - - - -	-	

Chatham Lands, &c.

Patrick Ford, Michael O'Connor, and David Hughes.
 William Smith and John Sullivan.
 Frederick Manser, James Grover, Charles Cheesman Croft, Walker Hill, William Harding, Henry Baker, Henry Jones, Neale Gorman, Rebecca Jell, Robert Irving, Christopher Duffey, Walter Murdoch, William Harrison, Michael Hare, John Connell, John Miller, Benjamin Surrel, Edward Payne, Edward Mackay, John Taylor, William Mordell, William Bridgen, Robert Bailey, Henry Wright, Miles Marney, William Banks, James Palmer, William Hogden, John Campbell, George Dyer, Joseph Kirkland, John Swab, Henry Camp, James Kelly, John Kelly, Elizabeth Tennant, James O'Neil, Maria Money, Kate Morrison, Henry George Jennison, Andrew Fenner, Leonard Cornelius Spoones, John White, Robert Spences, John Waylin, Edward Goody, William Carter, Martin Hughes, Charles Baker, Thomas Horton, John Megan, Patrick Connell, James Gaot, 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.

Frederick Manser, James 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 Goody.

Humphrey Wickham
 The Local Board of Health for Chatham, Thomas Hills their Clerk, Elizabeth Jenner, Hannah Jenner, Charles Kentish Jenner, William Jenner, Ellen his Wife, Harriet Best, the Reverend Sir Charles Hardings, Clerk and Baronet, Mawditsly 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 Rivington.

Dwelling House and Premises.
 Bond and Footpath

Inclosure Acts Amendment.

C A P. XXXI.

An Act to amend and explain the Inclosure Acts.

[10th August 1857.]

‘ **W**HEREAS 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:

Fences may be dispensed with.

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.

Allotments, until fenced, to be deemed a regulated Pasture.

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 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.

Notices, &c. may be sent by Post, or left at usual Place of Abode.

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.

Exchanges of Land by Railway and other Companies.

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.

Exchange of Lands in which Her Majesty is interested in reversion.

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 the Reign

Inclosure Acts Amendment.

Reign 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.

On an Exchange Inequality of Value may be compensated by a 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.

On a Partition Disproportion in Value of Allotments in Severalty may be compensated by a Rentcharge.

VIII. Provided

Inclosure Acts Amendment.

Deficiency in Value not to exceed One Eighth of the actual Value.

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.

Rentcharge, &c. to be fixed by Inclosure Award, &c.

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).

Indefeasible Title and Priority and Recovery of Rentcharges.

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*."

Rentcharge to go with the Land, &c.

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).

Protecting from Nuisances Town and Village Greens and Allotments for Exercise and Recreation.

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

Inclosure Acts Amendment.

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.

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.

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."

Power to Commissioners to review Instructions under 8 & 9 Vict. c. 118. s. 34. as to Appropriation of Allotments for Sites of Schools, &c.

Act deemed Part of "Acts for Inclosure, &c. of Land."

C A P.

Portland Harbour.

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.]

‘ **W**HEREAS 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, Build-
 ‘ ings, pumping Apparatus, Reservoirs, Pipes, Cisterns, and Tanks
 ‘ herein-after mentioned: And whereas it is expedient and Her
 ‘ Majesty is graciously pleased to consent that certain Lands be-
 ‘ longing to Her Majesty in the said Isle of *Portland*, and con-
 ‘ taining 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 Honour-
 ‘ able *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 Par-
 liament 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

Portland Harbour.

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 whatsoever form Part of this Act.

III. In the Construction of this Act and of the Acts herewith incorporated, so far as the same respectively relate to the Purpose 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.

Interpretation
of Words and
Phrases.

IV. And whereas Plans and Sections showing the Site, Line, and Levels of the proposed Waterworks, and also a Book of Reference

Power to con-
struct Works.

Portland Harbour.

‘ 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 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 hereinafter 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.

Power to deviate.

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.

Power to supply Water on Terms agreed upon.

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.

Commissioners may give Undertaking instead of Bond.

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

Portland Harbour.

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.

Powers to apply to Purchases already made.

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.

Notices by Commissioners.

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*.

Notices to Commissioners.

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.

Certain Lands to vest in Commissioners.

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.

Commissioners to hold Lands in trust, &c.

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

Commissioners may sell Lands.

Portland Harbour.

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.

Lands obtained in Exchange to vest in Commissioners.

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.

Monies received on Sale to be paid to Paymaster General.

XV. The Monies to be produced by Sale or Exchange, or which shall 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 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.

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,

*Portland Harbour.**Representative Peers (Ireland).*

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.

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.

Protection of
Commissioners
personally.

C A P. XXXIII.

An Act to regulate certain Proceedings in relation to the Election of Representative Peers for *Ireland*.

[10th August 1857.]

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:

40 G. 3. (1.)

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

As to Issu
Writs in
on Occa
Seat of
Great

Representative Peers (Ireland).

poral Peer of Ireland being vacated.

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 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.

As to Returns to such Writs.

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.

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

Canada and New Brunswick Boundaries.

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 a 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:

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 *Mistouche*" defined.

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

15 & 16 Vict.
c. 85.

Burial of the Dead within the City and Liberties of London.

‘ the Vestry : And whereas the Commissioners of Sewers of the
 ‘ City of *London* have been authorized by the said Mayor, Alder-
 ‘ men, and Commons, in Common Council assembled, to exercise
 ‘ 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 Por-
 ‘ tion 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 Ap-
 ‘ proval 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 Parlia-
 ‘ ment:’ 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.

II. When

Burial of the Dead within the City and Liberties of London.

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.

Approval of a Majority of Vestries in the City of London to be sufficient.

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.

Certain Sections in recited Act repealed as to the City of London.

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.

Commissioners, acting as Burial Board, with Approval of Vestries, to settle Fees payable to Churchwardens, &c.

Burial of the Dead within the City and Liberties of London.

Fees to be paid by the Commissioners.

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.

Commissioners to settle Fees for Burial of Persons not residing in London.

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.

Chaplains of Cemetery to conform to Regulations of Commissioners.

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*.

Interpretation of Terms.

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.

Expenses of Act.

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."

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
For each Burial in a Brick Grave in ditto - - -	-	0	7
For each Burial in a Private Grave in ditto - - -	-	0	5
For each Burial in a Common Grave in ditto - - -	-	0	2
For each Burial of a Pauper in ditto - - -	-	0	1

County Court Judges (*Falconer and Yates's Salaries*).

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:

1. 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.

19 & 20 Vict.
c. 108.

Recited Act to
take effect as
to Salaries of
T. Falconer
and *J. St. John*
Yates, Esqs.,
when it came
into operation.

C A P. XXXVII.

An Act to repeal the Twenty-seventh Section of the Superannuation Act, 1834.

[17th August 1857.]

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,*

4 & 5 W. 4.
c. 24.

General Board of Health Continuance.

‘ *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.

‘ **W**HEREAS 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.

I. The said Board shall be continued until the First Day of *September* One thousand eight hundred and fifty-eight.

Board of Health
continued.

No Salary payable to President 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.

Attornies and Solicitors (Colonial Courts).

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 Sytsem 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:

I. This Act may for all Purposes be cited as "The Colonial Attornies Relief Act." Short Title.

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. When Act to come into operation.

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 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. Attornies and Solicitors of Colonial Courts to be admitted to Courts of Law and Equity in *England*.

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- No Person to be deemed qualified unless he pass Examina-

Attornies and Solicitors (Colonial Courts).

tion, and produce Certificate from Judge of Court where he was admitted.

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.

Common Law and Equity Judges to appoint Examiners.

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 Ad-

mission

Attornies and Solicitors (Colonial Courts).

mission shall be written on Parchment, and signed by the Master of the Rolls, and shall be stamped with the Stamps after mentioned.

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; 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 articulated, 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.*]

Illicit Distillation (Ireland).

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.

Penalties and
Proceeds of
Sales of Seizures 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 Lieutenant may appoint Officers for the Pre-

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

Illicit Distillation (Ireland).

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.

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, 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

vention of Illicit Distillation.

As to Pay and Expenses of Officers under this Act.

Officers of Constabulary to have the same Power as Officers of Excise and Customs in relation to certain Offences.

Proceedings to be conducted according to 14 & 15 Vict. c. 93.

Treasury may grant Compensation to Officers of Revenue Police &c

now

*Illicit Distillation (Ireland).**Loan Societies.*

of their Employment by the Operation of this Act.

‘ 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 Discon-
 ‘ tinuance 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 Reduc-
 tion of the said Force as aforesaid, such Compensation, either by
 way of Pension or Gratuity, as the said last-mentioned Commis-
 sioners 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 Constabu-
 lary Superannuation and Reward Funds.

Interpretation
 of Terms.

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.

C A P. XLI.

An Act to revive and continue an Act to amend the Laws
 relating to Loan Societies. [17th August 1857.]

3 & 4 Vict.
 c. 110.

‘ 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 Soci-
 ‘ ties,” 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 :

3 & 4 Vict.
 c. 110. revived
 and continued.

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

Burial Grounds (Scotland) Act (1855) Amendment.

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. to remain in force as to existing Societies.

Repealed Provision of 5 & 6 W. 4. c. 23. not to be revived.

C A P. XLII.

An Act to amend "The Burial Grounds (*Scotland*) Act, 1855." [17th August 1857.]

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:

18 & 19 Vict.
c. 68.

I. The Twenty-eighth Section of the said Act is hereby repealed.

S. 28. of recited Act 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.

Commissioners of Public Works may make Loans to Parochial Boards for the Purposes of Burial Ground (*Scotland*) Acts.

Re Morgan v. Metro. Bd of Works 155. 2831 155.

Summary Proceedings before Justices of the Peace.

James v. Mott's Union v. Tomkinson 1127.

C A P. XLIII.

William Ellis 2831 170.

An Act to improve the Administration of the Law so far as respects summary Proceedings before Justices of the Peace. [17th August 1857.]

and v. Highway Act 58 of Vict.

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:

50 573. Employers v. Workmen Act 38 of Vict.

39 Interpretation of Terms.

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,

90. s. 3, 4.

“ 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* :

Hindley v. Maslam 2831 481.

“ 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*.

Justices on] Application of a Party aggrieved to state a Case for the Opinion of Superior Court.

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.

Security and Notice to be given by the Appellant.

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 Justice 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.

Summary Proceedings before Justices of the Peace.

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 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.

Justices may refuse a Case where they think the Application frivolous.

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.

Summary Proceedings before Justices of the Peace.

After the Decision of Superior Court, Justices may issue Warrants.

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.

No Certiorari under this Act.

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.

Superior Courts may make Rules.

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.

Meaning of "Justices."

XII. The Words "Justice or Justices" in this Act shall include a Magistrate of the Police Courts of the Metropolis and any Stipendiary Magistrate.

Recognizances how to be enforced.

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 re-enacted and made Part of the same.

Summary Proceedings before Justices of the Peace.

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 Seseions 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 Seseions.

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

Extent of Act.

SCHEDULE (A.)

FEEs to be taken by CLERKS to JUSTICES.

For drawing Case and Copy, where the Case does not exceed Five Folios of Ninety Words each	s. d.
Where the Case exceeds Five Folios, then for every additional Folio	10 0
For the Recognizance to be taken in pursuance of the Act	1 0
For every Enlargement or Renewal thereof	5 0
For Certificate of Refusal of Case	2 6
	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:

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.

Crown Suits, &c. may be in Name of Lord Advocate;

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.

with Sanction of Department having Interest.

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

Persons prosecuted not entitled to object to the Instance.

Crown, &c. Svits (Scotland).

not been granted, or that Evidence of such Authority is not produced.

Meaning of
"Public De-
partment."

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.

Existing Ac-
tions, &c. not
to be affected.

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.

Laws, &c. re-
pealed to give
Effect to Act.

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 Sur-
veyor may alter
Boundary of
Lands errone-
ously 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 so erroneously

Boundaries of Land (Ireland).

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, to such of 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.

Boundary Surveyor may define and mark out Boundaries of Land reclaimed from the Sea, &c.;

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.

also of Baronies divided under 6 & 7 W. 4. c. 116.;

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.

and of Parishes divided under 3 & 4 W. 4. c. 37.

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.

17 & 18 Vict. c. 17. and this Act to be as One Act.

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

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

Reign

Land Tax Commissioners Names. Glebe Lands (Ireland).

7 & 8 Vict. c.79. ' 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
 11 & 12 Vict. c. 62. ' whereas another Act was passed in the Eleventh and Twelfth
 ' Years of Her present Majesty, Chapter Sixty-two: And whereas
 16 & 17 Vict. c. 111. ' 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:

Appointment of
 additional Com-
 missioners.

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 Commis-
 sioners 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.]

' **W**HEREAS 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:

Short Title.

I. In citing this Act for any Purpose it shall be sufficient to
 use the Expression "The Glebe Lands Leasing Powers (*Ireland*)
 Act, 1857."

Interpretation
 of certain
 Terms.

II. In the Construction of this Act the Words "Lord Lieu-
 tenant" shall include any Chief Governor or Governors of *Ire-
 land*; the Words "Successors in Estate" shall mean the Per-
 sons 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 Repre-
 sentative

Glebe Lands (Ireland).

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.

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.

Ecclesiastical Persons may grant Building 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.

Best improved Rent to be reserved in Leases.

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 Consents thereon.

Restrictions on leasing Lands under this Act.

VI. When-

Glebe Lands (Ireland).

Surveyor to make Maps and Valuation and report as to Lease.

Map, &c. to be verified.

Existing Maps may be used.

As to Covenants to be contained in Leases made under this Act.

Execution by Lord Lieutenant, &c. to be Evidence, &c.

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 hereinbefore directed to be made.

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 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 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

*Glebe Lands (Ireland).**Industrial Schools.*

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.

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 Lessor and 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 exten-

Industrial Schools.

‘ sive 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 :

Short Title.

Interpretation of Terms.

I. This Act may be cited as the “Industrial Schools Act, 1857.”

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 :

“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.

Committee of Council on Education may certify Industrial School under this Act, except, &c.

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, 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.

Inspector to report annually.

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

Certificate may be withdrawn.

Industrial Schools.

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.

Children taken into Custody for Vagrancy may be sent to School while Inquiries are made.

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.

Justice may order Child to be discharged, or sent to a Certified Industrial School, or make Parent responsible.

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 Parents.

Parent liable to Penalty for Neglect during Responsibility.

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

As to Computation of Time under 9 & 10 Vict. c. 66.

Industrial Schools.

porated therewith, be excluded in the Computation of the Time therein mentioned.

Parent may
(under Condi-
tions) have
Child sent to a
School which
he approves.

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.

Religious De-
nomination of
Children to be
entered in a
Book, &c.

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.

Authority for
Detention of
Child.

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.

On Application
of Parent, &c.,
Child may be
discharged
from School.

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 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 on
good Security,
being found.

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.

As to Detention
of Children.

XIV. No Person shall be detained in any Certified Industrial School under this Act beyond the Age of Fifteen Years against his Consent.

XV. Any

Industrial Schools.

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

Penalties on Persons inducing Children to abscond, &c. for harbouring them.

Industrial Schools.

manner provided by the Act of the Session holden in the Eleventh and Twelfth Years of Her Majesty, Chapter Forty-three.

Service of
Notices.

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.

Guardians may
contract with
Managers.

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.

What is suffi-
cient Evidence
as to Certificate
of School,
Identity of
Child, and
making of
Orders.

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.

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*.

Industrial Schools.

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 _____ 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

Industrial Schools.

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 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 Con-
ditions 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 _____

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for the said 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

Industrial Schools.

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 _____ 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 _____ in 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,

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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 15 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." Short Title.

II. The Joint Stock Companies Acts, 1856, 1857, shall be deemed to be incorporated with and to form Part of this Act. Joint Stock Companies Acts incorporated.

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 as existing or future Banking Company shall be registered as a Limited Company. Sect. 2. of 19 & 20 Vict. c. 47. repealed.

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Banking Companies required to register under this Act.

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.

Penalty on Neglect to register.

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.

Banking Companies permitted to register under this Act.

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.

Banking.

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.

Existing Companies not to pay Fees.

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.

Registration under Act not to affect Obligations incurred previously to Registration.

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.

Saving Liabilities of Persons holding Shares before Registration under Act.

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.

Continuation of existing Actions and Suits.

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,

Certain Acts not to apply to Companies registered under this Act or Acts incorporated herewith.

shall not apply to Companies registered under this Act or under the Acts incorporated herewith or either of them; and all Companies

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panies so registered shall be wound up in manner directed by the said incorporated Acts.

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.

*Banking.**Nineteenth Section of Joint Stock Companies Act not to apply.*

XV. The Nineteenth Section of the Joint Stock Companies Act, 1856, shall not apply to any Banking Company in *Scotland* registered under this Act.

19 & 20 Vict.
c. 47. s. 19. not
applicable to
Scotland.

Transfer of Trust Property.

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.

Transfer of
Trust Property
to Company.

Banking Companies 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,

Liability of
Banking Com-
pany that is not
registered as
such.

- (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 Contributors 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.

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 to be registered, until such Time as such Company registers itself under this Act, in pursuance of the Power hereby given in that Behalf.

Exemption of
certain Bank-
ing Companies
&c.

XIX. Nothing herein contained shall affect an Act passed in the Eighth Year of the Reign of Her present Majesty, and intitled *An Act to regulate the Issue of Bank Notes, and for giving to the Governor and Company of the Bank of England certain Privileges*

Not to affect
Provisions of
7 & 8 Vict.
c. 32. and
8 & 9 Vict.
c. 38.

*Banking.**Municipal Corporations.*

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 Notes.

C A P. L.

An Act to amend the Acts concerning Municipal Corporations in *England*. [17th August 1857.]

5 & 6 W. 4.
c. 76.

‘ 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.
s. 75. repealed.

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.

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.

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,

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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.

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.

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.

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 Returns, issue all Processes, and do and perform all other Acts which are imposed upon Town Clerks by the said recited Act.

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

As to making of Transfers.

Confirmation of certain Transfers under 5 & 6 W. 4. c. 76. s. 75.

Duties of Town Clerks, &c. under 3 G. 4. c. 46. to be performed by Clerks of Peace.

In Boroughs consisting of more than One Parish, in case the Burgess Roll for any Parish not made out in any Year, previous Burgess

Time

Municipal Corporations.

Roll to continue
in force for
such Parish.

‘ 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 men-
‘ tioned: 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 In-
formality 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 Bur-
gess Roll on or
before First
Day of Sep-
tember 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 con-
‘ tained, 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, accord-
ing 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

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September in every Year, instead of between the Fifth and Fifteenth Days of September.

VIII. The said Act of King *William* the Fourth and this Act shall be construed together as One Act. Acts to be construed as One.

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 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,

New Zealand Loan Guarantee.

rowed, 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 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:

Sums borrowed under recited Act of General Assembly of *New Zealand* not exceeding 500,000*l.* and Interest guaranteed under this Act.

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.

Advances out of Consolidated Fund to be charged on Revenues of *New Zealand*.

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.

No Act of *New Zealand* varying Security valid unless confirmed by

III. No Act passed by the Legislature of *New Zealand* in any wise 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

New Zealand Loan Guarantee.

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.

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 Consoli-
dated 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 Advance, with the Interest paid or recovered thereon.

Accounts to be
laid before
Parliament.

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.]

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,

10 & 11 Vict.
c. 112.

and

New Zealand Company's Claims.

' and all the Lands, Tenements, and Hereditaments of the Com-
 ' pany 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 Engage-
 ' ments 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 hun-
 ' dred 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 Propor-
 ' tion 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 Director-
 ' of the Company, authorized to give such Receipt by any Resolu-
 ' tion under the Seal of the Company, should be a sufficient
 ' Acknowledgment of the Payment or Advance of any Money
 ' 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

New Zealand Company's Claims.

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 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

New Zealand Company's Claims.

‘ 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 Ex-
 cellent Majesty, by and with the Advice and Consent of the
 Lords Spiritual and Temporal, and Commons, in this present
 Parliament assembled, and by the Authority of the same, as
 follows :

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.

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.

Act not to pre-
 judice Claims
 against Her
 Majesty.

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

New Zealand Government Act Amendment.

III. This Act shall be in force throughout Her Majesty's Extent of Act.
Dominions.

IV. This Act may for all Purposes be cited as "*New Zealand* Short Title.
Company's Claims Act, 1857."

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 Ses-
sion holden in the Fifteenth and Sixteenth Years of Her
Majesty, Chapter Seventy-two, to grant a Representative Con-
stitution 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 :

15 & 16 Vict.
c. 72.

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 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.

Sa. 67, 68, 69,
and 74, and
Part of s. 62,
of recited Act
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, sus-
pend, or repeal all or any of the Provisions of the said Act,
except such as are herein-after specified ; namely,

Power to Gene-
ral Assembly of
New Zealand
to vary the
Provisions of
the recited Act,
with the Excep-
tions herein
named.

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 Dis-
posal 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.

New Zealand Government Act Amendment.

Commence-
ment of Act.

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.]

‘ **W**HEREAS 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 :

Fraudulent
Disposal of Pro-
perty by Trus-
tees ;

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.

Fraudulent
selling, &c. by
Bankers, &c. ;

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.

and by Persons
under Power of
Attorney,
Misdemeanors.

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.

Bailees fraudu-
lently con-
verting Pro-
perty, Larceny.

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.

Directors, &c.
fraudulently
appropriating
Property ;

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

Fraudulent Trustees, &c.

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.

or keeping fraudulent Accounts ;

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.

or wilfully destroying Books, &c. ;

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 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.

or publishing fraudulent Statements, 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 ;

No Remedy at Law or in Equity shall be affected.

Fraudulent Trustees, &c. Reformatory Schools.

Convictions not to be received in Evidence in Civil Suits.

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 Prosecution shall be commenced without the Sanction of some Judge or the Attorney General.

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.

As to Cases which amount to Larceny.

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.

Costs of Prosecutions.

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.

Misdemeanors not triable at Sessions.

XVI. No Misdemeanor against this Act shall be prosecuted or tried at any Court of General or Quarter Sessions of the Peace.

Interpretation of certain Terms.

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 :

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*.

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

Act not to extend to Scotland.

Reformatory Schools.

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 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.

Power to Justices of a County or Council of Borough Sessions to grant Money in aid of Reformatory Schools.

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.

Notice of the proposed Grant to be given.

III. The Money ordered to be paid under this Act in aid of a Reformatory School shall be applicable to the following Purposes ; viz.

Money granted to be applied in Purchase of Site, in-building, and for like permanent Objects.

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

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.

Reformatory Schools.

under the Order, be submitted to and approved of by One of Her Majesty's Principal Secretaries of State.

Justices or Council may contract with the Managers for the Reception of Offenders from their County or Borough.

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.

Schools may be visited by Clergymen of Religious Persuasion of Offenders.

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.

Monies granted under this Act, how to be raised.

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.

Contribution by Parents to the Maintenance of Offenders in a Reformatory School how to be enforced.

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

Refor-

Reformatory Schools.

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*, 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.

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.

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.

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.

Proceedings for enforcing Contribution may be taken at any Time during the Detention of the Offender.

Power to remit, reduce, or increase the weekly Payments, but not to exceed Five Shillings weekly.

Payments how to be made.

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

*Reformatory Schools.**Court of Session (Scotland).*

Provision for
Care of juvenile
Offenders when
discharged from
Reformatory
Schools.

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.

Penalty for
harbouring any
young Person
absconding
from a Re-
formatory.

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 any one 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.

Interpretation
of Terms.

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.

Act to extend
only to *England*.

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

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

Court of Session (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. 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 require 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.

Power to Lord President to take Measures for promoting Despatch of Business.

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.

Lord President may order Lists to be prepared of Causes transferred.

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.

Lists to be entered in Books of Sederunt, and published.

IV. All Summary Petitions and Applications to the Lords of Council and Session which are not incident to Actions or Causes actually

Summary Petitions, &c. how disposed of.

Court of Session (Scotland).

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 new 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 :
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.*

12 & 13 Vict.
c. 51.

Lord Ordinary
may consult
professional
Persons or Per-
sons 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, 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.

Review of the
Lord Ordinary
by Interlocutor
on Merits only
allowed.

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

Court of Session (Scotland).

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.

Causes may be transferred from one Division to the other.

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.

Court may remit Cause to the Lord Ordinary.

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.

Sittings of the Court to be extended.

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.

Lord Ordinary on Bills during Vacation may dispose of Petitions for Factors, &c.

C A P. LVII.

An Act to enable Married Women to dispose of Reversionary Interests in Personal Estate. [25th August 1857.]

(*Malins's Act*)

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

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,

Married Women may dispose of Reversionary Interest, *1857.*

Married Women's Reversionary Interest.

Interests in Personal Estate, and release Powers over such Estate, and also their Rights to a Settlement out of such Estate in possession.

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 hereinafter 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.

Deeds to be acknowledged by Married Women as required by 3 & 4 W. 4. c. 74. for disposing of Interests in, &c. Land in England or Wales;

in Ireland, as by 4 & 5 W. 4. c. 92.

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 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.

Powers of Disposition given by this Act not to interfere with other Powers.

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,

Married Women's Reversionary Interest.

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.

Act not to extend to certain Settlements.

2 H.S. 474

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

Not to 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.]

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:

17 & 18 Vict. c. 91.

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 the 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.

Power to Commissioners of Supply and Magistrates to appoint Officers of Inland Revenue to be Assessors.

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

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 Judge.

Valuation of Lands (Scotland) Act Amendment.

mination 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 Kirkcudbright for Purposes of recited Act.

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, 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*.

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 Govern-*

Parochial Schoolmasters (Scotland).

'ment 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 Two-pence 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:

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.

Parochial Schoolmasters (Scotland).

Salaries of Schoolmasters to be paid according to average Amount of Fairs Prices of Oatmeal.

II. The Salaries of the said Schoolmasters shall continue and be paid according to the said average Amount of the Fairs 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.

When not inconsistent with this Act, first-recited Act to continue in full Force and Effect.

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.

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

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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.

III. This Act may be cited for all Purposes as "*The Irish Bankrupt and Insolvent Act, 1857.*" Short Title.

And with respect to the Definition and Explanation of Terms, be it enacted as follows:

*Definition of
Terms, &c.*

IV. The Terms and Words herein-after enumerated, where-soever 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;

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*Definition of
Terms, &c.*

- “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” 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* ;

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.

Commencement
of Act.

V. This Act, unless where otherwise specially provided, shall commence on the First Day of *November* One thousand eight hundred and fifty-seven.

Procedure to
obtain Adjudica-
tion, &c. to be
under this 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.

Proceedings in
Courts discon-
nued by this

VII. All Commissions and Proceedings in Bankruptcy, and Proceedings for such Arrangement, depending at the Commencement of

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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.

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.

Court of Bankruptcy and Insolvency.

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.

Appointment of Judges.

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*Constitution of
the Court, &c.*

The Oath of
Office.

Judges not to be
elected Members
of the House of
Commons.

Salary.

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.

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.’

XIV. No such Judge shall during his Continuance in such Office be capable of being elected a Member 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 ; 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

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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.

Constitution of the Court, &c.

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.

Each Judge shall form the Court.

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.

Power to Judges to make General Orders;

to be approved by the Lord Chancellor.

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.

Sittings of the Court.

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Constitution of the Court, &c.

Appointment and Payment of Substitute for Judge or Registrar prevented from attending.

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 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.

Jurisdiction.

Jurisdiction of Court.

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.

Power to Court to fine, suspend, or remove Officers in certain Cases.

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.

Enforcement of Orders.

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.

Court to settle Forms of Writs.

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

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returnable therein, and be enforced in the same Manner as Writs issued out of the Court of Chancery.

Jurisdiction.

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 hereinafter 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

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Jurisdiction.

Power of Appeal
and Signature of
Lords.

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.

As to Sealing
and Signature of
Warrants.

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.

Records, Pro-
ceedings, &c. to
be sealed.

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.

As to Procedure
and Practice of
Court.

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.

*Officers of the
Court.*

As to Appoint-
ment of Officers.

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.

Secretary of
Bankrupts to be
Chief Registrar.

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 Succes-
sors 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

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Judges of the said Court and of the Lord Chancellor without any Cause being therein specified.

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.

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.

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.

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.

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.

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

Officers of the Court.

As to Appointment and Salary of Assistant Registrars.

Chief Clerk in Insolvency.

Duties and Salary of Chief Clerk in Insolvency.

Appointment and Salary of Deputy Assistant to Chief Registrar.

Appointment and Salary of Clerk in Town and Country Departments.

Appointment and Salaries of other Clerks.

Appointment of Successors to Chief Clerks, &c.

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Chief Clerk in Insolvency.

and not to be removed but by Order of Court, &c.

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. (L.) abolished, and Duties transferred to Chief Registrar, who shall keep Records, &c.

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 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

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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.

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.

*Registrars.*Chief Registrar
to enter Proceed-
ings.*Official
Assignees.*Present Official
Assignees to be
continued.Estates of Insol-
vents now vested
in Provisional As-
signees to vest in
Official Assignees.Official Assignees
to act with Cre-
ditors Assignees.Official Assignee
removable.Appointment of
Official Assignees:who shall give
Security.Duties of Official
Assignees.

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Official Assignees.

Money, &c. to be paid by Assignees into the Bank of Ireland.

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.

Messengers to follow Instructions of Official Assignee.

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.

Official Assignee to act as sole Assignee till Creditors choose Assignees, &c.

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.

Not to interfere in Appointment, &c. of Solicitor, &c.

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.

Official Assignee not personally liable for Acts done in execution of his Duty.

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.

If Official Assignee made Defendant in certain Cases, Court may set aside Proceedings.

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.

Remuneration to Official Assignee.

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.

Returns to Parliament by Official Assignees;

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

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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, or suggest or practise any Falsehood in respect to anything relating to any Bankruptcy or Insolvency, or any of the Proceedings thereunder.
So help me GOD.’

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

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.

Messenger may break open the Bankrupt's or Insolvent's Doors, &c. and seize upon his Body or Property.

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Messengers.

Execution of
Warrant in
England.

session of such Bankrupt or Insolvent, or of any other Person, in any Prison or Place where such Bankrupt or Insolvent is in Custody.

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
Scotland.

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.

Authority of
Messenger in
England and
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.

Remuneration to
Messengers.

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.

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.

No Judge, &c.
to practise as
a Barrister, &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

Registrars, &c. to
be deemed Officers
of the Court
of Chancery.

Office

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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.

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.

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.

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 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

Exemptions and Disqualifications of Officers, &c.

Salaries, &c.

Salaries of Registrars and Messengers to be paid out of Funds provided by Parliament.

Compensations and Annuities under 6 & 7 W. 4. c. 14. continued.

Power to Her Majesty to grant Retiring Pensions to Judges.

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Salaries, &c.

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 Infirmity 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 Inrolments and other Officers whose Emoluments are affected by this Act.

LXXXIII. The present Clerk of Inrolments 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 thereof in respect of the Salaries of any additional Clerks in the Office, Court Keeper, and Tipstaff, or for Stationery, Coals, and

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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.

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.

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.

LXXXVII. In order to facilitate the Discharge of the Business of the Court in taking the Evidence of Parties examined *videlicet* *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.

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 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.

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

*Salaries, &c.**Place for holding the Court, &c.*

Sittings, &c. to be held in Buildings at Four Courts, subject to Order of the Court.

Court may alter Place of Sitting.

Name of Court.

Power to employ Shorthand Writer.

Shorthand Writer to take the following Oath before acting.

Remuneration to Shorthand Writer.

Persons liable to become bankrupt.

Enumeration of the Traders liable to become bankrupt.

Bankruptcy and Insolvency (Ireland).

Persons liable to become bankrupt.

What Persons not to be deemed such Traders.

Traders having Privilege of Parliament.

Acts of Bankruptcy.

Departing the Realm, absents, beginning to keep House, yielding to Prison, fraudulent Outlawry, Arrest, Attachment, Execution, Conveyance, Surrender, Gift, Delivery, or Transfer;

Conveyance of a Trader's Property not an Act of Bankruptcy unless a Petition for Adjudication be filed within Three Months;

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 Workman 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.

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.

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.

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.

XCIV. Any

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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.

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.

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.

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.

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,

Acts of Bankruptcy.

As to any Provision on such Conveyance for Allowance to Trader;

Lying in Prison and escaping out of Prison;

Filing a Declaration of Insolvency;

Compounding with Petitioning Creditor;

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;

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Bankruptcy.*

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;

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.

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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.

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 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,

Acts of Bankruptcy.

Trader having Privilege of Parliament not paying or compounding to the Satisfaction of the Creditor, and entering Appearance to Action within One Month.

Manner of making a Debtor a Bankrupt by Affidavit of Debt, and giving Notice that Affidavit has been filed, &c.

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.

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Acts of Bankruptcy by Non-payment after Summons.

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.

Delivery of Notice, &c. in case of Partnership.

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.

Manner of proceeding upon the Appearance of the Trader.

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.

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.

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

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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 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.

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.

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

Acts of Bankruptcy by Non-payment after Summons.

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 paying the same, &c., or giving Bond to pay the same, if recovered in an Action, with Costs, an Act of Bankruptcy.

What shall be deemed a Refusal to admit Debt.

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

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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

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Sale thereof in manner herein mentioned, or otherwise order the same for Satisfaction and Payment of the Creditors of the Bankrupt.

Procedure in Bankruptcy.

CXVII. The Amount of the Debt of Creditors petitioning for Adjudication of Bankruptcy shall be as follows; (that is to say,)

Amount of Petitioning Creditor's Debt.

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:

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.

Debt may be payable at a future Time, although Security given.

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.

Petition for Adjudication may be made by Public Officer of Copartnerships.

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.

Verification of Petition of Bankruptcy.

CXX. Any such Trader may petition for Adjudication of Bankruptcy against himself.

Petition by Trader 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.

If Adjudication be not obtained within Five Days after Petition, any other Creditor may proceed on it.

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.

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.

CXXIII. After a Petition of Bankruptcy filed against or by One or more Member or Members of a Firm, and upon any Petition

Proceedings in Cases of a Second Petition app^d

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One or more Members of a Firm.

tion 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.

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;

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.

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.

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.

Court may, before Adjudication, summon Witnesses to prove Trading and Act of Bankruptcy.

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

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terrogatories 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 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.

CXXVIII. 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.

CXXIX. 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.

CXXX. The Court shall in every such Notice of Adjudication, and in every Notice of Adjudication on the Petition of any such Trader,

Procedure in Bankruptcy.

Court to make Adjudication, &c. upon certain Proofs.

As to Cases where Petitioning Creditor's Debt insufficient.

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.

Court to appoint Sittings for Bankrupt's

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surrender and conform.

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,

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,

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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 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.

order his Release, absolutely or conditionally.

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.

If arrested, to be discharged on producing Protection.

Penalty on Detention.

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.

Petitioning Creditor to proceed at his own Costs until Choice of Assignees.

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.

Petition, &c. not to be invalid by reason only of Concert.

CXXXVII. If

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Court may proceed on Death of Bankrupt.

CXXXVII. If any Bankrupt shall die after Adjudication the Court may proceed in the Bankruptcy as if such Bankrupt were living.

Last Examination.

The Bankrupt to prepare and file a Balance Sheet and Accounts, &c.

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.

As to Bankrupt apprehended by Warrant, &c.

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.

Court may adjourn last Examination *sine die*.

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*.

Protection of Bankrupt from Arrest.

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.

Appointment of Person to attend Bankrupt in Custody, &c.

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.

Certificate of Conformity.

Mode of obtaining Certificate of Conformity.

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,

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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 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.

Certificate of Conformity.

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.

Form of Certificate.

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.

Notice of Allowance.

Effect of Certificate.

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.

Security to induce Creditor to forbear Opposition to Certificate void.

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.

Bankrupt not liable upon any Promise to pay Debt discharged by Certificate.

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

Bankrupt having obtained his Certificate free from Arrest.

Certificate to be Evidence of the Bankruptcy

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Proceedings, and Bankrupt in Execution may be discharged.;

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.

Composition after Bankruptcy.

If after Adjudication Three Fifths in Number and Value of Creditors accept Composition, the same shall bind the rest.

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.

Mode of voting in deciding upon 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.

Bankruptcy of Joint Stock Companies.

As to Joint Stock Companies committing Act of Bankruptcy.

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

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against other Bankrupts, subject always to the Provisions hereinafter made.

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. hereto 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,

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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 14 Days pay, secure, or compound to the Satisfaction

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of the Creditor, an Act of Bankruptcy.

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.

Assignees of the Estate of a Company may maintain Action to recover a Debt, &c.

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.

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.

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.

The Court may order the Directors of a Company adjudged bankrupt, &c. to prepare, verify, and file a Balance Sheet and Accounts.

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.

Persons ordered by the Court to prepare the Balance Sheet to be like

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

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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 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 Com-

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.

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pany 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.

Power of Court
to make Calls.

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.

Court may stay
Prosecution of
Actions.

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.

The Court shall
inquire into the
Cause of the
Failure of Com-
pany, and shall
transmit a Copy
of the Balance
Sheet to the
Board of Trade,
and certify the
Cause of the
Failure, and any
special Circum-
stances.

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.

When Court
shall have certi-
fied the Cause of
the Failure of
any such Com-
pany, Her Ma-
jesty may revoke
any Privileges
granted to the
Company.

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 accord-

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accordingly be revoked, and the same Company shall be determined, 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.

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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.

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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.

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, 1836, 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 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

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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.

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Insolvency.*

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.

*General and
Special Balance
Sheets to be filed.*

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.

*Form of Petition,
Schedule, and
Balance Sheets.*

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.

*As to Insolvent
neglecting to file
his Schedule.*

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.

*Detaining
Creditors of Pri-
soners may apply
by Petition to
the Court to vest
Debtors Estates
in the Official
Assignee.*

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.

*Form of Cre-
ditor's Petition.*

CLXXXV. Any

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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 Dis-
charge 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, Recogni-
zance to be for-
feited, &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 Assignee 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 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.

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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,

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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.

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Insolvency.*

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.

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.

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.

Petition, &c. to be returned by the Clerk of the Peace to the Court.

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.

Order for bringing the Insolvent before the Assistant Barrister.

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.

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.

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 situate 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 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

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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.

Procedure in Insolvency.

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.

Court to have Jurisdiction before and pending an Adjournment.

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.

Jurisdiction of Assistant Barrister to cease after Discharge or Remand.

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.

Clerk of Peace to transmit Returns of Quarter Session Days.

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.

Order of detaining Creditor for Discharge of Insolvent to be void at Option of Insolvent.

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.

Notice to be given to Creditors, and advertised.

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.

At the Hearing, the Schedule to be examined.

CCVIII. If

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Insolvency.*

Hearing may be
adjourned.

Court may order
Prisoner to be
again brought up.

Affidavits may be
received in oppo-
sition to Pri-
soner's Discharge
in certain Cases.

Official Assignees
to examine Sched-
ule, Balance
Sheets, &c.

Court may order
Prisoner to be
discharged, and
entitled to the
Benefit of Act.

Court may order
Discharge, &c. to
be forthwith, or
not later than Six
Months from the
of Petition.

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*.

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.

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.

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.

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,) 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.

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

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more of his Creditors for such Period or Periods, not exceeding Six Months in the whole, as the Court shall direct.

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."

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.

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.

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.

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.

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

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Court may grant a special Discharge to Trader, so as to release his future Effects.

Discharge shall extend to Process for Contempt in Nonpayment of Money, and to Costs incurred by Creditor.

Discharge shall extend to Sums payable by way of Annuity, &c.

Not to prevent Mortgages, &c. on Lands, made prior to filing Petition, from taking effect.

Court may order Costs to be paid to opposing Creditors out of the Estate.

Where Opposition frivolous, Costs may be awarded to Prisoner.

Court to make Order, pursuant to Adjudication, and issue Warrants to Gaol

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Insolvency.**Specification of
Debts, &c. not
necessary in
Adjudication.**In certain Cases
Discharge of
Insolvent to be at
any Period not
later than Two
Years.**In other Cases,
the Discharge of
Insolvent to be at
any Period not
later than Two
Years.*

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.

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.

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

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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.

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.

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.

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.

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.

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,

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Adjudication may be conditional in certain Cases.

Where Adjudication a Discharge at a future Period, the Prisoner may be detained or arrested, &c. till that Period arrives.

Court may order detaining Creditor to pay Prisoner a Sum not exceeding Four Shillings a Week.

If Insolvent becomes able to pay his Debts, Court may make Order on him to pay, &c.

If Insolvent dies having sufficient Assets, Court may make Order to pay.

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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 in respect of such Property and Debts against all Persons whatsoever, to all Intents and Purposes.

Sums recovered under last Three Sections to form Part of Estate.

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.

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.

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

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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

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After Discharge no Execution to issue against Insolvent for Debt &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 Co

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may order a Re-hearing.

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.

Insolvent refusing to appear may be apprehended, &c.

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 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.

In Adjudication of Discharge or Re-hearing, the Time since former Hearing not to be calculated.

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.

If Order for Discharge issued by Mistake, the Court may revoke or amend same.

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.

Insolvent may be examined as to his Estate after his Discharge.

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

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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.

Insolvent refusing to appear or to answer Questions may be committed.

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.

Provisions of Act extended to married Women.

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

Mode of proceeding with Prisoners of unsound Mind.

Application may be made by Persons on behalf of such Prisoners.

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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 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.

Power to Court
to discharge such
Prisoners.

No Person to
receive Gaol
Allowance with-
out subscribing
Declaration.

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.

Notice of Decla-
ration to be given
in the Dublin
Gazette.

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

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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.

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CXXLII. 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.

Proceedings on filing of Petition.

CXXLIII. 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.

Unless detaining Creditors lodge a Petition within Twenty-one Days, Prisoner to be entitled to his Discharge.

CXXLIV. 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.

This Act not to extend to discharge Crown Debtors, &c., unless the Treasury give Consent.

CXXLV. 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.

Sheriffs, &c. indemnified for obeying Orders of Court.

CXXLVI. 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

Proof of Debts.

When and how Debts may be proved in Bankruptcy.

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Proof of Debts.

Undisputed Debts may be admitted as if proved.

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.

Bonâ fide Creditors in respect of Debts contracted after an Act of Bankruptcy may prove.

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.

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.

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.

Court may order any Sum to be repaid in respect of Apprentice Fees.

Mutual Debts and Credits may be set forth.

CCLI. 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

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able 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.

CCLII. 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.

CCLIII. 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.

CCLIV. 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

Proof of Debts.

Debts not payable at the Time of the Bankruptcy or Insolvency may be proved, deducting Rebate of Interest.

Sureties and Persons liable for the Debts of a Bankrupt or Insolvent may prove, after having paid such Debts.

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.

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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.

CCLV. 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 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.

Sureties for Payment of Annuities granted by Bankrupt or Insolvent, in what Manner to come in.

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.

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.

CCLVII. If any Bankrupt or Insolvent shall, before the filing of a Petition of Bankruptcy or Insolvency, have *bond 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

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Dividends with the other Creditors, not disturbing any former Dividends.

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.

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.

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.

CCLXI. If any Party, whether Plaintiff or Defendant, in any Suit shall have obtained any Judgment, Decree, or Order against any

Proof of Debts.

Liability contingent may be admitted as a Claim, and after Contingency has happened, and the Demand has been ascertained, Demand may be proved.

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.

Interest upon Debts when provable, though not reserved or agreed for.

Plaintiff or Defendant obtaining Judgment

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ac., entitled to prove for Costs, &c.

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.

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.

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.

Assignees how and when chosen.

Power to Court to reject or remove Persons who appear to be unfit.

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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.

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, where-soever 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.

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.

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

*Assignees,
their Rights and
Duties.*

Joint Creditor
entitled to prove
for the Purpose
of voting in the
Choice of As-
signees.

Personal Estate
to vest in
Assignees.

Real Estate to
vest in Assignees.

Where a Convey-
ance of a Prop-
erty of a Bank-
rupt or Insolvent
would require to
be registered, th
in

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Certificate of the Appointment of the Assignees shall be registered.

in any of the Dominions of Her Majesty, then and in 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, *bonâ 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.

Assignees not to take Crop in any other Way than Bankrupt or Insolvent would have been entitled to.

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.

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.

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 Non-performance 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.

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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 recover any Debt

Assignees, their Rights and Duties.

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 Name of Assignees and of remaining Partner.

Debt

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*Assignees,
their Rights and
Duties.*

Partner to have
Notice and may
show Cause.

Court may direct
Partner to have
Part of Proceeds.

Assignees may
institute or de-
fend Suits, and
compound for
Debts or submit
Disputes to
Arbitration.

Reference to Arbit-
ration to be made
a Rule of Court.

Persons from
whom the As-
signees have re-
covered, &c., dis-
charged from
Claims.

Allowance to Per-
sons disclosing
concealed
Property.

Suits not to abate
by Death or
Removal of
Assignees.

Protection to
Assignees if
Prisoner dis-
charged without
Adjudication.

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.

CCLXXIX. 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

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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.

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

*Assignees,
their Rights and
Duties.*

*Limitations of
Actions for
Things done
in pursuance
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General Issue.
Costs.*

*The Audit and
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*Appointment for
Sitting for Audit.*

*Court may direct
Money to be
invested in Ex-
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*Method of mak-
ing Dividends.*

*Sitting for Audit
and Dividend.*

*Final Dividend
within Eighteen
Months, except
where Suits de-
pending or
Estates not sold,
&c.*

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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.

Outstanding Debts, &c. may be sold by the Assignees after a certain Time.

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.

Debtor and Creditor Account to be furnished by Official Assignee, to Trade Assignee, &c. before final Dividend.

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.

As to Remedy for Nonpayment of Dividend.

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.

Unclaimed Dividends, &c.

Monies standing to Credit of General Fund Account in Insolvency to be carried to the Unclaimed Dividend Account.

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.

Unclaimed Dividends to be carried to the same Account.

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.

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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.

Court may direct Investment.

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.

Application of Interest.

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.

Allowances to the Bankrupt or Insolvent.

Bankrupt, &c. allowed to retain, as "Excepted Articles," Furniture, Tools, &c.

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.

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.

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.

If Bankrupt or Insolvent entitled to any Allowance, his Household Furniture, &c. to be taken in lieu of Money.

CCCI. 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.

Allowance for Maintenance.

CCCII. The Court may make to every Bankrupt who shall have obtained his Certificate, and every Insolvent who shall have obtained

Allowance to Bankrupt 5 per Cent. and not

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exceeding 400*l.* as soon as 10*s.* paid in the Pound.

7½ per Cent. and not exceeding 600*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.

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

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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.

Power of Court in relation to Property, &c.

Court empowered to summon Persons suspected of having Bankrupt's or Insolvent's Property, &c.

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.

Service of Summons where Persons keep out of the Way.

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.

Power to examine Persons summoned or present at any Sitting.

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, 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

In a Case of Debts due to Bankrupt's or Insolvent's Estate, Court may order Payment.

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*Power of Court
in relation to
Property, &c.*

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.

*Court may order
Letters address-
ed to Bankrupt
or Insolvent to
be re-directed
or delivered to
Official Assignee,
&c.*

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.

*Court may order
Goods in the Pos-
session, Order, or
Disposition of the
Bankrupt or In-
solvent to be sold.*

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*.

*Not to apply to
Assignment of
Vessels under the
Laws for regis-
tering Vessels.*

*Power of Court
over certain Con-
veyances, &c.
made by Bank-
rupt or Insolvent.*

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.

*Court may sell
Property impro-
perly extended.*

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,

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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 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

Power of Court in relation to Property, &c.

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.

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 beneficially 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 Landlord 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 Assignment to another Trustee.

CCCXXII. If any Bankrupt or Insolvent shall as Trustee be seized, 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 Property 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 Treasurer, &c. or

CCCXXIV. After the Adjudication of Bankruptcy on a Creditor's Petition shall have been advertised in the "*Dublin Gazette*," or

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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.

Agent of the Bankrupt to deliver all Monies, &c.

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.

Goods under Attachment to be delivered up.

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.

Search Warrants may be granted.

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, 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.

No Action to be brought against Persons acting in obedience to Warrant of the Court

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,

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 Bankruptcy

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Nothing herein to give Validity to Payment, &c. by way of fraudulent Preference.

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.

Creditors having Security not to receive more than other Creditors.

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.

No Validity to null or fraudulent Matters.

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.

Registry of Judgment under 13 & 14 Vict. c. 29. not to give Priority unless, &c.

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.

As to *bonâ fide* Purchases.

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.

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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 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

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.

Pleas of Confession, Consents, &c. to be void unless filed within 21 Days, in like Manner with Warrants of Attorney and Cognovits actionem.

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*Warrants of
Attorney, &c.*

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 enter-
ing 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 Pre-
ference fraudu-
lent and void as
against Assig-
nees.

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

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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.

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.

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 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

Warrants of Attorney, &c.

Warrant of Attorney and Cognovit actionem not to be acted upon against Goods of Insolvent after his Imprisonment.

Estates Tail.

Clauses in 4 & 5 W. 4. c. 92. with respect to Disposition of Estates Tail under Bankruptcies, extended 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.

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veyed to him as aforesaid, reserving the ancient Rents, Customs, and Services, and shall admit him Tenant of the same.

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Any Trader
unable to fulfil
his Engagements
with his Creditors
may petition the Court
for Protection.

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 Sitzings 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.

Petition to be
supported by
Affidavit.

Court to appoint
private Sitting,
and Estate to be
possessed by
Official Assignee.

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.

Petitioning
Trader to file
Account Ten
Days before Day;
appointed for
private Sitting.

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

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tion 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 their 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 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.

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.

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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.

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.

Agent of Creditor may vote.

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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 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.

CCCLIII. If such Petitioning Trader shall not duly attend the Sitzings 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 *bonâ fide* Arrangement with all his Creditors, or that his Proposal

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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.

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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 Con-
sent.*

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,

Evidence.

*Officer of Court
to produce Pro-
ceedings, and
give Copies
thereof.*

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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.

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.

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.

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.

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.

The same in Suits in Equity.

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

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by such Notice shall, if the Court see fit, be paid by the Parties so giving such Notice.

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 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

Evidence.

Proceedings purporting to be sealed with the Seal of the Court receivable in Evidence.

Commissions of Bankrupt, &c. entered of Record 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 Evidenc. ce.

On Death of Witness, Office Deposition or Copy thereof to be Evidence.

Before whom Affidavits are to be sworn.

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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.

Affidavits may be sworn in Prison before Visiting Justice or Keeper of Prison.

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.

No Fees payable for swearing Affidavits.

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.

Evidence may be taken *visâ voce* or upon Affidavit.

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 *visâ voce* on Oath, or by Interrogatories in Writing, or upon Affidavit.

Examination of Witnesses at a Distance from Dublin in certain Cases.

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

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inary of the High Court of Chancery in *Ireland*, or before a Commissioner appointed to administer Oaths in the High Court of Chancery in *England*:

Evidence.

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 of Bankruptcy and Insolvency herein dated the
 Day 18, and duly and faithfully transmit such Depositions, when completed, to the said Court. 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 afore-

said,

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Evidences.

said, 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.

Forms of Rules and Proceedings of the Court.

- 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.

Solicitors.

Every Attorney or Solicitor of the Superior Courts may practise in 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.

Misconduct of Attorney or Solicitor.

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.

The Provisions and Powers given to Lord Chancellor, &c. in Bankruptcy under 3 & 4 Vict. c. 106. s. 27. to be applicable to this Act.

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.

CCCLXXV. The

Bankruptcy and Insolvency (Ireland).

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.

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

Costs.

Court may in all Cases award Costs.

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.;

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this Act, every such Person shall be deemed to be guilty of a Misdemeanor.

Bankrupt or Insolvent within Three Months of Bankruptcy or Insolvency obtaining Goods on Credit under false Pretence, &c.;

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.

Bankrupt, &c. within, &c. committing Fraud on Creditors, &c., guilty of Misdemeanors.

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.

As to Persons convicted of 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.

False Evidence deemed wilful and corrupt Perjury.

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.

Court may direct Prosecution.

CCCLXXXIV. If any Bankrupt or Insolvent shall be suspected of or charged with the Commission of any of the Offences hereinbefore 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.

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.

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 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

Bankruptcy and Insolvency (Ireland).

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

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

Bills

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it, to be charged with 20 per Cent.

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.

Persons disobeying any Order of Court to be committed to Prison until they conform, or the Court or the Lord Chancellor shall otherwise order.

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.

Petitioning Creditor compounding with Trader after Bankruptcy.

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.

Concealing Bankrupt's or Insolvent's Effects.

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.

Obtaining Money, &c. as Inducement to forbear Opposition or consent to Certificate or Discharge.

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.

Officers, &c. taking Fees improperly.

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 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

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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.

Offences against the Law of Bankruptcy, &c.

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.

Inserting Advertisements without Authority.

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.*

Forging Signature of Judge or Officer, or the Seal of Court.

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.

Gaoler suffering Persons committed to escape.

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.

Application of Forfeitures.

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.

Fees and Stamp Duties.

Stamps in lieu of Fees.

No Fees to be payable other than as directed by this Act.

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

Commissioners of Inland Revenue to give the necessary Directions.

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Fees and Stamp Duties.

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, Commissioners to pay over Balance of Stamp Duties to "Bankruptcy Fee Fund Account."

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 Bankruptcy 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 Bankruptcy 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 Persons 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.

Provisions of former Acts relating to Stamps to be applied to the Stamps to be provided under this Act.

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

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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.

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 Sixth and Seventh 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.

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Date of Act.	Title.	Extent of Repeal.
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.
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.

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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 .

		1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.	15.	16.	17.	18.	19.
Name of Bankrupt.	(Gross Amount of Liabilities stated in the Balance Sheet.																			
	Net Amount of Liabilities proved. Balance Sheet.																			
Name of Insolvent.	Total Amount of Assets collected.																			
	Total Amount paid in Dividends.																			
Average Rate per Cent. on the Liabilities 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.																				

I certify this to be a true Return.

Dated this 15th Day of January 18 .

[Signature.]

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 Plaint to be served on a Member of Parliament in order to enforce the Provisions of "The Irish Bankrupt and Insolvent Act, 1857."

VICTORIA, &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

Bankruptcy and Insolvency (Ireland).

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 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 the said *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,

Bankruptcy and Insolvency (Ireland).

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.*
A.D.

Dated this _____ Day of _____
Witness,

G.H., Attorney for the said *E.F.*,
and subscribing Witness to the
Execution hereof as such At-
torney.

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*

Bankruptcy and Insolvency (Ireland).

SCHEDULE (O.)

Court of Bankruptcy and Insolvency.

Certificate of Conformity.

In the Matter of } Whereas the said A.B. of _____ was on
 A.B. } the _____ Day of _____ duly adjudged
 of } and declared a Bankrupt, and the said Bankrupt
 a Bankrupt. }
 did on the _____ Day of _____ last finish his Ex-
 amination, 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 In-
 solvency 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 Bank-
 ruptcy 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.

State the recent
 Residences,
 Trades, &c. very
 accurately; but
 it need not always
 be so for the Sched-
 ule.

The humble Petition of _____
 late of _____ in the C _____ of
 previous of _____ formerly of
 Showeth,

That your Petitioner is now a Prisoner for Debt in the
 _____ in the _____ of _____

If the Prisoner
 was bailed or first
 committed to
 another Prison
 and removed by
 Habeas corpus or
 otherwise, the
 Fact must be here
 stated.

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 hun-
 dred and fifty _____ and was _____ committed to the said
 _____ on the _____ Day of _____ One

If more Detainers,
 make fresh State-
 ment as to each
 according to
 Facts.

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 _____

Bankruptcy and Insolvency (Ireland).

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

Form of Retainer and Acceptance to be endorsed on Petition of Insolvency.

Court of Bankruptcy and Insolvency.

I of do hereby retain Mr. 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 Defendant. } the C under and by virtue of a on the Day 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 Insolvency.]

In the Court of Bankruptcy and 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 £

Bankruptcy and Insolvency (Ireland).

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 received no Consideration -					Doubtful -			
	2, in respect of Debts more than once entered -					Amount of Debts owing to me -			
	Amount of Debts contracted since the Time aforesaid* for which I have received Consideration -					Rent for _____ Years, at £ _____ a Year -			
	Profits of Business in each Year : viz.					Taxes for _____ Years, at £ _____			
	* Here enter all Monies received by Annuities, Dividends, or otherwise, also all Property had by Purchase, Gift, Devise, Bequest, &c. since the Time aforesaid.					Servants Wages for _____ Years, at £ _____			
	VALUE to be accounted for £					Other Household Expenses for _____ Years, at £ _____			
						Special Expenses, Disbursements, and Losses : viz.			
						Property mentioned in Schedule, pp. 6 and 7 -			
						Money in possession when I was taken into Custody -			
						Excepted Articles -			
						Difference between Values and Cost Price -			
						DEFICIENCY -			
							£		

The Cause of my present Insolvency is
If never bankrupt } I was _____ Bankrupt and Debts
 [or insolvent,] write } still unpaid are about £ _____
 "never." } I _____ petitioned this Court
 and Debts still unpaid are about £ _____

Signed in the Presence of _____ Dated this _____
 Day of _____ 185 _____

[In Insolvency.]

In the Court of Bankruptcy and 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 _____

Bankruptcy and Insolveny (Ireland).

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, seized 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
thousand eight hundred

Day of

One

Signed in the Presence of

BALANCE

Bankruptcy and Insolvency (Ireland).

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 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.			
Date.	£	s.	d.	Date.	£	s.	d.

Bankruptcy and Insolvency (Ireland).

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.

Bankruptcy and Insolvency (Ireland).

PROPERTY IN POSSESSION.

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.

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.

SUPPOSED VALUE.

£ s. d.

Interest in Land.

Personal Property.

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. - - -

Cash, Bills, Promissory Notes, Bonds, and other Personal Property not before specified

Property in the Funds, Annuities, Shares, &c.

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 - - -

Unpaid Legacies.

Legacies due, but unpaid ; with all Particulars concerning the same - - -

Books. Deeds. Papers.

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.

Where under any Division the Prisoner has no Property, the Word "None" to be entered.

Bankruptcy and Insolvency (Ireland).

PROPERTY IN REVERSION, &c.—PLACES, PENSIONS, RIGHTS, AND POWERS.

	<i>Real and Personal Estate and Effects in which I have any Interest in reversion, remainder, or expectancy.</i>	Supposed Value of my Interest, if now to be sold.		
		£	s.	d.
Interests in Land.	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 -			
Personal Property.	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 -			
Property in the Funds, Annuities, Shares, &c.	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 - - - -			
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.			
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 _____

Bankruptcy and Insolvency (Ireland).

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 Pro-
visions 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).

and incident to the Summons of the said
Behalf.

in this

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

Bankruptcy and Insolvency (Ireland).

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 18 Day of

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 unsatisfac-
tory [or the said refused to sign and subscribe his
said Examination and Deposition]:

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 Insol-
vency, 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.,
Bankrupt [or } of being present in this
Insolvent]. } Court on this Day of
was required to submit to be duly sworn and examined, pursuant
to the Statute but the said then
and

Bankruptcy and Insolvency (Ireland).

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
Bankrupt } holden in the said Court on the _____ Day
[or Insolvent.] } of _____ 18 , E.F., &c. [or G.H., &c.] was
guilty of Riot [or of Disturbance, 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:]

Bankruptcy and Insolvency (Ireland).

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 _____

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

Bankruptcy and Insolvency (Ireland). Customs and Excise.

Document.	Stamp Duty in lieu of Fees.
	£ s. d.
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 :

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.

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

Grant of Duties of Customs and Excise in Schedules (A.) and (B.) annexed.

Drawback on Sugar allowed as in Schedule (C.)

Customs and Excise.

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.

Duties under Management of Commissioners of Customs and Inland Revenue respectively.

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.

Commencement of Act.
Short Title.

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."

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		
Comfits, dry - - - - -			
Confectionery - - - - -			
Ginger, preserved - - - - -			
Marmalade - - - - -			
Plums preserved in Sugar - - - - -			
Succades, including all Fruits and Vegetables preserved in Sugar not otherwise enumerated - - - - -	0	0	2
Tea - - - - - the Pound.	0	1	5

*Customs and Excise.***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	18	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

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 Leaves, 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

Customs.

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,

British-built Ships, with their Tackle, Apparel, and Furniture—	£	s.	d.
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

V. So

Customs.

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.

Repeal of Section 10. of 16 & 17 Vict. c. 107.

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 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.

Proviso for Continuance of 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

Power to enter into Agreements, &c.

Customs.

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 arrange with Keeper of Tobacco Warehouses surrendered, &c., for Deposit of warehoused Tobacco until cleared.

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.

Provision for warehousing future Importations of Tobacco.

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.

Certain Kind of Tobacco to be destroyed.

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.

Defendants not to give Evidence.

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.

Customs Acts to extend to British Possessions abroad, except where otherwise provided for in said Acts, or by any Colonial Act.

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

Customs.

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.

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.

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.

XVIII. Section Nineteen of "The Supplemental Customs Consolidation Act, 1855," is hereby repealed.

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

Account of Bullion or Coin to be delivered to the Officers of Customs.

Certain Parts of 8 & 9 Vict. c. 90. to be deemed not repealed.

18 & 19 Vict. c. 96. s. 19. repealed.

As to importing and exporting Spirits from and to the *Channel Islands*, &c.

Not to extend to Spirits in Glass Bottles, &c. ;

nor to licensed Boats of 10 Tons supplying Island of *Sark*.

Customs.

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.

Interpretation
of Terms.

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.

Act to be regis-
tered in Guern-
sey and Jersey.

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.

Confirmation
of certain Pur-
chases of Land
in Belfast for
Erection of a
Custom House,
&c.

XXII. ' Whereas by an Act passed in the Fifteenth and Six-
' teenth Years of Her present Majesty, intituled *An Act to em-*
' *power 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 Im-
' provement 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 con-
' cluded accordingly by the said Commissioners of Customs; and
' it is intended that the Site of the Lands and Premises so pur-
' chased 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

*Customs.**Dunbar Harbour Loan.*

' 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 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.]

' **WHEREAS** 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 Continuation 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

57 G. 3. c. 34.

19 & 20 Vict.
c. 17.11 & 12 Vict.
c. cxxii.

Dunbar Harbour Loan.

‘ 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 men-
 ‘ tioned 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 Appli-
 ‘ cation has been made to the said Public Works Loan Commis-
 ‘ sioners 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 Accommodation of the *Victoria Har-*
 ‘ *bour*, which has been constructed upon the Property of the said
 ‘ Burgh, near to the old Harbour thereof, and it is deemed expe-
 ‘ dient 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:

Power to Treas-
 ury to charge
 Consolidated
 Fund, and di-
 rect Issue there-
 out of 20,000l.

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 Con-
 solidated 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 intitled “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.

Public Works
 Loan Commis-
 sioners to ad-
 vance the same.

II. It shall be lawful for the said Public Works Loan Commis-
 sioners 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.

Power for Har-
 bour Trustees
 to borrow
 Money of the
 Public Works
 Loan Commis-

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

Dunbar Harbour Loan.

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 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.

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.

Power for Treasury to increase or diminish Rates, &c., and to exercise Powers of Borrowers relating thereto.

Dunbar Harbour Loan. Metropolitan Police Stations, &c.

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

I. It shall be lawful for the Receiver of the Metropolitan Police District, by the Direction of One of Her Majesty's Principal Secretaries

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taries 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, 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.

60,000*l.* on Security of the 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

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.

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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.

Interest to
cease on Expi-
ration of Notice
to pay off Mort-
gage.

Power to bor-
row to pay off
existing Secu-
rities.

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.

Transfer of
Mortgages.

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.

Register of
Transfers.

Money ad-
vanced to be
paid into Bank
to Credit of

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

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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 Majesty's Principal Secretaries of State, in defraying the Expenses of Works for improving the Cells in the Stations of the Metropolitan Police.

Receiver's Account.

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.

Monies borrowed under Act to be a First Charge on Police Rate.

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.

Payment of Monies borrowed.

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 :

3 & 4 W. 4. c. 89. s. 2.

2 & 3 Vict. c. 47. s. 3.

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

3 & 4 W. 4. c. 89. s. 2., re-first

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pealed, but Contribution under the Two Enactments not to exceed 3d. in the Pound.

10 G. 4. c. 44.

Rateable Value of Buildings erected since last County Rate Valuation, to be taken into account for Purposes of Police Rate.

Overseers to make Returns of new Buildings.

Receiver for Metropolitan Police District,

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.

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.'

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 Pooers 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.

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 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

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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.

&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

*Metropolitan Police Stations, &c.**Militia Pay.*

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 Mort-
 gage, 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, Pay-
 masters, 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. 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 Thir-
 teenth 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

Mutiny (East India).

' *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—

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.

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.]

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

Persons subject to this Act.

Mutiny (East India).

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 and Soldiers subject to Provisions of this Act.

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 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

Offences committed during Passage, cognisable after Arrival.

Mutiny (East India).

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

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

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for trying Of-
fences against
Articles of
War.

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.

Composition
and Constitu-
tion of General
Courts-martial.

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.

Composition
and Powers of
District or Gar-
rison 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

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Command of the Troops, provided the Sentence shall not exceed that which a Regimental Court-martial is competent to award.

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.

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.

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

Power to Officers in Command of Troops in Foreign Countries to convene Detachment Courts-martial.

No Sentence to be executed until approved.

Proceedings on mixed Courts-martial how to be regulated.

Courts-martial in some Cases may be wholly composed of Queen's Officers.

President of Court-martial.

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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.

Proceedings
at Trial.

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 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 seasonable 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.

As to swearing
and summoning
Witnesses.

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

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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.

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, 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

Previous Con-
victions may be
put in Evidence
before passing
Sentence.

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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.

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

XVII. Every Judge Advocate or Person officiating as such at a General Court-martial, and the President of every District or Garrison Court-martial, 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 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

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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.

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.

XXI. Whosoever 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

Judgment of Death may be commuted for Transportation or other Punishment

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ording 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 Ser-
vitude.

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 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,

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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

Transports to be subject to the Convict Laws of the Place of Transportation or Penal Servitude.

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Hard Labour and Solitary Confinement, not exceeding the Period herein-after prescribed.

Power to inflict Corporal Punishment;

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.

Corporal Punishment and Imprisonment.

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.

Power to commute Corporal Punishment for 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.

Courts-martial may, in addition to other Punishment, order Forfeiture of Pay and Pension.

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 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 :

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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.

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.

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

Forfeiture of Pay on being found guilty of Desertion, and to 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 ;

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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.

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 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.

Forfeiture of Pay for Drunkenness on Duty.

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.

XXXII. Any

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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:

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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.

Power to discharge Soldier with Ignominy.

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 farther 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 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 Imprisonment by different Kinds of Courts-martial.

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

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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.

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 Offence.

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.

Terms of Imprisonment by Courts-martial.

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.

Place of Imprisonment.

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.

Keepers of Prisons to receive Military Offenders.

XLI. In the Case of a Prisoner undergoing Imprisonment under the Sentence of a Court-martial in any public Prison or Gaol

Orders as to Removal of Prisoners to be obeyed

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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 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.

Notice to be
given of the
Expiration of
Imprisonment.

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.

Musters and
Punishments
for false Mus-
ters.

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

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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.

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,

Enlisting and attesting Recruits.

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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.

Recruits concealing Infirmities punishable.

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 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

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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.

Ll. 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.

No Paymaster to receive Fees, or to make unusual Deductions out of Pay, &c.

Penalty on Paymasters for so doing.

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 for procuring false Musters.

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,

Penalty on purchasing Soldiers Necessaries, Stores, &c.

Furniture,

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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 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.

Soldiers entitled to Discharge may claim to be sent home free of Expense.

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*

Punishment of Offences on the Voyage.

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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.

LV. 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

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

twenty

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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.

Suspension of Proceedings.

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.

Certain Offenders, if apprehended by Civil Authorities, to be delivered over for Trial by Court-martial.

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.

The ordinary Course of Law not to be interfered with.

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

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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

Soldier not to be arrested for Debt unless amounting to 300 Company's Rupees.

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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 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.

Persons employed under Articles of War to collect Effects of Officers dying in Service abroad may do so without Probate or Letters of Administration.

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

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Presidency to which the deceased Officer or Soldier shall have belonged.

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

Regimental Debts to be paid without Probate, &c., and Surplus only to be deemed Personal Estate, &c.

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Military Secretary to administer such Surplus when not exceeding 1,000 Company's Rupees, without Probate or Administration, and Duty-free.

ment 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 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.

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.

Military Secretary may order Remittance to any other Place in *India*.

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

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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 Ad-
ministration to
Surplus.

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.

Power to Her
Majesty to make
Provision for
the Collection,
&c. of Effects
of Deserters.

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

Where Troops
are serving be-
yond Jurisdic-
tion of Courts
of Requests,
Actions of Debt
not exceeding
400 Company's
Rupees to be
cognizable by a
Military Court.

Composition
and Constitu-
tion of Court.

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President, &c.
of Court to take
Oath.

President thereof shall in all practicable Cases be a Field Officer, and in no Case be under the Rank of a Captain, and every Member shall have served Five Years as a Commissioned Officer; and the President and Members assisting at any such Court, before any Proceedings be had before it, shall take the following Oath, which Oath shall be administered by the President of the Court to the other Members thereof, and to the President by any Member having first taken the Oath; (that is to say,)

‘ I swear, That I will duly administer Justice according to the Evidence in the Matters that shall be brought before me. So help me GOD.’

Powers of such
Court defined.

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 Sutler, Servant, or Follower, he may be arrested by like Order of the Commanding Officer, and imprisoned in some convenient Place within the Military Boundaries for any Period not exceeding Two Months, unless the Debt be sooner paid; and the said Commanding Officer shall not, nor shall any Person acting on his Orders in respect of the Matters aforesaid, incur any Liability to any Person or Persons whomsoever for any Act done by him in pursuance of the Provisions aforesaid; and in Cases where the said Court shall direct specially that the whole or any Part of the Debt or Damages shall be stopped and paid out of Part of any Pay

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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.

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.

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.

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.

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

Term and Limitation of Actions.

Mode of Procedure.

Mode of recovering Penalties.

One Moiety to Informer; Remainder to Military Secretary of the Presidency.

Punishment for giving false Testimony.

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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 Act, to cease,

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

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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.

except as herein provided.

SCHEDULE to which this Act refers.

FORM of OATH to be taken by the President and 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 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 Order; 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.

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

15 & 16 Vict. c. 78.

Pimlico Improvements.

16 & 17 Vict.
c. 44.

‘ jesty’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 Here-
 ‘ ditaments 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 Ex-
 cellent Majesty, by and with the Advice 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 pur-
 chase the Here-
 ditaments men-
 tioned in the
 Schedule to this
 Act.

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 Here-
 ditaments 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 Here-
 ditaments or Parts thereof, or Rights or Interests therein, required
 for the Purposes of the said last-mentioned Acts, and the Improve-
 ments 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 Pur-
 poses 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.

Short Title.

II. It shall be sufficient for all Purposes to cite this Act as
 “The *Pimlico* Improvement Act, 1857.”

Pimlico Improvements.

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		Joel Pinney, Susannah Pinney, Jane Elizabeth Downing Walker, Adeline P'apera.	Thomas Oliver.
36	Dwelling House and Yard			William Hillier.
37	Dwelling House and Yard			Joseph Pritchard.
38	Dwelling House and Yard			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	Elisabeth 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.	

Pimlico Improvements. Revising Barristers (Dublin).

Stafford Row.

Number in Street.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.	
12	Dwelling House, Shop, and Yard.	The Crown	Thomas Bew - - -	Frederick Berry.	
13	Public House and Garden "The Gun Tavern."		William Rackstraw - - -		William Rackstraw.
13	Dwelling House and Shop				Charles Grover.
14	Dwelling House, Shop, and Garden.		Edward Weatherley,		George Henry Stevens.
14a	Garden at Back.		George Stevens,		George Nisbet.
			Edward Weatherley,		
15	Dwelling House, Shop, and Yard.		George Nisbet.		James Booty.
16	Dwelling House, Shop, and Yard.		Charles Grover, James Booty.		
17	Dwelling House, Shop, and Yard.		Thomas Edy - - -		Thomas Edy.
18	Dwelling House, Shop, and Yard.		John Imrie - - -		John Imrie.
18	Dwelling House, Shop, and Yard.		Adam Murgatroyd - - -		Adam Murgatroyd.
19	Dwelling House and Shop		George Taylor - - -		George Taylor, David Gilbert.

Charlotte Street.

1	Dwelling House and Shop	The Crown	Henry Rhodes, William Woolston.	William Woolston.
101	Public Street	- - -	- - -	The Vestry of Saint George Handover 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.
 15 Vict.

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 present Majesty mentioned: And whereas by an Act of the Session of Parliament holden in the Fourteenth and Fifteenth Years of the Reign of

Revising Barristers. (Dublin).

of Her present Majesty, Chapter Fifty-seven, the Lord Lieutenant was 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 Behaviour, 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 Session of Parliament holden in the Sixteenth and Seventeenth Years of the Reign of Her present 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,)

1. 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

16 & 17 Vict.
c. 58.

Lord Lieutenant may
appoint Two
Barristers, &c.

Revising Barristers (Dublin).

Two Barristers, qualified as by said Section is provided, to discharge the Duties therein mentioned.

Powers, Duties,
and Remunera-
tion of Revising
Barristers.

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.

Vacancies to be
filled up.

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.

Oath to be taken
by Revising
Barrister before
acting.

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,

' 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.'

In case of Illness
or Absence of
Revising Bar-
rister Lord
Chancellor may
appoint Deputy.

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.

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.

Consolidated Fund (Appropriation).

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. | |
| | | | For Wages to 53,700 Seamen and Marines | } For the Year ending 31st <i>March</i> 1858. |
| 1,419,415 | 0 | 0 | For Wages to 2,000 additional Seamen | |
| | | | | } For Nine Months ending 31st <i>March</i> 1858. |
| 562,198 | 0 | 0 | For Victuals, &c. in the Navy, and for additional Seamen | |
| | | | | } For the Year ending 31st <i>March</i> 1858. |
| 84,217 | 0 | 0 | For Salaries, &c. of the Admiralty Office | |
| | | | | } For the Year ending 31st <i>March</i> 1858. |
| 118,150 | 0 | 0 | For Coast Guard Service and Royal Naval Coast Volunteers | |
| | | | | } For the Year ending 31st <i>March</i> 1858. |
| 33,091 | 0 | 0 | For the Navy Scientific Departments | |
| | | | | } For the Year ending 31st <i>March</i> 1858. |
| 92,224 | 0 | 0 | For Naval Establishments at home | |
| | | | | } For the Year ending 31st <i>March</i> 1858. |
| 15,423 | 0 | 0 | For Naval Establishments abroad | |
| | | | | } For the Year ending 31st <i>March</i> 1858. |
| 584,390 | 0 | 0 | For Wages of Artificers, &c. at home | |
| | | | | } For the Year ending 31st <i>March</i> 1858. |
| 33,383 | 0 | 0 | For Wages of Artificers, &c. abroad | |
| | | | | } For the Year ending 31st <i>March</i> 1858. |
| 895,450 | 0 | 0 | For Naval Stores, &c. | |

Consolidated Fund (*Appropriation*).

	£378,415	0	0	For New Works in Naval Establishments	} For the Year ending 31st <i>March</i> 1858.	
	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; <i>viz.</i>		
	221,868	0	0	For Wages of Artificers, &c.		
	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; <i>viz.</i>		
	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>)		} From 1st <i>April</i> 1857 to 31st <i>March</i> 1858.
	36,282	0	0	For Volunteer Corps		
	122,909	0	0	For Salaries, &c. of War Departments		
	251,238	0	0	For Manufacturing Departments, Military Storekeepers, Barrack Masters, &c.		
	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.		

Consolidated Fund (Appropriation).

	£31,863	0	0	For Pensions, Gratuities, &c. to wounded Officers	} From 1st April 1857 to 31st March 1858.	
	20,941	0	0	For In-Pensioners of Chelsea and Kilmainham Hospitals		
	776,588	0	0	For Out-Pensioners of Chelsea Hospital, &c.		
	83,000	0	0	For Superannuation and Retired Allowances		
	450,000	0	0	For Disembodied Militia		} To 31st March 1858.
	200,000	0	0	For Embodied Militia		
§ XIII.	40,000	0	0	For Marriage Portion of Princess Royal.		} For the Year ending 31st March 1857.
XIV.	900,000	0	0	For Persian Expedition.		
XV.	400,000	0	0	For Naval and Military Operations in China.		
XVI.	590,693	0	0	For Account of East India Company for Chinese Expedition.		
XVII.	100,000	0	0	For Civil Contingencies	} To 31st March 1858.	
				CIVIL SERVICES.—Class 1.		
XVIII.	39,591	0	0	For Repair of Repair of Royal Palaces, &c.	} From 1st April 1857 to 31st March 1858.	
	60,386	0	0	For Maintenance, &c. of Public Buildings, temporary Accommodation, &c.		
	36,069	0	0	For Furniture for Public Departments		} For the Year ending 31st March 1857.
	75,781	0	0	For Repair of Royal Parks, &c.		
	102,861	0	0	For New Houses of Parliament		
	443	0	0	For Port Patrick Harbour		
	77,557	0	0	For Public Buildings in Department of Public Works in Ireland		
	15,100	0	0	For Kingstown Harbour		
	120,000	0	0	For Holyhead Harbour		} To 31st March 1858.
	224,000	0	0	For Harbours of Refuge		
				CIVIL SERVICES.—Class 2.		
XIX.	87,967	0	0	For Salaries, &c. of Houses of Parliament	}	
	35,171	0	0	For the Treasury		
	16,466	0	0	For the Home Department		
	45,169	0	0	For the Foreign Department		

Consolidated Fund (Appropriation).

£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. Scotland - -
6,431	0	0	For Officers, &c. of Lord Lieutenant of Ireland
15,358	0	0	For Chief Secretary, &c. Ireland - -
5,118	0	0	For Paymaster of Civil Services, Ireland -
1,783	0	0	For Inspectors of Lunatic Asylums, Ireland - -
15,997	0	0	For Board of Public Works, Ireland -
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, England and Wales - -
2,432	0	0	For General Register Office, Dublin -

To
31st March 1858.

Consolidated Fund (Appropriation).

£4,085	0	0	For Department of Registrar General of Births, &c. <i>Edinburgh</i>	} To 31st March 1858.
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. -	} To 31st March 1858.
	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 -	

Consolidated Fund (Appropriation).

£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 Prosecu- tions by Lord Advo- cate - -
1,080	0	0	For certain Officers in the Exchequer <i>Scot- land</i> - -
50,000	0	0	For Criminal Prosecu- tions, &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 Com- missary Clerk, <i>Edin- burgh</i> - -
1,878	0	0	For Department of Ac- countant in Bank- ruptcy, <i>Scotland</i> -
51,470	0	0	For Criminal Prosecu- tions, <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 Of- ficers for Law Courts, <i>Ireland</i> - -
3,232	0	0	For Registrars to Judges, <i>Ireland</i> -
1,788	0	0	For Office for Registra- tion of Judgments in <i>Ireland</i> - -
200	0	0	For Fees to Advocates, Court of Delegates, <i>Ireland</i> - -

To
31st March 1858.

Consolidated Fund (Appropriation).

£1,866	0	0	For Salaries, &c. of Insolvent Debtors Court, <i>Ireland</i>
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>Mars-halsea, 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

To
31st March 1858.

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
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</i> University
5,010	0	0	For Grants to <i>Scottish</i> Universities
1,625	0	0	For Queen's University, <i>Ireland</i>
3,200	0	0	For Expenses, Queen's Colleges, <i>Ireland</i>
300	0	0	For Royal <i>Irish</i> Academy
200	0	0	For Royal <i>Hibernian</i> Academy

Consolidated Fund (Appropriation).

£46,400	0	0	For Salaries and Expenses of <i>British Museum</i> - -	} To 31st <i>March</i> 1858.	
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 National Gallery - -		
3,539	0	0	For Magnetic Observatories, &c. - -		
500	0	0	For Royal Geographical Society - -		
1,000	0	0	For Royal Society - -	} For the Year ending 31st <i>March</i> 1858.	
1,600	0	0	For Royal <i>Belfast</i> Academical Institution, &c. - -		
CIVIL SERVICES.—Class 5.					
§ XXII.	3,050	0	0	For Civil Establishment of the <i>Bermudas</i> - -	} To 31st <i>March</i> 1858.
	6,878	0	0	For Ecclesiastical Establishment, <i>British North American Provinces</i> - -	
	3,541	0	0	For <i>Indian</i> Department in <i>Canada</i> - -	
	24,728	0	0	For Salaries of Governors, &c. of <i>West India</i> Colonies, &c. - -	
	21,450	0	0	For Salaries, &c. of Stipendiary Justices in <i>West India</i> Colonies and the <i>Mauritius</i> - -	
	10,230	0	0	For Civil Establishments on the Western Coast of <i>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</i> Islands - -	
	5,700	0	0	For <i>Labuan</i> - -	
	10,000	0	0	For <i>Hong Kong</i> - -	
	13,424	0	0	For Emigration Board, &c. - -	
	2,175	0	0	For Emigration in <i>Canada</i> and <i>New Brunswick</i> .	
	12,000	0	0	For Support of captured Negroes, &c. - -	
	11,050	0	0	For Commissioners for suppressing the Slave Trade - -	

Consolidated Fund (Appropriation).

£125,089	0	0	For the Consular Establishments abroad -
22,500	0	0	For Missions abroad -

CIVIL SERVICES.—Class 6.

§ XXIII.	109,842	0	0	For Superannuations, &c. to Public Officers
	2,058	0	0	For <i>Toulonese</i> and <i>Cor-sican</i> Emigrants, &c.
	1,300	0	0	For National Vaccine Institution -
	325	0	0	For "The Refuge for the Destitute" -
	2,680	0	0	For <i>Polish</i> Refugees and Distressed <i>Spaniards</i>
	4,281	0	0	For Miscellaneous Allowances -
	1,895	0	0	For Public Infirmaries, <i>Ireland</i> -
	3,135	0	0	For <i>Westmoreland</i> Lock Hospital, <i>Dublin</i> -
	700	0	0	For Lying-in Hospital, <i>Dublin</i> -
	300	0	0	For <i>Coombe</i> Lying-in Hospital -
	4,600	0	0	For Hospital, House of Industry, <i>Dublin</i> -
	2,500	0	0	For House of Recovery, and Fever Hospital, <i>Cork Street, Dublin</i>
	400	0	0	For <i>Meath</i> Hospital, <i>Dublin</i> -
	150	0	0	For <i>St. Mark's</i> Ophthalmic Hospital, <i>Dublin</i> -
	1,805	0	0	For Dr. <i>Steevens'</i> Hospital, <i>Dublin</i> -
	427	0	0	For Board of Superintendence of Hospitals <i>Dublin</i> -
	4,338	0	0	For Charitable Allowances, &c., <i>Ireland</i> -
	39,008	0	0	For Protestant Dissenting Ministers, <i>Ireland</i> -

To
31st March 1858.

CIVIL SERVICES.—Class 7.

XXIV.	7,125	0	0	For General Board of Health -
	2,548	0	0	For Ecclesiastical Commissioners, <i>England</i> -

Consolidated Fund (Appropriation).

411,080	0	0	For Charity Commission for <i>England</i> and <i>Wales</i>	} To 31st <i>March</i> 1858.	
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, <i>Scotland</i>		
2,000	0	0	For Annuity to Board of Manufactures, <i>Scotland</i>		
5,000	0	0	For Commissioners of <i>Highland</i> Roads and Bridges		
10,000	0	0	For Bounties on Slaves and Slave Vessels captured		
1,300	0	0	For Publication of Ancient Laws in <i>Ireland</i>		
9,000	0	0	For Pay of Process Servers, <i>Ireland</i>		
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 31st <i>March</i> 1858.
3,600	0	0	For Expenses of Quarantine Arrangements		
11,850	0	0	For Revising Barristers in <i>England</i> and <i>Wales</i>		} To 31st <i>March</i> 1858.
2,892	0	0	For Constabulary Police at Military Camp, <i>Aldershott</i>		

Consolidated Fund (Appropriation).

£2,000	0	0	For Inspection of Burial Grounds in <i>England</i> and <i>Wales</i> - -	To 31st March 1858.
6,679	0	0	For <i>British</i> Ambassa- dors Houses abroad -	
1,053	0	0	For certain Professors at <i>Cambridge</i> -	
13,730	0	0	For Incumbered Estates Commission, <i>Ireland</i>	
37,060	0	0	For Lighthouses abroad	For the Year ending 31st March 1858.
5,000	0	0	For exploring Part of <i>British North America</i>	
19,325	0	0	For Dr. <i>Baikie's</i> Expe- dition to certain Rivers in <i>Africa</i> -	
1,000	0	0	For Arrangements con- nected with <i>Orange</i> <i>River</i> Territory -	
40,000	0	0	For promoting Civiliza- tion, &c. among Na- tive Tribes in <i>South</i> <i>Africa</i> - -	
5,580	0	0	For Removal of <i>Pitcairn</i> Islanders - -	
7,550	0	0	For Collection of Agri- cultural Statistics in <i>Ireland</i> and <i>Scotland</i>	
6,000	0	0	For Freight of Specie to Commissariat Sta- tions abroad - -	
2,000	0	0	For Formation of a Por- trait Gallery -	
2,000	0	0	For Inquiry into Ra- vages of Cholera in <i>West Indies</i> - -	
500	0	0	For Works at <i>Spurn</i> <i>Point</i> , <i>River Humber</i>	To 31st March 1858.
10,000	0	0	For the <i>London</i> Dio- cesan Church Build- ing Society -	
10,300	0	0	For Fortifications at <i>Corfu</i> - -	
2,000	0	0	For Testimonial to Duke of <i>Wellington</i> in <i>Phoenix Park</i> -	
1,500	0	0	For adjusting Bounda- ries, &c. <i>Ireland</i> -	For the Year ending 31st March 1858.
8,970	0	0	For Preservation of Public Records -	
24,000	0	0	For Completion of Sus- pension Bridge at <i>Chelsea</i> - -	

Consolidated Fund (Appropriation).

£ 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> -

For the Year ending
31st *March* 1858.

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 *July* 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 *Vict.* c. 105.
- XXXI. Half Pay allowed to Officers of the *Manx* Fencibles.
- XXXII. Half Pay Allowances to Chaplains of Regiments not holding Ecclesiastical Benefices derived from the Crown.
- XXXIII. Surplus of Sum by 19 & 20 *Vict.* c. 105. 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 *W.* 4. c. 62.

Boundaries of Burghs Extension (Scotland).

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 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 unbuilt-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.

Ratepayers may present a Petition to the Sheriff for Extension of Boundary of Burgh.

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

Sheriff to call Meeting of Ratepayers for the Consideration of the proposed Extension of Boundaries.

Boundaries of Burghs Extension (Scotland).

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.

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

Boundaries of Burghs Extension (Scotland).

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 Arrangement; and in the event of the Result of such Scrutiny being 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.

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.

If Proposal rejected, not to be again made for Two Years.

Sheriff to direct a Scrutiny, if Ratepayers petition for one.

Penalties for making false Representations as to voting.

Persons incapacitated by Office not to be excluded from Register of Voters.

Boundaries of Burghs Extension (Scotland).

Expenses of Meeting, how to be provided.

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.

Interpretation of Terms.

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.

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.]

55 G. 3. c. 69.

9 G. 4. c. 34.

4 & 5 Vict. c. 60.

‘ 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 :

I. From

Lunatics (Scotland).

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 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. Officers to continue till recalled, and Orders made under the repealed Acts to be good.

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 Interpretation of Terms.
single

Lunatics (Scotland).

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

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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.

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 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.

Meetings of the Board.

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,)

[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.

Commissioners before acting to take the following Oath.

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

Commissioners not to derive Profit from their Office.

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sioners shall devote their whole Time to the Duties of the said Office.

Powers of Commissioners.

IX. The Board, over and above the Powers hereby specially committed to them, shall have the Superintendence, 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.

Public Asylums founded after passing of Act subject to it.

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.

Commissioners may institute Inquiries, and summon Witnesses, and examine them on Oath.

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

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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 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.

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.

Payment of
Expenses of
Witnesses.

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 Intrusions and Management to the Satisfaction of the Board.

Power to Her
Majesty to ap-
point a Secre-
tary.

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

Secretary to
make annual
Returns.

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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 Account 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 Intrusions 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

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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 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 said 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 Poor-
houses.

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

Commissioners
may take As-
sistance of Me-
dical Persons.

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employed by the Board and the Sheriff are herein-after directed to be defrayed.

Secretary of State may appoint One or Two Medical Persons to be Deputy Commissioners.

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.

Board to cease after Five Years, and the paid Commissioners to be the Inspectors General in Lunacy.

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.

After Five Years Secretary of State may empower the Inspector General to exercise Powers of Board.

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

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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 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.

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.’

Oath to be taken by Officers before acting.

And which Oath it shall be lawful for the Chairman of the Board to administer.

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.

Sheriff 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.

Justices of the Peace to visit and inspect Asylums.

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 :

Licences for Private Asylums, and Orders, and Certificates.

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

On Application for Licence, Plan of the House to be exhibited.

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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 according 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 Refusal to renew Licence, existing Licence may be continued 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,

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die, it shall be lawful to the Board, on Application to that 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

Balance of Payments over Receipts may be paid out of Monies to be voted by Parliament.

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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.

Lunatic to be admitted by Order of Sheriff, and on Medical Certificates.

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.

Medical Certificate to specify Facts on which Opinion of Insanity has been formed.

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.

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

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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.

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.

Copies of Orders, Medical Certificates, &c., to be sent to the Board.

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.

No Certificate to be granted without Examination.

Penalty on granting false Certificate.

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 notwith-

Penalty for receiving Lunatics in unlicensed Houses or without the required Order.

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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 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

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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.

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

House where Lunatic detained under Order of the Sheriff may be visited by the Board.

Board may order Examination of Lunatics in Private Houses.

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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.

Patients may
be transferred.

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.

Medical At-
tendance upon
Asylums.

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 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,

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to require that a resident Medical Person shall be appointed to any Asylum licensed for more than Fifty Patients.

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.

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.

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.

Power to Board to grant Orders for Access to Patients.

And

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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.

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.

2 & 3 Vict. c. 42.

Board to inquire into the Necessities of the Districts, and require Asylums to be provided.

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 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

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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.

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.

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.

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

Board to require the District Boards to provide District Asylums.

Provisions of 2 & 3 Vict. c. 42. applied to this Act.

District Asylums vested in District Boards.

Assessments.

Expense of District Asylum how to be raised.

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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, 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.

L.V. 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

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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.

And with respect to special Arrangements, be it enacted:

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 Mortification 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.

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

Special Arrangements.

Property or Money held in trust for Establishment of an Asylum may be contributed in lieu of Assessment.

County making over Asylum to the District Board to have Deduction from Amount of Assessment.

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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.

As to Pauper Lunatics to be received into the Crichton Institution at Dumfries or the Southern Counties Asylum.

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

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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 Assignment 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 Assignment in Security as aforesaid.

LXIII. Every District Board by whom any such Assignment 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

*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.

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tained 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 cartying the several Purposes aforesaid into execution as to them shall seem meet.

Borrowed
Money to be
paid off in 30
Years.

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.

Protection of
Persons lending
Money on Secu-
rity of Assess-
ments.

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.

Power to raise
Money to pay
off Sums already
borrowed.

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, 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 An-
nual 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

LXVIII. Excepting in the Case of Public Asylums, with which Agreements shall have been made by the District Boards in Terms
of

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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.

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.

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.

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

of Asylum when finished.

Notice of District Asylum being ready for Reception of Patients to be given.

District Inspectors to be appointed, and their Duty.

Unqualified Medical Persons not to practise under this Act.

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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 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.

District Boards to keep Books.

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

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trict Boards shall also keep Minutes of their Proceedings in the Execution of this Act.

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

Expenses to be paid in the first instance by the Parish in which Lunatic was committed.

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Notice to Parish of Settlement.

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.

Access to Pauper Lunatics by Parties interested, &c.

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.

Where District Asylum can accommodate more than the Lunatics of the District, other Lunatics may be admitted.

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, 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

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

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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.

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.

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 decreed for by the Court of Session,

properly applied for his Benefit, Application to be made to the Court.

Where Property of Lunatic, though under Management of Judicial Factor, not properly applied for Benefit of Lunatic, Application to be made to the Court.

How Expenses incurred as to Property of Lunatics to be defrayed.

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sion, 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.

And with respect to Dangerous and Criminal Lunatics, be it enacted:

Sheriff may commit Dangerous Lunatics.

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 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.

Power to Sheriff to transmit

LXXXVI. If any Pauper Lunatic in respect of whom Application shall be made to the Sheriff of any County as aforesaid shall

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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.

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

Provision for Case of Prisoner exhibiting Insanity when in Confinement as a Prisoner.

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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
Detention of
Lunatics in re-
mote Places.

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 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 Asy-
lum 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 Re-
laxation 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

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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.

XCIIL. 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.

Exception of Lunatics detained by Courts of Law.

XCIIV. 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.

Patient released to have Copy of Order, &c. on which he was confined.

XCV. 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

Pauper Lunatics to be sent to a District Asylum, except under special Circumstances.

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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 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.

General Register to be kept.

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;

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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.

XCLIX. 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 Com-
missioner.

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 com-
ply 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*

Lunatics (Scotland).

As to Orkney
and Shetland.

CIII. *Orkney* and *Shetland*, with their respective Dependences, shall be taken to be separate Counties for the Purposes of this Act.

Provision for
the Visitation of
Lunatics under
Order from Se-
cretary of State.

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.

Power to Secre-
tary of State to
order a special
Visitation of
any Place where
a Lunatic is re-
presented to be
confined.

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 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

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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.

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.

Application of Penalties.

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.

Informalities.

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.

As to Powers granted to Sheriffs.

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.

Any County may constitute itself into a District under this Act.

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.

Provisions of this Act may be enforced summarily.

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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 Pro-
visions 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 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.

Assessing
Clauses not to
apply to Shet-
land.

CXIV. The assessing Clauses of this Act shall not extend to the County of *Shetland*.

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.
SCHE-

Lunatics (Scotland).

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 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),

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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 } [Designation.]
[or Private Asylum] of _____

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 _____

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*].

Lunatics (Scotland).

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 Counties 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.

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SCHEDULE (I.)
REGISTER OF LUNATICS.

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 of Life and previous	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.	Kritia.	Congenital Idiots.	Years.	Months.	Weeks.	Duration of existing Attacks.	Number of previous Attacks.	Age on first Attack.	Date of Discharge, Removal, or Death.	Discharged.		Observations.	
				M.	F.	Private.	Pauper.		M.	F.	M.																			F.	Married.		Single.
	1	1850. January 3	William Johnson	-	1	-	23	-	1	-	-	Carpenter	-	-	-	-	-	-	Melancholia	-	-	-	-	4	-	-	17	1850. Sept. 1	1	-	-	-	
	2																																
	3																																
	4	1852. June 9	William Johnson	-	1	-	25	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	3	-	3	1852. Dec. 3	-	-	-	-	
	5																																
	6																																
	7	1854. 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.

Assigment 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 Assigment in Security,

*Lunatics (Scotland).**Police (Scotland).*

Security, numbered [insert the Number of the Assignment], 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 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,

11 G. 1. c. 26.

2 & 3 W. 4.
c. 65.2 & 3 Vict.
c. 65.3 & 4 W. 4.
c. 46.10 & 11 Vict.
c. 39.13 & 14 Vict.
c. 33.

Commons,

Police (Scotland).

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 Go-
vernment, Pay,

III. Rules for the Government, Pay, Clothing, and Accoutrements and Necessaries of such Constables as may be appointed under

Police (Scotland).

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.

&c. of Constables to be made by Secretary of State.

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, 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.

Chief Constable of the County to be appointed

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

Chief Constable to appoint the other Constables.

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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.

Additional Constables may be appointed at the Cost of Individuals.

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.

Power to appoint additional Constables to keep the Peace on Public Works.

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 Poinding and Sale of

Company or Parties carrying on such Works to pay Expenses of such Constables.

Police (Scotland).

of the Goods and Effects of the Company or other Parties liable to pay such Wages and Allowances.

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: 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.

Chief Constable
to appoint a
Deputy.

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*,

Oath to be taken
by Constables.

I HEREBY swear, That I will faithfully discharge the Duties of the Office of Constable;

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 last described County.

Powers 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

Duties of
Constables.

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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.

XVI It

Police (Scotland).

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 not to receive to their own Use Fees for Performance of their Duties.

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, 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.

Constables disqualified from voting at certain Elections.

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

Constables not to resign without Leave or Notice.

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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 dismissed to deliver up Accoutrements, &c.

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.

Penalty on unlawful Possession of Accoutrements, and assuming Dress of Constables.

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 Publicans harbouring Constables during the Hours of Duty.

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.

Horses, &c. in the Service of the Police exempted from Toll.

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

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tained, 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.

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 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.

Chief Constable to make Reports.

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.

Allowances to Chief Constable, &c. for necessary Expenses.

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.

Expenses of County Police to be defrayed out of Police Assessments.

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 laid 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

Police Assessment to be levied for the Purposes of this Act.

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vided 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.

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.

Mode of recovering Assessments.

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

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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 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 Monies 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

Contributions to be paid on account of detached Parts of Counties.

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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.

How such Contributions to be reimbursed.

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.

In case of Default in Payment, the Amount may be levied directly on the detached District.

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.

Collector under this Act to be appointed by Commissioners of Supply.

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 Intrusions, 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

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as Collector of any other Assessment, Rate, or Tax which is or may be leviable under any Act of Parliament or otherwise.

XXI. 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 to lodge all Monies received by him in Bank.

XLII. The Collector of every County, and every Officer of the County, or other Person intronitting 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.

Collector, &c. to keep separate Accounts of Receipts, &c.

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.

Provision for Insolvency of Collectors.

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.

Books of Accounts and Minutes of Proceedings to be kept by Commissioners of Supply.

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,

Accounts of Receipts and Expenditure to be annually made out and published.

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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 hereinafter 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.

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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.

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.

Preses to have Casting Vote.

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 admitted 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 Infirmary 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,

Power to grant Superannuations to Chief Constables.

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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.

On Establish-
ment of County
Constabulary
under this Act
old Police Force
to be discon-
tinued.

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.

Station Houses
and Strong
Rooms or
Lock-ups to be
provided.

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 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,

LVI. For

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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.

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.

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.

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

Certain Provisions of 8 & 9 Vict. c. 19. incorporated with this Act.

Money may be borrowed on Credit of Police Assessments.

Police Districts may be formed.

Each Police District to pay for its own Constables.

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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 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

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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

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.

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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.

Annual State-
ment as to
Crime in Coun-
ties and Burghs
to be furnished
to Secretary of
State.

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.

Her Majesty
may appoint
Inspector of
Police.

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.

On Certificate
of Secretary of
State that an
efficient Police
has been estab-
lished in any
County or
Burgh, One
Fourth of the
Charge for Pay
and Clothing to
be paid by the
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 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

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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.

Burgh not to be paid such Sum where Population less than 5,000, &c.

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.

Recovery of Penalties under this Act.

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.

Application of Penalties.

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

Parishes of Cumbernauld and Kirkintilloch to be considered as Part

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of County of
Dumbarton.

Parishes of
Tulliallan and
Culross, and
Perthshire
Portions of
Logie, to be
considered as
Part of County
of Clackman-
nan, and Perth-
shire Portions
of Fossoway
and Muckhart
as Part of
County of
Kinross.

Burghs not
having a Police
Establishment
may adopt One
within Six
Months.

In Royal
Burghs, &c.
containing
more than Two
thousand Inha-

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 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.

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

Police (Scotland).

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.

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.

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.

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.

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.

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

bitants, Chief Magistrate to be an *ex officio* Member of Police Committee.

Act not to diminish Powers of Magistrates of Burghs which may form Part of any District under this Act.

How Burghs maintaining efficient Police to be dealt with.

As to Act extending to *Orkney* or *Shetland*.

Not to affect certain Police.

Interpretation of Terms.

Police (Scotland). Smoke Nuisance (Scotland) Abatement.

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."

C A P. LXXIII.

An Act for the Abatement of the Nuisance arising from the Smoke of Furnaces in *Scotland*. [25th August 1857.]

‘ **W**HEREAS 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 and with the Advice 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

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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.

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.

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 Concourse of the Lord Advocate.

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,

Power to remit Penalties where Furnaces have been so constructed or altered as to consume, as far as possible, all Smoke arising from the same.

No Complaint to be brought except by Local Authority, &c.

All Complaints brought and all Applications to Sheriff, &c. to be by summary Petition, &c.

Smoke Nuisance (Scotland) Abatement.

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 Poining, 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 altering 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.

Appeal in certain Cases.

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.

How Expense to be awarded.

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.

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aforesaid, in any Case in which he or they may think fit, and such Expenses shall be paid accordingly.

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.

Episcopal and Capitular Estates Management Act Continuance.

C A P. LXXIV.

An Act to continue the Act concerning the Management of Episcopal and Capitular Estates in *England*.

[25th August 1857.]

[14 & 15 *Vict. c. 104.*, as amended by 17 & 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.]

6 & 7 *Vict.*
c. 94.

Order in Council, dated 28th July 1856.

‘ **W**HEREAS 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 Juris-
 ‘ diction 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 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 Govern-
 ‘ ment 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 Domi-
 ‘ nions 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 Com-
 ‘ mission 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

Jurisdiction in Siam. Charitable Trusts Acts Continuance.

' 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 Jurisdiction 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 :

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.

Order in Council confirmed.

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.]

' WHEREAS 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 :

16 & 17 Vict.
c. 137.

18 & 19 Vict.
c. 124.

19 & 20 Vict.
c. 76.

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.

Exemption continued until
1st Sept. 1858.

Probates and Letters of Administration.

C A P. LXXVII.

An Act to amend the Law relating to Probates and Letters of Administration in England. [25th August 1857.]

WHEREAS 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:

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 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

Amended 21 & 22 Vic. c. 95.
As to Indian Wills & Probates. 25 & 26 Vic. c. 5.
As to Jurisdiction & Probates - Scotland 21 & 22 Vic. c. 56.
As to validity of wills not in form & solemn 24 & 25 Vic. c. 114

Commencement of Act.

Interpretation of Terms.

Testamentary Jurisdiction of Ecclesiastical and other Courts abolished.

Testamentary Jurisdiction to be exercised

Probates and Letters of Administration.

ters 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

by a Court of Probate.

Her Majesty to appoint Judge of Court of Probate.

Judge's Tenure of Office.

Judge before acting to take the following Oath.

Rank and Precedence of Judge, &c.

Salaries of Judge, Secretary, and Usher.

Judge of Court of Probate to be also Judge of the Admiralty Court on the next Vacancy.

As to Increase of Salary upon Union of the Two Offices.

Probates and Letters of Administration.

Five thousand Pounds, and the Salary now payable to the Judge of the Court of Admiralty shall cease.

Retiring Pen-
sions of Judges.

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 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 Infirmity disabling him from the due Execution of his Office, which shall be distinctly recited in the said Grant.

District Regis-
tries 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 Appoint-
ment 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

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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 Jarris 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.

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.

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.

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.

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.

Clerks and Officers of Prerogative Court to be transferred to like Offices in Court of Probate.

Existing Diocesan Registrars to be entitled to be appointed District Registrars at the same Places.

As to Appointment to Offices. Salaries of Officers.

Tenure of Office of Officers.

Probates and Letters of Administration.

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 as Officer or Clerk in the Office of the said Prerogative Court, or of the Prerogative Court of *York*, or of any Diocesan Court.

Officers of Court to perform Duties in Person.

Registrars, &c. not to act as Proctors, &c.

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.

Power to Judge to cause Seals of the Court to be provided.

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.

The Court to have throughout all England the same Powers as the Prerogative Court within the Province of Canterbury.

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.

Suits for Legacies or Distribution not to be entertained.

Power to examine Witnesses.

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

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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.

As to Production of Deeds, &c.

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.

Powers of the Court to enforce Orders.

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.

Order to produce any Instrument purporting to be testamentary.

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

Registrars, &c. to have Power to administer Oaths. *H/22 Act 100 s/12.*
Power to appoint, also, Commissioners to administer Oaths, &c.

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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 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 Signatures 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 Orders 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,

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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.

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.

Mode of taking Evidence in contentious Matters.

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.

Court may issue Commissions or give Orders for Examination of Witnesses abroad, or who are unable to attend.

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.

What Rules of Evidence to be observed.

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.

When Common Law Judges may sit.

XXXV. It shall be lawful for the Court of Probate to cause any Question of Fact arising in any Suit or Proceeding under this

Court may cause Questions of Fact to be this

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tried by a Jury before itself, or direct an Issue to a Court of Law.

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.

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.

Question to be stated, and Jury sworn to try it.

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.

Authority of Court on Trial.

Court may direct where Issues shall be tried.

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.

XXXIX. Any

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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 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

Admission of Registrars and Proctors as Solicitors.

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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.

XLVIII. The

Probates and Letters of Administration.

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.

District Registrars not to make Grants where there is Contention, &c.

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.

As to Transmission of Notice of Application for Grants of Probate, &c. to District Registrar.

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 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.

District Registrar in case of Doubt as to Grant to take the Directions of the Judge.

Probates and Letters of Administration.

District Registrars to transmit Lists of Probates and Administrations and Copies of Wills.

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 preserve original 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.

As to Caveats.

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.

Where Personalty is under 200*l.*, and Real Property is under 300*l.*, County Court to have Jurisdiction.

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

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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.

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 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.

Affidavit of the Facts giving the County Court Jurisdiction to be conclusive, unless disproved while the Matter is pending.

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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.

LXII. Where

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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.

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 seised 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.

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 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

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.

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Heir in certain Cases not to be cited, and where not cited not to be affected by Probate.

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.

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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.

As to Costs of Proof of Will.

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.

Place of Deposit of original Wills.

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.

Judge to cause Calendars to be made from Time to Time in the Principal Registry and to be printed.

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.

Registrar to transmit printed Copies to certain Offices.

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.

Official Copy of whole or Part of Will may be obtained.

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

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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.

Administration pendente lite.

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.

Receiver of Real Estate pendente lite.

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.

Remuneration to Administrators pendente lite, &c.

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 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.

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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.

38 G. 3. c. 87. extended to Administrators.

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When Power to sue as an Executor 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 Actions 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 Probates or Administration 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 Payment upon Probates.

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 renouncing Probate 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 Administration 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-

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

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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.

mitted shall
give Bond.

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.

Penalty on
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.

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to assign Bond.
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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 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

Pending Suits
transferred to
Court of Pro-
bate.

Not to apply to
Appeals pend-
ing before Her
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before Her Majesty in Council upon Appeal as aforesaid, with such Directions as the Justice of the Case may require.

Power to Judges whose Jurisdiction is determined to deliver written Judgments.

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.

Void and voidable Probates and Administrations.

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.

Probates and Administrations granted before this Act comes into operation.

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.

Probate or Administration may be granted of Personal Estate not

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

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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.

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.

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 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.

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.

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.

affected by the former Grants.

Judges of present Ecclesiastical Courts and others to transmit all Wills, &c. to the Registry.

Penalty for Default.

Depositories for safe Custody of the Wills of living Persons.

This Act not to affect the Stamp Duties on Probates and Administrations.

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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

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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.

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.

Taxation of
Costs.

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 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.

Fees not to be
paid in Money,
but by Stamps.

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

Provisions of
Acts relating to
Stamps to be
applicable to
Stamps for col-
lecting Fees.

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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.

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 hereto, 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 or wilful Neglect in relation to Stamps.

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.

As to Salary of Judge and Compensations.

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.

Salaries, &c. not charged on Consolidated Fund to be paid out of Monies to be provided by Parliament.

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).

Compensation to Registrars, &c. of existing Courts.

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

Probates and Letters of Administration.

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 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.

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

Persons receiving Compensation to continue to discharge the remaining Duties of their Offices.

Compensation to Proctors.

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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 Protec-
tion of the Inter-
ests of Vis-
count Canter-
bury.

CVII. ' And whereas the Most Reverend *Charles* late Arch-
' bishop 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 Par-
' liament held in the Second and Third Years of the Reign of His
' late

Probates and Letters of Administration.

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 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

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c. 109.

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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.

The Registry of Prerogative Court of Canterbury to vest in Registrars of the Court.

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.

Compensation to Sir J. Dodson in case he be not appointed Judge of Court of Probate.

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.

Establishments in District Registries.

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

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by such Judge, or by the District Registrar with the Approval of the Judge.

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 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.

Fees payable
to District
Registrars.

District Regis-
trars may be
paid by Salaries
instead of Fees.

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.

Compensation
to Clerical Sur-
rogates, &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.

Persons receiv-
ing Compensa-
tion to be liable
to be called
upon to fill
Offices, &c.

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,

Publication of
Accounts.

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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.

College of
Doctors of Law
may let, sell, &c.
their Real and
Personal Estate,
and lay out
Monies in Pur-
chase of other
Estates, &c.

CXV. The Judge of the Court if a Privy Councillor shall be a Member of the Judicial Committee of the Privy Council.

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

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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.

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 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.

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.

CXIX. All Rules and Orders to be made under this Act concerning Procedure and Practice, and the Table of Fees to be fixed under

College may surrender their Charter, and upon such Surrender shall be dissolved.

Treasury to provide the Buildings for Registries, &c.

Rules and Orders to be laid

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before Parli-
ament.

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.

SCHEDULE (A.) *S 13/ 424*

DISTRICTS and PLACES of DISTRICTS REGISTRIES throughout
ENGLAND and WALES.

Districts.	Places of District Registries.	Districts.	Places of District Registries.
County of Northumberland (a)	Newcastle-on-Tyne.	Eastern Division of the County of Suffolk and North Division of the County of Essex.	Ipswich.
County of Durham - -	Durham.	Western Division of the County of Suffolk.	Bury St. Edmunds.
Counties of Cumberland and Westmoreland - -	Carlisle.	County of Bedford and Southern Division of Northamptonshire. (h)	Northampton.
West Riding of the County of York.	Wakefield.	County of Warwick (i) -	Birmingham.
North Riding ditto - -	York.	County of Stafford (k) - -	Lichfield.
East Riding ditto (b) including the City of York and Ainsty - -		Lancaster.	Counties of Radnor, Brecknock, and Hereford.
County of Lancaster, except the Hundred of Salford and West Derby and the City of Manchester.	Manchester.	Counties of Cardigan, Carmarthen (l), and Pembroke (m) with the Deaneries of East and West Gower in the County of Glamorgan.	Carmarthen.
City of Manchester and Hundred of Salford.	Liverpool.	Counties of Glamorgan (with the Exception of the Deaneries of East and West Gower) and Monmouth.	Llandaff.
Hundred of West Derby in Lancashire.	Chester.	County of Worcester (n) -	Worcester.
County of Chester (c) - -	Bangor.	County of Gloucester (o), except the present Bristol County Court District.	Gloucester.
Counties of Carnarvon and Anglesea.	St. Asaph.	Bristol and Bath present County Court Districts.	Bristol.
Counties of Flint, Denbigh, and Merioneth.	Derby.	Counties of Oxford (p), Berks, Bucks.	Oxford.
County of Derby - - -	Nottingham.	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 Nottingham (d) -	Leicester.		
Counties of Leicester and Rutland.	Lincoln.		
County of Lincoln (e) - -	Shrewsbury.		
Counties of Salop and Montgomery.	Peterborough.		
Northern Division of Northampton and Counties of Huntingdon and Cambridge. (f)	Norwich.		
County of Norfolk (g) - -			

(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, including the City of Norwich,

(h) Including the Town of Northampton.

(i) Including the City of Coventry.

(k) 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.

Probates and Letters of Administration.

Joint Stock Companies.

Districts.	Places of District Registries.	Districts.	Places of District Registries.
Western Division of the County of Somerset.	Taunton.	Eastern Division of the County of Sussex. (t)	Lewes.
County of Devon (q) - -	Exeter.	Western Division of the County of Sussex.	Chichester.
County of Cornwall - -	Bodmin.	East Division of the County of Kent. (u)	Canterbury.
County of Wilts - -	Salisbury.		
County of Dorset (r) - -	Blandford.		
County of Hants (s) - -	Winchester.		

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.

- (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, intitled *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:

7 & 8 Vict. c. 111.

1. 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

Judge or Master by Advertisement may call Meetings of Creditors to appoint Representative of Creditors.

Joint Stock Companies.

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 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.

After such Advertisement, Creditors to be deemed Parties to Winding-up.

Assignees of Bankrupt Companies to be such Representatives.

Joint Stock Companies.

ificate 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 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.

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.

Creditors Rights against Third Persons not to be prejudiced.

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

Joint Stock Companies.

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.

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.

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.

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

Proceedings under this Act subject to Appeal.

After Advertisements for Representative, Creditors not to sue at Law without Leave of Judge or Master, and Time is not to run against them.

Court may require Security.

Joint Stock Companies.

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 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.

Creditors to be at liberty to attend Proceedings and inspect Books of Company.

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.

Judge or Master may appoint Commissioners for receiving Evidence.

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.

Rights of Creditor under Judgment obtained in *Ireland* not to be affected.

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,

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Judgment, Execution, or Attachment against the Lands which are affected by the same, until all the other Creditors shall have been paid in full.

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.

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.

XIV. This Act shall be taken and construed as a Part of the said "Joint Stock Companies Winding-up Acts, 1848 and 1849."

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.

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."

C A P. LXXIX.

An Act to amend the Law relating to Probates and Letters of Administration in *Ireland*. [25th August 1857.]

' **W**HEREAS 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

Petitions for winding-up certain Mining Companies not to be filed in Court of Chancery, except upon Application to Court of Stannaries, &c. 10 M. R. 338. 2 J. & W. 376.

In Cases where such Petitions are filed, Proof of Debts, Sales of Effects, &c., to be effected through Court of Stannaries.

Act deemed Part of Winding-up Acts. Interpretation of Terms.

Short Title of Act.

Probates and Letters of Administration (Ireland).

‘ of Wills and Letters of Administration in *Ireland* 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 :

Commencement 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

Probates and Letters of Administration (Ireland).

“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.” Short Title of Act.

IV. This Act shall not extend to *England* or *Scotland*, except where expressly mentioned. Extent of Act.

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. Testamentary Jurisdiction of Ecclesiastical and other Courts abolished.

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. Testamentary Jurisdiction to be exercised by a Court of Probate.

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. Power to Her Majesty to appoint Judge of Court of Probate ; First Judge to be present Judge of Prerogative Court.

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. Judge’s Tenure of Office.

IX. Every Judge of the Court shall, before executing any of the Duties of his Office, take the following Oath, which the Lord Chancellor

Judge, before acting, to take the following Oath.

Probates and Letters of Administration (Ireland).

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.’

Rank, &c. of
Judge, &c.

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.

The Judge to be
a Commissioner
of Charitable
Donations and
Bequests.

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*.”

Salaries of
Judge, Secre-
tary, and Usher.

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.

Repeal of
7 & 8 G. 4.
c. 44. as to
certain Salaries.

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.

Judge may be
Judge of Admi-
ralty Court on
next Vacancy.

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.

Retiring Pen-
sions of Judges.

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

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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 Infirmity 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."

District Registries to be established.

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.

Lord Lieutenant may alter Districts.

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.

Appointment of Officers of the Court of Probate.

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.

As to Appointment of the First Officers of the 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 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.

Clerks and Officers of Prerogative Court to be transferred to like Offices in Court of Probate.

XXI. The Registrar or Deputy Registrar (as the Case may be) now executing in Person the Duties of Registrar of a Diocesan

Existing Diocesan Registrars to be en

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titled to be appointed District Registrars at the same Places.

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.

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.

Salaries of Officers.

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.

XXVII. The

Probates and Letters of Administration (Ireland).

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.

Power to Judge to cause Seals of the Court to be provided.

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.

The Court to have throughout all *Ireland* the same Powers as the Prerogative Court.

Suits for Legacies, &c. not to be entertained.

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, in the same Form, or nearly as may be, as that in which a Writ of Subpcena ad testificandum, or of Subpcena 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.

Power to examine Witnesses.

As to Production of Deeds, &c.

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

Powers of the Court to enforce Orders.

Probates and Letters of Administration (Ireland).

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.

Order to produce any instrument purporting to be testamentary.

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.

Registrars, &c. to have Power to administer Oaths.

Power to appoint, also, Commissioners to administer Oaths, &c.

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.

Penalty on forging or counterfeiting

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

Probates and Letters of Administration (Ireland).

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.

Seals or Signatures of Officers.

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.

Practice of the 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 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.

Rules and Orders to be made for regulating the Procedure of the Court.

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.

Mode of taking Evidence in contentious Matters.

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Court may issue Commissions or give Orders for Examination of Witnesses abroad, or unable to attend.

3 & 4 Vict.
c. 10

What Rules of Evidence to be observed.

Common Law Judges may sit.

Provision in case of Absence of Judge, &c.

Court may cause Questions of Fact to be tried by a Jury before itself, or direct an Issue to a Court of Law.

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.

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.

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.

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.

XLII. When

Probates and Letters of Administration (Ireland).

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.

Powers of the Court for the Trial of Questions by a Jury.

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 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.

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.

Authority of Court on Trial

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.

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Proctors
admitted to
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.

Admission of
Proctors as
Solicitors.

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.

Practitioners.

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.

When Pro-
bates and Ad-
ministration
may be granted
by District
Registrars.

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.

Affidavit to be
conclusive for
authorizing
Grant of
Probate.

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,

LII. The

Probates and Letters of Administration (Ireland).

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 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.

As to Transmission of Notice of Applications for Grants of Probate, &c. to District Registrar.

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 Registrar in case of Doubt as to Grant to take the Directions of the Judge.

*Refer. SM
21/22
vol c 75*

LV. On the First and Third *Thursday* of every Month, or oftener if required by any Rules or Orders to be made in that

District Registrars to trans-
Behalf,

Probates and Letters of Administration (Ireland).

mit Lists of Probates and Administrations, and Copies of Wills.

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

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tion of the Effects of such deceased Person in case there be any Contention in relation thereto.

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.

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 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

Clerk of the Peace of the County Court to transmit Certificate of Decree for Grant or Revocation of Probate.

For revocation of Probate or Administration
S 12 of Act 22

The Assistant Barrister to decide Causes and enforce 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

Probates and Letters of Administration (Ireland).

Assistant
Barrister.

Not obligatory
to apply for
Probate, &c. to
District Regis-
tries or Assis-
tant Barrister,
but may in
every Case be
made to Court
of Probate.

Judge to make
Rules, &c. regul-
ating Assistant
Barristers
Courts.

Where a Will
affecting Real
Estate is proved
in solemn
Form, &c., the
Heir and Per-
sons interested
in Real Estate
to be cited.

Where the Will
is proved in
solemn Form,
or its Validity
otherwise de-
cided on, the
Decree of the
Court to be
binding on the
Persons inter-
ested in the
Real Estate.

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 Pro-
bate

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bate 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 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.

Heir in certain Cases not to be cited, and where not cited not to be affected by Probate.

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.

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.

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.

As to Costs of Proof of Will.

LXX. The

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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;

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Estate; and every such Administrator shall be subject to the immediate Control of the Court, and act under its Direction.

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.

Receiver of
Real Estate
pendente lite.

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 Administra-
tors, &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

38 G. 3. c. 87.
(England)
extended to
Ireland, and to
apply to Ad-
ministrators.

810 - 4
821 - 8

granted

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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.

When Power to sue as an Executor to cease.

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.

Revocation of temporary Grants not to prejudice Actions or Suits.

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.

Payments under revoked Probates or Administration to be valid.

LXXXII. Where any Probate or Administration is revoked under this Act, all Payments *bond 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 Payment upon Probates.

LXXXIII. All Persons and Corporations making or permitting to be made any Payment or Transfer *bond 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 renouncing Probate to cease as if he had not been named in the Will.

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.

LXXXV. So

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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.

Sureties to Administration Bonds.

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.

Person to whom Grant of Administration shall be committed shall give 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.

Penalty on 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.

Power of Court to assign Bond.

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.

Pending Suits transferred to Court of Probate.

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

Power to Judges whose Jurisdiction is

Probates and Letters of Administration (Ireland).

determined to deliver written Judgments.

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.

Probate or Administration may be granted of Personal Estate not affected by the former Grants.

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

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any former Probate or Administration, and such Grant may be limited accordingly.

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.

XCv. 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

As to Depositories for safe Custody of the Wills of living Persons.

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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.

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.

The Registrars to deliver Copies of Wills, &c. to the Commissioners of Inland Revenue.

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.

Sections 9 and 10 of 54 G. 3. c. 68. repealed in part as to the Court of Probate.

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 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

CII. The Lord Chancellor, with such Concurrence as is hereinbefore 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

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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.

Officers of
Assistant
Barristers
Courts.

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.

Taxation of
Costs.

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 hereinafter 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.

Fees not to be
paid in Money,
but by Stamps.

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

Provisions of
Acts relating to
Stamps to be
applicable to
Stamps for col-
lecting Fees.

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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 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.

As to Salary of the Judge and Compensations.

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.

Salaries, &c. not charged on Consolidated Fund to be provided by Parliament.

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,

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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.

Persons receiving Compensation to continue to discharge the remaining Duties of their Offices.

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.

Persons receiving Compensation to be liable to serve in any public Office in *Ireland*.

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.

Compensation to Proctors.

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

Compensation to Proctors in Partnership.

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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.

**Establishments
in District
Registries.**

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.

**Fees payable
to District
Registrars.**

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 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 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.

**District Regis-
trars may be
paid by Salaries
instead of Fees.**

**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,

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aforsaid, 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 aforsaid 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.

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.

Treasury to provide the Buildings for Registries, &c.

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.

Accountant General of Court of Chancery to act for Court of Probate.

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 aforsaid, and are not transferred or appointed as aforsaid, 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 aforsaid 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,

Compensation to Registrars, &c. of existing Courts.

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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 Prerogative, 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.

SCHEDULE (A.)

DISTRICTS and PLACES of DISTRICT REGISTRIES throughout IRELAND.

No.	Districts.	Places of District Registries.	No.	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 Irraghticonnor in the County of Kerry.	Limerick.
			11	Cork and Kerry, except the Baronies of Clanmaurice and Irraghticonnor in the County of Kerry.	Cork.

SCHEDULE (B.)

	Annual Salary.
The Registrars in Dublin, each	£ 1,000
The Record Keeper	450
The Clerk of the Seal	300

Joint Stock Companies Act (1856) Amendment.

C A P. LXXX.

An Act to amend "The Joint Stock Companies Act, 1856." *Repealed 25 & 26 Vic. c. 89* [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 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 Seventeenth and Eighteenth Years of Her Majesty (Chapter Eighty-seven), "to make further

15 & 16 Vict. c. 85.

16 & 17 Vict. c. 134.

17 & 18 Vict. c. 87.

" Provision

Burial Acts Amendment.

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

18 & 19 Vict.
 cc. 78. 128.

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

Burial Acts Amendment.

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.

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 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

Burial Board may be established for a District not maintaining its own Poor, and which has had no separate Burial Ground.

Burial Acts Amendment.

(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.

Ordinary of Diocese may consecrate the whole or Part of Land belonging to any Parish for the Burial of poor Persons.

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.

Provision for Transfer to a Burial Board of a Burial Ground provided under Church Building Acts.

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

Burial Acts Amendment.

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.

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.

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 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

Vestry may purchase closed Burial Ground if not belonging to Parish.

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.

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‘ 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

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may be sufficient to show the Boundaries of such consecrated and unconsecrated Portions respectively.

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.

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.

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 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

Appeal.

Incumbent or Curate may bury in Burial Ground certified by Secretary of State prior to Consecration.

Section 32. of 3 G. 4. c. 126. exempting Funerals from Tolls, extended to Funerals in Burial Grounds provided for the Parish, although not within its Limits.

Burial Acts Amendment.

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.

Persons wilfully destroying, &c. Register Book of Burials guilty of Felony.

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.

Section 4. of 52 G. 3. c. 146. not to apply to Burials in Grounds provided under the Burial Acts.

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 Chapelry 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.

Fees for Service in unconsecrated Portion to be same as for consecrated Portion.

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.

Part of s. 20. of 15 & 16 Vict. c. 85. repealed.

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

Burial Acts Amendment.

visions of the other Acts herein-before recited to which the said Section has been extended shall be construed accordingly.

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.

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 Church-

Orders in Council may be issued on Representation of Secretary of State, so as to prevent Vaults, &c. being dangerous to Health.

Burial Acts Amendment.

wardens or other Persons, having the Care of the Vaults or Places of Burial to which the Representation relates.

Trustees of closed Cemeteries empowered, with Sanction of Secretary of State, to let, lease, or sell Portions thereof which have not received Interments.

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.

Bodies not to be removed from Burial Grounds, save under Faculty, without Licence of Secretary of State.

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

Burial Acts Amendment.

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 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

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.

"Burial Board."

Construction of certain Expressions used in 17 & 18 Vict. c. 87.

*Burial Acts Amendment.**Militia.*

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.

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:

Power to Her
Majesty, &c. to
cause the Militia
to be drawn out
and embodied.

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.

Provisions of
Acts relating
to the Militia
extended to
this Act.

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 re-
quiring the
meeting of Par-
liament not to
apply.

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.

Pay of Militia
drawn out to
commence from
Time appointed
for assembling.

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

*Militia.**Sale of Obscene Books, &c. Prevention.*

the Case of any Person in such Militia who may not join his Regiment, Battalion, or Corps on the Day appointed for that Purpose.

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 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

Justices, &c.
may authorize
Search of sus-
pected Pre-
mises.

Sale of Obscene Books, &c. Prevention.

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

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.

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

Limitation of
Act.

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:

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

3d Report,
28th Feb. 1856

Scheme con-
firmed.

SCHE-

Dulwich College.

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.

Present corporation dissolved.

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.

Archbishop of Canterbury to continue visitor.

2. The Charity, as reconstituted by this scheme, shall be called "Alleyn'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.

Governors.

3. There shall be nineteen governors of the Charity, who shall be called "The Governors of Alleyn'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.

Elective 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.

Non-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.

One of the non-elective governors to be appointed by the Court of Chancery shall be a resident inhabitant of the township or hamlet

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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 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.

Charity estates
to be vested in
governors for
the time being.

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

Execution of
leases and
other instru-
ments.

Dulwich College.

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.

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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 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

Present pensions and ex-

Dulwich College.

hibitions to be continued.

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.

Clerk and receiver.

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.

Duties of clerk.

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 receiver.

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.

General meetings.

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.

Special meetings.

21. Any three or more governors may require the clerk to convene a special meeting of the governors for any special object to

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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 business shall be transacted at any special meeting, which shall not be specified or sufficiently indicated in the notice.

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.

Notice of meetings.

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.

Permanent chairman.

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.

Quorum of governors at meetings.

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.

Resolutions of the majority to be binding.

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.

Adjournment of meetings.

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

Appointment of committees.

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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 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

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33. The governors shall make suitable provision for the pre-
 servation 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 gover-
 nors, the master of the college shall have the immediate charge
 and management of the library, and may establish suitable regu-
 lations 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 Almeyn'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 autho-
 rize 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 town-
 ship 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.

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Chaplain's
stipend.

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.*

Organist.

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.

Chapel.

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 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 regula-
tions.

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.

42. The

Dulwich College.

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.

Three-fourths of net income to go to educational branch of Charity, and one-fourth to eleemosynary branch.

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.

Surplus income of the Charity to be temporarily accumulated.

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

For explanation and modification of this scheme.

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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.

Salaries of head master and under master.

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.

Assistant masters and teachers.

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

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of the educational branch of the Charity such a reasonable salary or remuneration as the governors shall appoint.

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

Election of foundation scholars.

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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.

Foundation scholars to be clothed and maintained at the expense of the Charity.

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.

Head master and second master not at liberty to receive and board any private pupils.

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.

Suspension and expulsion of boys.

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.

Capitation fees.

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 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

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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.

61. The instruction to be afforded in the upper school shall comprise, as far as may be— Instruction in upper school.

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.

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. Discipline of school.

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 Annual examination.

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tributed 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 exhibitions 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 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.

Lower school.

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.

Master of the 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.

Stipend to 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.

Assistant masters or teachers.

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

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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.

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 Examination of candidates.

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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.

Foundation scholars to be clothed, educated, and maintained at expense of Charity.

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.

Day boys at lower school.

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 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 boarding 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.

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79. The instruction to be given in the lower school shall comprise, as far as may be— Instruction in lower school.

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.

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. Suspension and expulsion of boys.

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. Provision for the general superintendence and discipline of lower school.

82. There

*Dulwich College.***Annual examination.**

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.

Prizes and apprenticing gifts.

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.

Exhibitions or scholarships for the lower school.

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.

Competition for such exhibitions.

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

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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.

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 reside in and not to underlet their residences.

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.”

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Removal of
masters.

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 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

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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.

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.

Boarding establishment.

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.

Attendants and servants.

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.

Present poor scholars to be admitted as foundation scholars.

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.

Preference in favour of inhabitants of Dulwich for admission to schools.

97. The schools shall respectively be subject to inspection by Her Majesty's Inspectors of Schools.

Schools subject to H. M. Inspectors of Schools.

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.

Provision for increase of number of foundation scholars and exhibitioners.

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

Surplus income.

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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 TO THE ELEEMOSYNARY BRANCH.

Almspeople.

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.

Residences for 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.

Provision for locating present poor brethren and sisters.

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.

Qualification of almspeople.

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.

Appointment 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,

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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.

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 or her appointment, out of the last-mentioned income, a weekly or other periodical sum at the rate of ten shillings per week.

Pensioners.

Dulwich College.

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, *cæteris 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 in-
come.

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

Dulwich College.

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.

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.

Surplus income of picture gallery endowment.

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 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.

John Whitfield's gift.

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

James Allen's gift, or Dulwich girls' school.

Dulwich College.

Divorce and Matrimonial Causes.

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.

C A P. LXXXV. *Divorce Act*

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 assenbled, and by the Authority of the same, as follows:

Commencement of Act.

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.

Jurisdiction in Matters Matrimonial now vested in Ecclesiastical Courts to cease.

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.

Court may enforce Decrees, &c. before Act takes effect.

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

21 & 22 Vic. c. 93 (Legislative Draft Act)
 21 & 22 Vic. c. 108
 22 & 23 Vic. c. 64
 23 & 24 Vic. c. 144

Divorce Act
 24 & 25 Vic. c. 86

Divorce and Matrimonial Causes.

Matrimonial Causes herein-after mentioned, in the same Way as if it had been originally made by the said Court under this Act.

As to Suits pending when this Act comes into operation.

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.

Power to Judges whose Jurisdiction is determined to deliver written Judgments.

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.

Jurisdiction over Causes Matrimonial to be exercised by the Court for Divorce and Matrimonial Causes.

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."

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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.

Decree for Divorce à Mensâ et Thoro abolished, &c.

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.

Judges of the 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

Judge of Court of Probate to be Judge Ordinary, and shall have full Authority, &c.

Divorce and Matrimonial Causes.

cations 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.

Petitions for Dissolution of a Marriage, how to be heard.

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.

Who to act as Judge during Absence of the Judge Ordinary.

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.

Sittings of the Court.

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. *May 21 & 22 1857*

Seal of the Court.

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.

Officers of the Court.

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.

Advocates, &c. of Ecclesiastical and Superior Courts may practise in the Court.

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.

Judicial Separation may be obtained for Adultery, &c.

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.

Application for Restitution of Conjugal Rights or Judicial

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

Divorce and Matrimonial Causes.

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.

Separation may be made by Husband or Wife by Petition to Court, &c.

*Referred 21st 22
out 10th 19*

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 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.

Powers of Judges of Assize for Purposes of deciding Applications under Authority of this Act.

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

Wife deserted by her Husband may apply

Whichever under any application

Divorce and Matrimonial Causes.

to a Police Magistrate or Justices in Petty Sessions for Protection.

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 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.

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12. 11. 7. 7. 5.
27 + 28. 10. 44
28 + 29. 10. 44
29 + 30. 10. 44
31 + 32. 10. 44
Order made when deserted
Commenced. 29
+ 32 Oct. 1857

5/3 of 322
27 + 28. 10. 44

Court to act on Principles of the Ecclesiastical Courts.

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.

Decree of Separation obtained during the Absence of Husband or Wife may be reversed.

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,

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incurred, entered into, or done between the Times of the Sentence of Separation and of the Reversal thereof.

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.

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 or 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.

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 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.

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

Court may direct Payment of Alimony to Wife, &c.

In case of Judicial Separation the Wife to be considered a Feme Sole with respect to Property she may acquire, &c.;

21 J 22 Vic. c. 108. s. 8
Re Lord 35 Reg 9
1842 R. 27
L.R. 1842 162
" 1842 268
also, for Purposes of Contract and suing.
on giving the money
for the debt
4 R. 2. 564
21 J 22 Vic. c. 108. s. 7

On Adultery of Wife or Incest, &c. of Husband, Petition for Dissolution of Marriage may be presented.

question? whether the Court has power to dissolve a marriage of husband and wife contracted in India
4 R. 2. 567

Divorce and Matrimonial Causes.

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.

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.

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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.

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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 conduced 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,

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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.

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 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.

Husband may claim Damages from Adulterers.

vide J. 59.

Though any compromise may be made which is done in the Court to be paid to the husband's wife & the child of his 2nd 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.

Court may order Adulterer to pay Costs.

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.

22 & 23 Vict. sec 4
Power to Court to make Orders as to Custody of Children.
10 W.R. 96
J. 26 440
620

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

Questions of Fact may be tried before the Court.

Divorce and Matrimonial Causes.

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.

Where a Question is ordered to be tried a Jury may be summoned as in the Common Law Courts.

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.

Rights to Challenge.

Jury may try such Question.

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*.

Judge to have same Powers as at *Nisi Prius*.

Bill of Exceptions, Special Verdict, and Special Case.

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.

Court may direct Issues to try any Fact.

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 theittings 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.

Affidavit in support of a Petition.

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

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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.

Service of
Petition.

*Witness the same
h. K. W. S.*

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.

Examination of
Petitioner.

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.

Adjournment.

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 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.

Court may order
Settlement
of Property for
Benefit of innocent
Party and
Children of
Marriage.

*23 & 24 Vic. c. 144
22 & 23 Vic. c. 16
11 & 12 Vic. c. 106*

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.

Mode of taking
Evidence.

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

Court may
issue Commissions
or give
Orders for
Examination
of Witnesses
abroad or
unable to
attend.

Divorce and Matrimonial Causes.

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 depending in such Court.

Rules of Evidence to be observed.

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.

Attendance of Witnesses on 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.

Penalties for false Evidence.

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.

Costs.

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.

Enforcement of Orders and Decrees.

as to Costs. 21
LXX. 8th c. 103 § 10

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.

Power to make and alter Rules, &c. for Procedure.

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

Divorce and Matrimonial Causes.

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.

Fees to be regulated.

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. *21 & 22 Vict 100 & 101.*

Appeal from the Judge Ordinary to the full Court.

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.

Appeal to the House of Lords in case of Petition for Dissolution of a Marriage.

*For Nullity of Marriage
21 & 22 Vict 100 & 101.*

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.

summary of the Statute.

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 [533]

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

All Fees, except as herein provided, to be collected by Stamps.

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and be under the Management of the Commissioners of Inland Revenue.

Provisions concerning Stamps for the Court of Probate to be applicable to the Purposes of this Act

20 & 21 Vict. c. 85

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.

Expenses of the Court to be provided for by Parliament.

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.

Stamp Duty on Admission of Proctors, and annual Certificates.

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.

Compensation to Proctors.

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

Divorce and Matrimonial Causes.

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 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.

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.

As to Salary of Judge of Court of Probate, if made Judge of Court of Divorce, &c.

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.

Power to Secretary of State to order all Letters Patent, Records, &c. to be transmitted from all Ecclesiastical Courts.

Penalty on disobeying such Order.

Divorce and Matrimonial Causes.

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 10*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.
 Limitation 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.
- Power to create additional Debenture Stock; of different Classes; with Priority of Dividend, §§ 40 to 42.
- 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 bor-
 rowing; 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 Rail-
 way 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. xcxi. 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."The *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.”*

5 G. 4. c. cxxv.

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

14 & 15 Vict.
c. 61.

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. Section 111. of 5 G. 4. c. cxxv. repealed.
- II. That this Act may be cited for all Purposes as the " Islington Parish Act, 1857." Short Title.
- 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. Cattle prohibited from being driven through the Parish of Islington between 12 o'Clock on Saturday Night and 12 on Sunday Night.
- IV. That

Police Magistrate or Justice may issue his Warrant for Apprehension of Offenders.

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.

Expenses of Act.

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."

18 & 19 Vict.
c. 120.

19 & 20 Vict.
c. 112.

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 Lime-rick.

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.

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.

"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.

Levy 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 Sect. 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 Rate-payers, 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. Pulleine 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. xlvii.**“ The North-eastern Railway Company’s (Lanchester Valley Branch) Act, 1857.”*

Recites that by the 17 & 18 Vict. c. cexi. 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. l.

“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. cxxvi., 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 Mortgagees and Amount due to them.

Cap. lvi.

“The *Langport, Somerset, and Castle Cary Turnpike Roads Act, 1857.*”

Repeals 5 G. 4. c. xcvi. and 1 & 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 Mortgagees.

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

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 Rail-
 way, §§ 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. lxxv."The *Selby and Market Weighton Turnpike Road Act, 1857.*"

Repeals 33 G. 3. c. clix. 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. lxxvi.

"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 Com-
 pany, 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 Share-
 holders 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. lxx.

“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. lxxi.

“*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. lxxii.

“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," incor-
 porated, § 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 Com-
 mittees, §§ 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.
 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.
 20 & 21 Vict. P p

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.

Agreements 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, &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 *bonâ 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

14 & 15 Vict.
c cxlv.

Interpretation
of Terms.

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. Commencement of Act.
- III. That upon and from the First Day of October next after the passing of this Act, a Drawback of Twelve-pence 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. Drawback to be allowed on Coals removed beyond 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. Owner of Coals to give Notice in Cases of Drawback.
- 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. Notice to be given when Coals conveyed to Wharf or Doc.
- 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. Quantity and Quality to be certified.

Coals to be kept separate.

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.

Drawback to commence on the 1st Oct. 1857.

VIII. Upon and from the First Day of October next after the passing of this Act, a Drawback of Twelve-pence 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.

Power to Corporation of London to make Rules and Regulations.

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.

Where Part of Cargo discharged, further Certificate may be required.

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

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.

A Coal Weigher may be appointed.

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, the 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. xcvi."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

- 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 incorporated, with a Capital of 150,000*l.* in 20*l.* Shares, and Power to borrow 50,000*l.*; Working Arrangements with the

- 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 Railway, §§ 12 to 15.
- Provisions relating to the Manchester and Buxton Turnpike 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 Extension) 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 contribute respectively 105,000*l.* and 35,000*l.*, §§ 53 to 55.
- Arrangements with Manchester, Sheffield, and Lincolnshire 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, Clapham 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 Company, § 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 Payment of Debt, § 14.
 Admiralty Provisions, §§ 15 to 17.
 Construction of certain Provisions in the General Turnpike 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 Liabilities, §§ 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 sub-
 scribe 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 Di-
 vidend, §§ 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 Act authorizing Advances of Money to Company out of Consolidated Fund, and 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.

*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

18 & 19 Vict.
c. 120.13 & 14 Vict.
c. 103.

13 & 14 Vict.
c. 103.

16 & 17 Vict.
c. 18.

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 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,)

8 & 9 Vict. c. 18.
incorporated.

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.

Short Title.

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."

Interpretation
of Terms.

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

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.

Metropolita Board of Works to execute Act.

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.

Power to Board to appoint a Committee to carry the Act into execution.

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.

Persons interested not eligible for such Committee.

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.

Power to make new Streets.

Streets to be made according to deposited Plans.

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.

The Board empowered to lay out Footways, &c.

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.

Power to alter and stop up Streets and Ways.

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.

Power to stop up Ways during the Execution of the 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.

Streets may be raised or lowered.

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.

Directing how the Pavements shall be laid and made.

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

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.

Sewers or
Drains to be
arched over or
filled up,

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

Power to alter
Steps, Areas
Pipes, &c.

sation to any Person who suffers Damage by any such Alteration.

Ground laid into the Streets to form Part thereof.

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.

Provision as to Subsoil of Streets.

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.

Power to take Houses and Land for the Purposes of this Act.

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.

Property not to be taken without Consent, unless delineated on Plans.

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

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.

Errors and Omissions in Plans, &c. to be corrected by Justices, who shall certify the same.

Certificate to be deposited.

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.

Not to take Property of Messrs. Charles and William Pott.

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.

Power to sell Materials.

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

Provision for removing Bodies if a certain Graveyard be disturbed.

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.

Power to the Board, their Surveyors, &c. to enter upon Houses, &c.

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.

Board empowered to treat for the Purchase of Houses, &c.

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.

Powers for compulsory Purchases limited.

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.

Parties to deliver a Statement of their Estates and Claims within One Month after Notice.

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

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

When Parties refuse to accept Satisfaction, or to treat, &c., Jury to be summoned.

Somuch of 8 & 9 Vict. c. 18. as relates to Settlement of Claims by Arbitration not to apply to this Act.

Where Parties and Board cannot agree upon Price, they may appoint Arbitrators.

Where Part of an Estate is taken, the Remainder to be valued.

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.

Verdict of Value and Damages to be ascertained separately.

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.

Purchase Money, &c. to be paid before taking possession.

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 completed 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

Sect. 133. of
8 & 9 Vict.
c. 18. not to
apply.

Provision for
Deficiencies in
Land Tax.

Board to grant
Building Leases
of Ground not
wanted, which
they may think
proper to let.

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.

Board to sell
the Ground
Rents and
Reservations to
be comprised in
such Leases.

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

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.

Board may sell Land in the first instance without having previously granted a Lease thereof.

XL. 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.

Board shall sell any Land which may not be wanted.

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 acknowledged 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.

Receipts of Board to be effectual Discharges.

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,

Board empowered to raise, on the Credit of London Bridge Approaches Fund, the Sum of 35,000l.

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.

Board may make Arrangements with Contributories.

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.

Money appropriated for Southwark Improvement to be paid to the Board.

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.

The Board to raise Money for the Purposes of this Act.

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.

Form of Bonds and Mortgages.

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.

Part of 18 & 19 Vict. c. 120. as to Mortgages incorporated.

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.

Bonds and Mortgages to be without Preference.

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

equally one with another, without any Preference in respect to 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.

Power to raise Money on Annuities.

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 hereinbefore contained.

Register, Transfer, and Register of Transfer of Annuities.

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.

Form of Transfer.

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.

Mortgages, &c. to be charged on the Rates.

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.

Expenses of Mortgages and Annuities.

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.

Separate Accounts.

Application of Moneys to be borrowed.

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.

Application of Moneys arising from Sales, &c.

LVI. All Moneys which shall be received by the Board by the way of Fine for the granting of any Lease, and the Purchase 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.

Commissioners of Works to deliver over to the Board the 89,100*l.* Exchequer Bills held by them.

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
Commis-

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 Improvement; 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.

Board to exhaust Funds received from Commissioners of Works before they exercise borrowing Powers.

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

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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 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

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 sur-

21 G. 3. c. 67.

plus 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,)

14 & 15 Vict.
c. 61. and
Section 4. of
21 G. 3. c. 67.
repealed.

Construction of
Terms.

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

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.

Common Council to uphold Markets, &c. already established.

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.

Common Council to provide for the Supply of Water and Drainage.

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

Power to appoint Officers.

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.

Power to Common Council to make Byelaws for the Government of the Market.

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.

Byelaws not to be enforced till approved by Secretary of State.

Power to grant Leases.

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;

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.

Power to Common Council, with Consent of Treasury, to fix a Table of Tolls, &c.

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.

Byelaws and Table of Tolls, &c. when approved to be set up in the Markets.

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

Smithfield to continue to be closed as a Cattle Market.

in a straight Line from St. Paul's Cathedral in the City of London.

Common Council to appoint a Committee to carry Act into execution.

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.

Cattle or Meat unfit for Food may be seized and destroyed.

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.

Power to Commissioner of Police, with Consent of Common Council, to make Rules for the driving of Cattle.

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

2 & 3 W. 4.
c. 64.

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

Orders, &c. not to extend to the driving of Cattle imported by Sea to their Lairs.

Tolls and Payments; when and to whom to be paid.

Power to grant Licences to Drovers.

Penalty on Persons acting as Drivers unless licensed.

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.

Penalty on Drivers not wearing their Badges.

Money received by Officers to be paid into the Chamber of London.

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.

Officers, &c. intrusted with Money to give Security for duly accounting 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 intrusted 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 intrusted to him by reason thereof, as they may think sufficient.

As to Payments out of the Chamber.

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.

Power to raise Money by Mortgage with Consent of Treasury, to be secured on Lands, Tolls, &c.

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,

sary, 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.

Commissioners of Public Works acting under 5 & 6 Vict. c. 9. may make Advances to the Board.

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.

So much of 10 & 11 Vict. c. 16. as relates to Mortgages incorporated with this Act.

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.

Accounts to be kept and to be balanced.

XXIX. The Accounts of the Common Council shall be examined and audited by the Auditors for the Time being of the City Accounts.

Audit of 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.

Common Council may enter into Contract for providing Markets, &c.

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

No Purchase or Contract exceeding 50,000*l.* to be made

same

without Approbation of Treasury.

Certain Provisions of 8 & 9 Vict. c. 18. incorporated with this Act.

Annual Reports and Abstracts of Accounts to be made and sent to the Secretary of State.

Reports to be laid before Parliament.

Slaughter-houses to be licensed.

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

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.

Appeal to Quarter Sessions.

9 G. 4. c. 61.

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.

Penalty for defacing Boards.

XXXVIII. No Member or Officer of the Common Council shall be in anywise concerned or interested in any Contract

Penalty on Officers, &c.
or

being interested
in Contracts
or exacting
Fees.

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.

Recovery of
Tolls and Pay-
ments.

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

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.

Recovery of Penalties.

XLI. 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.

Proof of Publication of Byelaws and Table of Tolls and Payments.

XLII. 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."

This Act not to affect Islington Parish Act.

XLIII. 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."

Short Title.

XLIV. 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.

Expenses of 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 Half-penny 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 Aldershott 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."

9 & 10 Vict.
c. lxxi.

14 & 15 Vict.
c. xlv.

16 & 17 Vict.
c. lx.

18 & 19 Vict.
c. cxxiv.

Statement of
Capital.

11 & 12 Vict.
c. cxiv.

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

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

East Lincolnshire Railway.
10 & 11 Vict.
c. cxlviii.

12 & 13 Vict.
c. lxxxiv.

As to Stock and Shares fraudulently created.

General Meeting held 12th March 1857.

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 Parlia- " ment 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,)

All existing
Stock and
Shares of Great
Northern and

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

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 sub-

East Lincolnshire Railway Companies recognized.

As to Application of Balance of 243,923*l.* 5*s.* 8*d.*

Extinction of spurious Capital.

Surplus to be paid to Preference Shareholders.

sequent 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.

Deposits for future Bills not to be paid out of Company's Capital.

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.

Railways not exempt from Provisions of present and future General Acts.

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.

Not to prevent Directors, &c. from being answerable for Neglect or Misconduct.

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.

Short Title.

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
	8,809,112	10 0	202,970	0 0
East Lincolnshire Stock - - -	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 Rhymae 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.
- Harbour 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. cxlii.

“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 69.
- 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 Discharge 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 certain 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."

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27 228 Rec. C. 113.

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 Mat-
ters 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.

Levy 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 Con-
tribution by new Shares, with or without a Prefer-
ence, § 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 Lanes 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.

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.“*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. cliv.

"The *New Brunswick and Canada Railway and Land
Company's Act, 1857.*"

Recites that the St. Andrew's and Quebec Railroad Com-
pany were incorporated in 1836 by an Act of the Legis-
lative 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 Brun-
swick 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 Com-
pany; 8 & 9 Vict. c. clxvii., authorizing the Tun-
bridge

bridge 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,)

Commencement of Act.

I. This Act shall commence and come into operation on the First Day of October One thousand eight hundred and fifty-seven.

Short Title.

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."

No Action or Suit to be brought in Sheriffs Court, except in certain Cases.

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.

In Error from the Mayor's Court, the Exchequer Chamber, and not the Court of St. Martin's-le-Grand, to be the Court of Error.

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

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.

Special Case may be stated for Opinion of Court, or of Courts of Common Law.

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.

Special Cases to be transmitted by the Registrar to Rule Department of the Master's Office of Superior Court.

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.

Registrar to enter Judgment upon Production of Office Copy Rule.

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

Appeal from Mayor's Court to Superior Courts at Westminster.

Security to be given, if Court so direct.

with respect to the Costs of the said Appeal as such Court may think proper, and such Orders shall be final.

Appeal to be in Form of Case.

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.

Rules to set aside or enter Verdict, &c. may be moved before any of the Courts at Westminster if Mayor's Court shall grant Leave.

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.

Plaintiff recovering not exceeding 5*l.* in Action of Contract and 40*s.* in Action for a Wrong, to have no Costs, unless Judge at Trial certify to entitle Plaintiff to Costs, or the Court make an

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

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.

Order for Plaintiff to have Costs.

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.

Where Debt does not exceed 50*l.* no Plea to Jurisdiction allowed in certain Cases herein stated.

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 Pleint may be served in any Part of England or Wales ; and the Service of any Pleint 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 Pleint.

Court may order that the Pleint may be served in any Part of England or Wales.

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 Pleint within the Jurisdiction.

All further Proceedings to be had as usual.

XV. No Defendant shall be permitted to object to the Jurisdiction of the Court in or by any Proceeding whatsoever, except by Plea.

Objection to Jurisdiction to be 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.

Causes under 50*l.* not to be removed except by Judge's Order or on Security.

Writ to remove Causes to be lodged within One Month after Service of Plaintiff.

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 Plaintiff, 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.

Foreign Attachment not to be removed after set down for Trial, except by express Directions of Judge upon Terms.

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.

No Cause to be removed into Superior Court except by Leave of Judge, and upon certain Terms.

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.

No Suit on Equity Side of Court to be removed unless by special Direction of Judge.

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.

Power of Court to compel Parties to allow Inspection of Documents, and also Copies to be taken.

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.

Power to the Judge, within the Jurisdiction, to hear and

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

granting new Trials, and for entering Nonsuits and Verdicts in Causes pending in the Court.

determines Motions, &c.

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.

Power to Court to amend Errors.

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.

Depositions of Witnesses may be taken.

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.

As to compelling Attendances of Witnesses, Production of Documents, &c.

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,

Commission may be issued by Judge of the Court to examine Witnesses abroad.

tion, and all other Matters and Circumstances connected with such Examination, as may appear reasonable and just.

Examination of Prisoners.

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.

Examination of Witnesses to be taken upon Oath.

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.

The Person appointed for taking Examinations may report to the Court.

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.

Costs of Order and Proceedings.

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.

Restrictions as to reading Depositions.

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.

Interpleader by Defendant in Action.

XXXII. Upon Application made by or on behalf of any Defendant in any Action in the Court, such Application being

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 maintain 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.

Judgment and Decision final.

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.

Claim of Party not appearing barred.

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

For Relief of Serjeant-at-Mace in Execution of Process against Goods.

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.

Creditor obtaining Judgment or Order in respect of Debt not exceeding 20*l.* may summon the Debtor before 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

Debtor or Creditor may be examined.

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.

Power to issue Order for Payment on Committal or signing Judgment.

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.

Power for Officer to take Person on Order of Committal, though out of Jurisdiction of Court.

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.

Registrar to have Power to grant Orders for Payment or Committal.

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.

Court to frame Table of Fees and Costs.

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.

Registrar of Mayor's Court may hold Courts.

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

Debtor's Prison of City of London to be the Prison of the Court.

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.

If Recorder is absent Common Serjeant may preside.

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.

Judge to administer Oath to authenticate Documents.

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.

Judge may make and alter Rules, to be confirmed by Judges of Superior 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

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.

Power to Her Majesty to direct Provisions of any Act for Amendment of the Law, and Rules framed in pursuance thereof to apply to the Mayor's Court.

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.

Power to Judge to direct Attachment to be tried in Mayor's Court.

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

For Removal of Judgments into Superior Court.

Costs

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.

Fines on Jurors for Nonattendance.

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.

Court may issue Process to compel the Attendance of Witnesses, although not within its Jurisdiction.

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.

Judge may by Consent try Questions of Fact.

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

ceedings 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.

No Cause to be removed except by Certiorari or Judge's Order.

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.

Compensation to Officers of abolished Court, &c.

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,

Interpretation of Terms.

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.

LV. The Costs of and relating to the passing of this Act shall be paid out of the Fees of the Court.

Expenses of Act.

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
Debt, £ due to by the of the
Costs - 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

of
in the of
Judgment the }
signed or Or- Day of One thousand
der dated. eight hundred and
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
Debt, £ of the Clock in the Forenoon of the same
Costs - Day precisely, touching the not having paid
to of in the of
£ the Sum of recovered in a
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 .
Debt, £ WHEREAS at the Time of the
Costs - 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

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

Debt, £ WHEREAS now is indebted
Costs, - 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 Pay-
ment 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 Sum-
mons, and hath attended as required by the
said Summons : And whereas the said

* or has refused
to disclose his
Property [or
as the Case
may be] :

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.

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.

To Mr.

Plaintiff's Attorney.

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 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 Punjaub 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 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.”

*Liverpool
Docks.*

51 G. 3. c. cxliii.

14 & 15 Vict.
c. lxiv.

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

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 hereinafter 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

*Birkenhead
Docks.*

7 & 8 Vict.
c. lxxix.

8 & 9 Vict.
c. lx.

11 & 12 Vict.
c. cxliv.

18 & 19 Vict.
c. clxxi.

*Pilotage and
Conservancy of
Mersey.*

5 G. 4.
c. lxxiii.

5 & 6 Vict.
c. cx.

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

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.

Transfer of Docks at Birkenhead to the Board.

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 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.

Transfer of Docks at Liverpool to the Board.

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.

Landing Stage in front of Prince's Dock to be completed.

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.

Power to purchase Liverpool Observatory.

XXX. All Powers, Rights, and Privileges vested in or exercisable by the Corporation of Liverpool, the Li-

Transfer of Powers of Liverpool

ing Tolls, &c.
to the Board.

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.

Transfer of
Powers of
Pilotage Com-
missioners.

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 intituled "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.

Transfer of
Town Dues.

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 shall be established in some Court of competent Jurisdiction.

Conservancy
Powers of Cor-
poration trans-
ferred to Board.

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.

Expenses of
Conservancy to
be borne by 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

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

Vesting Benefit of Agreement for Sale of North Reserve in the Board.

Compensation in respect of North Reserve.

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.

Board to pay Sums specified in Part IV. of Schedule.

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.

In case of Default of Payment by Board, Corporation to have Power of Re-entry.

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.

Board to repay certain Moneys to the Corporation.

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.

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

Consideration
for Town and
Anchorage
Dues.

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.

1,500,000*l.* to be a Charge upon the general Revenues of Board.

Power to appoint a Receiver.

XLII. 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.

XLIII. 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 Creditors, but such Power shall be exercised subject thereto.

Debts, &c. of Corporation and Dock Trustees enforceable against Board.

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.

Moneys due to Dock Trustees to be paid to Board.

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.

Actions, &c., not to abate.

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

pool 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.

**Existing Suits,
&c. saved.**

- 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.

**Production of
Books, &c.**

- 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.

**Corporation not
to be compelled
to deliver Books
to Board, but to
produce same.**

Provisions of Board.

By the Provisions of this Act, the Board
of all the Property, Powers,
transferred to them upon
the Purpose upon and for which
Rights and Privileges were
of this Act.

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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.

Power to Board to vary Amount of Rates.

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.)

Rules imposed on Board with reference to Expenditure.

(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.

Power to Board to borrow.

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."

Provision with respect to Penalties.

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

Account to be rendered to Parliament.

Year ending the Twenty-fourth of June, and the Manner in which the same have been applied.

Board to apply to Parliament for Consolidation of Acts.

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.

Repeal of former Acts.

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."

Reserving Rights of Proprietors of Mersey and Irwell Navigation.

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.

Reservation of Provisions of Merchant Shipping Acts, &c.

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.

Saving Rights of Owners, &c. of Woodside and Seacombe Ferries.

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.

Board to construct Wall to prevent Injury to Lands in Cheshire.

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

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.

Expenses of constructing Wall, how to be paid.

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

Reservation of Rights of Dock Creditors.

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.

Expenses of
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 PRINTER,
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 *Sootscraig* in the County of *Fife* are vested to grant Feus of certain Portions thereof. [3d 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.
- 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 *Otho Archer* late Earl of *Plymouth* 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 *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.
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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 Cham- ber 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 Work- houses, &c. of Parishes, Incorporations, or Unions.
s. 5. -	Applies - 1 & 2 Vict. c. 23. -	Providing of Houses for Beneficed Clergy.
	Applies - 1 Vict. c. 50. - -	Conveyances of Copy- holds to Unions, &c.
s. 7. -	Applies - 4 & 5 Will. 4. c. 76. 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.	" "

20 & 21 Vict.	Act affected.	Subject of Act affected.
Cap.		
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20 & 21 Vict.	Act affected.	Subject of Act affected.
Cap.		
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s. 3. {	Partly re-peals - { 19 & 20 Vict. c. 47. } s. 2. -	
s. 12. {	Partly re-peals - { 7 & 8 Vict. c. 113. - } { 9 & 10 Vict. c. 75. - }	Joint Stock Banks (England). " " { (Scotland). (Ireland).

20 & 21 Vict.	Act affected.	Subject of Act affected.
Cap.		
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LIII. {	Partially repeals - } Amends - } 15 & 16 Vict. c. 72. -	New Zealand.
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s. 12. {	Applies - 18 & 19 Vict. c. 87. - Partially repeals - } 18 & 19 Vict. c. 87. s. 2. }	Reformatory Schools.
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20 & 21 Vict. Cap.	Act affected.	Subject of Act affected.
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s. 75. {	Repeals - 12 & 13 Vict. c. 43. - Saves - 3 & 4 Vict. c. 37. -	Mutiny (East Indies). Indian Navy.
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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.

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- § 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.]

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- § 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.]

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- § 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 Will. 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 and Insolvency (Ireland).

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.]

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- § 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. Court may 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.

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- § 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.

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- § 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.]

Bankruptcy and Insolvency (Ireland).

- § 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.]

*Bankruptcy and Insolvency (Ireland).**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.]

Bankruptcy and Insolvency (Ireland).

- § 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.]

Bankruptcy and Insolvency (Ireland).

- § 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.]

Bankruptcy and Insolvency (Ireland).

- § 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.]

Bankruptcy and Insolvency (Ireland).

- § 306. Court may examine Bankrupt or Insolvent as to his Estate, &c.
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.]

Bankruptcy and Insolvency (Ireland).

- § 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, 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.]

Bankruptcy and Insolvency (Ireland).

- § 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 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.

Bankruptcy and Insolvency (Ireland).

- § 353. 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.
354. Private Sittings.
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.]

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- § 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 *viva 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.

Bankruptcy and Insolvency (Ireland).

- § 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.]

*Bankruptcy.**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 52

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 Sheriffs to be given in 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.

Bankruptcy - - - *Boundaries.*

- § 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 7th 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 50

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 100

- § 1. Definition of "River Mistouche," named in the Award of the Commissioners for Settlement of the Boundary.

*Boundaries.**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 345

- § 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 118

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 - - - - *Burials.*

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 491

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.

Burials.

- § 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 101

- § 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.

Burials - - - - *Caledonian.*

- § 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 113

- § 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 72

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.

Caledonian *Charitable.*

- § 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 100

- § 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 420

- § 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 421

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.

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 77

- § 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 1

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 105

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 - - - - *Common.*

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 107

- § 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 6

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.

Common

Commons.

- § 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 54

[*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 90

- § 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.

Commons - - - - *Corporations.*

- § 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 48

- § 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.*

<i>County</i>	-	-	-	-	<i>Court.</i>
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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 7

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 105

- § 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**Crown.**Court of Session (Scotland).*

20 & 21 Vict. c. 56.—An Act to regulate Distribution of Business in the Court of Session in Scotland. Page 154

- § 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 117

- § 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.**Customs.*

20 & 21 Vict. c. 62.—An Act for the Alteration and Amendment of the Laws and Duties of Customs.

Page 280

- § 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 importing 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.

Customs - - - - Distribution.

20 & 21 Vict. c. 61.—An Act for granting certain Duties of Customs and Excise. Page 277

- § 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)*.

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 17

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.**Divorce and Matrimonial Causes.*

20 & 21 Vict. c. 85.—An Act to amend the Law relating to Divorce and Matrimonial Causes in England. Page 532

- § 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.
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.

Divorce and Matrimonial Causes.

- § 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.

*Divorce**Dublin.*

- § 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 57

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 330

Preamble recites 2 & 3 Will. 4. c. 88., 13 & 14 Vict. c. 69., 14 & 15 Vict. c. 57., and 16 & 17 Vict. c. 58.

East Indies.—East India Company.

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 294

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.

East Indies.—East India Company.

- § 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.

East Indies.—East India Company.

- § 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.

East :- - - - - *Episcopal.*

- § 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 99

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 420

- § 1. The Act 14 & 15 Vict. c. 104., as amended by 17 & 18 Vict. c. 116., continued until 1st January 1860.

Error - - - - *Falconer.*

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 6

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 277

- § 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.*
3 C 3

*Final**Furnaces.*

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 148

- § 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. 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 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.

*General**Glebe.*

G.

General Board of Health.

20 & 21 Vict. c. 38.—An Act to continue the General Board of Health. Page 106

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 120

- § 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 28

- § 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 14

Preamble recites the Staffordshire Potteries Act, 2 & 3 Vict. c. xlv., 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 77

- § 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 110

- § 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**Income.**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 54

[*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 90

- § 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 5

- § 1. Recited Act, as amended by 19 & 20 Vict. c. 33., continued until 6th April 1860.

See also *Property and Income Tax (Scotland)*.

Incorporation - - - - - *Industrial.*

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 123

- § 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.

Industrial - - - - Ireland.

- § 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 5

§ 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, &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>Illioit Distillation.</i>	

Joint Stock Companies.

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 21

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.

*Joint Stock Companies.**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.

Joint Stock Companies.

- § 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 133

Preliminary.

- § 1. Short Title of Act, "The Joint Stock Banking Companies Act, 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.

*Joint Stock Companies.**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 491

- § 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 455

- § 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.

Joint

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Justices.

- § 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 114

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.

<i>Justices</i>	-	-	-	-	<i>Land.</i>
§ 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 420

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 119

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.

*Land**Loan.**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 76

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.112

- § 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 348

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.

Lunatics (Scotland).

- § 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.

*Lunatics (Scotland).**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.

Lunatics (Scotland).

- § 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.

<i>Lunatics</i>	-	-	-	-	<i>Married.</i>
§ 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.*

Murriages 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 157

- § 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 dis-

Married - - - *Metropolitan.*

- posing 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 288

- § 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.

Metropolitan - - - - *Militia.*

- § 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 55

- § 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 294

- § 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.

Militia.

- § 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.)

Militia - - - - - *Ministers.*

3.—*Militia, Embodiment of.*

20 & 21 Vict. c. 82.—An Act to authorize the Embodying of the Militia. Page 502

- § 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 16

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 9

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.

Ministers - - - - *Mutiny.*

- § 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 138

- § 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 294

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 147

§ 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 141

§ 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 143

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.

New

Oxford.

- § 2. Act not to prejudice Claims against Her Majesty under Section 19 of 16 & 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 503

- § 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 Survcy. 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 61

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.

Oxford - - - - *Penal.*

- § 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 160

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 Chalder 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 3

- § 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.

Penal - - • - - *Police.*

- § 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 327

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 393

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.

Police (Scotland).

- § 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.

Police (Scotland).

- § 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. Præses at Meetings to have Casting Vote.
49. Convener to act as Præses.
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.

Police - - - - *Portland.*

- § 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 Fossoway 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 94

- § 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.

Portland - - - *Probates.*

- § 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 2

- § 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 422

- § 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.

Probates and Letters of Administration.

- § 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.

Probates and Letters of Administration.

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.

Probates and Letters of Administration.

- § 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 of Calendars to certain Offices.
69. Official Copy of the whole or Part of any Will may be obtained.
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.

Probates and Letters of Administration.

- [§ 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.

Probates and Letters of Administration (Ireland).

2.—Ireland.

20 & 21 Vict. c. 79.—An Act to amend the Law relating to Probates and Letters of Administration in Ireland. Page 461

- § 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.

Probates and Letters of Administration (Ireland).

- § 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.

Probates and Letters of Administration (Ireland).

- § 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 the whole or Part of any 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.

Probates and Letters of Administration (Ireland).

- § 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.

*Probates**Provisional.*

- § 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 76

Preamble recites 14 & 15 Vict. c. 36. and 16 & 17 Vict. c. 90. Also Section 21. 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**Public*

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 106

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 Com-
mons 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 55

- § 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 Com-
missioners of Public Works in Ireland to sell Mill Sites
and Water Power, notwithstanding Final Award, in any
Drainage or Navigation District. Page 57

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.

Public - - - - *Reformatory.*

- § 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 150

- § 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.

Reformatory - - - *Registration.*

- § 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 63

- § 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**Revising.*

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 99

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 5

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 333

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 330

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.

Revising - - - - - *Sale.*

- § 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 421

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. 82.—An Act for more effectually preventing the Sale of Obscene Books, Pictures, Prints, and other Articles. Page 503

- § 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 - - - - *Sites.*

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, &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 420

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 - - - - - *Smoke.*

Sites for Workhouses.

20 & 21 Vict. c. 13.—An Act to facilitate the procuring of Sites for Workhouses in certain Cases. Page 18

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. & 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 416

- §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 - - - - *Summary.*

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 17

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 114

- § 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.

<i>Summary</i>	<i>Tolls.</i>
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- § 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.
- 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 105

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 3

- § 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 148

- § 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.

Trustees - - - - *Turnpike.*

- § 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 59

- § 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 10

- § 1. Provisional Orders contained in the Schedule to this Act confirmed.
- SCHEDULE of Provisional Orders.

*Turnpike Roads and Trusts.***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 29

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.

<i>Turnpike</i>	-	-	-	<i>University.</i>
§ 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 61

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.

<i>University</i>	-	-	-	-	<i>Voters.</i>
§ 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 Scot-
land. Page 159

- § 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).*

<i>Waste</i>	-	-	-	-	<i>Yates.</i>
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W.

Waste Lands in New Zealand. See *New Zealand.*

Water Power. See *Drainage and Navigation (Ireland).*

Waterworks at Portland Harbour. See *Portland Harbour.*

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 77

- § 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, &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.

Act or Part of Act repealed.	SUBJECT.	Repealed by Act 20 & 21 Vict.
<i>Duties, Taxes, &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, &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 Lon- } don) - - - - }	Burial of the Dead - - - -	Cap. 35. s. 3.
5 & 6 Will. 4. c. 76. s. 75.	Municipal Corporations - - -	Cap. 50. s. 1.
<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. - {	Banking Companies - - - -	{ Cap. 49. ss. 3.
9 & 10 Vict. c. 75. - {		{ 12.
1 & 2 Geo. 4. c. 40. - }		
6 Will. 4. c. 14. - - }		
6 & 7 Will. 4. c. 74. s. 34.		
1 Vict. c. 48. - - - }		
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. - - - }	Bankruptcy and Insolvency (Ireland)	Cap. 60.
8 & 9 Vict. c. 48. (so far } as relates 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. - - - }		

Act or Part of Act repealed.	SUBJECT.	Repealed by Act 20 & 21 Vict.
<i>Turnpike Roads (Ireland).</i>		
11 Geo. 4. and 1 Will. 4. } c. cxii. - - - }	Newcastle, Limerick, and Charle- ville Road - - - - }	Cap. 16.
1 & 2 Geo. 4. c. xxxviii. } 5 & 6 Vict. c. xcii. - }	Athy and Kilkenny Roads - - - }	
3 & 4 Will. 4. c. cxii. -	Carlow County, &c. Roads - - -	
2 & 3 Will. 4. c. lix. -	Shankhill and Waterford Roads - -	
11 Geo. 4. & 1 Will. 4. } c. cxii. - - - }	Dundalk, Castle Blayney, and Car- rickmacross Roads - - - - }	
11 & 12 Vict. c. l. - }	Dundalk and Dunleer Road - - - }	
1 & 2 Vict. c. lxxiv. -	Dundalk and Bannbridge Road - -	
5 & 6 Vict. c. lxxvi. - }	Dundalk and Bannbridge Road - - }	
6 & 7 Vict. c. xlvi. - }	Dundalk and Bannbridge Road - - }	
5 & 6 Will. 4. c. lxxvii. -	Newry and Charlemont Road - - -	
59 Geo. 3. c. cxxviii. - }	Bannbridge and Belfast Road - - }	
4 & 5 Will. 4. c. lxxiv. - }	Bannbridge and Belfast Road - - }	
7 Will. 4. & 1 Vict. } c. xlii. - - - }	Belfast and Lisbourne (The Falls and Crumlin) Road - - - - }	
5 & 6 Will. 4. c. ii. -	Belfast and Crumlin Road - - -	
9 Geo. 4. c. cxxi. - -	Belfast and Antrim Road - - - }	
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. - - - }		
9 Geo. 4. c. 34. - - - }		
4 & 5 Vict. c. 60. - - - }	Lunatics (Scotland) - - - - }	Cap. 71. s. 1.
8 & 9 Vict. c. 83. s. 59. } (in part) - - - }		
10 Anne, c. 24. (in part)	Watchet Harbour (Somerset) - - -	Cap. cxli.

ACTS AND PARTS OF ACTS AMENDED.

Act or Part of Act amended.	SUBJECT.	Amended by Act 20 & 21 Vict.
<i>Administration of Justice, &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 - - - - -	Cap. 3.
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, Ex- chequer 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>Ex- tended</i>] - - - }	Probates and Letters of Adminis- tration - - - - - }	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>Ex- plained</i>] - - - }	Canada and New Brunswick Boun- daries - - - - - }	Cap. 34.
<i>Duties, Taxes, &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, &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. & 1 Vict. c. 78. }		
15 & 16 Vict. c. 85. - - }	Burial of the Dead - - - - -	Cap. 81.
16 & 17 Vict. c. 134. - - }		
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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 Liber- ties of London) - - - - }	Cap. 35.
18 & 19 Vict. c. 68. - -	Burial Grounds (Scotland) - - -	Cap. 42.

Act or Part of Act amended.	SUBJECT.	Amended by Act 20 & 21 V
	<i>Public Works (Ireland).</i>	
5 & 6 Vict. c. 80. -	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>	
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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. 2.
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19 & 20 Vict. c. 79. -	Bankruptcy and Judicial Procedure (Scotland) - - - - }	Cap. 19.
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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. cxxiv. s. 1.
4 & 5 Will. 4. c. 24. -	Civil Service Superannuation - -	Cap. 37.
17 & 18 Vict. c. 11. -	Ministers Money (Ireland) - -	Cap. 8.
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40 Geo. 3. (I.) -	Elections of Representative Peers for Ireland - - - - }	Cap. 33.
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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.

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